

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

VIA WEBEX

THURSDAY, FEBRUARY 15, 2024

The Public Hearing by the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:04 p.m. EST, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson  
ROBERT MILLER, Vice Chairperson  
JOSEPH S. IMAMURA, Commissioner  
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, Esquire

This transcript serves as the minutes from the Public Hearing held on February 15, 2024.

**Diversified Reporting Services, Inc.**

1426 Duke Street  
Alexandria, Virginia 22314  
(202) 467-9200

C O N T E N T S

Introduction and Preliminary Matters	5
Case No. 23-19	9
Elm Gardens Owner, LLC and The NHP Foundation Consolidated PUD & Related Map Amendment from RA-1 & MU-4 to RA-2, 7050 Eastern Ave. NW (Sq. 3351, Lot 813) - Ward 4	

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

(4:04 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is February the 15th, 2024. We are convened and broadcasting this public hearing by videoconference. And again I apologize for being a few moments late.

My name is Anthony Hood. And I am joined by Vice Chair Miller, Commissioner Stidham, and Commissioner Imamura. We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, and our Office of Zoning Legal Division Mr. Dennis Liu and Mr. Paul Young, who will be handling all of our virtual operations. We 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 persons will complete the oath or affirmation required by subtitle Z-48.7.

Accordingly, all those listening on the Webex or by phone will be muted during the hearing. And only those who have

1 signed up to participate or testify will be unmuted at the  
2 appropriate time. When called, please state your name  
3 before providing your testimony. When you are finished  
4 speaking, please mute your audio. If you experience  
5 difficulty accessing Webex or with your telephone call-in or  
6 have not signed up, then please call our OZ hotline number  
7 at (202) 727-0789.

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

12 The subject of this evening's hearing is Zoning  
13 Commission case number 23-19. It is the Elm Gardens Owner,  
14 LLC and the NHP Foundation Consolidated PUD and related map  
15 amendment at square 3351, lot 813. Again, the address is  
16 750 Eastern Avenue, Northwest. Again, today's date is  
17 February the 15th, 2024.

18 The hearing will be conducted in accordance with  
19 provisions of 11Z DCMR Chapter 4 as follows: preliminary  
20 matters, applicant's case. The applicant has up to 60  
21 minutes. I don't know. I will let them decide how much  
22 time they need. We have the report of other government  
23 agencies, report of Department of Transportation and Office  
24 of Planning, report of the ANC. And I believe this is ANC  
25 4B if I'm -- yes, ANC 4B. And, then, we have testimony of

1 organizations, five minutes; and individuals, three minutes.  
2 And we will hear in the following order from those who are  
3 in support, opposition, undeclared. Then we have rebuttal  
4 and closing by the applicant. Again, the OZ hotline number  
5 for any concerns is (202) 727-0789.

6 At this time, the Commission will consider any  
7 preliminary matters. Does the staff have any preliminary  
8 matters?

9 PRELIMINARY MATTERS

10 MS. SCHELLIN: Yes, sir, just a couple of  
11 quickies. The first one, the applicant, after meeting with  
12 DDOT made some changes to their plans, necessary changes,  
13 based on those -- that meeting. So they made a submission  
14 at Exhibit 95. And that required some changes to their  
15 plans. And that was submitted less than 20 days prior to  
16 the hearing. So they have asked for a waiver for that  
17 submission. We ask the Commission to consider that waiver  
18 request.

19 CHAIRPERSON HOOD: Okay. Any objections?

20 (No response.)

21 CHAIRPERSON HOOD: Not hearing or seeing any, we  
22 will honor the request.

23 Anything else?

24 MS. SCHELLIN: Yes, sir. So they have -- I will  
25 go ahead and go to the proffered experts. That's probably

1 the easiest to go through since there are two and they both  
2 have previously been accepted: Fernando Bonilla-Verdesoto  
3 -- I'm sure I messed that up -- previously approved as an  
4 architect and urban designer. His resume is at Exhibit 18B.  
5 And William Zeid at is a transportation engineer previously  
6 approved, Exhibit 18B also. If the Commission would accept  
7 these experts in this case?

8 CHAIRPERSON HOOD: Thank you.

9 Any objections to Mr. Verdesoto? Sharon has  
10 messed his name up. I think I got it right: Verdesoto.  
11 And I'm sure he'll correct us when he comes up. And Mr.  
12 Zeid. Any objections?

13 (No response.)

14 CHAIRPERSON HOOD: Okay. Anything else, Ms.  
15 Schellin?

16 MS. SCHELLIN: Yes. There are two party status  
17 requests. The first one is Elm Gardens Tenants'  
18 Association. Their request is at Exhibit 27. And they are  
19 a proponent, with self-representation. Let me see who that  
20 representative is supposed to be so we can make sure they  
21 are here. Let's see. They don't have a name on the front  
22 page. So let's see. Page 2. Maybe Deborah Jacobson, see  
23 if she is here.

24 MS. JACOBSON: Hello. Yes, I'm here. Deborah  
25 Jacobson.

1 MS. SCHELLIN: Okay. So she is here. All right.  
2 Mr. Young, you can take her down unless the Commission has  
3 questions for her. She doesn't need to be pulled in as a  
4 panelist. So she's the first one if you guys want to rule  
5 on that one.

6 CHAIRPERSON HOOD: First, any objections to Ms.  
7 Jacobson and the Elm Gardens having party -- Elm Gardens  
8 Tenants' Association -- excuse me -- which is at Exhibit 27.  
9 It is a proponent in this case. Any objections?

10 VICE CHAIR MILLER: No objection. I think it's  
11 appropriate.

12 CHAIRPERSON HOOD: Okay. So we will honor that  
13 request. Let's go to the next request.

14 MS. SCHELLIN: Okay. The next one is at Exhibit  
15 35, the Eastmont Cooperative, representative by --  
16 represented by Jeremi Jones. And they are opponents.

17 CHAIRPERSON HOOD: Okay. Any objections to  
18 Eastmont Cooperative having party status? And I believe  
19 they are party opponents as --

20 MS. SCHELLIN: That's correct, in opposition.

21 CHAIRPERSON HOOD: All right.

22 VICE CHAIR MILLER: No. Again no objection. I  
23 think it's appropriate.

24 CHAIRPERSON HOOD: Okay. Anybody else or are we  
25 all good?

1 (No response.)

2 CHAIRPERSON HOOD: Okay. All right. We will  
3 honor that request as well.

4 MS. SCHELLIN: Okay. So they're both approved by  
5 consensus.

6 CHAIRPERSON HOOD: Yes.

7 MS. SCHELLIN: And I have Jeremi Jones' name as  
8 the first one. I am going to assume he is going to be the  
9 one to do cross-examination. If not, we'll find that out  
10 when we get there. And so I believe that is the only  
11 preliminary matters that I have.

12 The applicant has stated that it needs about 45  
13 minutes to do its presentation. The ANC 4B, as you stated,  
14 can be -- there's three names that we have been given for  
15 representation. So when the time comes for cross, we'll see  
16 which one is here.

17 So that's it. Thank you.

18 CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin.

19 Let's bring everybody up, and let's get started.

20 I want to say good evening to everyone -- well, good  
21 afternoon. It's evening shortly. And we are going to try  
22 to get through this hearing tonight. I would like to go  
23 until 9:00. I would actually like to finish this hearing.  
24 So let's try to work towards that. If we have to go to  
25 9:00. I didn't say we need to go to 9:00, but if we have to



1 go to 9:00. I see my commissioners look at me like, "He has  
2 lost his mind." I almost was going to recommend to you all  
3 in another case, that maybe we might go to 10:00, but I was  
4 scared to do that. When Commissioner May was here, I knew  
5 10:00. I don't know. He turns into something at 10:00.  
6 All right.

7 Ms. Carolyn Brown, are you all ready?

8 MS. BROWN: Yes.

9 CHAIRPERSON HOOD: You all may begin.

10 MS. BROWN: Good evening. Thank you.

11 Z.C. Case No. 23-19

12 MS. BROWN: Good evening, Chairman Hood and  
13 members of the Commission. My name for the record is  
14 Carolyn Brown with the Brown Law Firm. And I am the land  
15 use counsel for the applicant.

16 We are delighted to return to you this evening  
17 with what we believe is an exceptional project, one that  
18 balances the city's most critical need for more affordable  
19 housing on an underutilized site adjacent to the Metrorail  
20 station in Takoma with the concerns raised by the Eastmont  
21 Cooperative to the north.

22 We seek your approval for a consolidated PUD and  
23 related map amendment to the RA-2 district to construct an  
24 80-unit all-affordable residential project just steps from  
25 the Metro. While we have not been able to garner the

1 Eastmont's support, we believe we have gone to extraordinary  
2 lengths by limiting the building height to just 4 stories  
3 and 40 feet and designing the building that meets all of the  
4 development parameters of the proposed RA-2 district with  
5 the exception of FAR. We are proposing a total density of  
6 2.32 FAR, which is less than the permitted density of 2.53  
7 under the PUD regulations. We are pleased to have the  
8 overwhelming amount of support received from so many,  
9 including the Office of Planning, DDOT, the Ward 4  
10 councilmember, Janeese Lewis George, ANC 4B, the Office of  
11 the Attorney General, the Coalition for Smarter Growth, the  
12 Elm Gardens Tenant Association, Takoma for All, numerous  
13 members of the community. And we also have design approval  
14 from the Historic Preservation Review Board.

15           We are mindful of your time this afternoon and the  
16 many people who wish to testify today. So we are ready to  
17 start our presentation. Mr. Young, if you could please  
18 start our slides? Thank you.

19           Next slide, please. Next slide. We are going to  
20 have four parts to our presentation tonight. First,  
21 representatives of the NHP Foundation will describe their  
22 organization and their specific efforts to develop the Elm  
23 Gardens site. Second, Soto Architects will present the  
24 design of the project. Third, Groove Slade will discuss the  
25 transportation elements of the project. And, finally, I

1 will return to discuss the PUD evaluation standards and the  
2 project's compliance with a comprehensive plan.

3 I will now turn it over to our first witness, Mr.  
4 Eric Price of the NHP Foundation. Mr. Price, could you  
5 please state your full name for the record and proceed with  
6 your testimony?

7 MR. PRICE: Good afternoon. My name is Eric  
8 Price. I'm the president for The NHP Foundation. I want to  
9 thank the Commission for giving us this opportunity today to  
10 present the Elm Gardens project.

11 I'm going to be, really, giving a really brief  
12 overview of who we are. And then I'll summarize a little  
13 bit about what we are doing in the D.C.-Baltimore area.

14 We are a nonprofit development company that was  
15 founded in 1989, over 35 years ago. During that period of  
16 time, we have invested over \$3 billion do in over 100  
17 projects in both preservation and new development. We have  
18 headquarters offices in both D.C. And New York. And we  
19 also have some small affiliate offices in Chicago and  
20 Houston. In addition to the projects that we have done in  
21 D.C., we currently operate in 16 states. We have 56  
22 properties, about 9,500 units. And of those 9,500 units,  
23 about 92 percent of those are affordable for families at 80  
24 percent or below the area median income.

25 In the Maryland-D.C. market itself, we have about

1 2,300 units, about 16 projects. And these projects are both  
2 senior projects as well as family projects. Of the 16, 10  
3 of those are in Washington, D.C., for about 1,500 units.  
4 And, then, we have about 6 projects in Maryland, for another  
5 800 units.

6           You can go to the next slide, and you can continue  
7 to the one after that, one more slide. Of the 1,500 units  
8 that we have in Washington, roughly 1,200 of these are TOPA  
9 projects. We also have two more TOPA projects that are in  
10 development.

11           One point that I did want to make here tonight is  
12 that we actively seek out to do partnerships throughout the  
13 country. Over the last 10 years, we have entered into about  
14 22 partnerships to do that. These have been with housing  
15 agencies. We have done about five. We have done eight with  
16 small minority-owned firms. And we have done nine with  
17 tenants in the Washington, D.C. area.

18           And, then, finally, and, really, the last thing  
19 that I just wanted to say because I know there is a lot of  
20 information which is going to be presented to you tonight  
21 is, really, that we are about more than just the buildings  
22 at the end of the day. We also want to try to help build  
23 communities. And so we do have a subsidiary called  
24 Operation Pathways, where we provide resident services  
25 through a family-centered approach. We will have that same

1 person. We will have someone at this particular project as  
2 well, as we do in 30 of the 56 properties that we own.

3 To keep it quick, I'm going to turn it over now to  
4 my colleague Michael Simons. Michael is going to go through  
5 the timeline, sort of our outreach and our relocation  
6 efforts moving forward.

7 Thank you.

8 MS. BROWN: We are switching witness chairs. So  
9 just a second.

10 MR. SIMON: Good evening. Thank you,  
11 Commissioners, for hearing our case again. My name is  
12 Michael Simon. I am the project manager for the Elm Gardens  
13 redevelopment.

14 As Eric mentioned, we partner extensively with  
15 tenant organizations in the District, and this is no  
16 different. Elm Gardens Tenants' Association reached out to  
17 us or we submitted -- you know, we replied to an RFP. They  
18 selected us to be their development partner. And in Spring  
19 of 2022, you know, they selected us as the preferred  
20 development partner. In August, we entered into a developer  
21 agreement with them whereby they assigned their TOPA rights  
22 to us. And we closed on the acquisition of Elm Gardens at  
23 the end of October 2022.

24 Next slide, please. Next slide. Our outreach we  
25 believe has been extensive since August of 2022. We have

1 met with OP for conceptual approval meetings multiple times.  
2 We have gone before the Historic Preservation Review Board  
3 at least three times and their staff multiple times after  
4 that. We have had ANC meetings with either full the ANC 4B  
5 or their Housing and Justice committee at least four times.  
6 We have met with Eastmont multiple times in person and  
7 virtually. And we have had extensive email conversations  
8 back and forth answering multiple questions about the  
9 project. We have also met with Main Street Takoma and have  
10 had their support for this project. And we also met with  
11 Plan Takoma, who had concerns about the historic nature of  
12 the project, which we ultimately overcame.

13           Next slide, please. As mentioned, this is a TOPA  
14 transaction. So some of the residents are over income, but  
15 one of the concerns in the previous case is that all  
16 residents would have the right to return. So any resident  
17 that is occupying a unit when relocation starts will have  
18 the right to return. We will be relocating them, you know,  
19 in a comparable area of the city, hopefully in the Takoma  
20 neighborhood. They have, again, the right to return to  
21 their units. And all costs for that relocation are paid by  
22 NHPF.

23           Next slide, please. I'm going to go ahead and  
24 hand it over to our project architect.

25           MS. BROWN: Our next witness is Mr. Fernando

1 Bonilla. And, Mr. Bonilla, if you could introduce yourself  
2 for the record and state your name?

3 MR. BONILLA-VERDESOTO: Absolutely. Hello,  
4 everybody. For the record, my name is Fernando Bonilla-  
5 Verdesoto. I am the principal and founder of Soto  
6 Architecture and Urban Design. We are a small minority-  
7 owned architecture and design firm headquartered here in  
8 Washington, D.C. Our team is passionate about multi-family  
9 architecture in urban settings and crafting exceptional  
10 buildings that improve the communities where we work.

11 Next slide, please. The project is located in  
12 Ward 4 at 7050 Eastern Avenue, Northwest, in this triangular  
13 block that is created by the Takoma Park Metro station  
14 parking lot, the railroad tracks, and Eastern Avenue.

15 Next slide. Our site is also in the Takoma Park  
16 historic district, where there's being a number of new  
17 mixed-use and multi-family developments approved and built  
18 in the area around the Metro station.

19 Next. From a zone perspective, our site is  
20 intersected by two zones. Towards the south, we have an MU-  
21 4 zone; towards the north, RA-1. The future land use map  
22 identifies this site and adjacent lots as moderate density  
23 for residential. And that is equivalent to an RA-2 zone.

24 Next slide, please. We are proposing a PUD  
25 development under the RA-2 zone, which permits up to 2.59

1 FAR and 60 feet in height, although we are only requesting  
2 2.32 FAR and 40 feet in height, which is, by the way, the  
3 same height allowed under the RA-1 zone.

4           Next slide. And we are proposing a building with  
5 80 affordable dwelling units in 4 stories with a penthouse  
6 and 23 parking spaces in the underground garage.

7           Next. Our site is located in the middle of this  
8 triangular block adjacent to other garden-style apartments  
9 and the historic Lucinda Cady House up the hill. The  
10 existing Elm Gardens apartments is a long three-story  
11 building that has a driveway connecting the street to a  
12 surface parking lot in the back adjacent to the railroad  
13 tracks.

14           Next slide, please. These photos show the  
15 streetscape along Eastern Avenue. And, as you can see, all  
16 of the buildings except for the Cady House are very close to  
17 the street and have either no entrances or no windows facing  
18 Eastern Avenue.

19           Next slide, please. Our neighbors to the south  
20 are a three-story garden-style apartment community with the  
21 buildings flanking both sides of a driveway. The parking  
22 lot is located at the back of their site. And they do have  
23 a wide landscape buffer between these buildings and the  
24 sidewalk on Eastern Avenue.

25           Next slide. Our neighbors up the street are a



1 three- to four-story garden-style apartment community  
2 similarly laid out with the entrances facing inwards towards  
3 their driveway connecting Eastern Avenue to their parking  
4 lot in the back. Again, there are no windows facing Eastern  
5 Avenue, and there is a narrow landscape buffer and sidewalk.

6           Next slide. So these photos are at our site. And  
7 you can see the driveway to the south of the site and how in  
8 order to get to the parking lot in the back and to the  
9 entrances of the garden apartments, you have to walk through  
10 the driveway.

11           Next slide. These photos show the parking lot in  
12 the back adjacent to the railroad tracks. And this area  
13 also serves for trash pickup and turnaround for cars.

14           Next slide. This area is between our building and  
15 the four stories on this north side of the site. And, as  
16 you can see, it's landscaped right now. And the building to  
17 the north steps up because of the topographical changes.

18           Next slide. So now we would like to walk you  
19 through our design concept.

20           Let's go to the next slide. And, as mentioned  
21 earlier, the existing Elm Garden apartments is this long  
22 narrow building that's three stories in height. And the  
23 adjacent buildings are also garden-style apartments that are  
24 three and four stories in height. Those two communities  
25 also have this driveway that connects Eastern Avenue to the

1 parking lot in the back. And we know that there is also an  
2 approved plan for a mixed-use seven-story building just  
3 around the corner from us.

4           Next slide. There is significant changing  
5 elevation along Eastern Avenue, starting with the bottom of  
6 the hill, where the Metro station parking lot is, and ending  
7 up the hill, over 30 feet in height, where the Lucinda Cady  
8 House is. The existing buildings on the block pretty much  
9 step up as you as you go up the hill.

10           Next slide, please. And, as mentioned earlier,  
11 the existing setback for the buildings along Eastern Avenue  
12 is very tight. However, it is nice and generous with two  
13 buildings to the south of us and also where the Lucinda Cady  
14 House is.

15           Next slide. So we are proposing to improve the  
16 public streetscape by addressing Eastern Avenue. We are  
17 going to place our main entrance door and windows facing  
18 Eastern Avenue. And we are also going to increase the size  
19 of our front yard. So this will create a nice transition  
20 between the neighbors to the south and neighbors to the  
21 north.

22           Next slide. From a construction perspective, we  
23 are proposing a wood frame four-story building with a  
24 penthouse that sits on a concrete level for the ramp and the  
25 garage underneath.

1           Next. We have carefully composed our facades by  
2 breaking up the length of the building to better respond to  
3 the scale of the surrounding buildings.

4           Next slide. And, as you can see here, we are  
5 proposing a building that fits nicely within the existing  
6 context. Our firm facade addresses Eastern Avenue with a  
7 main entry door and a roof patio on the penthouse level. We  
8 have also placed the garage entry and the large mechanical  
9 equipment that is going to be on the roof towards the south  
10 of the building opposite to the Eastmont building. On our  
11 site, we also include a landscape side yard and a landscape  
12 patio in the back of the building.

13           Next slide. In terms of materiality, we have  
14 selected durable and high-quality materials, such as brick  
15 and architectural wall panels. All of these have been  
16 reviewed and approved by the Historic Preservation Review  
17 Board.

18           Next slide. So here, you can see the front of the  
19 building that we are proposing with the entrance on the  
20 ground floor, the main entrance on the ground floor towards  
21 the right of our building. And, then, the garage entrance  
22 would be on the left on towards the south side of the site,  
23 where we are looking at ways that we can celebrate the  
24 neighborhood with some artwork on the garage door.

25           Next slide, please. And this is another view of

1 the front of our building, where you can see how our  
2 building fits nicely with the four stories for the facade  
3 next door to us.

4           Next slide. On this image, you can see how our  
5 building scale is broken down by the materiality that we  
6 selected.

7           Next slide. And because the Metro station is  
8 adjacent to us, we did a thoughtful job here in making sure  
9 that the design addresses all sides of the facade for a  
10 building.

11           Next slide. This is the community pattern that we  
12 are proposing at the penthouse level. As you can see, it  
13 extends towards the south, with views of the street and the  
14 Metro station.

15           Next slide. In this slide, you can also see how  
16 the building would fit nicely with the existing  
17 neighborhood.

18           Next. So this is our site plan. And you can see  
19 how our building will sit on the footprint of the existing  
20 building and it will extend towards the back of the site,  
21 where the parking lot used to be.

22           Next. And we are proposing this beautifully  
23 landscaped site, with vegetation along the property lines  
24 and a path connecting the front of the site with the  
25 backyard. We are also going to have vegetation at the floor

1 of the penthouse level as well as the roof of the penthouse  
2 level for stormwater management.

3           Next slide. So these are our floor plans. You  
4 can see our garage level, where we have our entrance to the  
5 to the garage towards the south of the site. We are  
6 providing 23 parking spaces and 27 bike spaces and an area  
7 for trucks to be able to turn around inside before coming  
8 out. And on the ground floor, the yellow area highlights  
9 where the common areas and the main entrance are located,  
10 pretty much addressing Eastern Avenue. And we have  
11 apartments towards the back.

12           Next slide. Our typical floor shows it is very  
13 efficient with a double corridor. And, then, the penthouse  
14 also has a single corridor that connects two staircases and  
15 two elevators and ends on the right side towards Eastern  
16 Avenue, with a community room that overflows onto the  
17 community roof patio.

18           Next slide. So the following sections show the  
19 height comparison from a zoning perspective. The RA-1 zone  
20 allows up to 40 feet in height and 3 stories, plus a  
21 penthouse.

22           Let's go to the next slide. While RA-2 zone with  
23 a PUD allows for up to 70 feet in height, unlimited number  
24 of stories, and 2.59 FAR, again, we are only proposing a  
25 building that is 40 feet and 4 stories in height, with a

1 penthouse, and 2.32 in FAR.

2           Next slide. And on this image, we have  
3 superimposed what is allowed under the RA-1 zone, that red  
4 line that you see there, on top of our proposed design.  
5 And, as you can see, our proposal doesn't exceed what is  
6 currently allowed under the RA-1 zone.

7           Next slide, please. During our design process, we  
8 also did a series of shadow studies to understand the  
9 possible impact our building may have on the surrounding  
10 neighbors. We looked at what is currently allowed under the  
11 RA-1 zone, with and without a penthouse. And we concluded  
12 that the impact our design will have on our neighbors will  
13 be very modest, compared to the shadows casted by a new  
14 building designed under the RA-1 zone. In addition, we also  
15 concluded that a penthouse has no effect on the shadows  
16 cast.

17           Next slide, please. Our team also created several  
18 studies that looked at ways that we can mitigate the impact  
19 that our building may have with our neighbors to the north.

20           Next slide. And, finally, this slide shows the  
21 significant reduction in height and massing that we are  
22 proposing today compared to what we proposed last year.

23           Next slide. All right. So thank you for the  
24 opportunity.

25           MS. BROWN: Mr. Bonilla, could I ask you to go

1 back two slides? That one. Just a clarification question.  
2 That is the previous map amendment study?

3 MR. BONILLA-VERDESOTO: That is correct.

4 MS. BROWN: Showing all of the different  
5 permutations of how we try to accommodate the neighbors?

6 MR. BONILLA-VERDESOTO: That is correct, so ways  
7 that we were looking at carving out some of the top floor or  
8 the top floors in order to mitigate some of the impact our  
9 building may have on the facade.

10 MS. BROWN: Okay. And, then, obviously, the  
11 proposal today is not the six stories shown in this. It is  
12 now the four stories.

13 MR. BONILLA-VERDESOTO: That is correct, yes.

14 MS. BROWN: Great. Thank you. All right.

15 We can proceed to our next witness, Mr. Will Zeid  
16 of Groove Slade.

17 CHAIRPERSON HOOD: Ms. Brown, which exhibit is  
18 your PowerPoint presentation in our files? Do you know?

19 MS. BROWN: Let me switch screens here real quick  
20 to see the exhibit number.

21 CHAIRPERSON HOOD: Yes. Thank you.

22 MS. BROWN: I'm sorry. 97.

23 CHAIRPERSON HOOD: Okay. There it is. Great.  
24 Okay. Thank you.

25 MS. BROWN: Okay.

1           MR. ZEID: Will Zeid, with Groove Slade. We are  
2 the transportation consultant for the project.

3           Here on this screen, just to refresh you real  
4 quick, so we are right next to the Takoma Metro station  
5 along Eastern Avenue.

6           We can go ahead and go on to the next slide.  
7 Okay. So 80 dwelling units. Parking today is via a surface  
8 lot. And we will be essentially reducing the overall  
9 parking on site to approximately 23 spaces. And that will  
10 be in a below-grade garage. So we are getting rid of  
11 surface parking and moving that below the structure. We  
12 will be meeting ZR-16 minimum requirements for parking. And  
13 we will also be providing at least one electric vehicle  
14 charging station, which is consistent with DDOT  
15 recommendations.

16           We will have 27 long-term bike parking spaces and  
17 an internal bike room, meeting all of DDOT's typical  
18 standards, which will include, you know, charging stations  
19 for electric bikes. It will include larger spaces for cargo  
20 tandem bikes. And at least half of those spaces will be  
21 provided on the floor. And that meets the zoning minimums  
22 for the project as well.

23           Garage. The garage will be the location for  
24 loading and trash pickup. So trash trucks and loading  
25 vehicles will come head in from Eastern Avenue, go down the



1 ramp into the garage. And we have done maneuvering studies  
2 to confirm that they can make all the maneuvers they need to  
3 inside the building, do the loading down there. Trash will  
4 be stored inside the building and serviced inside the  
5 building.

6 We did prepare a comprehensive transportation  
7 review for the project that included a transportation demand  
8 management plan that we developed in coordination with DDOT.  
9 And, as part of the process, we identified potential to  
10 include a pickup drop off area along the Frontage on Eastern  
11 Avenue. And that will be sort of finalized or detailed  
12 during the public space permitting process. And that would  
13 provide for a nice space out of the through travel lanes for  
14 ride share, you know, short-term food deliveries, and those  
15 things to take place without blocking traffic.

16 DDOT has issued their report in support of the  
17 project. And we will show some details on that just a  
18 minute.

19 Next slide. Okay. This project is well below  
20 DDOT's threshold for requiring vehicular analyses. We only  
21 reach approximately 11 total peak-hour, peak-direction trips  
22 for the property. And that is the total trips for the new  
23 building. That is not even taking account for a credit, if  
24 you will, for the existing building that will be going away,  
25 so very low trip generator.

1           We prepared the transportation report. That was  
2 reviewed and approved by DDOT. There is a TDM plan that  
3 includes some enhanced features, such as funded SmarTrip  
4 cards for new residents at the building opening. And that  
5 will include a \$100 commitment to be loaded onto those cards  
6 as well as all other DDOT standard baseline conditions.

7           All loading will be head in and head out from  
8 Eastern Avenue. There will be no backing maneuvers through  
9 public space. And the project will include one curb cut.  
10 There is one curb cut today, which will be shifted shut  
11 slightly, if you will, to align with the new garage ramp.

12           We are widening the sidewalk along Eastern Avenue.  
13 Currently there's approximately a six-foot sidewalk that is  
14 on the curb, if you will, with no buffer. So we will be  
15 providing a 4-foot buffer and a 10-foot curb, which will  
16 essentially increase that space to a total of, you know, 10-  
17 foot pedestrian area, if you will. And, then, we have  
18 worked with DDOT to identify potential to add another two  
19 feet into the property, and we will finalize that during  
20 public space. There are issues that we have to identify  
21 with ramping down into the building. So we are going to try  
22 to provide up to two feet additional, the reason for that  
23 being DDOT identified that Eastern Avenue is on their trail  
24 plan as sort of an offshoot of the MBT, the Metropolitan  
25 Branch Trail. And so they wanted to secure as much area as

1 possible for potential future widening of that sidewalk to  
2 up to 10 feet if they're able to run a trail or shared-use  
3 path up Eastern Avenue.

4           We go on to the next slide. So DDOT has issued  
5 their report, with no objection to the approval, with the  
6 following conditions, all of which the applicant agrees to.  
7 We will implement the TDM plan for the life of the project.  
8 They had one revision to the TDM plan, which I mentioned,  
9 which is we had initially proposed a \$50 SmarTrip value for  
10 the cards that will be preloaded for the opening of the  
11 building. DDOT requested 100. So we are going to bump that  
12 up to 100, which will be included in, you know, the final  
13 order language that we propose.

14           We will implement the sidewalk widening, as  
15 requested by DDOT, with the final details of that up to two  
16 feet identified during public space. And, then, we will  
17 include at least the one vehicle charging station within the  
18 garage.

19           And, with that, I will hand it back over to Carol.

20           MS. BROWN: Thank you. So I would like to go over  
21 with you the purpose and the compliance of the project with  
22 the PUD standards and the comprehensive plan. And, as you  
23 know, the purpose and intent of a PUD is to provide a  
24 higher-quality development through flexibility and building  
25 controls if the PUD offers superior elements that would

1 result in -- than would otherwise result from matter-of-  
2 right standards. And here, we have a 100 percent affordable  
3 rental building at 30 to 80 percent of MFI, where only 10  
4 percent of the GFA would be required under the matter-of-  
5 right standards.

6           Second, there must be a commendable number or  
7 quality of meaningful public benefits. And here, our  
8 affordable housing component next to Metro at deep  
9 affordability levels is the primary benefit of this project.  
10 However, we also have the permanent support of housing,  
11 high-quality contextual urban design, and sustainable  
12 environmental design features.

13           The project will also protect and enhance the  
14 public health, safety, and welfare. And it is not  
15 inconsistent with the comprehensive plan. The provision of  
16 safe, new, affordable housing in an energy-efficient  
17 building protects and enhances the public health, safety,  
18 and welfare and is fully, this project is fully, consistent  
19 with the comp plan and the land use map.

20           I note that we are asking for a waiver from the  
21 PUD lot size. One acre is required. And we are providing  
22 60, a little over 60, percent of that. So we are asking for  
23 a 40 percent waiver. As you know, the Commission can grant  
24 up to a 50 percent waiver if the project meets certain  
25 standards, one of which is that 80 percent of the housing --

1 or 80 percent of the GFA will be devoted to housing. So  
2 this is a 100 percent housing project. Not only that, it's  
3 all affordable.

4           So next slide, please. As I mentioned, the  
5 highest priority or the highest benefit of this project is  
6 the affordable housing. And it's a little unusual because  
7 this is the only PUD public benefit actually called out in  
8 the comprehensive plan under section 224.9. It says that,  
9 "The following should be considered as high-priority public  
10 benefits in the evaluation of residential PUDs." And they  
11 list four bullet points, and this project meets three of the  
12 four. First, it's the production of new affordable housing  
13 units above and beyond existing legal requirements; second,  
14 the preservation of housing units made affordable through  
15 rent control. And we meet that standard. And, finally, the  
16 right of existing residents of a development site to return  
17 to the new on-site units at affordability levels similar to  
18 or greater than the existing units. So we are very proud of  
19 this project meeting this very high standard and having it  
20 specifically called out in the comprehensive plan.

21           Next slide. As, you know, the PUD standards  
22 require us to meet certain criteria. And the Commission  
23 must find that the proposed development, again, is not  
24 inconsistent with the comprehensive plan; it does not, the  
25 project does not, result in any unacceptable project impacts

1 but, instead, the impacts shall be favorable, capable of  
2 being mitigated, or acceptable given the quality of the  
3 public benefits. And, finally, there must be specific  
4 public benefits and project amenities that are not  
5 inconsistent with the comprehensive plan. And the standard  
6 for the map amendment, of course, is similar in that it  
7 cannot be inconsistent with the comprehensive plan.

8           Next slide, please. As noted earlier, the future  
9 land use map of the comprehensive plan designates this site  
10 for moderate density residential use. That means that  
11 generally rowhouses and low-rise apartments are appropriate.  
12 The R-3; RF; and, specifically mentioned, the RA-2 district,  
13 is considered consistent. And we are proposing the RA-2,  
14 obviously, that is consistent.

15           Next slide, please. The generalized policy map  
16 designates this as a neighborhood conservation area. The  
17 guiding philosophy is to conserve and enhance the  
18 established neighborhood but not to preclude development,  
19 particularly to address citywide housing needs. Again,  
20 that's exactly what this project is all about. And it  
21 recognizes that limited redevelopment opportunities do exist  
22 and that redevelopment should be compatible with the  
23 existing scale, natural features, and character of each  
24 area. And we are fortunate to have the Historic  
25 Preservation Review Board's input on this project to ensure

1 that it is compatible with the surrounding area.

2           Next slide, please. There are numerous  
3 comprehensive plan elements that this project fulfills. I  
4 have a list of them here. And it's also set out in great  
5 detail in the Office of Planning report as well as in our  
6 statement of the applicant, which is exhibit E to the record  
7 -- Exhibit 3 to the record.

8           Next slide, please. I wanted to run through a  
9 couple of them here with you. The land use element, if you  
10 look on the lefthand side of this slide, it emphasizes the  
11 need for housing around Metro stations. It says, "Build  
12 housing adjacent to Metrorail stations" and "prioritize  
13 affordable and deeply affordable housing production," again,  
14 directly on point with this land use element. Below that,  
15 the "Affordable Rental and For-Sale Multi-Family Housing  
16 Near Metrorail Stations," "Explore and implement as  
17 appropriate mechanisms," "to encourage permanent affordable  
18 rental and for-sale multi-family housing adjacent to  
19 Metrorail stations." Here, we are proposing an all-rental  
20 project that is entirely affordable.

21           Next slide, please. Again we have the  
22 comprehensive plan use elements, the land use elements,  
23 "Conserving, Enhancing, and Revitalizing Neighborhoods,"  
24 "Recognize the importance of balancing goals to increase  
25 housing supply, including affordable units," "advance

1 environmental and sustainability goals, and further Fair  
2 Housing." And this particular element specifically  
3 recognizes that, "All neighborhoods have a role to play in  
4 helping to meet broader District-wide needs, such as  
5 affordable housing, public facilities, and more."

6           Next slide, please. Transportation elements.  
7 This fulfills these two plans of transit-oriented  
8 development "by investing in" public "pedestrian-oriented  
9 transportation improvements" and encouraging "development  
10 projects to build or upgrade pedestrian/bicycle  
11 infrastructure leading to the nearest transit stop." This  
12 project does that, as you heard from you Mr. Zeid, that we  
13 worked out with DDOT increase the public realm by several  
14 feet into the private property.

15           This project also supports the equitable  
16 transportation access element, where "Residents, workers,  
17 and visitors should have access to safe, affordable and  
18 reliable transportation options regardless of age, race,"  
19 and "income." And, as you will hear from the Office of  
20 Planning and as already stated in our application, the  
21 community served in Elm Gardens and, actually, the Eastmont  
22 Cooperative is primarily composed of brown and black  
23 residents.

24           Next slide, please. There are numerous elements  
25 within the housing element that this project advances,



1 several of them listed here, balancing growth to "encourage  
2 development of new housing," and "affordable housing, on  
3 surplus, vacant, and underutilized land," the emphasis on  
4 "Low- and Moderate-Income Housing Production as a Civic  
5 Priority," encouraging the nonprofit sector to help  
6 facilitate the production of affordable housing. And,  
7 obviously, The NHP Foundation is such an organization.

8           Next slide, please. Here, the housing element  
9 addressing the "Conversion of At-Risk Rentals to Affordable  
10 Units." That's exactly what we are fulfilling with this  
11 project, the use of TOPA to preserve the rentals in this  
12 existing Elm Gardens apartment and making sure that the  
13 units are available to the existing residents when they  
14 return to the site.

15           Next slide, please. Obviously, we fulfill the  
16 historic preservation element by ensuring that the new  
17 building is in scale and respects the historic context. We  
18 have the HPRB approval, as noted.

19           Next slide, please. We also foster the elements  
20 of the Rock Creek Park plan.

21           Next slide. So we are mindful that the Commission  
22 must assess the compliance with the comprehensive plan  
23 through a racial equity lens. And the racial equity  
24 analysis is composed of four parts. We have set forth in  
25 our statement of the applicant at Exhibit C -- sorry, I keep

1 getting that wrong -- at Exhibit 3 how we meet these four  
2 parts. And it's at pages 15 to 30 in our statement.

3           Next slide, please. I have gone through here, the  
4 Part 4, which is what the Zoning Commission must apply.  
5 Criteria 1, the "Direct Displacement," "Will the zoning  
6 action result in displacement of tenants?" No. The tenants  
7 of the existing building will only temporarily be displaced,  
8 and then they will be relocated and have the right to come  
9 back. We don't anticipate any indirect displacement, and  
10 the project will result in a change to the amount of  
11 affordable housing in the project. So that's a very  
12 favorable outcome.

13           Next slide. Physical characteristics, "Will the  
14 action result in changes to the physical environment, such  
15 as infrastructure improvements, arts and culture,  
16 environment changes," and "streetscape improvements?" And  
17 the PUD and related map amendment will allow the replacement  
18 of an outdated environmentally insensitive structure with a  
19 new 80-unit affordable apartment building. It will be  
20 sustainable and consistent with the enterprise green  
21 community standards. In fact, it will achieve the EGC Plus,  
22 and that is the equivalent of LEED Gold. And we believe  
23 that this would qualify as a PUD public benefit -- and I  
24 will get into that a little bit later -- for access to  
25 opportunity because the PUD is located so close to the

1 Metrorail it will -- in the increase to the RA-2 zone will  
2 allow a greater number of residents to have access to job  
3 opportunities due to the adjacency to the Takoma Metrorail  
4 station and bus lines. The quality and quantity of the new  
5 affordable units will foster greater housing security for  
6 these residents.

7           Next slide. With regard to community engagement,  
8 we list in our statement of the applicant, again at Exhibit  
9 3, I think it's two pages full of community meetings that  
10 started back in 2022, going through 2023, as part of the  
11 original map amendment application. And, as a result of the  
12 comments we received through that process, we applied those  
13 to the current proposal to reduce the number of floors. So  
14 we believe that the proposed PUD and related map amendment  
15 will increase the affordable housing opportunities in a new  
16 building that allows existing residents to return with  
17 interim relocation assistance. The building produces  
18 improved housing opportunities and housing security. It  
19 creates a historically compatible and environmentally  
20 healthy design. So all of this is very favorable when  
21 viewed through the racial equity lens.

22           Next slide. Finally, PUD has to analyze the  
23 potential unacceptable impacts of the project and determine  
24 whether the outcome is favorable, if there is no adverse  
25 impact, or if the impact can be deemed acceptable given the

1 high quality of the public benefits. So I think -- and I  
2 will just focus on the zoning and land use and then housing  
3 marketing, one of two of the other elements. So we believe  
4 that the proposed map amendment from the RA-1 to MU-4  
5 district to the RA-2 is consistent with the comprehensive  
6 plan future land use map for moderate-density residential.  
7 And we know that already because RA-2 is specifically called  
8 out as an appropriate zone district.

9           The proposed multi-family residential project is  
10 fully consistent with the RA-2 district. It follows all the  
11 development parameters with the exception of the FAR, and  
12 it's just about .16 more than what would otherwise be  
13 achieved on the site through the regular IZ. And the  
14 comprehensive plan specifically recognizes the production of  
15 new affordable housing units above and beyond existing legal  
16 requirements as a high-priority benefit for the city. While  
17 the RA-2 district allows the 60 feet, as we discussed  
18 earlier, the project has been limited to 40 feet in  
19 deference to the concerns raised by the neighbors to the  
20 north.

21           With respect to the potential impacts on the  
22 housing market, the project will have a very favorable  
23 outcome because it produces new high-quality transit-  
24 accessible, all-affordable housing units for low- and  
25 moderate-income families. And the project is not expected

1 to depreciate neighboring property values due to the  
2 project's all-affordable-housing component. An Urban Land  
3 Institute study indicates that no discernable difference  
4 exists in the appreciation rate of properties located near  
5 high-density development and those that are not. Some  
6 research even shows that higher-density development can  
7 increase property values. So the bottom line with the  
8 highlighted language is that the effect of LIHTC on the  
9 surrounding community shows that the, "stability of  
10 neighborhood residents may increase due to housing  
11 subsidies, indirectly decreasing crime through the greater  
12 social organization. A comprehensive study in May 2022  
13 similarly found that there was "no evidence of negative  
14 impacts of LIHTC investment on neighborhood property  
15 values."

16           Next slide. The project, again, has a very  
17 positive outcome with results, with the project's open space  
18 and urban design impacts. The potential massing impacts are  
19 limited and acceptable in light of the high-quality  
20 affordable housing benefits. Again, the design and  
21 aesthetic impacts are favorable for the project. It has  
22 been designed to open up the Eastern Avenue streetscape and  
23 has been approved by HPRB.

24           Next slide. And I will skip through, just let you  
25 know that we have an analysis of this. I see, you know, we

1 have hit our 45 minutes.

2 Next slide, please. And, again, some of the  
3 standard categories that we have analyzed.

4 Next slide. And next slide. That's the end of  
5 our presentation. I'm happy to have any of our witnesses  
6 come back and answer questions that you may have. Thank  
7 you.

8 CHAIRPERSON HOOD: Thank you, Ms. Brown and to the  
9 team.

10 I do have one quick question. The reason I was  
11 asking about the PowerPoint is because the PowerPoint that  
12 you have -- did you all change the order in what you all  
13 presented or is it the exact same order because I didn't see  
14 the last part unless we went back to the last part? You  
15 mentioned about the previous request in front of the  
16 Commission. Was that in the report or was that in the  
17 middle of the report or was that a different --

18 MS. BROWN: It was --

19 CHAIRPERSON HOOD: I'm sorry. Go ahead.

20 MS. BROWN: That was, like, the second to third  
21 slide, last slide of the architect's presentation. And we  
22 did not resubmit anything of the previous proposal from the  
23 map amendment case other than that one slide that showed  
24 some of the concessions on the upper floor setbacks to try  
25 to address shadows to the Eastmont.

1           CHAIRPERSON HOOD: Okay. I'm going to have my  
2 colleagues go first. And I'm going to have some questions  
3 on that PowerPoint. I got thrown off I think in the order  
4 some kind of way.

5           But let me do this. Let me go first -- and  
6 thanks, you all, for your presentation. We may -- I'm sure  
7 we have some questions and comments.

8           Commissioner Imamura?

9           COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

10          I have a couple questions, a few comments. This  
11 has been around for quite some time. Sometimes better  
12 design solutions just need to ripen a bit, and it takes time  
13 to do that.

14          I think the iteration that we see here tonight is  
15 much improved, obviously with much community input, joy, the  
16 support of DDOT, HPRB, the ANC. Obviously, we have a couple  
17 of folks that are still unsatisfied or dissatisfied. And,  
18 you know, we know that you can't satisfy everybody, but I  
19 think a significant effort has been made and demonstrated to  
20 reduce the height. I understand their concern because of  
21 this sort of canyon effect between the distance between the  
22 property to the north, this particular property. So I have  
23 a question about that do.

24          I do appreciate slide number 8 about the outreach.  
25 I thought that was rather effective. I know this has been

1 reiterated several times about the all-affordable rental  
2 between 30 to 80 percent MFI, 44 net units, 36 reserved for  
3 returning tenants.

4 I'm curious. The statement at the very beginning  
5 that you all made was you are hoping to relocate them in  
6 Takoma, hoping to relocate them nearby. So I'm curious  
7 where that stands and what those plans are, what's plan A,  
8 plan B. If you could shed a little more light on that?

9 MR. SIMON: Commissioner Imamura, Michael Simon  
10 here.

11 You know, it's still early on the project. What  
12 we will do is we will work with the tenants association to  
13 identify two to three sites that they will, the tenants  
14 will, be relocated to. So that typically, that planning  
15 typically, will happen, you know, six months before they  
16 start construction. So we are not quite there. We have an  
17 outline of, you know, here's what we will do, what we  
18 promised the tenants' association in the developer  
19 agreement, but we haven't identified specific sites. We  
20 will hire a full-time relocation consultant to help with  
21 this, alongside of the management company. So, you know, we  
22 have promised to work with the TA and then residents to  
23 identify relocation sites that, you know, will work for them  
24 in their situation. So, you know, we try to keep it in an  
25 area that, you know, a neighborhood that, if we can, or in a



1 place that has, you know, similar attributes, like close to  
2 public transit or things like that, but we have not  
3 identified specific sites at this time.

4 COMMISSIONER IMAMURA: Okay. I appreciate that.  
5 And I understand where we are. That makes sense in terms of  
6 the horizon of this project or the project schedule.

7 I think the risk for displacement is rather low,  
8 but can you go into any details in terms of the type of  
9 assistance that you are helping them with, just anything in  
10 general that maybe not -- I know everything was sort of high  
11 level here, but can you go into some detail about the type  
12 of assistance you are offering?

13 MR. SIMON: Yes. So a relocation specialist will  
14 meet with the residents. And, you know, I mean, I'm  
15 not -- I haven't gone through a lot of this. And so don't  
16 if there's anyone else here who can speak to the relocation  
17 assistance that they would provide, but it's everything from  
18 identifying a site, you know, helping pay for all the costs  
19 of, you know, moving, packing, all of that. The idea is  
20 that the residents will not be out any money. It involves  
21 setting up, you know, paying deposits for things like  
22 utilities, all of those things.

23 The residents during that time are still paying  
24 rent to Elm Gardens. So NHPF would go out and lease those  
25 units and pay the difference in the rent. In a lot of

1 instances, these units are market-rate units that the  
2 residents will be in temporarily. So that's all factored  
3 into the cost of the development, and NHPF covers that.

4           The relocation specialist will work with the  
5 residents to identify, you know, what attributes are most  
6 important to them. And that's what how we will identify the  
7 relocation sites. Obviously, I am not going to be able to  
8 relocate all 36 people or residents, units to one relocation  
9 site. So, you know, that's what I'm saying, is there will  
10 probably be two or three. I would have to defer to one of  
11 my other colleagues how that's happened on some of the other  
12 deals in D.C.

13           COMMISSIONER IMAMURA: Okay. While we are on the  
14 topic, you know, if the building becomes market rate after  
15 the DHCD control period, am I understanding this correctly  
16 that 30 percent of the GFA would be reserved for the IZ  
17 program?

18           MR. SIMON: Yes. That's a commitment we have  
19 made. And, you know, that period of time, that would not be  
20 for at least 40 or 50 years. So it's going to be a tax  
21 credit project for 40 or 50 years. And, then, you know, we  
22 have said that for as long as NHP holds the project, we  
23 would, you know, guarantee that at least 30 percent of it is  
24 held to be affordable, 80 percent AMI for that time.

25           COMMISSIONER IMAMURA: Okay. Very good. I think

1 those are all the questions that I have about the unit. So  
2 I will move on to architecture, so Mr. Bonilla-Verdesoto.

3 And building off of the housing or the number of  
4 units, again, we have heard, you know, all affordable, which  
5 is terrific. I have looked a little bit at the floor plans  
6 there. Can you just give me a sense of the number of one-  
7 bedroom and two-bedroom units? What does that dispersion  
8 look like?

9 MR. BONILLA-VERDESOTO: All right. Give me one  
10 second.

11 MS. BROWN: We are getting handed the answer.

12 MR. BONILLA-VERDESOTO: Yes. So, again, this is  
13 Fernando Bonilla-Verdesoto, with Soto Architecture.

14 We have 19 studios, 35 one bedrooms, and 26 two  
15 bedrooms.

16 COMMISSIONER IMAMURA: Okay. Great. All right.  
17 Thank you. That's a lot like how they do it at  
18 congressional hearings: slide those notes right across the  
19 table there. All right.

20 A couple of other questions and comments that I  
21 have. I appreciate the fact that you increased the front  
22 yard. Certainly, you have the enjoyment and support of  
23 HPRB. Form and materiality I think are fine. Actually, I  
24 think you have done an exceptional job.

25 The question that I have, though, architecturally

1 -- and you have had a slide that spoke to this, and I think,  
2 Ms. Brown, you had mentioned that it was really an older  
3 illustration of the six-story apartment building. But I  
4 would like to know a little bit more about what was your  
5 strategy to kind of mitigate that canyon effect between this  
6 property and the property to the north? Because I really  
7 think the concern is, right, the shadows, but, frankly, I  
8 think there will be a shadow there, whether it's a three-  
9 story building or a four-story building. So it's not the  
10 shadow. I mean, the shadows will be there. But it's this  
11 canyon effect. Right? It's that volumetric space between  
12 those two buildings there. I think that that's what they  
13 are not able to articulate. And so I think here is an  
14 opportunity to tell us, what iteration did you go through to  
15 mitigate that canyon effect? So, obviously, there's the  
16 push and pull of the volumetric space in the facades, but  
17 that's, you know, a pretty continuous facade there for four  
18 stories. So walk me through what worked or what didn't  
19 work.

20 MR. BONILLA-VERDESOTO: Yes, certainly. We looked  
21 at several options. The one thing I will mention is that  
22 the length of the building was extended towards the back of  
23 the site. So our new building would be facing what to the  
24 north is currently a parking lot. So that's one thing.

25 And, then, also, Commissioner, keep in mind that,

1 you know, the canyon that we are talking about -- right? --  
2 should be reduced by the fact that we are pushing the front  
3 of our building at least 25-35 feet. So those units in the  
4 front of Eastmont that are the four-story facade, you know,  
5 now, all of a sudden, are also going to enjoy some  
6 additional lights and views. In addition to that, we looked  
7 at widening the side yard as much as possible. And, of  
8 course, there's a limitation of how much you can -- or the  
9 minimum that you can do based on the zoning regulations.

10 COMMISSIONER IMAMURA: All right.

11 MS. BROWN: And I will just note that the RA-2  
12 does not require side yard, but we are providing one that's  
13 I believe 10 or 11 feet.

14 COMMISSIONER IMAMURA: Okay. Thank you for  
15 raising that point. And, also, I think that's also worth  
16 noting, too, is the front set. The increased front yard  
17 certainly helps. So I appreciate that, that design gesture  
18 there.

19 Let's see. I think that answers my questions.  
20 And Mr. Zeid knows I love to talk about transportation. And  
21 I had a few questions, but he answered them all. So he  
22 knows when it comes to transportation, you know, it makes  
23 architects' eyes just sort of gloss over. So I'm good with  
24 that.

25 Actually, I do have one question for Mr. Zeid. If

1 he could take the seat?

2 MR. ZEID: Will Zeid, for the record.

3 COMMISSIONER IMAMURA: All right. Thank you, Mr.  
4 Zeid.

5 It's a head in for trash collection, down the  
6 ramp, into the garage, correct?

7 MR. ZEID: Correct.

8 COMMISSIONER IMAMURA: And, at least from the  
9 drawing, it seemed quite far. And so when you were  
10 describing that, I thought, well, the employee that's  
11 operating the vehicle is going to either be cursing your  
12 name or Mr. Bonilla-Verdesoto's name about that. That seems  
13 quite long. Obviously, I'm certain there is probably some  
14 substantial lighting in there to at least mitigate any  
15 safety issues for a big vehicle, a trash vehicle, going down  
16 there, but I guess my point is, my question is, you did say  
17 that, and confirmed through your study that, they are able  
18 to get in and get out, head in, head out, head first,  
19 correct?

20 MR. ZEID: Yes. And if you look at the plan, if  
21 you're coming down the ramp, when you get to where the  
22 loading and the trash area is, on your lefthand side and on  
23 your righthand side, on both sides of the garage, there are  
24 striped-out areas that are going to be literally for doing  
25 that. So they could do the pull right, back all the way up

1 to the wall, and then do a nice three-point turn. So, I  
2 mean, it's more comfortable than a lot of situations that we  
3 see but point taken. But we did test that with a 30-foot  
4 truck and trash truck.

5 COMMISSIONER IMAMURA: Okay. All right. No. We  
6 have seen worse. You are absolutely right. You know, this  
7 isn't for that thing but all right.

8 Well, I wanted at least to have you on the seat  
9 because, as I said, I enjoy transportation discussions so  
10 much.

11 MR. ZEID: Good to hear.

12 COMMISSIONER IMAMURA: All right. Thank you, Mr.  
13 Zeid. And thank you, Ms. Brown.

14 Mr. Chairman, I don't have any other questions.  
15 I'm satisfied with the responses that I received, and I  
16 yield back.

17 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
18 Imamura, for those questions.

19 Let's go to Commissioner Stidham.

20 COMMISSIONER STIDHAM: Thank you, Chair. Really,  
21 Commissioner Imamura covered much of what I was going to  
22 say. I think you have the massing. I think that's helped.

23 CHAIRPERSON HOOD: Commissioner Stidham, I'm  
24 having a problem. Maybe -- is it just me or is everybody  
25 else having a problem? We are having a problem. And most

1 people wouldn't tell me they have a problem hearing me  
2 because they wouldn't want to hear me, but I think they want  
3 to hear you.

4 COMMISSIONER STIDHAM: Is that better?

5 CHAIRPERSON HOOD: Say something again.

6 COMMISSIONER STIDHAM: Is that better?

7 CHAIRPERSON HOOD: Talk for a few minutes. Let's  
8 see. Yes.

9 COMMISSIONER STIDHAM: Two, three, four, five.

10 CHAIRPERSON HOOD: Yes, that's better. That's  
11 better.

12 COMMISSIONER STIDHAM: Okay. Sorry about that.

13 So Commissioner Imamura covered many of the  
14 questions that I had related to the building and the  
15 massing. Could you say a little bit more about your  
16 inclusion of, I believe it is, the sidewalk as future  
17 buildout of the Met Branch Trail and your --

18 MS. BROWN: Sure. Let me --

19 COMMISSIONER STIDHAM: -- coordination with DDOT  
20 on that opportunity?

21 MS. BROWN: Yes. Will Zeid is coming back to  
22 answer that.

23 MR. ZEID: Will Zeid, for the record again.

24 Yes. I'm going to try to not make this too  
25 complicated because it does get -- it gets a little



1 complicated. But the existing condition, which is pretty  
2 much consistent up Eastern Avenue, is there's a six-foot  
3 sidewalk on the curb. So you basically go right from the  
4 travel lane or parking lane up the curb into a six-foot  
5 sidewalk. Behind that, there's planting. And a portion of  
6 that planting area today is within this development's  
7 private property. So with the plan as it's laid out right  
8 now, which you will see in the plans, we are proposing to  
9 put in a four-foot landscaping buffer, if you will -- I  
10 think it is marked as a tree box right now -- and, then, a  
11 six-foot sidewalk adjacent to that. So that section will  
12 tie into that existing sidewalk at each end of the property  
13 and provide a total of 10 feet from the curb to the edge of  
14 the sidewalk.

15           So DDOT identified that Eastern Avenue is not the  
16 main MBT, right? That's going to run or does run on the  
17 other side of the tracks, but a branch of the MBT is  
18 designated on the overall plan to run up Eastern. So this  
19 is more a planning-for-the-future type of thing.

20           Obviously, area is not necessarily available  
21 upstream and downstream, but what this will do is it will  
22 provide in the future to potentially reduce that four-foot  
23 buffer down to two feet at the curb. That will gain two  
24 feet onto the six, to get it to eight. And, then, during  
25 public space permitting, we are going to see if we can get

1 up to two more feet within the property depending on ramping  
2 down because we have to get down into the garage. That's  
3 where we might be limited on that. But if we could get the  
4 full two feet, for instance, then if there's ever an  
5 opportunity in the future for DDOT to bring a 10-foot  
6 shared-use path along Eastern, they will have that space  
7 along this property.

8           So I think it might -- so does that make sense?  
9 Is that a little a little clearer?

10           So it's trying to get as much as we can possibly  
11 get for the future in the event that DDOT is able to bring  
12 that line. But, to be clear, there are no current plans or  
13 funding for them to do that. This is just to sort of  
14 reserve the area now while there's a chance.

15           COMMISSIONER STIDHAM: Okay. Thank you.

16           Do you have plans -- maybe I missed it. Do you  
17 have plans for any bikeshare stations on the property after  
18 you rebuild?

19           MR. ZEID: So there will be no bikeshare here. So  
20 we will have an internal bike room that will have 27 bike  
21 parking spaces, so, you know, the racks, probably, like,  
22 double-stacked racks, and some ground spaces for tandem  
23 bikes. And, then, we will have the zoning required -- I'm  
24 forgetting the number of short-term but, you know, racks  
25 outside. Four. So at least four short-term spaces outside

1 on some sort of inverted U or other type of rack that we  
2 dealt with for, you know, visitors that come to the  
3 building.

4 And, then, there is an expanded bikeshare going in  
5 over at Takoma as part of that redevelopment.

6 COMMISSIONER STIDHAM: Okay. Can you talk a  
7 little bit about the amenities that you're offering people  
8 in the new building?

9 MS. BROWN: Sure. Let me bring Michael Simon back  
10 or -- and I guess Mr. Bonilla-Verdesoto could also answer  
11 the question as well.

12 MR. BONILLA-VERDESOTO: I can start from the  
13 architect's perspective. So on the ground floor, you know,  
14 we mentioned that we have our entrance there. There is a  
15 fitness room located towards the front of the building.  
16 There are some offices. The administrative offices are also  
17 -- will have their eyes towards the street and being able to  
18 see everybody who's coming into the building. There's an  
19 office that also provides services to the permanent  
20 supportive housing that will be in the building.

21 Downstairs, we have some additional storage, the  
22 bike room that William was mentioning a minute ago. We have  
23 internal trash chute and trash compactors in the building,  
24 two elevators. We also have a community room on the  
25 penthouse level that opens onto a roof patio that faces

1 Eastern Avenue.

2 COMMISSIONER STIDHAM: Great. Thank you.

3 MR. SIMON: I guess, just real quick, I will add  
4 just one more thing. Michael Simon here.

5 The current Elm Gardens has no amenities, you  
6 know. So we will have on-site maintenance and management as  
7 well as offices for the supportive services that Operation  
8 Pathways is going to provide and for the permanent  
9 supportive housing. So, you know, the amenities that we  
10 promised to the residents, this is something that, you know,  
11 most affordable housing residents don't have the opportunity  
12 to live in a building with those amenities.

13 Thanks.

14 COMMISSIONER STIDHAM: So of the 36 units that you  
15 currently have, are they all currently being used? So are  
16 you looking to relocate 36 families or some portion of that?

17 MR. SIMON: I mean, we do have a little bit of  
18 vacancy right now, but anyone that's occupied -- that is an  
19 occupant of the building when relocation starts or when that  
20 planning starts will be relocated. They will have the  
21 right, you know, to return. And all those costs will be  
22 covered by NHPF, as explained before.

23 COMMISSIONER STIDHAM: And if I could ask you a  
24 question? The building is currently being marketed for  
25 rental units?

1 MS. BROWN: Correct.

2 MR. SIMON: Yes, it is.

3 MS. BROWN: Yes.

4 MR. SIMON: Yes. Now, I mean, it is a rental  
5 building. So we do have turnover. And we were making some  
6 repairs in some units. So those are going to be leased up  
7 when those repairs are finished.

8 MS. BROWN: So if you leased up all 36 units at  
9 the time this goes forward, all 36 residents would be --

10 MR. SIMON: Yes.

11 MS. BROWN: Yes.

12 MR. SIMON: But they would be -- they would be  
13 able to, you know -- and that was our intent -- right? --  
14 where we were trying to, you know, lease the building up  
15 with, you know, residents that will be qualified for the  
16 low-income housing tax credit program, which is how this  
17 project will be financed. Okay?

18 COMMISSIONER STIDHAM: Okay. Great. I think  
19 that's it, Chair. Back to you.

20 CHAIRPERSON HOOD: Thank you.

21 Vice Chair Miller, any questions?

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. And  
23 thank you to my colleagues, to you, Mr. Chairman, and my  
24 colleagues for the all the thorough questions you have asked  
25 thus far. And I agree with all of the comments that were

1 made by my colleagues in conjunction with those questions.  
2 And thank you, Carolyn Brown and your team, Mr. Bonilla-  
3 Verdesoto and Mr. -- the architect and Mr. Price and Mr.  
4 Simon from NHP Foundation and William Zeid. I don't know if  
5 I named everybody. It's always dangerous when you start to  
6 name people. But thank you for the whole team's  
7 presentation and all the work that you have done to withdraw  
8 the original map amendment that we heard -- was that a year  
9 ago?

10 MS. BROWN: Yes.

11 VICE CHAIR MILLER: Yes. So it takes time to  
12 respond to the Commission's concerns about that proposal.  
13 And I think you coming back with a PUD, a Planned Unit  
14 Development, with the related map amendment that is RA-2,  
15 instead of the RA-3 that was previously the subject of the  
16 map amendment, is responsive, at least to my concerns at the  
17 time of the hearing, and I think is responsive to the  
18 concerns about the height of the -- that would have been  
19 allowed under the original proposal. You have taken two  
20 stories off of it, four stories, instead of six stories.  
21 And, of course, you lost 30 units as a result of that, 30  
22 housing, affordable housing, units as a result of that  
23 substantial reduction. But I think it is more compatible  
24 with the neighboring property and more consistent with the  
25 comprehensive plan designation of moderate-density

1 residential and which calls out the RA-2 zone as appropriate  
2 for moderate-density residential designation on the comp  
3 plan.

4           And I think you have addressed and you're doing  
5 less density, 2.32, than what would be would be allowed  
6 with an RA-2 zone of 2.59. And I think the design and the  
7 materials and the set-downs and step-backs from the adjacent  
8 properties and the increased public space that you're  
9 providing in response to DDOT's requests is all very  
10 commendable -- or are all very commendable.

11           On the -- well, on DDOT, just while I'm there, you  
12 are agreeing to all of the -- I think you have said this,  
13 but, just to confirm, you are agreeing to all of the  
14 conditions in DDOT's various comments, right? Is that  
15 correct?

16           MS. BROWN: Yes, that's correct. And that's in  
17 the exhibit that we submitted yesterday, and it's the Groove  
18 Slade memo dated February 5th, 2024.

19           VICE CHAIR MILLER: Right. I saw that. So we  
20 appreciate that effort, that satisfaction of the DDOT  
21 conditions. And I think it will lead to a better project  
22 that fits into the neighborhood.

23           Let me just ask one question. And you will be  
24 able to do this on rebuttal with any of the concerns that  
25 are expressed by the party in opposition. But let me just

1 ask you to respond at this time, verbally at least, to one  
2 comment in Jeremi Jones' testimony at Exhibit 94, which we  
3 are going to hear from Mr. Jones later, representing the  
4 party in opposition, but on -- it's always dangerous when  
5 you summarize somebody's comments, but they're basically  
6 complaining about the community engagement with them and  
7 whether it really was responsive to their concerns. And  
8 they -- I will just read you the two paragraphs that I just  
9 wanted you to give a brief response to at this time. You  
10 will have opportunity later to do a more fulsome response,  
11 but I just wanted to get this, maybe prebuttal, on the  
12 record. That's what this is.

13           They say, "RA-2 PUD," which is what this  
14 is -- this is at the bottom of the next-to-last page of Mr.  
15 Jones' bi-page submission at Exhibit 94, "RA-2 PUD,  
16 arguably, has the flexibility to produce an outcome that is  
17 reasonable and fair and ultimately consistent with the  
18 intent of zoning regulations."

19           And then they say, "We reached out on December 15,  
20 2023 to propose altering their proposal so that the bulk of  
21 their density is moved to the large portion of their lot  
22 that extends far beyond any existing residents on our block.  
23 Doing so would maintain the low-rise quality of all the  
24 existing residences while maintaining the same density  
25 requested in the proposal. It would lead to a change that



1 is, indeed, modest in scale and justify the use of the PUD  
2 and the flexibility in density and lot size usage that it  
3 grants."

4           So I don't know the exact details of what that  
5 alternative proposal is. We may hear more about that later.  
6 But can you respond to that alternative proposal that may  
7 have been suggested to you all?

8           MS. BROWN: Yes. We did look at that,  
9 Commissioner Miller. And, you know, unfortunately, it just  
10 wasn't feasible. And we can go into more detail during our  
11 rebuttal because we do have some slides that we can show.  
12 But, ultimately, a couple of things.

13           When you push the -- first of all, we are taking  
14 another floor off the front. And, then, we have to move all  
15 those units to the back. So that back portion of the  
16 building ends up needing to be six stories. The additional  
17 height requires us to go back to a podium concrete  
18 construction for at least the first floor and maybe even  
19 part of the second. So that, all of a sudden, the  
20 construction costs increase by a multiple of millions of  
21 dollars, not to mention the additional MEP work that needs  
22 to be done.

23           And it maybe makes sense for us to have Mr.  
24 Bonilla-Verdesoto or Mr. Simon address this. And I don't  
25 know if you want us to bring up our rebuttal slides now to

1 go through this or if you -- if it's better to have all of  
2 the opposition testimony so we can consolidate our response.

3 VICE CHAIR MILLER: You can save it for later, but  
4 I appreciate that summary. Under that alternative, you  
5 would be able to maintain the current unit count of 80, of  
6 all-affordable units. But the cost of building them would  
7 be much substantially higher?

8 MS. BROWN: Yes. And I believe that's accurate.  
9 And, again, I will let the witnesses actually testify. But  
10 I think the other element to this is it really doesn't  
11 address or, in fact, it contradicts some of the other  
12 comments we heard about not having the great wall effect.  
13 And I think it ends up being perhaps a more difficult design  
14 massing because it won't necessarily enhance the light  
15 available to the back units.

16 I think it could -- anyway, I don't want to get  
17 ahead of myself, but we did look at this. And it just  
18 doesn't seem to -- you know, while in theory, you know, we  
19 would love to be able to solve everybody's problem, this  
20 just creates new problems and costs for the project. And we  
21 are a razor-thin margin as it is.

22 VICE CHAIR MILLER: Okay. Well, we will  
23 hear -- you will have an opportunity later --

24 MS. BROWN: Yes.

25 VICE CHAIR MILLER: -- to give further details and

1 in response to the further details that they --

2 MS. BROWN: Yes.

3 VICE CHAIR MILLER: -- might give on that in their  
4 presentation. So I appreciate that.

5 Yes. If you can just briefly also respond to the  
6 point that there may -- that some of them have -- some of  
7 the opposition is making that there wasn't meaningful  
8 community engagement with them. Obviously, there's been  
9 meaningful community engagement with the Elm Street Garden  
10 tenants because we are going to get all of the replacement  
11 units, in addition to the new units in the building, in  
12 addition to a modern, updated building, a residential  
13 building. But if you can just respond to the concern stated  
14 that there wasn't meaningful community engagement with  
15 Eastmont during the period between I guess a year ago and  
16 now?

17 MS. BROWN: Yes. I will let Mr. Simon respond to  
18 that, but, you know, briefly, from the time that the map  
19 amendment case was wrapping up and we knew that we weren't  
20 going to be proceeding, we immediately were trying to get a  
21 new design pulled together, figuring out what this building  
22 was going to be like, what zone district. And that's what  
23 took up most of May and June. And then we still had to get  
24 to the Historic Preservation Review Board. So we reached  
25 out to the community. In fact, I myself asked several times

1 to get all of the names and addresses of all of the  
2 individual residents at the Eastmont because I know,  
3 Chairman Hood, at the last hearing, you said if you need to  
4 go knock on the doors and make sure everybody gets notice,  
5 that's what you should do. So we asked several times. But,  
6 you know, the Eastmont decided that it was best if we just  
7 worked through the board members.

8 But they have been copied on everything that we  
9 have submitted. We have treated them like a party since  
10 last year to any of our submissions. They have attended all  
11 of the public meetings with the ANC. They were at the HPRB  
12 meeting. And, then, we had an individual presentation to  
13 them at the end of August. And it took several months for  
14 them. They had questions while we made that presentation,  
15 but we didn't hear back any direct comments from them until,  
16 I think it was, December.

17 So it's not for lack of trying. It's these things  
18 take a long time to get responses. And I'm going to see if  
19 Mr. Simon has any additional comments that he wants to share  
20 on the outreach.

21 MR. SIMON: Yes. I mean, I will add there is --  
22 you know, we had one in-person meeting with them specific to  
23 this application. And we have responded to their questions  
24 and their design considerations. They were also present at  
25 all of the public meetings which we have held. I mean,

1 there was at least, what, three of them, I believe, where  
2 they were there and had a chance to ask questions.

3 I have answered all of their questions. We have  
4 made many -- we have tried to make the -- we took a lot of  
5 effort into taking their comments from the map amendment  
6 case into the design that we presented to you today. And  
7 that includes some things like not having overruns for, you  
8 know, the utilities. We have actually, you know -- and I  
9 think, you know, Fernando maybe can speak to this a little  
10 better.

11 So we had meetings with them. We have responded  
12 to any questions that they have had. We have looked at  
13 their design considerations and responded as to why we are  
14 not able to do that. So that's the extent of the outreach  
15 for this case.

16 VICE CHAIR MILLER: Okay.

17 MS. BROWN: If I could just add one comment? I  
18 think there is also just a fundamental misunderstanding of  
19 the difference between building height and penthouse height  
20 and a habitable penthouse. And I think that that was not  
21 clear to the Eastmont that there are very two different  
22 measurements for zoning regulations.

23 VICE CHAIR MILLER: And there would have been a  
24 penthouse, as I recall, a habitable penthouse on top of the  
25 RA-3 building or was there one?

1 MS. BROWN: I don't believe we had a habitable  
2 penthouse, but we were proposing, you know, the typical 12-  
3 foot mechanical penthouse, could have been, I think, even  
4 larger than that. But because it was a map amendment, it  
5 hadn't been fully developed. But we would obviously have a  
6 mechanical penthouse on that building.

7 VICE CHAIR MILLER: Right. So it would have been  
8 the -- was it the 60-foot height plus the penthouse?

9 MS. BROWN: Sixty plus, yes, correct.

10 VICE CHAIR MILLER: The map amendment. And this  
11 is 40 feet, plus the penthouse?

12 MS. BROWN: Correct.

13 VICE CHAIR MILLER: Mechanical and habitable?

14 MS. BROWN: Correct.

15 VICE CHAIR MILLER: Okay. Well, thank you for  
16 explaining that and going into some of the community  
17 outreach. I'm sure we will have a lot more discussion about  
18 that later.

19 I just wanted to end, Mr. Chairman, by again  
20 complimenting the proposal of an all-affordable residential  
21 building in a transit-rich, amenity-rich, diverse  
22 neighborhood that we want to maintain its diversity and the  
23 retention of the replacement for the 36 existing -- the  
24 replacement of existing 36 units with new modern units for  
25 all existing tenants at rents that are comparable to what

1 they are paying now and the 44 new affordable units, all at  
2 below, I believe, a 50 percent median family income,  
3 including the 8 permanent supportive housing units, which  
4 would be obviously below 30 percent median family income,  
5 and the supportive services, the one resident manager that  
6 would be living on site for those 8 permanent supportive  
7 housing units, is really very commendable and provides the  
8 affordable -- the strength of the proposal in terms of the  
9 affordable housing component balancing, outweighing any  
10 potential adverse impacts or any potential inconsistencies  
11 with the comprehensive plan, which I, frankly, don't see.

12 I think the housing specifically, affordable  
13 housing specifically, called for is something that you would  
14 weigh against any potential adverse impacts. And I think  
15 you have done mitigations of the adverse impacts. So I  
16 think it's all very commendable.

17 If I misstated something, correct me if I'm wrong,  
18 if I have misstated something in that little preamble that I  
19 have just made but thank you very much.

20 Thank you, Mr. Chairman.

21 CHAIRPERSON HOOD: Thank you. First of all, let  
22 me thank my colleagues for their questions.

23 And, Ms. Brown, I need to straighten one thing out  
24 for those who may be listening. Ms. Brown mentioned that I  
25 said go knock on everybody's door. And I did say that in

1 this case, but I'm saying this for the public who were here  
2 with us Monday night in another case, where I said nobody  
3 knocks on your door, two different situations. So I don't  
4 want anybody thinking Anthony Hood is contradicting himself,  
5 but these are two different situations. We are talking  
6 about a cooperative here, where we can afford to knock, as  
7 opposed to a full community. So if anybody is watching from  
8 another case, I wanted to make sure that they know that I  
9 don't contradict myself. It depends on the case. That's  
10 why each case is dealt with on this individual basis. All  
11 right.

12           So my first question, you mentioned, Ms. Brown,  
13 224.9. Is that in the comp plan? Is that a -- where is  
14 that? The high-priority area, where is that?

15           MS. BROWN: It's in the comprehensive plan. So  
16 it's subtitled, "10," not the zoning regulations. So it's  
17 in the comprehensive plan.

18           CHAIRPERSON HOOD: Okay. Subtitle 10. All right.

19           I have been trying to figure this out. And I do  
20 understand. You know, it's easy for us to hear, for us to  
21 have dialogue and talk about the zoning regs. But the  
22 reality is the Eastmont Cooperative are felling it. They're  
23 the ones who want to feel whatever is done here. And  
24 especially what I pick up the most because I think you all  
25 have dropped off the height -- so congratulations. You



1 know, I think that's a move in the right direction. And I  
2 know we can't go but so far. There's a break-even point.

3 But when I look at what some of the issues are --  
4 that's why I was trying to look at that shadow study. I  
5 think what I'm getting the most from is, the biggest issue  
6 is, apparently -- and I'm not sure what's being done now. I  
7 know we have -- I don't know if we had current or proposed,  
8 I mean, what's existing and proposed, shadow studies. I  
9 think you did. I don't have it up on my screen yet right  
10 now. But the biggest issue I think that Eastmont -- they  
11 can correct me, Eastmont, I want you all to correct me -- is  
12 the shadows that are going to take away light apparently  
13 from some of the units at Eastmont Cooperative.

14 So I guess what I want to know, what's -- and I'm  
15 saying this now. Maybe, Ms. Brown, maybe you all and the  
16 applicant can help me. What is the difference from now to  
17 then?

18 And maybe we can -- maybe let's pull up the --  
19 let's pull up the shadow studies. Let's pull up -- I want  
20 to see what's going on now. I think it is what's going on  
21 now versus what will happen if it's redone.

22 Am I clear? Am I clear, Ms. Brown?

23 MS. BROWN: Yes, you're clear. And I'm going to  
24 have Mr. Bonilla come back and speak to these. And I'm not  
25 quite sure if we have existing. I think we have what's

1 permitted under the RA-1 as a matter of right, which is a  
2 standard.

3 CHAIRPERSON HOOD: That's --

4 MS. BROWN: Yes.

5 CHAIRPERSON HOOD: That's what I was getting  
6 confused on because I thought it was -- okay. Let's bring  
7 it up to help me get my confusion out of the way before I  
8 move on.

9 So you have what's permitted in the RA-1?

10 MR. BONILLA-VERDESOTO: Yes.

11 CHAIRPERSON HOOD: Okay.

12 MR. BONILLA-VERDESOTO: Yes, that's correct.

13 CHAIRPERSON HOOD: Okay. Remind me, tell me  
14 what -- hold on. I'm over 50. So I have my colleagues so I  
15 can see them. And let me pull up my own. Give me one  
16 moment. Ninety-seven. One moment, and you can talk me,  
17 walk me through it. Give me one second, please.

18 MS. BROWN: Mr. Chairman, we do have rebuttal  
19 slides that we, you know, were hoping that we didn't need to  
20 show because we were hoping this would be a lot easier. But  
21 we do have additional shadow studies in that slide deck. If  
22 maybe Mr. Young wants to pull that up?

23 CHAIRPERSON HOOD: So why don't we wait for that?  
24 So maybe that will -- let me hold off and ask my questions,  
25 then. Let me hold off.

1           And let me ask this. Eric Price, is that the Eric  
2 Price, the well-known Eric Price, who used to do things here  
3 in this city that everyone knows --

4           MS. BROWN: Absolutely, yes --

5           CHAIRPERSON HOOD: -- who does the --

6           MS. BROWN: -- the one and the same?

7           CHAIRPERSON HOOD: So let me ask this question.  
8 Was Mr. Eric Price -- one thing about Eric Price, he knows  
9 the city. He helped us. Actually, him, under Mayor  
10 Williams, helped this city get thriving back again to where  
11 we are, so big credit to him. And what gives me a comfort  
12 level, I know if he was working with Eastmont, if he worked  
13 with Eastmont Cooperative, he knows the lay of the land.  
14 I'm not saying -- not taking nothing away from nobody else,  
15 but he knows the lay of the land. He knows how this city  
16 operates. He knows where -- I'm not going to say the bones  
17 are buried because I hope we don't have any bones buried.  
18 But he knows how this city operates when it comes to  
19 development.

20           Mr. Price, were you involved with conversations  
21 yourself with Eastmont?

22           MR. PRICE: No, Commissioner. Well, first of all,  
23 thank you for your comments, Commissioner Hood.

24           And, no, I wasn't directly involved. We do have  
25 also on this call our senior developer, Mansur Abdul-Malik,

1 who actually has done other TOPA projects in Washington,  
2 D.C. And Mansur was involved with Michael, along with  
3 having a lot of those discussions but I was not able to be  
4 involved in those.

5 CHAIRPERSON HOOD: Okay. Because I remember. You  
6 know, I was around then.

7 MR. PRICE: Yes.

8 CHAIRPERSON HOOD: So I remember some of the  
9 controversial issues we had then. And we always had a win-  
10 win. And that's what I said in this case.

11 MR. PRICE: Yes.

12 CHAIRPERSON HOOD: Your leadership. So I, you  
13 know -- and here's the thing. I'm not blowing no smoke.  
14 I'm telling you what actually happened. So that's what was  
15 getting ready to give me a comfort level if I knew --

16 MR. PRICE: Yes.

17 CHAIRPERSON HOOD: -- that you were having those  
18 discussions and working with Eastmont as well.

19 MR. PRICE: I wasn't involved in them, but I have  
20 to tell you I was updated constantly on the conversations.  
21 We did have a lot of internal discussions about how to get  
22 to that win-win that you're talking about. And I think, as  
23 Commissioner Miller said also and maybe another  
24 commissioner, you know, you just sort of get to that point  
25 where there's only so much, as you know, you can do. And

1 the project is still viable at the end of the day.

2 And, you know, for us and one of the things I  
3 wanted to point out at the beginning of that was really  
4 bringing this affordability to that neighborhood was very,  
5 very important to us and also making sure that we  
6 accommodate those concerns of the neighbors to the degree  
7 that we could. And we hope with this presentation, what we  
8 put together, that we were able to do that.

9 CHAIRPERSON HOOD: So let me reword this, Mr.  
10 Price. Let me reword it. So you gave some advice?

11 MR. PRICE: Absolutely, yes.

12 CHAIRPERSON HOOD: That's all I need to know.  
13 Thank you very much.

14 MR. PRICE: Excellent.

15 CHAIRPERSON HOOD: I appreciate it. Good to see  
16 you again. Thank you.

17 MR. PRICE: Good seeing you. Thank you,  
18 councilor.

19 CHAIRPERSON HOOD: All right. Let's go back to  
20 the architect. Isn't there a slope, Ms. Brown? And I heard  
21 you mention the measuring point. Isn't there a slope? I  
22 have been trying to figure this whole thing. Isn't there a  
23 slope, sloped street?

24 MS. BROWN: Absolutely. Let Mr. --

25 CHAIRPERSON HOOD: I've been down the street, too,

1 but, you know, I just drive. And when I look at it on the  
2 screen, it looks different. But isn't there a slope? And  
3 how much is that there?

4 But I think this is what my colleague Commissioner  
5 Imamura was talking about. I think he called it the  
6 gallery. He has the architectural credentials. I don't.  
7 But I think he called it the gallery or something.

8 But how much is the -- what is the depth if you  
9 can help me with that, Mr. Verdesoto?

10 MR. BONILLA-VERDESOTO: When you talk about the  
11 depth, you mean the width of or the space between the two  
12 buildings. Is that correct?

13 CHAIRPERSON HOOD: What's the space? And what is  
14 the -- what is the pitch? I guess I'm using --

15 MR. BONILLA-VERDESOTO: Okay. So topography.

16 MS. BROWN: From the top.

17 MR. BONILLA-VERDESOTO: Yes. So, yes, from the  
18 top of the -- and I'm looking here at, yes, some cycling  
19 that we have with topography. In front of the Cady House,  
20 the elevation is about 290. And our curb cut is at about  
21 elevation 270. So there are 20 feet in difference there.  
22 And there are about 10 feet of difference between our curb  
23 cut and the curb cut at the Eastmont property.

24 CHAIRPERSON HOOD: Okay. All right. Thank you.  
25 I get that now. Okay.

1           Ms. Brown, help me. And I have been reading the  
2 submissions, you know, like everybody else. What would you  
3 say the main point is? Did I take that away? And I can ask  
4 Eastmont. What is the main takeaway from this still  
5 concerning issue? Is it the shadow? What is the main  
6 takeaway? What is the main problem that as you see it?

7           MS. BROWN: Based on what they have suggested as  
8 their version of the design, they want no more than three  
9 stories to face their building. And, then, to have, as we  
10 only figured out, they just have pushed all of the density  
11 to the back. So they want to maintain the existing height  
12 of the existing Elm Gardens building, which is roughly 30  
13 feet and, then, no penthouse in that area. And, then,  
14 everything gets pushed to the back once we pass their  
15 building.

16           And, you know, we can even pull up one of the  
17 slides. I don't know if it's necessary.

18           But, you know, because of the topography change  
19 that Mr. Bonilla was just describing, the Eastmont building  
20 is mostly a three-story building when you go into their  
21 front driveway, but the backside of it is really four  
22 stories exposed to the Elm Gardens property because of the  
23 topography change. So, you know, then, in theory, we would  
24 be even lower than the Eastmont building under that proposal  
25 of theirs.

1           CHAIRPERSON HOOD: Okay. All right. I really  
2 don't have any more questions. I'm waiting to hear from  
3 Eastmont. I appreciate all the work that's been done. I  
4 appreciate you all taking heed to what the Commission did in  
5 whatever that first case, map amendment, the first issue,  
6 was. And I appreciate.

7           Now, I do want to say this. I did read in I think  
8 your submission that the Commission recommended a PUD. And  
9 I have always said this. We don't recommend, even though  
10 some people might suggest. But I don't want nobody to think  
11 they went away with a PUD and, oh, when we come back, we  
12 will get it approved.

13           But thank you for all the work you all have done  
14 on this. And let me see if my colleagues have any follow-up  
15 questions.

16           (No response.)

17           CHAIRPERSON HOOD: Not seeing any. Ms. Schellin,  
18 do we have anyone from ANC 4B here to do any cross?

19           MS. SCHELLIN: Yes. I saw Evan Yeats. I believe  
20 he is still on. He was the first name. So let's see if he  
21 is going to do the cross for them.

22           CHAIRPERSON HOOD: Okay.

23           MR. YEATS: I have no questions for the presenter  
24 at this time, Chair Hood. Thank you.

25           CHAIRPERSON HOOD: Okay. Thank you, Commissioner



1 Yeats. And thank you again for joining us. Okay.

2 Ms. Schellin, who is representing -- is that the  
3 only party in --

4 MS. SCHELLIN: Party in support. We have two  
5 parties. So the first one, the party in support, I believe  
6 that was -- oops. I lost her name because it wasn't written  
7 on here.

8 CHAIRPERSON HOOD: Elm Gardens Tenants'  
9 Association.

10 MS. SCHELLIN: Yes. This is Elm Gardens.

11 Mr. Young, do you recall the young lady you  
12 brought up in the beginning? Was it Deborah Jacobson? No.

13 MS. JACOBSON: Yes.

14 MS. SCHELLIN: Yes, Deborah Jacobson.

15 CHAIRPERSON HOOD: Jacobson. Okay.

16 MS. SCHELLIN: I'm sorry.

17 MS. JACOBSON: Yes, that is me. Thank you so  
18 much. I have no questions at this time. Thank you.

19 CHAIRPERSON HOOD: Okay. Thank you, Ms. Jacobson.  
20 Let me write your name down.

21 MS. JACOBSON: Yes.

22 CHAIRPERSON HOOD: Okay. Thank you, Ms. Jacobson.

23 Mr. Jones, Jeremi Jones. And hopefully is --

24 MS. SCHELLIN: See if he is the one who is going  
25 to cross.

1 MR. JONES: I'm here.

2 MS. SCHELLIN: He was the first name.

3 MR. JONES: Yes. I'm here.

4 CHAIRPERSON HOOD: Okay. Mr. Jones, do you have  
5 any cross-examination of the applicant?

6 MR. JONES: I do.

7 CHAIRPERSON HOOD: Go right ahead.

8 MR. JONES: The first question is, could you  
9 please clarify that you abandoned your six-story project and  
10 all of the compromises only after all four zoning  
11 commissioners stated their intent to deny it based on the  
12 comprehensive plan, based on kind of incompatibility with  
13 the comprehensive plan?

14 MS. BROWN: Yes. Once the map amendment case was  
15 concluded, we heard clearly that the proposal of RA-3 would  
16 not work and that a straight map amendment that did not  
17 allow any design review would not benefit all of the parties  
18 in the process.

19 MR. JONES: Could you clarify the difference in  
20 habitable height between the six-story proposal and this  
21 proposal?

22 MS. BROWN: Are you referring to habitable  
23 penthouse?

24 MR. JONES: Where people will live.

25 MS. BROWN: Okay. So the six-story proposal that

1 would have been allowed under the RA-3 district would have  
2 had six habitable floors, plus a mechanical penthouse. The  
3 current proposal is four stories, plus a habitable penthouse  
4 that also includes mechanical equipment.

5 MR. JONES: Can you clarify the difference between  
6 the habitual height between the six-story proposal and the  
7 current four-story proposal?

8 MS. BROWN: The existing building is 40 feet in  
9 height. Then there will be an additional penthouse,  
10 habitable penthouse, of approximately 12 feet. I think it's  
11 just shy of 12 feet. And the mechanical areas and the stair  
12 Towers are another foot, I believe.

13 MR. JONES: So based on the question I asked, the  
14 difference in habitable height is 8 feet?

15 MS. BROWN: I'm not sure I understand your  
16 question.

17 MR. JONES: The height, the difference in height,  
18 of where people will live. People will live in the  
19 habitable penthouse, and people will live on the sixth  
20 floor. The difference in between. I am not asking the  
21 difference between the mechanical height or mechanical  
22 penthouse, just the habitable height.

23 I don't -- can you tell me what don't you  
24 understand about habitable?

25 MS. BROWN: I know the building height, and I know

1 the penthouse height. And I'm not sure. I guess I don't  
2 understand more than that that those are the heights that I  
3 am giving you.

4 And maybe Mr. Bonilla-Verdesoto can answer your  
5 question. And maybe if you could clarify again what the  
6 question is?

7 MR. BONILLA-VERDESOTO: And, just to confirm, it  
8 sounds like you are asking the difference between the  
9 habitable penthouse and the mechanical penthouse and what  
10 would be allowed and the difference with the sixth floor.  
11 Is that correct?

12 MR. JONES: I'm just asking if you can confirm  
13 that this proposal has 52 feet of habitable height and the  
14 previous proposal had 60 feet of habitable height.

15 MR. BONILLA-VERDESOTO: From a zoning perspective,  
16 we are not exceeding 40 feet in height. So from the zoning  
17 perspective, again, the height of the penthouse is not  
18 incorporated in the building height.

19 So the previous iteration that we had shown, the  
20 six stories, yes, that was up to the 60 feet because there  
21 was no penthouse. So we were measuring to the roof of the  
22 sixth floor. And the sixth floor was, the face of the sixth  
23 floor was, in line with the exterior walls at the lower  
24 level.

25 When we do a penthouse -- yes. Sorry. When we do

1 a penthouse, then what we do is we set back, as you know,  
2 about 11 feet, the footprint of that top level. So the  
3 footprint gets reduced. And, then, we have about 11 feet in  
4 height for the penthouse.

5 But the building height is measured to the roof of  
6 the floor below the penthouse.

7 MR. JONES: Okay. Can you tell me the difference  
8 in height between this proposal and the final compromise  
9 that was also denied, the previous proposal that you brought  
10 up in the previous slides?

11 MR. BONILLA-VERDESOTO: So that would have been  
12 the 60 feet that we were proposing originally, last year.  
13 Now we are proposing a 40-foot-height building.

14 MR. JONES: You mentioned multiple compromises.  
15 What's the difference between this and the final compromise?

16 MR. BONILLA-VERDESOTO: So I think there's a big  
17 difference between a 60-foot building and a 40-foot building  
18 that also has -- as I mentioned earlier, we have removed or  
19 relocated the mechanical condensers or the mechanical  
20 equipment towards the south of the site. We have reduced or  
21 lost 30 units in the development. So we were proposing 110  
22 units back a year ago. And now, we are proposing 80 units.  
23 So I think that there is a significant reduction in the --

24 MR. JONES: Carolyn Brown? Carolyn Brown, do you  
25 remember how high the building, the height of the building,

1 you put in your facts of finding, final facts and findings,  
2 of the previous case, the building height that you committed  
3 to?

4 CHAIRPERSON HOOD: Let me interrupt, Ms. Brown.

5 MS. BROWN: I don't recall.

6 CHAIRPERSON HOOD: Jeremi, Mr. Jones, let me just  
7 say this. I would rather for you -- typically, counsel does  
8 not cross.

9 MR. JONES: Okay.

10 CHAIRPERSON HOOD: Yes. Counsel does not cross.  
11 So those questions really should go to the folks who  
12 testified or the team. Okay?

13 So, Ms. Brown, I would direct you to ask the team  
14 to answer those questions because, really, counsel never  
15 gets crossed in the zoning proceedings.

16 MS. BROWN: Understood. I would redirect that  
17 question, then, to Mr. Bonilla, although, frankly, Chairman  
18 Hood, I don't know that there is any information in the  
19 record on what was actually proposed in the previous map  
20 amendment. I mean, we did not get into the specifics in our  
21 testimony about the various iterations and we did show the  
22 one shadow study. And maybe we can -- that's about the best  
23 we can refer to. But I don't know what -- whether or not we  
24 have the heights for that.

25 CHAIRPERSON HOOD: I'm going to sustain that. Is

1     that an objection?

2                 MS. BROWN:  It is an objection, yes.  Thank you.

3                 CHAIRPERSON HOOD:  I am going to sustain that  
4     objection.  Believe me I have good practice at this right  
5     now.  So I'm going to sustain the objection.

6                 And I'm going to ask Mr. Jones, let's stay focused  
7     on the case before us tonight because that --

8                 MR. JONES:  Well, I --

9                 CHAIRPERSON HOOD:  I understand what you're trying  
10    to do, but that previous case is not in front of us.

11                MR. JONES:  Okay.  Well, that's it for me.  Thank  
12    you.

13                CHAIRPERSON HOOD:  Okay.  And thank you.  And  
14    thank you for understanding, believe me.  All right.

15                Ms. Schellin, do we go to the person -- I mean,  
16    the agencies, other agencies, other government agencies?  Do  
17    we have any?

18                MS. SCHELLIN:  Yes, the Office of Planning.

19                CHAIRPERSON HOOD:  Oh, yes, I know we had -- I  
20    mean, before I get to them, do we have any?

21                MS. SCHELLIN:  Oh, you want to take the other  
22    agencies?  Yes.

23                CHAIRPERSON HOOD:  Yes.

24                MS. SCHELLIN:  I believe OAG is here.

25                CHAIRPERSON HOOD:  Okay.

1 MS. SCHELLIN: Mr. Young?

2 CHAIRPERSON HOOD: Let's go to the Office of the  
3 Attorney General. Ms. Cain, you may begin whenever you're  
4 ready.

5 MS. SCHELLIN: Ms. Cain, is Noelle Wurst  
6 also -- did you want her up? There she is. Okay.

7 MS. CAIN: Yes. Noelle Wurst will be presenting  
8 on this hearing tonight.

9 MS. SCHELLIN: Okay. That's what I thought.

10 CHAIRPERSON HOOD: Okay. Ms. Wurst, Ms. Wurst, is  
11 it your first time in front of us?

12 MS. WURST: This is my second time, sir.

13 CHAIRPERSON HOOD: Oh. Okay. Well, welcome  
14 again. You can go ahead Ms. Wurst.

15 MS. WURST: Excellent. So, first of all, I would  
16 like Mr. Young to pull up the slides. They're at Exhibit  
17 44. Great. Thank you. All right.

18 Good evening, Commissioners. My name is Noelle  
19 Wurst, and I am testifying on behalf of the D.C. Office of  
20 the Attorney General in support of this PUD. These slides  
21 can be found at Exhibit 44, and our written testimony can be  
22 found at Exhibit 43.

23 Next slide, please. So OAG does recommend that  
24 the Commission approves this PUD at hand. We argue that the  
25 PUD's significant affordable housing proffer, which not only



1 doubles the amount of housing on site but also provides it  
2 at deep levels of affordability, provides a public benefit  
3 that on its own is more than sufficient to balance out the  
4 minimal zoning flexibility required.

5           Next slide, please. So the PUD's affordable  
6 housing proffer both produces and preserves affordable  
7 units. And this is something that the comprehensive plan  
8 identifies as the only high-priority public benefit in the  
9 evaluation of residential PUDs.

10           Now, we would like to note that section 224.9,  
11 which is part of the comp plan's framework element, does  
12 also include a call to prevent the displacement of on-site  
13 residents as well as affirms the right of existing residents  
14 of a redevelopment site to return to new on-site units at  
15 similar affordability levels to the ones previously both of  
16 these are accomplished through the TOPA process in this  
17 case.

18           Next, please. So, specifically, the PUD provides  
19 the following exceptional affordable housing proffer  
20 details. So, first of all, it preserves 36 existing  
21 affordable units for existing residents returning under  
22 TOPA, and these will be offered at deep levels of  
23 affordability, down to 30 percent MFI and up to 80 percent  
24 MFI, with residents who have vacated units reverting to  
25 those affordable to lower moderate-income levels.

1 Additionally, it adds 44 new units, including, as you see  
2 above, the 8 permanent supportive housing units offered up  
3 to 30 percent MFI. And these units otherwise will be  
4 reserved for low-income households, earning up to 50 percent  
5 MFI. So not only are these amounts very significant on  
6 their own, but even as a comparison, they are very  
7 impressive, commendable. So this would result in roughly  
8 six times the amount of affordable units that would  
9 otherwise be required under by-right zoning for a comparable  
10 project. We have included the calculations below.

11           Furthermore, the units' affordability is going to  
12 be enhanced by reduced costs due to other benefits,  
13 including sustainability benefits, here at the Enterprise  
14 Green Communities Plus certification, as well as proximity  
15 to mass transit, including the Metro and bus lines, and  
16 community amenities, such as grocery stores and retail.

17           Now, I would also like to note that in the context  
18 of the District's affordable housing crisis, this proffer is  
19 not only beneficial to the current tenants, who would be  
20 returning after exercising their TOPA rights, but it is also  
21 critical to the District-wide public interest. Here, it  
22 would provide roughly 18 percent of the Rock Creek East's  
23 planning area remaining affordable housing goal under the  
24 mayor's affordable housing plan.

25           Next, please. So, in addition to fulfilling

1 section 224.9's call for affordable housing, the PUD is also  
2 consistent with the comp plan's generalized policy map and  
3 future land use map. So the PUD is located in a  
4 neighborhood conservation area, which has the guiding  
5 philosophy to, you know, not just conserve and enhance  
6 established neighborhoods but also to not preclude  
7 development and especially when this is in service of  
8 addressing the citywide housing needs that I have  
9 highlighted and will highlight further in the next few  
10 slides.

11           Furthermore, several comp plan policies and the  
12 FLUM do guide changes in an NCA's density. And we do  
13 include a list of comp plan policies that we believe are  
14 fulfilled by this PUD in our appendices in Exhibit 43, and  
15 we will discuss the FLUM shortly, but further approaches to  
16 context-sensitive growth in an NCA can vary based on  
17 neighborhood characteristics, which may include  
18 socioeconomic and development characteristics -- and we have  
19 some census data supporting those shortly -- and in areas  
20 with, you know, not only these factors but also access to  
21 various opportunities, services, and amenities. Much like  
22 Takoma Park more levels of housing affordability are called  
23 for by the comp plan.

24           Next slide, please. So, likewise, the proposed  
25 zone is also consistent with the FLUM. As we have

1 established earlier, the RA-2 zone is specifically linked as  
2 consistent with the FLUM's moderate-density residential  
3 designation. And it's true that while the comp plan does  
4 anticipate an FAR of up to 1.8, that is considered exclusive  
5 of any density bonuses due to inclusionary zoning or the PUD  
6 process, both of which the PUD at hand will be taking  
7 advantage of and does anticipate.

8           Now, this graph to the left demonstrates that the  
9 PUD's density of 2.32 FAR is well within what is legally  
10 permitted in this zone given the bonuses. So because the  
11 PUD is using roughly one-third of its available PUD density,  
12 its FAR is actually not that much greater than the maximum  
13 PUD bonus density in the site's current RA-1 zone. And that  
14 would be 2.08.

15           Next slide, please. Now, to put the PUD into its  
16 neighborhood context, the comp plan does call for affordable  
17 housing in Rock Creek East specifically. And it identifies  
18 that this planning area faces the challenge of retaining its  
19 economic and social diversity in the face of rising housing  
20 costs. And we have pulled some census data to support what  
21 that rise in housing costs look like.

22           Next slide, please. So in the PUD census tract,  
23 represented by the bars on the far right, there's a near-  
24 even split between renters and owners, with a slightly  
25 higher percentage of renters compared to the Rock Creek East

1 planning area. Though there's still a lower percentage of  
2 renters than there are in the District as a whole, the  
3 percentage of renters in the census tract has actually been  
4 increasing over time, from about 29 percent in the year 2000  
5 to 49 percent in 2021. And this means that Takoma Park is  
6 becoming an increasingly renter-oriented market, which makes  
7 it especially critical as the area would face more demand  
8 for affordable housing over time; well, affordable rental  
9 housing, specifically.

10           Next slide, please. So, much like in the District  
11 as a whole, annual increases in income for about the past  
12 two decades have been lagging behind annual increases in  
13 rent, but let's go a step further and disaggregate this  
14 data.

15           Next slide, please. So disaggregating this data  
16 by race demonstrates that at the District level from 2010  
17 forward, increases in the black MHI lag far behind increases  
18 in rent. This is not quite the case with the PUD census  
19 tract, but, even so, the black MHI in the census tract has  
20 not kept pace with increases in the white MHI. So in order  
21 to keep future rent increases low to both retain and attract  
22 more diverse residents to the area, Takoma Park should  
23 expect to accommodate more affordable housing over time.

24           Next slide, please. So this PUD site, in  
25 particular, is an especially strategic location for

1 affordable housing since it has close proximity to grocery  
2 stores, roughly a five-minute drive in either direction from  
3 the PUD site; retail locations; arts centers; churches;  
4 other cultural institutions; and transit, including Metrobus  
5 lines and a future bike trail. So Takoma's Small Area Plan,  
6 the Takoma Central District plan, despite being written over  
7 20 years ago, did anticipate some development in the area in  
8 the form of infill housing that is largely on a scale that's  
9 comparable to the existing architectural character of the  
10 area. But, additionally, the plan points out that to  
11 leverage the strong market demand for housing -- and that  
12 demand is likely going to increase over time -- facilitate  
13 increased transit ridership and promote Takoma's traditional  
14 residential character, increased housing is, in fact,  
15 encouraged within Takoma.

16           Now, I would also like to note that small area  
17 plans do work to supplement the comp plan by providing  
18 detailed directions, you know, such as for a particular  
19 neighborhood in this case, but, ultimately, these are not  
20 part of the comp plan. And, furthermore, they're not  
21 intended to supersede the plan but, rather, to work  
22 alongside with it and to, you know, play into overarching  
23 citywide goals that the comp plan might establish as well.

24           Next slide, please. So before evaluating the  
25 PUD's public benefits package, it's important to understand

1 the PUD's generally combined aspects of both the design  
2 review and a map amendment. So a PUD provides types of  
3 flexibility, such as design, such as a design review,  
4 increased density, such as in a map amendment, and other  
5 types of flexibility that are deemed appropriate to a  
6 specific project. And these types of flexibility, both  
7 design and density, are compensated by design public  
8 benefits and affordable housing public benefits,  
9 respectively, as well as some others that ultimately make  
10 the project's flexibility proportionate to the public  
11 benefits it offers. Now, you will see in this case, the  
12 public benefits this PUD provides are overwhelmingly greater  
13 than the minimal flexibility that the PUD asks for.

14           Next slide, please. So, in other words, the PUD  
15 is providing a truly extraordinary public benefit for  
16 minimal requested flexibility. And, in fact, it could  
17 feasibly request additional density and height flexibility,  
18 which would aid in providing additional affordable units.

19           Next slide, please. So this graph illustrates  
20 that the PUD's proposed density is a little under 10 percent  
21 less -- sorry. Back one slide, please. Thank you.

22           The proposed density of the PUD is about 10  
23 percent less than the maximum it could be achieving in the  
24 same zone. So the maximum PUD density in the RA-2 zone  
25 would be 2.59 FAR, but this PUD is asking for only 2.32 FAR,

1 leaving about .27 FAR stranded. Now, translating this to  
2 the square footage and possibly a number of units, this  
3 would result in about a little over 7,000 extra square feet  
4 that would be able to be devoted to affordable housing units  
5 and, assuming each is about a thousand square feet, would  
6 result in about 7 additional affordable housing units if  
7 this PUD maxed out the density available to it.

8           Next slide, please. And, likewise, the PUD's  
9 proposed height is an entire 33 percent, or one-third, less  
10 than the maximum it could be obtaining under the RA-2 zone,  
11 which for a PUD would be a maximum of 60 feet. And, as we  
12 have seen, the proposed PUD is only asking for 40 feet,  
13 which is equivalent to the height it could be requesting for  
14 a matter-of-right development in its current zone, RA-1;  
15 that is, without a PUD, without providing, you know, the  
16 public benefits that the PUD process would require or the  
17 public participation that that process would also require.

18           So next slide, please. So, as I have mentioned  
19 previously, just like a map amendment, a PUD gains  
20 additional density over the maximum permitted by right in  
21 the current zone. So IZ-Plus would be a useful starting  
22 point for starting to understand and evaluating a comparable  
23 increase in density for a PUD and helpful in determining the  
24 amount of affordable housing that would otherwise be  
25 appropriate to compensate for the PUD's bonus density, for



1 instance, if this project were brought as a map amendment.  
2 In this case, the IZ-Plus set aside for the PUD's proposed  
3 density increase would work out to be a little over 12,000  
4 square feet or provide for roughly 12 to 13 units.

5 Now, as a reminder, this PUD does provide over six  
6 times as many affordable units as this figure or that  
7 otherwise required by IZ-Plus for a comparable density  
8 increase under a map amendment.

9 Next slide, please. So, as hinted at earlier,  
10 this PUD's IZ proffer is more than commensurate with the  
11 density increase. In fact, it far exceeds what this PUD is  
12 asking for. In other words, the gives outweigh the gets.  
13 So this graph demonstrates that the PUD gives a much greater  
14 amount of affordable housing or square footage devoted to  
15 that in proportion to the density requests. So the PUD  
16 density here would be just a little bit over double the  
17 project's by-right density in the RA-1 zone.

18 Now, compared to that, the housing proffer is  
19 about nine times the proffer that it would be required to  
20 set aside under a regular IZ project on the RA-1 zone.

21 Next slide, please. Now, we view these following  
22 as either mitigating or even counterbalancing the PUD's  
23 density requested, which, as we have noted, is even less  
24 than what it could ask for otherwise. First of all, the PUD  
25 does not propose to use all of the bonus density or height

1 available, using roughly one-third of the bonus density and  
2 standing at two-thirds the height of what it could be  
3 requesting. Second, the PUD will be shifting at least some  
4 of its added density compared that the PUD will be standing  
5 at 40 feet and not the maximum 60 feet it otherwise would be  
6 able to obtain in this zone to the southwestern portion of  
7 the site. And this would be away from existing buildings as  
8 well as onto an underutilized parking lot.

9           Next slide, please. So, to conclude, OAG  
10 recommends that the Zoning Commission approve the PUD on the  
11 basis of its truly significant affordable housing proffer,  
12 which stands to provide, you know, quite an exceptional  
13 benefit to achieving the city's affordable housing goals.

14           Next slide, please. Now, listed here is the land  
15 use sections and my own personal contact information. We do  
16 request the ability to respond in writing to additional  
17 questions that you, the commissioners, may have or that  
18 other witnesses or parties may have due to the technical  
19 nature of this case.

20           So thank you for your time.

21           CHAIRPERSON HOOD: Thank you, Ms. Wurst. We  
22 appreciate it. If we have anything that we need from you,  
23 we will ask for it.

24           MS. WURST: Yes. Thank you.

25           CHAIRPERSON HOOD: Rest assured.

1           Let me ask my colleagues this, do you all want to  
2 take a break? I need about a 10-minute break. Do you all  
3 want to take a 10-minute break right now? And we will come  
4 back.

5           Ms. Wurst, don't go anywhere. We may have some  
6 cross for you or some questions. Okay?

7           MS. WURST: That's fine.

8           CHAIRPERSON HOOD: So let's come back at -- what  
9 time is it? Let's come back -- I tell you what. Let's come  
10 back at 6:30. And forgive us you all. Two hours is a long  
11 time. So give us about 15. 6:30, let's come back. Thanks,  
12 everybody.

13           (A brief recess was taken.)

14           CHAIRPERSON HOOD: Okay. If everybody can come on  
15 back up, please? Okay. We have got a quorum. And I know  
16 who is there listening.

17           So let's see if we have any questions of Ms.  
18 Wurst. Commissioner Imamura?

19           COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
20 I'm going to yield my time to Vice Chair Miller.

21           CHAIRPERSON HOOD: Vice Chair Miller?

22           VICE CHAIR MILLER: I thank you, Mr. Chairman.  
23 Thank you, Commissioner Imamura. And thank you, Noelle  
24 Wurst, on behalf of the Office of Attorney General,  
25 appreciate all of your testimony, almost all of which I

1 agree with, I'm happy to say, this time, except for maybe  
2 slide 16 that said that IZ-Plus --

3 CHAIRPERSON HOOD: Why don't we just cut that out  
4 of any presentations? But, anyway, I can't tell anybody. I  
5 was thinking the same thing because it's not going to  
6 change.

7 VICE CHAIR MILLER: But you did you did change it  
8 from what's in the PowerPoint, which said, "The starting  
9 point." You said, "At a useful starting point" in your  
10 verbal testimony. And I can see that it could be a useful  
11 starting point for you. For us, I think IZ is the starting  
12 point, which makes the affordable housing proffer even  
13 stronger in this case. But you made a very strong case on  
14 all of the points, and I am very appreciative of that.  
15 Thank you.

16 MS. WURST: Thank you.

17 CHAIRPERSON HOOD: And, Commissioner Stidham, do  
18 you have any questions of Ms. Wurst?

19 COMMISSIONER STIDHAM: No, sir. Thank you for  
20 being here this evening.

21 CHAIRPERSON HOOD: I, too, want to thank you and I  
22 can tell Ms. Cain and Mr. Tondro. I want to thank them,  
23 too. But I want to thank you as well.

24 We don't have any questions. I don't have any.  
25 Let me see if the parties have any. Does the ANC?

1 Commissioner Yeats, do you have any questions? Commissioner  
2 Yeats?

3 MR. YEATS: No, I have no cross-examination at  
4 this time. Thank you.

5 CHAIRPERSON HOOD: Okay. And Ms. Jacobson?

6 MS. JACOBSON: No, I have no questions. Thank  
7 you.

8 CHAIRPERSON HOOD: Thank you.

9 And, Mr. Jones, any questions?

10 MR. JONES: Yes, just a couple. One of the  
11 mitigating PUD impacts, you stated that it shifts the  
12 additional density to the southwestern portion, away from  
13 all of the buildings. I think that sounds like a great PUD  
14 mitigating impact, but, as I see the proposal, it doesn't  
15 reflect that density, the added density. It adds a floor  
16 and a penthouse uniformly. And there's added density to the  
17 southwestern portion. So can you tell me why you described  
18 the PUD mitigating impact as shifting the added density to  
19 the southwestern portion when there's density added to the  
20 top uniformly?

21 MS. WURST: Yes. Just to clarify what I said in  
22 my testimony, you know, here, I'm emphasizing the fact that  
23 given that the PUD here is already committing to a height of  
24 40 feet, the density does not have the capacity to go up  
25 here. Legally speaking, it does, but in this particular

1 project, it won't go up. So it will go out. And that out  
2 is towards the underutilized parking lot. So in that sense,  
3 the density is being shifted towards the back portion, as  
4 opposed to upwards.

5 MR. JONES: Okay. Thank you.

6 MS. WURST: Yes. Thank you.

7 CHAIRPERSON HOOD: Mr. Jones, is that it?

8 MR. JONES: Well, I would I would like to ask,  
9 where did you get the verbiage to describe it that way?

10 MS. WURST: I believe that is a fairly common  
11 usage of shifting in this context. I understand that, in  
12 other cases, it may pertain to, you know, like I said  
13 earlier, taking some of that additional PUD density and  
14 pushing it upwards. This is a case in which I wish I had  
15 some building blocks to demonstrate the concept here, but,  
16 otherwise, it's one that's fairly used in zoning parlance.

17 MR. JONES: Okay. Thanks.

18 Yes, that's it for me. Thank you.

19 MS. WURST: Yes. Thank you.

20 CHAIRPERSON HOOD: Okay. Thank you, Ms. Wurst.  
21 We appreciate you coming and providing us your information  
22 and testimony. All right.

23 Ms. Schellin, do we -- let's go to do DDOT. Who  
24 do we have here? Do we have anyone from DDOT?

25 MS. SCHELLIN: We do. We have -- let me find

1    them. I believe Jonathan Rogers is here, but, also, let me  
2    find --

3               CHAIRPERSON HOOD: Mr. Pazmino.

4               MS. SCHELLIN: Someone new, yes. I have got to  
5    find his last name here.

6               CHAIRPERSON HOOD: Pazmino I think.

7               MS. SCHELLIN: Yes.

8               CHAIRPERSON HOOD: Yes. Mr. Pazmino, if you're  
9    up --

10              MS. SCHELLIN: Yep. There we go. Carlos.

11              CHAIRPERSON HOOD: Mr. Pazmino, is this your first  
12    time here? Mr. Rogers will introduce you.

13              MR. PAZMINO: Yes, it is indeed. Good afternoon,  
14    Chairman Hood, members of the Commission. How are you  
15    tonight?

16              CHAIRPERSON HOOD: You have got a smile on your  
17    face. But after I tell you what I think about traffic, you  
18    might not smile.

19              Mr. Rogers, did you want to introduce him?

20              MR. ROGERS: No. Hello. It's been a while since  
21    I have been before the Commission. I hope everyone is doing  
22    well. I wanted to introduce a newer case manager on my  
23    team, Carlos Pazmino, who focuses on Wards 3 and 4. And I  
24    will turn it over to him to provide some testimony. Thank  
25    you.

1           CHAIRPERSON HOOD: Great. Thank you.

2           Welcome, Mr. Pazmino. You may begin.

3           MR. PAZMINO: Thank you kindly. Well, good  
4 afternoon again, Chairman Hood, members of the Commission.  
5 For the record, I am Carlos Pazmino, development review case  
6 manager and Ward 4 transportation planner with the District  
7 Department of Transportation, or DDOT.

8           DDOT is supportive of the applicant's proposal to  
9 redevelop 7050 Eastern Avenue, Northwest. In our February  
10 12th, 2024, report. For instance, in Exhibit 24, we  
11 recommended approval, with three conditions, which, as you  
12 heard in the applicant's presentation, they have agreed to  
13 our requested -- to several request conditions. And with  
14 those included in the zoning order, DDOT has no objection to  
15 the approval of this consolidated PUD.

16           We do look forward to continuing to work with the  
17 applicant on the design of the streetscape as they go  
18 through public space permitting as well as continuing to  
19 explore the feasibility of further sidewalk widening and the  
20 easements associated with the sidewalk-widening areas.

21           Thank you. And I would be happy to answer any  
22 questions.

23           CHAIRPERSON HOOD: Well, thank you, Mr. Pazmino.  
24 We appreciate your report.

25           I will tell you -- and, Mr. Rogers, it is good



1 seeing you -- I always appreciate DDOT, especially when I'm  
2 sitting in traffic. But I will tell you that you will  
3 probably hear me say that quite a bit. I always say that.  
4 DDOT is an award-winning organization, government agency  
5 here in the District and well-respected. It's just that I  
6 have some problems sometimes when I'm sitting there in  
7 traffic and I'm thinking about you guys.

8 So I don't necessarily have any questions and,  
9 again, welcome you both. I mean, good to see you, Mr.  
10 Rogers, and welcome you.

11 Let me see if my colleagues have any questions.  
12 Commissioner Imamura?

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
14 No questions.

15 Mr. Pazmino, welcome. You did a great job  
16 tonight.

17 MR. PAZMINO: Thank you.

18 CHAIRPERSON HOOD: And Commissioner Stidham?

19 COMMISSIONER STIDHAM: No questions but welcome as  
20 well.

21 CHAIRPERSON HOOD: And Vice Chair Miller?

22 VICE CHAIR MILLER: The same. Thank you.

23 CHAIRPERSON HOOD: Mr. Pazmino, you got a lot of  
24 welcomes tonight. Now, don't think that this is the norm.  
25 All right.

1           Let's go to the parties. Let's go to the ANC  
2 commissioner. Do you see? I don't see him. There he is.  
3 Mr. Yeats, do you have any cross-exam of DDOT?

4           MR. YEATS: I actually do have a question since it  
5 came up earlier from Commissioner Stidham. When you  
6 consider the distance to the nearest bikeshare station and  
7 bike facility, do you know how far it is from this project  
8 to the nearest facility for people to utilize?

9           MR. PAZMINO: From the top of my head, no, but I  
10 would imagine it would be within less than 100 yards from  
11 the project. It's not really that far. And there are plans  
12 to include a new capital bikeshare station on the Takoma  
13 project by the Metro station.

14           MR. YEATS: Yes. The existent one is currently at  
15 the Takoma Metro station as well as a bike storage facility  
16 there as well. And they're both planning to be replaced and  
17 expanded as part of that project. It's literally next door.

18           MR. PAZMINO: Right.

19           MR. YEATS: Thank you. That's all I had. I  
20 appreciate it.

21           CHAIRPERSON HOOD: Thank you. Ms. Jacobson, do  
22 you have any cross?

23           MS. JACOBSON: I don't have any cross. Thank you.

24           CHAIRPERSON HOOD: Okay. And, Mr. Jones, do you  
25 have any cross for DDOT?

1           MR. JONES: Yes. I would like you to confirm  
2 using the term "literally," that it is "literally" not next  
3 door.

4           MR. ROGERS: I'm sorry. Can you can you clarify  
5 what you're referring to?

6           MR. JONES: Can you clarify that the Metro  
7 property with the bike facilities that were just brought up  
8 is literally not next door to the Elm Gardens property?

9           MR. ROGERS: That's correct. It is not  
10 immediately adjacent, but it is in close proximity.

11          MR. JONES: Thank you.

12          That's it for me. Thanks.

13          CHAIRPERSON HOOD: Okay. Thank you. Again, thank  
14 you, DDOT. Again, Mr. Rogers and Mr. Pazmino, thank you  
15 very much. All right.

16                Let's go to the Office of Planning. Oh, you know,  
17 what? Wait a minute. I have been missing the applicant.  
18 Ms. Brown, I am so sorry. I have missed you all the way  
19 through this process. So did you have any cross-examination  
20 of OAG? And I'm surprised nobody corrected me. Did you  
21 have any -- so seldom I make mistakes. No. I'm just  
22 playing. Ms. Brown, do you have --

23          MS. BROWN: Actually --

24          CHAIRPERSON HOOD: -- any cross of OAG?

25          MS. BROWN: You were right. You knew that I had

1 no questions, Chairman. So you were right to skip over me.  
2 I have no questions for any of the witnesses. So --

3 CHAIRPERSON HOOD: All right.

4 MS. BROWN: Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you. And I  
6 apologize. Okay.

7 Ms. Myers, you may begin. Thank you.

8 MS. MYERS: Good evening, Commissioners. The  
9 Office of Planning recommends approval of case 23-19 at 7050  
10 Eastern Avenue, Northwest.

11 The proposal is essentially the same as presented  
12 at set-down, but after set-down, the applicant agreed to  
13 provide a 30 percent IZ set-aside if the building becomes  
14 market rate after the control period ends for the DHCD  
15 funds. And OP worked with the applicant to revise the  
16 sustainability features' design flexibility language.

17 OP appreciates the PUD's plan to achieve  
18 Enterprise Communities Plus, but OP does not consider it a  
19 public benefit because it is a Department of Energy and  
20 Environment requirement. But, overall, OP finds the  
21 benefits of this PUD, particularly the new affordable  
22 housing and the retention of existing residents, are  
23 commendable and consistent with the PUD standards. On  
24 balance, this PUD would not be inconsistent with the  
25 comprehensive plan.

1           On the future land use map, the site is designated  
2   for moderate-density residential. And on the general policy  
3   map, it is within the neighborhood conservation area.

4           When evaluated through a racial equity lens, the  
5   proposal would also not be inconsistent with the  
6   comprehensive plan. The property is within the Rock Creek  
7   East planning area, which is an area where most of the  
8   residents are black or Hispanic. It would allow the  
9   existing residents, most of whom are black or Hispanic, to  
10   remain on the property and in the area. According to our  
11   most recent available census data, both groups of residents  
12   have a lower median income than the District median.

13           The proposed new affordable unit, which would be  
14   for households at or below 50 percent MFI, could help to  
15   retain and attract new black, Hispanic, or other residents  
16   to the area. The proposed PUD would help to alleviate some  
17   degree of inequity regarding housing costs and the number of  
18   families that are housing cost-burden.

19           And, with that, I will conclude the testimony.  
20   Thank you.

21           CHAIRPERSON HOOD: Thank you, Ms. Myers.

22           Let's see if we have any questions. Commissioner  
23   Stidham, do you have any questions of the Office of  
24   Planning?

25           COMMISSIONER STIDHAM: No, sir. Thank you, Ms.

1 Myers.

2 CHAIRPERSON HOOD: Okay. Vice Chair Miller, do  
3 you have any questions of Office of Planning?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman. No,  
5 I have no questions.

6 Thank you, Ms. Myers, for the Office of Planning  
7 comprehensive report, including the analysis of the project  
8 through a racial equity lens of the comprehensive plan.  
9 Thank you.

10 CHAIRPERSON HOOD: And thank you.

11 And Commissioner Imamura, do you have any  
12 questions of the Office of Planning?

13 COMMISSIONER IMAMURA: No, Mr. Chairman.

14 Thank you, Ms. Myers.

15 CHAIRPERSON HOOD: Ms. Myers, I do have a question  
16 for you. When you met with some of the folks in the  
17 community or Office of Planning, did you -- what was the  
18 major issue you heard from the community? Did you hear  
19 anything? Did you hear anything that resounded in this  
20 particular case that was overwhelmingly what you heard the  
21 most of? I'm just curious from the planning perspective,  
22 Office of Planning.

23 MS. MYERS: Well, with what was submitted to the  
24 record, the ANC was worked with, but the applicant, we did  
25 not have a meeting with the community members. I mean, no

1 one actually asked us. But we did read through the record,  
2 and I'm aware of the previous case. So we weren't aware  
3 that the height issue was a concern. But we feel that this  
4 PUD achieves a reasonable solution, a compromise in a sense.  
5 So we thought that what's being recommended kind of  
6 addresses some of those concerns. But I understand that the  
7 adjacent neighboring property is not in support. But we  
8 feel that this is a reasonable compromise.

9 CHAIRPERSON HOOD: Okay. Thank you, Ms. Myers,  
10 for that. All right.

11 Let me see if there's any cross from the  
12 applicant. That's who I supposed to go to first. Any  
13 cross?

14 MS. BROWN: (Shaking head.)

15 CHAIRPERSON HOOD: Okay.

16 MS. BROWN: No questions.

17 CHAIRPERSON HOOD: Thank you.

18 Wait a minute. Ms. Jacobson? No. The ANC. I'm  
19 sorry. I need to do a better list.

20 MR. YEATS: No questions, Chair Hood.

21 CHAIRPERSON HOOD: Okay. I'll be honest. Ms.  
22 Schellin usually does my list. I did it myself. That's why  
23 I am so confused.

24 Ms. Jacobson?

25 MS. JACOBSON: No questions. Thank you.

1 CHAIRPERSON HOOD: And Mr. Jones?

2 MR. JONES: No questions. Thanks.

3 CHAIRPERSON HOOD: All right. Thank you, all.

4 Thank the Office of Planning. And thank you all as well,  
5 all the parties and the applicant. All right. Thank you,  
6 Ms. Myers. Okay.

7 Ms. Schellin, who do we have to go to?

8 MS. SCHELLIN: The party in support?

9 CHAIRPERSON HOOD: Party in support?

10 MS. SCHELLIN: To the ANC. I'm sorry. We need --

11 CHAIRPERSON HOOD: ANC.

12 MS. SCHELLIN: -- the ANC first.

13 CHAIRPERSON HOOD: All right. Commissioner Yeats,  
14 you may begin. The floor is yours.

15 MR. YEATS: Thank you, Chair Hood. One moment  
16 here while I pull up my testimony.

17 Greetings, Commissioners. My name is Evan Yeats,  
18 and I'm the Advisory Neighborhood Commissioner for 4B-04 in  
19 Takoma and was commissioner for 4B-01 prior to  
20 redistricting.

21 This proposed project at 7050 Eastern Avenue,  
22 Northwest, or Elm Gardens, is and has been in my single-  
23 member district. This is my third term as Advisory  
24 Neighborhood Commission for this property. I'm also a  
25 neighbor. I live just a quarter mile away from this



1 proposal. I along with Commissioners Palmer and Brooks are  
2 authorized to testify on behalf of the Commission on this  
3 project.

4           Advisory Neighborhood Commission 4B supports this  
5 project. It is done by resolution three separate times,  
6 each time following public meetings with comment and notice  
7 to the legal standards required by D.C. law.

8           I want to be clear from the beginning this project  
9 is overwhelmingly supported by our community. The elected  
10 officials, who represent tens of thousands of residents in  
11 this neighborhood, have repeatedly expressed their support  
12 for this project and continue to do so. We have heard from  
13 constituents in both D.C. And Maryland in support of this  
14 project. We have heard from local groups, who ordinarily  
15 oppose development, like Plan Takoma and Historic Takoma, in  
16 support of this project. The Attorney General of D.C. And  
17 the Office of Planning both support this project. The  
18 Historic Preservation Review Board has repeatedly determined  
19 that this project is compatible with our community. The  
20 local business association has expressed support for the  
21 project. The only group that perceives some significant  
22 controversy about the public policy goals applicable here is  
23 this body. And its dispute is based in an unwritten good  
24 neighbor policy. This is no way to operate. To watch this  
25 body approve a significantly larger project with a

1 significantly less affordability, literally next door to  
2 this project, while throwing obstacles in the face of this  
3 project, which requires extremely modest variances, is  
4 emblematic of erratic and inconsistent decision-making.

5           We continue to support both of these projects, as  
6 consistent both with our commission goals and the  
7 comprehensive plan's goals of more affordable housing  
8 directly adjacent to the Takoma Metrorail station.

9           The benefits of this project to our community are  
10 substantial: better stormwater management and runoff  
11 control, including eliminating a large track of impervious  
12 pavement, better street conditions, and a welcoming  
13 pedestrian environment on an important transit access route,  
14 a modern building with amenities for community members, who  
15 don't have access to those living conditions today, all  
16 built literally adjacent to the Takoma Metro station.

17           I'm also the chair of Advisory Neighborhood  
18 Commission 4B's Vision Zero Committee, which focuses on safe  
19 ways to move around our community. This project through its  
20 siting and planning helps our community meet our separate  
21 Vision Zero and transportation goals, with easy access to  
22 bus, bikeshare, and train transportation, along with  
23 stronger pedestrian connectivity. This project offers our  
24 community the opportunity to avoid displacement, avoid the  
25 loss of naturally occurring affordable housing, and build

1 new affordable housing to serve our neighbors.

2           The consequences of the Zoning Commission's  
3 continued failure to move forward with this project are  
4 clear: the loss of desperately needed affordable housing, a  
5 rejection based not in law but in feelings, and the  
6 displacement of a majority-people-of-color low-income  
7 community.

8           We often discuss zoning cases in the abstract.  
9 What do an alphabet soup of acronyms and abbreviations mean?  
10 Where does the line on the map fall? Despite the temptation  
11 to view it otherwise, this decision is not an abstract one.  
12 The damage done by the Zoning Commission to this project  
13 will already be the legacy of this body: 30 lost affordable  
14 houses and a reduction in permanent supportive housing,  
15 which literally means people will be sleeping on the streets  
16 who could otherwise have shelter. The cost to a nonprofit  
17 developer imposed by a more complex process is money that  
18 could have been invested in more affordable housing in our  
19 communities. The cost to a largely low-income community of  
20 color, the tenants of Elm Gardens, is real in delaying their  
21 access to a modern and accessible building.

22           Rarely do we have the opportunity to say these  
23 decisions we make so concretely reflect our values. And I'm  
24 proud to have supported this project along with my fellow  
25 commissioners.

1           Our resolution, which you have in hand, reflects  
2 our commission's values to provide housing to those with  
3 need in our community. We have done the hard part. We  
4 faced reelection. We need this body, who isn't accountable  
5 to our community in the same way we are, to do its part.

6           I'm happy to answer any questions that you may  
7 have.

8           CHAIRPERSON HOOD: Thank you, Commissioner.

9           Let's see if we have any questions or comments.  
10 Commissioner Imamura?

11           COMMISSIONER IMAMURA: No questions. Thank you,  
12 Commissioner Yeats, for your work in the community and for  
13 your participation tonight on behalf of the constituents  
14 that you represent.

15           CHAIRPERSON HOOD: Commissioner Stidham, any  
16 questions?

17           COMMISSIONER STIDHAM: No questions. Thank you  
18 for your work, though.

19           CHAIRPERSON HOOD: And, Vice Chair Miller, any  
20 questions?

21           VICE CHAIR MILLER: No questions. Thank you,  
22 Commissioner Yeats, for your testimony and all of your work  
23 on this case and all of the issues in your neighborhood.  
24 Appreciate it.

25           CHAIRPERSON HOOD: I, too, want to thank you,

1 Commissioner Yeats. Now I hear you about the good neighbor  
2 policy. That's something I started years ago because, while  
3 you may be on the giving end now and I realize what's going  
4 on, it's a little different when you're on the receiving  
5 end. I know people that's been on both sides of it. That's  
6 why we have to balance it. That's one thing I have always  
7 said about zoning in this city. Try to strike a balance  
8 because while it might not affect you today, something will  
9 happen in this city that will be built that will affect you  
10 that you may not like. So when you're in this position,  
11 this happens.

12               And I'm sure as ANC commissioners, you all have to  
13 make the tough decisions.

14               And I probably won't remember this case because I  
15 have heard over maybe two or three thousand of them, but I  
16 appreciate your comments. And that's just part of the  
17 process.

18               So keep up the good work that you all do. You all  
19 supported the first case, I admit. And you are the front-  
20 line elected officials, and I have big respect for the ANC  
21 commissioners.

22               But we also have a job to do, too. And we are  
23 accountable. We are accountable to the city. We are not  
24 elected. I have been in those positions. I have been  
25 there, done that.

1           But, anyway, thank you. Let's see if we have any  
2 questions for you.

3           Ms. Brown I don't want to bypass you. Do you have  
4 any questions of Commissioner Yeats.

5           MS. BROWN: No, sir, no questions of Mr. Yeats.  
6 Thank you.

7           CHAIRPERSON HOOD: Okay. And, Ms. Jacobson, do  
8 you have any questions of Commissioner Yeats?

9           MS. JACOBSON: I have no questions. Thank you  
10 very much.

11          CHAIRPERSON HOOD: And, Mr. Jones, do you have any  
12 questions of Commissioner Yeats?

13          MR. JONES: No questions. Thank you.

14          CHAIRPERSON HOOD: Okay. Thank you, Commissioner  
15 Yeats, and tell your commissioner we thank him. And keep up  
16 the good work. All right.

17          Ms. Schellin, who do we have next, the party in  
18 support?

19          MS. SCHELLIN: Yes, sir. And they have a max of  
20 15 minutes since the applicant took 45.

21          CHAIRPERSON HOOD: Okay. Ms. Jacobson, are you  
22 ready?

23          MS. JACOBSON: I am ready. We were prepared for  
24 30, but we will make it 15.

25          We do have two other witnesses that are -- sorry;

1 I will start my video also -- two other witnesses. They're  
2 in the same place. If we can I can request Ms. Katja Schulz  
3 to be added to the panel?

4 And we also have a PowerPoint presentation. I  
5 believe it was Exhibit 100.

6 MS. SCHELLIN: Did you email that to Mr. --

7 UNIDENTIFIED SPEAKER: Tammy?

8 MS. JACOBSON: We did. We emailed it to Mr.  
9 Young.

10 MS. SCHELLIN: Okay.

11 VICE CHAIR MILLER: I just wanted --

12 MS. SCHELLIN: What's the name of the second  
13 witness?

14 MS. JACOBSON: Yes, Katja Schulz and Neil  
15 Satterlund. They are both in the same place. So they are  
16 now on the panel. Thank you very much.

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: Vice Chair Miller -- one  
19 second. Vice Chair Miller, you were saying something?

20 VICE CHAIR MILLER: Yes. Sorry. I just had a  
21 clarifying question regarding the time that Ms. Jacobson  
22 has. I thought Ms. Schellin said that she had 50, 5-0,  
23 minutes, up to --

24 MS. SCHELLIN: Fifteen. Fifteen.

25 VICE CHAIR MILLER: Fifteen. Okay.

1 MS. SCHELLIN: One, five.

2 VICE CHAIR MILLER: Okay. I just wanted to  
3 clarify what it -- okay. Thank you.

4 MS. SCHELLIN: All right.

5 MS. JACOBSON: I will make mine quick. I  
6 apologize if I speak very fast.

7 While they're getting the slide deck up, I just  
8 want to say thank you, Commission, for letting us present  
9 our case today. We would like to -- there it is.  
10 Excellent. We would like -- we represent the tenants  
11 association. We would like to state our support for this  
12 case.

13 Can I have the next slide and then the slide after  
14 that, please? While this case is about a building, it is,  
15 of course, about the people who live here. And this is us  
16 in chart form. Elm Gardens is -- the households are 39  
17 percent African American, 39 percent Hispanic, 19 percent  
18 white, and 3 percent Asian. We are a low- to moderate-  
19 income community. You can see 44 percent below 60 percent  
20 of area mediate income.

21 We are a mix of short-term and long-term tenants.  
22 Our longest-term tenants have been here since the 1970s.  
23 And we have actually got, you can see, 16 families of over 3  
24 years. And another six joined us just before the sale. So  
25 we have got 22 families or households that are seeing us



1 through this entire process and are sticking with it the  
2 entire time.

3           Next slide, please. This is the building that all  
4 those people live in. It was built in 1966, with all the  
5 things, good and bad, that go along with that. Good, we are  
6 under rent control. It's some naturally occurring  
7 affordable housing, which we are all very, very grateful  
8 for.

9           There are bad things that go along with that as  
10 well. You can see the facade is unattractive and a little  
11 dingy as it faces the sidewalk. The building was  
12 constructed with copious amounts of asbestos, making any  
13 sort of renovation very difficult and expensive.

14           The last major renovation was in 1998, when it was  
15 bought by Montgomery Oaks Management. They did some  
16 renovations at that time, but they also left some undone.  
17 For example, you can see that the units we are looking at in  
18 this picture, those -- the second and third floors used to  
19 have balconies. And they were just removed, instead of  
20 replaced or repaired.

21           There are quite a lot of safety issues. It's not  
22 ADA-accessible. There are no elevators, anything like that.  
23 We don't have sprinkler systems, which means that any of our  
24 disabled tenants, of which we have quite a few, are somewhat  
25 out of luck when it comes to a fire in a quite horrific way.

1 The driveway is narrow and offers no place for pedestrians  
2 to get out of the way of delivery vehicles. We have some  
3 young children in the building as well, and it's not ideal  
4 for them. We do not want it to be a danger to any of the  
5 residents living there.

6 What else can I skip in my apartment? All right.  
7 So that is where we are starting from. Let's talk about how  
8 we got here and the timeline.

9 Can I have the next slide, please? Thank you. As  
10 you can see, the last few years have been very, very hectic  
11 and stressful for all of us in the building. In 2021,  
12 Montgomery Oaks Management decided it was going to sell the  
13 building. They lined up a buyer: District Growth. They  
14 got the tenants together for a meeting.

15 Also at that meeting was Housing Counseling  
16 Services, a nonprofit in the District devoted to tenants'  
17 rights. They informed us of the ability to form a tenants'  
18 association and exercise our TOPA rights. So we did that in  
19 early 2022.

20 We pursued for a while the option of either going  
21 co-op or fielding a request for proposals. Co-op turned out  
22 to be not really viable. We voted against that eventually.  
23 That had been tried in 1998 at that sale and was financially  
24 not viable at that time. The building has only aged since  
25 then. And it was considered that we probably would not be

1 financially viable this time either.

2           We did put out an RFP. We only got two responses  
3 to that. One was the original buyer of District Growth. As  
4 we looked into them, they seemed shadier and shadier.  
5 Before we exercised our TOPA rights, they said, oh, we will  
6 take care of you, we will keep your rents low, we are  
7 dedicated to the people in this building.

8           After we exercised our TOPA rights and had a  
9 little bit of leverage, they admitted that their plan was to  
10 get us to vacate the building as soon as they bought it.  
11 They did not state how they would do that, but they wanted  
12 to tear it down and build luxury condominiums. They --  
13 sorry. Let me refer to my notes for a second. They would  
14 only commit to keeping the rent low for four households and  
15 that if everybody else left by October of 2022, they offered  
16 \$20,000 buyouts in a lump sum that the TA would have to  
17 apportion, which to me seemed like a transparent ploy to get  
18 the residents infighting with each other. They were not a  
19 good option, and we knew that at the time.

20           The other developer who expressed interest was  
21 NHP, and the difference could not be greater. They were a  
22 not-for-profit developer dedicated to affordable housing  
23 specifically. Their plan, they were up front with the fact  
24 that they wanted to redevelop the building so as to increase  
25 the number of units so the building could become financially

1 sustainable and that those extra units would not just be  
2 remain affordable for the people who all would have the  
3 right to return but for anyone else who moved into the  
4 building. It seemed, then and now, like an amazing offer.  
5 They were also offering other things like, as you heard  
6 earlier, all of the amenities of the new building, the fact  
7 that when we are relocated during construction, we have a  
8 say as to where we go. We have our rents effectively frozen  
9 until we move into the new building. It was a phenomenal  
10 offer. And we are all very, very much in favor of it.

11           We did research into NHP as well. Neil may speak  
12 on that a little bit later, but the upshot is when we took  
13 our final vote in June, we voted 85 percent to assign our  
14 TOPA rights to NHP, to be completely on board with their  
15 plan. It had been a very, very stressful time. We were  
16 very uncertain of our housing future. And this was the  
17 first glimmer that we had that we could take control in a  
18 way that was meaningful, not just to us as residents but  
19 also to the community around us.

20           NHP has also since they took over the building in  
21 October poured quite a lot of money into a building that  
22 they have announced an intention to knock down. They have  
23 improved security. They are ongoing pest control. They are  
24 doing mold and moisture remediation, which also means  
25 asbestos remediation. They are really, really dedicated to

1 taking care of the tenants who live in this building.

2 Can I have the next slide, please? Thank you.

3 You have heard a lot about this building. So I'm not going  
4 to rehash. But the building comes with a lot of amenities.  
5 You have heard about the affordable housing, the permanent  
6 supportive housing. Some amenities that didn't get  
7 mentioned, I'm particularly excited about the in-unit washer  
8 and dryer. But elevator sprinkler systems, dedicated  
9 driveway for deliveries, all of those will be in the new  
10 building.

11 Can I have the next slide, please? To talk about  
12 the positive impacts on the neighborhood around us, I am  
13 going to throw over to Katja.

14 Thank you.

15 MS. SCHULZ: Thanks, Deborah.

16 This is Katja Schulz, for the record, the  
17 secretary of the Elm Gardens Tenants' Association.

18 And since our time has been cut in half, let's go  
19 straight to slide number 11, please. Thank you very much.  
20 So I just want to confirm that we, the residents of Elm  
21 Gardens, support the vision of a new 80-unit Elm Gardens.  
22 We are all prepared to move to temporary housing during  
23 construction. And we look forward to sharing our new home  
24 with 44 new neighbors.

25 We feel extremely lucky to have found NHP as a

1 TOPA partner. They are a not-for-profit developer with a  
2 good reputation. And they are committed to the long-term  
3 preservation of good-quality affordable housing. We think  
4 that the new Elm Gardens has many benefits. It will not  
5 only keep us safely housed, but it will provide affordable  
6 housing to others. And it will help improve the  
7 neighborhood. Unfortunately, we can't talk to that because  
8 we don't have the time.

9 Can we go to the next slide, please? Elm Gardens  
10 is a wonderful place to live where we all feel incredibly  
11 lucky that we have landed here. But we were spooked when  
12 the last map amendment was not approved, and now we are back  
13 to worrying. Will we be able to stay here? Will Elm  
14 Gardens continue to be a refuge for low- and middle-income  
15 families in a rapidly developing Takoma? Will it remain a  
16 good place to live? And how long do we do we have until we  
17 know that we can count on Elm Gardens as our long-term or  
18 forever home?

19 Next slide, please. We understand that it is  
20 difficult to evict tenants from rent-controlled buildings in  
21 D.C., but eviction is not the only form of displacement.  
22 There are other ways in which developers can get rid of  
23 tenants with rent-control privileges in order to get a  
24 return on their investment.

25 Please don't dismiss our fears. They are very

1 real for us. And nothing that was said at the last hearing  
2 for Elm Gardens has given us any comfort. As a community,  
3 we feel particularly vulnerable because the days of  
4 naturally occurring affordable housing are clearly numbered  
5 in Takoma. Our neighborhood is booming, and there are  
6 luxury apartments and condos going up all around us. Also,  
7 we are just a really small community. And if something bad  
8 happens to us, our story is never going to end up on the  
9 front page of the Washington Post. We are probably going to  
10 be sent to go out into the night silently one by one.

11 And, also, our building is old. And keeping it in  
12 a livable condition requires an exceptionally diligent  
13 landlord. And NHP has been throughout the last year this  
14 exceptionally diligent landlord, but if we were thrown to  
15 the wolves and have a for-profit developer take over the  
16 building, things would deteriorate here very quickly.

17 And, to talk a little bit more about our fears and  
18 our situation, I'm going to throw things to Neil Satterlund,  
19 who has helped us with our TOPA process.

20 MR. SATTERLUND: Evening. My name is Neil  
21 Satterlund. I represented the tenants' association during  
22 the TOPA process as part of the D.C. Tenants' Rights Center.

23 We did a broad search for people to work with or  
24 to give the TA money to buy the building. And everybody  
25 that I spoke with said that there was no way this building

1 could be financially viable long term without increasing  
2 revenue. The only options are to clear out the building in  
3 order to substantially increase rent per unit,  
4 notwithstanding it's rent-controlled, or to add more units.

5           We got an offer from NHP, which is along the lines  
6 of the PUD that is at issue today. I vetted NHP, spoke with  
7 the leadership of two other TAs that had assigned their TOPA  
8 rights to NHP. I got glowing reviews, close to the nicest I  
9 have ever heard anybody talk about their landlord.

10           The only competing offer was from a developer who  
11 wanted to make, I am sorry to say, a more typical TOPA deal  
12 for a rent-controlled building in a transforming  
13 neighborhood. They wanted to buy out almost all of the  
14 tenants, cutting them in for a trivial share of the profit  
15 that you can make if you consume affordable housing, and  
16 turn it into more of the District's stock of investment-  
17 grade real estate assets.

18           And the TA overwhelmingly rejected that approach  
19 in favor of doing the deal with NHP. They turned down five-  
20 figure paydays per unit in favor of this project that NHP  
21 was proposing, which belongs on the poster for creative  
22 deals using TOPA to preserve affordable housing. The  
23 tenants were excited by NHP's promise that under their  
24 proposal, the amount of affordable housing in the District  
25 would not just be stabilized at the building as it was but



1 would actually increase, more than double. They tell me  
2 they were sorry to learn that because of zoning constraints,  
3 the proposed 110 units got cut back to 80, but that is still  
4 44 new units of affordable housing, along with a guarantee  
5 that the 36 units that existed at the time will remain  
6 stably sustainably affordable for the long term.

7           Next slide, please. And I forgot to say that  
8 before. So I will say it again.

9           Next slide, please. So if this plan is rejected,  
10 if NHP is not able to redevelop the building, the tenants of  
11 Elm Gardens are still theoretically protected by rent  
12 control. So once NHP can no longer afford to run this  
13 building under rent control at a loss, the tenants will get  
14 another shot at using TOPA to pick a new rent-controlled  
15 landlord. This is a false hope. TOPA only kicks in if NHP  
16 sells the building.

17           There are lots of things that are not a sale as  
18 far as TOPA is concerned. Foreclosure, bankruptcy sales  
19 pursuant to a court-approved settlement don't count as sales  
20 and give the TA no rights and no control. Even if the TA  
21 does get TOPA rights, the only way those rights are useful  
22 is if somebody wants to come and use them. And the only way  
23 the existing building can be long-term affordable housing is  
24 if someone can afford to operate the building with the same  
25 rental income from the same number of units. That was

1 looking unlikely in early 2022, when we started looking.  
2 That was at least 2 percent ago in terms of the rate that  
3 you have to pay when you borrow money to buy a building.

4           Next slide, please. Since I helped Elm Gardens  
5 work out this deal with NHP, I have represented the TAs of  
6 four other buildings of naturally occurring affordable  
7 housing in the District. One developer convinced most of  
8 the units to accept buyouts, a deal similar to the District  
9 Growth proposal that the TA here rejected. He promised the  
10 remaining minority that he would redevelop the building and  
11 keep it as long-term affordable housing, but he went broke  
12 trying to do it. The building was taken over by somebody  
13 who did not want to spend money on the redevelopment. And  
14 the tenants there have been dealing with alarmingly  
15 substandard conditions ever since.

16           Two of the TAs were not able to find anybody who  
17 thought it was worth trying to buy and run rent-controlled  
18 housing in the District. They couldn't get the math to work  
19 out to buy it themselves and run it as a co-op without,  
20 again, hugely increasing the amount that it would cost to  
21 live there per month. And so those both failed to use TOPA  
22 in any way. They are both still owned by landlords who are  
23 trying to spend no money maintaining the housing so they can  
24 squeeze out the tenants while trying to think of other ways  
25 to convince everybody to leave to make money out of the

1 building in a way that doesn't look possible right now.

2 One TA just got two offers that were all --

3 MS. SCHELLIN: Time.

4 MR. SATTERLUND: -- buyout. So that building is  
5 going to be knocked down and turned into luxury condos.

6 Next slide, please. Under some circumstances, the  
7 mayor can step in and take over the job of making housing  
8 affordable. This law is old enough to drive a car, and it  
9 has never been used.

10 Next slide, please. Of course, the tenants are  
11 still protected by rent control, but there are lots of ways  
12 to make that -- to get around that, to get through that.  
13 The landlord could file a hardship petition. They could  
14 substantially rehabilitate the building and kick everybody  
15 out for an indefinite amount of time and then give everybody  
16 who hasn't put down roots somewhere else during the months  
17 or years of displacement the right to return at, I believe,  
18 up to 125 percent of the former rent or they could just hold  
19 on to the building, make no improvements they are not court  
20 ordered to do, and count on the fact that a lot of the  
21 tenants dealing with conditions like that give up and move  
22 out.

23 Marbury Plaza is protected by rent control. To  
24 oversimplify the whole saga of that building, the owner has  
25 fixed nothing. It got bad enough the Attorney General sued

1 on behalf of the tenants. The court ordered a rent  
2 abatement. The owner immediately went bankrupt. And now  
3 the landlord is a trustee who is trying to spend as little  
4 money as possible servicing the building's existing debts  
5 and making whatever repairs they can. The tenants who  
6 haven't already been driven out are eyeing the exits.

7           Next slide, please. We believe NHP when they say  
8 the only way to sustain this building as affordable housing  
9 long term is to significantly add to the number of units.  
10 In the long term, none of the TA's rights or protections  
11 will work if nobody can afford to run the building. The  
12 only ways a landlord can make more money are to build more  
13 housing or to charge more for the existing stock of housing.  
14 If the Commission takes the former off the table by  
15 rejecting this application, the only outcome I can foresee  
16 is the latter.

17           Thank you.

18           MS. SCHULZ: We could stop here.

19           CHAIRPERSON HOOD: Okay. Thank you for your  
20 presentation, testimony and presentation, in support.

21           Let's see what others may have. Any questions or  
22 comments, Commissioner Imamura?

23           COMMISSIONER IMAMURA: No questions or comments  
24 other than to just say thank you for participating in the  
25 public process and for your passion for this particular

1 case.

2 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

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

4 And thank you, Ms. Jacobson and Ms. Schultz and  
5 Mr. Satterlund, for Elm Gardens Tenants' Association, all  
6 the work on this case, on your building, to try to preserve  
7 the affordable housing that you have, your patience in going  
8 through our process, these multiple processes, and, you  
9 know, working with us and the community and your neighbors  
10 in trying to mitigate any potential adverse impacts, really  
11 appreciate your stick-to-itiveness with your overarching  
12 goal to preserve the affordable housing that you have and  
13 create new affordable housing in this diverse, amenity-rich  
14 neighborhood, which we would like to see maintain its  
15 diversity. So just thank you for all of your work and  
16 patience.

17 Thank you, Mr. Chairman.

18 CHAIRPERSON HOOD: Okay. Commissioner Stidham, do  
19 you have any questions?

20 COMMISSIONER STIDHAM: No questions, but thank you  
21 for all of your work and participation.

22 CHAIRPERSON HOOD: I, too, want to thank the party  
23 in support, Elm Gardens, for all the work that you all have  
24 done and will continue to do so. Thank you.

25 Let's see if we have others that may have cross.

1 Does the applicant? Ms. Brown, do you have any cross?

2 MS. BROWN: No cross.

3 CHAIRPERSON HOOD: Okay. Commissioner Yeats, do  
4 you have any cross?

5 MR. YEATS: Not at this time, Chair Hood.

6 CHAIRPERSON HOOD: Okay. And, Mr. Jones, do you  
7 have any cross?

8 MR. JONES: No. Thank you.

9 CHAIRPERSON HOOD: All right. Thank you all  
10 again. Elm Gardens party, we appreciate all your testimony.  
11 All right.

12 Ms. Schellin, can we have persons who are here in  
13 support?

14 MS. SCHELLIN: Yes, sir. Let me move on to the  
15 list. How many names do you want to call at a time?

16 CHAIRPERSON HOOD: Let's do four tonight, four at  
17 a time.

18 MS. SCHELLIN: Four?

19 CHAIRPERSON HOOD: Yes.

20 MS. SCHELLIN: Okay. Alex Baca, Cheryl Cort.  
21 Let's see. That was part of the team. My list has locked  
22 up, and I have to go back on it.

23 Mr. Young, did you get those?

24 CHAIRPERSON HOOD: Yes. They are -- do you want  
25 me to go ahead with the two that we have: Ms. Baca and Ms.

1 Cort? And, then, we can call up --

2 MS. SCHELLIN: I got it. It's back up. Then we  
3 go to -- let's see. Katja was part of that group. How  
4 about? Let's see Neil Satterlund was part of that group.  
5 Ms. Jacobson. Laura DiSciullo. I'm sure I did not  
6 pronounce that correctly. She was part of the Elm Gardens  
7 Tenants' Association. So I don't know if she's going to  
8 testify. She did not come up during their presentation, I  
9 don't think.

10 MS. DISCIULLO: Hi. This is Laura DiSciullo.  
11 Good afternoon, Commissioners. I am here. You did say my  
12 name correctly. And I am here to testify as a member of the  
13 Elm Gardens Tenants' Association.

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: Okay. So that's --

16 CHAIRPERSON HOOD: We'll get to you momentarily.  
17 Okay. That's -- do we have four? I only see three.

18 MS. SCHELLIN: Okay. So, Mr. Young, one of the  
19 names I called was not -- so one of the names I called. So  
20 we have Alex Baca, Cheryl Cort, and --

21 CHAIRPERSON HOOD: If you're not speaking other --  
22 if you're not speaking, I would ask that you would mute your  
23 line --

24 MS. SCHELLIN: Okay. And --

25 CHAIRPERSON HOOD: -- just in case you take

1     some --

2                   MS. SCHELLIN:   And then Laura DiSciullo.   Okay.  
3     How about Kelly Hunt?   She's from Ms. Lewis George's office.  
4     Is she on?

5                   MR. YOUNG:   Yes.   I just brought her in.   That's  
6     four.

7                   MS. SCHELLIN:   Okay.   So that's four.

8                   CHAIRPERSON HOOD:   Okay.   Good.   We've got them.

9                   MS. SCHELLIN:   Thank you.

10                  CHAIRPERSON HOOD:   All right.   Thank you.   Okay.  
11                  First let's go to Ms. Baca, and then we will go to  
12     Ms. Cort, in that order so far.   Ms. Baca, you may begin.

13                  MS. BACA:   Hello.   Good evening.   My name is Alex  
14     Baca, and I'm testifying on behalf of Greater Greater  
15     Washington, where I serve as D.C. policy director.

16                  I went into greater detail in my written comments.  
17     So I will just keep it short.   We are super supportive of  
18     this project.   We think it is disappointing that the map  
19     amendment wasn't approved, but this is a great second chance  
20     to do right by the tenants of Elm Gardens.   And I look  
21     forward to the Commission supporting it.

22                  Thank you.

23                  CHAIRPERSON HOOD:   Thank you, Ms. Baca.

24                  Ms. Cort?

25                  MS. CORT:   Thank you, Chairman Hood and members of



1 the Commission. My name is Cheryl Cort. I'm with the  
2 nonprofit called the Coalition for Smarter Growth,  
3 advocating for walkable, bikeable, inclusive transit-  
4 oriented communities as the most sustainable and equitable  
5 way for the Washington, D.C. region to grow and provide  
6 opportunities for all. We are here to express our strong  
7 support for this proposal.

8           You know, we -- actually, when we worked on the  
9 update to the comprehensive plan in 2021 and a little bit  
10 earlier, in terms of prioritizing Planned Unit Developments,  
11 acute need for affordable housing and prevention of  
12 displacement were really the top issues as part of that, as  
13 part of the discussion and PUDs in the comp plan update in  
14 the framework element and also using a racial equity lens to  
15 examine our planning and zoning decisions. And I think that  
16 this proposal hits all of those points really strongly.

17           Really, it's kind of a model for what I think the  
18 comp plan update had in mind in terms of addressing the  
19 displacement of low-income and black and Hispanic residents,  
20 especially at a Metro station. And so that, sort of first  
21 and foremost, is why we are so enthusiastic about supporting  
22 this, is to protect and help these existing residents to  
23 keep their homes, to improve their homes, and even to have  
24 the opportunity to age in place with a building that has  
25 elevators where there are none today. And so, really, it's

1 a great opportunity to create secure long-term affordable,  
2 deeply affordable, housing close to a Metro station, helping  
3 people age in place, bringing a front door to this building  
4 to enhance the sidewalk environment and access to transit.

5 What could make this better? Thirty more units of  
6 affordable housing would make it better. But that's the  
7 compromise that we are looking at today.

8 And so I just -- we plead with the Zoning  
9 Commission not to shrink this project and make it infeasible  
10 when it is fulfilling so many important goals of the  
11 comprehensive plan and the viability and security of the  
12 residents of Elm Gardens.

13 So, with that, I will just refer to -- I would  
14 just ask you to read my written testimony, where I go into a  
15 bit more in detail.

16 Thank you so much.

17 CHAIRPERSON HOOD: Okay. Thank you, Ms. Cort.

18 Ms. DiSciullo? I may have mispronounced it, too,  
19 like Ms. Schellin. I followed Ms. Schellin's lead. So if  
20 you can -- you may begin. And help us to pronounce your  
21 name correctly or at least me.

22 I think we saw her earlier. Is she still up, Ms.  
23 Schellin? There she go.

24 MS. DISCIULLO: Hi.

25 MS. SCHELLIN: She's up. She needs to unmute.

1 MS. DISCIULLO: I was. I had muted myself at the  
2 instructions since I wasn't talking. And I thought --

3 CHAIRPERSON HOOD: Okay. I got you. All right.

4 MS. DISCIULLO: But you can all hear me now?

5 CHAIRPERSON HOOD: Yes, we can.

6 MS. DISCIULLO: Okay.

7 CHAIRPERSON HOOD: Thank you.

8 MS. DISCIULLO: Great. Sorry about that.

9 Good evening. My name is Laura DiSciullo. I am a  
10 resident of Elm Gardens coming up on my 16th anniversary of  
11 when I moved in here.

12 I have submitted written testimony as well, but I  
13 will just give a briefer version. I spoke in my written  
14 testimony about how rooted I feel in the area, and it's not  
15 just being rooted in the DMV, as we call it, or in D.C.  
16 But, really, in the Takoma neighborhood.

17 I think that the Takoma neighborhood, you know,  
18 straddling that border between Maryland and D.C., it's a  
19 very special place. It's a vibrant, diverse place that I  
20 dearly love. And I feel so lucky to live in a place with  
21 reasonable rent so close to public transit, but, as others  
22 have said, it's an aging building. It's not environmentally  
23 sustainable. It's not financially sustainable. It's not  
24 ADA-accessible. The new proposed building will be a  
25 beautiful new building that will address all of those issues

1 and will provide affordable housing for even more people.

2 And I will pass it on to the next person. Thank  
3 you for letting me speak tonight.

4 CHAIRPERSON HOOD: Well, thank you very much.

5 Let's go to Ms. Hunt.

6 MS. HUNT: Good evening, everyone. My name is  
7 Kelly Hunt, and I am the chief of staff to councilmember  
8 Janeese Lewis George, the Ward 4 councilmember.

9 She wanted very much to be here tonight to express  
10 her very strong support of this project. Unfortunately, a  
11 family situation called her out of the District. So she  
12 asked me to appear on her behalf and read her letter of  
13 support. So I'm going to call that up now.

14 It reads, "Dear Commissioner Hood and members of  
15 the Zoning Commission: In accordance with the 2021  
16 comprehensive plan land use elements policy recommendation  
17 to develop affordable and deeply affordable housing at and  
18 around Metro stations, I encourage you to advance NHP  
19 Foundation's request for an amendment to the zoning map for  
20 7050 Eastern Avenue, Northwest.

21 "While council offices do not have formal roles in  
22 the zoning process, I support the position of ANC 4B, which  
23 has conducted community engagement on this matter and  
24 unanimously passed resolutions in support of zoning map  
25 adjustments needed to proceed in a timely manner with the

1 development of this affordable housing project. Their  
2 position is deserving of great weight in your deliberations.

3 "This project is notable in its commitment to  
4 protect existing tenants' rights to return following  
5 building renovations and the range of qualifying income  
6 levels of residents who will be served. I am specifically  
7 excited to see that the property will replace the existing  
8 36 units and add another 44 units, all of which will be set  
9 aside for households earning between 30 and 80 percent of  
10 the median family income. Most notably, it will include  
11 eight permanent supportive housing units for those formerly  
12 without homes and offers counseling and guidance to these  
13 residents to ensure the success in the new community.

14 "The affordable housing dramatically exceeds the  
15 10 percent IZ requirement under the existing RA-1 zoning and  
16 the proposed RA-2 zoning. It is fully consistent with  
17 housing policies of the comprehensive plan that promote the  
18 production of affordable housing for households earning less  
19 than 80 percent of MFI and the need to protect vulnerable  
20 residents from displacement through the use of the TOPA law.  
21 And NHP has developed an incredibly robust relocation plan  
22 for the existing Elm Gardens tenants that guarantees the  
23 right of return, which is a model for all other affordable  
24 housing developments.

25 "It should be noted that the project exceeds the

1 DOEE energy and sustainable design regulation and meets the  
2 Energy Green Communities Plus standards. It also features  
3 an exceptional design that respects the surrounding  
4 apartments of Eastern Avenue and complements the character  
5 of the Takoma Historic District.

6 "Together, all of these public benefits can only  
7 be provided through the PUD process with related rezoning to  
8 the RA-2 district, which is specifically identified as a  
9 consistent zone district for the site's moderate-density  
10 residential category for the future land use map. I believe  
11 the modest increase in density through the PUD process is  
12 critical to providing as much affordable housing at this  
13 site as possible while still accommodating the concerns of  
14 adjacent neighbors.

15 "I wholeheartedly support the Planned Unit  
16 Development and related map amendment and urge the  
17 Commission to act favorably on the application at the  
18 earliest opportunity.

19 "In partnership, Janeese Lewis George, Ward 4  
20 Councilmember."

21 CHAIRPERSON HOOD: Thank you, Ms. Hunt.

22 Let's see if we have any questions of this panel.  
23 Commissioner Imamura?

24 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.  
25 No questions.

1           Ms. Baca, Ms. Cort, we have seen you quite a lot  
2 lately. And thank you for being a voice and in the  
3 community.

4           Ms. DiSciullo, your description of how you feel  
5 connected to your neighborhood resonates with me. I have  
6 only felt that one time in my life. So I know how special  
7 the neighborhood is to you. So thank you for coming before  
8 us tonight and sharing that with us.

9           And, of course, Ms. Hunt, thank you as well  
10 tonight for coming before us.

11           That's all that I have, Mr. Chairman.

12           CHAIRPERSON HOOD: Thank you. Commissioner  
13 Stidham, any questions of this panel?

14           COMMISSIONER STIDHAM: No, no questions, but thank  
15 you to all of the panelists for being here this evening and  
16 helping us understand where you're coming from on your  
17 position. Thank you.

18           CHAIRPERSON HOOD: And, Vice Chair, any questions?

19           VICE CHAIR MILLER: Thank you, Mr. Chairman. No  
20 questions. Just thank each of you for your testimony here  
21 tonight and for all of your work, particularly Ms. Cort and  
22 Ms. Baca and Ms. Hunt on behalf of the councilmember, to  
23 strengthen the affordable housing policies in the  
24 comprehensive plan, including land use and housing policies.  
25 So thank you very much.

1           CHAIRPERSON HOOD: I, too, want to add my thanks  
2 to everyone on this panel with my colleagues, Ms. Baca, Ms.  
3 Cort, Ms. DiSciullo. Hopefully I didn't mess your name up  
4 -- and Ms. Hunt, the chief of staff for our Councilmember  
5 Lewis George. And I want to thank you all for taking the  
6 time to come down and provide your insight to us.

7           And I also especially want to thank Councilmember  
8 Lewis George because I feel like, even while she represents  
9 Ward 4, some of her issues are helping us all citywide. And  
10 I'm also going to -- we are going to revisit talking social  
11 housing with her as well. So I want to -- if you could pass  
12 that on to her? Again, I will continue to have  
13 conversations with her along with our staff in the Office of  
14 Zoning.

15           So thank you all. We appreciate it.

16           Let's see if anyone else has any. Don't go  
17 anywhere, Ms. Hunt. You all don't go anywhere.

18           Ms. Brown, do you have any cross for anyone on  
19 this panel?

20           MS. BROWN: No, sir. Thank you.

21           CHAIRPERSON HOOD: Okay. Ms. Jacobson, do you  
22 have any cross for anyone on this panel.

23           MS. JACOBSON: No thank you.

24           CHAIRPERSON HOOD: I'm sorry. Ms. -- thank you.

25           Commissioner Yeats, do you have any cross on



1 anyone on this panel?

2 MR. YEATS: No cross, but I want to express my  
3 appreciation to my constituents Ms. DiSciullo, Ms. Schultz,  
4 Ms. Jacobson for coming out and for my councilmember's  
5 office, who I appreciate as well.

6 CHAIRPERSON HOOD: Okay. And, Mr. Jones, do you  
7 have any cross of this panel?

8 MR. JONES: No. Thank you.

9 CHAIRPERSON HOOD: Okay. Thank you all very much.  
10 All right.

11 Ms. Schellin, let's call the next four.

12 MS. SCHELLIN: Okay. Waiting for Mr. Young to get  
13 everyone down. I believe he still has Ms. Steingasser up.

14 Are you taking Ms. Steingasser -- okay. So you're  
15 ready? All right.

16 So let's move on to -- the next panel will be --

17 (Pause.)

18 MS. SCHELLIN: I don't know why my computer wants  
19 to -- just a second. Let me get to the case. So we are  
20 still in support. So next on the list is Michelle Blau.  
21 And I'm not sure. Blau. Patricia Gibbs, Paul Gibbs, John  
22 Welsh.

23 We only have one more. Do you want me to call  
24 that name?

25 CHAIRPERSON HOOD: Yes. Go ahead and call that,

1 the last one.

2 MS. SCHELLIN: Pedro Camargo. And that's all of  
3 the support witnesses on the list.

4 CHAIRPERSON HOOD: Okay. All right. Let's start  
5 with Ms. Blau. I hope we pronounced your name correctly.  
6 Are you still -- I think you're still on mute.

7 MS. BLAU: You would think by now that I would  
8 have figured that out after how many years of -- Blau.  
9 Thank you.

10 Michelle Blau. Yes. My name is Michelle, and I  
11 have been a resident of Elm Garden since 2020.

12 I am in support of the redevelopment of 7050  
13 Eastern Ave., Northwest. I moved to Elm Gardens in the  
14 height of the pandemic I was lucky to find a safe and  
15 affordable place to live. As someone who works in the arts,  
16 almost immediately I fell in love with Takoma and the local  
17 community. After uprooting my life and moving to a city in  
18 the middle of a pandemic, I was really comforted by Takoma's  
19 small-town feel and friendly neighborhood.

20 A year and a half ago, I suffered a brain injury  
21 and had to leave my full-time job. Had my rent not been  
22 affordable, I would have had to leave. And I also lost the  
23 ability to drive. And so the proximity to the Metro became  
24 essential for commuting to various doctors' appointments.  
25 While I'm able to work part-time now, I wouldn't be able to

1 continue living here without this initiative and without  
2 affordable housing. And I would have to leave this  
3 community that has supported me throughout my recovery. So  
4 I sincerely hope the Commission approves this initiative.

5 Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you. Oh. Mr. Lou  
7 I almost called you. Let me see who was next. Ms.  
8 Schellin? Oh. Mrs. Gibbs.

9 MS. SCHELLIN: Ms. Gibbs.

10 CHAIRPERSON HOOD: Mrs. Gibbs and Paul, Patricia  
11 and Paul.

12 MS. SCHELLIN: Mr. And Mrs. Gibbs are on  
13 together.

14 CHAIRPERSON HOOD: Mr. And Mrs. Gibbs. Okay.  
15 Mr. And Mrs. Gibbs, you all are next.

16 MS. GIBBS: Good evening.

17 MR. GIBBS: Good evening, Mr. Hood.

18 MS. GIBBS: I signed my husband and myself both up  
19 to testify tonight. I signed him up under his email.  
20 That's why he's on my -- with me on my email tonight. So  
21 I'm hoping we can both testify if that's okay with you.

22 CHAIRPERSON HOOD: Yes, you can. Go right ahead.

23 MS. GIBBS: All right. So I will start. Good  
24 evening, Commissioner Hood and to the Zoning Commission. My  
25 name is Patricia Gibbs and I'm a current resident of Elm

1 Gardens. I'm here today to humbly ask you to approve the  
2 NHP project.

3 My husband and I worked hard to build a great life  
4 for our children, I as an elementary school teacher and he  
5 as a postal employee. Now that we have raised our children,  
6 our three lovely children, one a HR director, one an IT  
7 developer, and another one a government attorney, we just  
8 want now to live a safe and quiet life. As I outlined in a  
9 letter sent via email on February 13th, approval of the NHP  
10 project is paramount to our peace.

11 We are an elderly couple who would benefit greatly  
12 from the slated improvements that would make our building  
13 ADA-compliant. Changes like an indoor trash removal system  
14 and an elevator may sound like a luxury to most, but to us,  
15 they are necessities that will vastly improve our quality of  
16 life. Without the approval of this plan, we would either  
17 have to continue to live in a building that is not handicap-  
18 friendly or move to a neighborhood that is unfamiliar and  
19 possibly unsafe. At this age, neither of those options are  
20 favorable to us. So we ask that you please, please approve  
21 this project.

22 I have written more, we have written more in our  
23 letter, which was a kind of lengthy letter that was  
24 submitted on February 13th to the Commission.

25 Thank you.

1           MR. GIBBS: Good evening, Commissioner Hood. I am  
2 Paul Gibbs. I got here in 1974. I am now 74 years old.

3           I appreciate the Metro because my driving ability  
4 will have to stop soon. But we have been able to live and  
5 matriculate in this area for a long time. And it's very,  
6 very comfortable. And it takes care of our needs as elderly  
7 people. We are safe. And, like I said, we have all of the  
8 transportation needs. There's a Ride On across the street.  
9 There's a Metro around the corner.

10           And so I would like to stay here if possible. And  
11 with all of the promised new amenities, it should enhance  
12 our stay. And I would appreciate if you would pass this  
13 request.

14           Thank you so much for listening to us and --

15           MS. GIBBS: This is our home.

16           MR. GIBBS: Home.

17           MS. GIBBS: This is our community. And this is  
18 where we want to stay. Thank you.

19           CHAIRPERSON HOOD: Okay. Thank you, Mr. And Mrs.  
20 Gibbs. Hold tight. We may have some additional questions  
21 for you.

22           Ms. Schellin, who was the last person we called?  
23 It was one other person.

24           MS. SCHELLIN: The last two were not on.

25           CHAIRPERSON HOOD: Oh, okay. Okay. All right.

1 Let's see if we have any questions for this panel.

2 Commissioner Imamura?

3 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

4 Mr. And Mrs. Gibbs, thank you for coming before  
5 the Zoning Commission tonight to share your point of view.  
6 We certainly understand how important this case is to you.  
7 Ms. Blau, thank you for sharing your story with us tonight  
8 as well. So thank you all for participating in the public  
9 process. It is important to express your thoughts and ideas  
10 with us. So thank you.

11 CHAIRPERSON HOOD: All right. Commissioner  
12 Stidham, any questions?

13 COMMISSIONER STIDHAM: No questions, but I echo  
14 Commissioner Imamura. And thank you for being here this  
15 evening.

16 CHAIRPERSON HOOD: And Vice Chair Miller?

17 VICE CHAIR MILLER: I thank you, Mr. Chairman and  
18 thank each of you for your very thoughtful testimony. We  
19 appreciate it.

20 CHAIRPERSON HOOD: I, too, would agree with my  
21 colleagues. We appreciate the testimony. And, Gibbs  
22 family, you have done very well. I listened to all of those  
23 positions that those young folks are doing. So I may send  
24 you all my resume. And, Ms. Blau, thank you as well. All  
25 right. So thank you all.

1           Let's see if the parties have any questions of the  
2 applicant. Ms. Brown, do you have any cross of this panel?

3           MS. BROWN: No, sir, no questions of this panel.

4           CHAIRPERSON HOOD: Commissioner Yeats, do you have  
5 any questions of this panel?

6           MR. YEATS: I just want to express my appreciation  
7 to my constituents, Mr. And Mrs. Gibbs and Ms. Blau, for  
8 coming out, especially for your comments about how wonderful  
9 our community is and the access to transit for those with  
10 disabilities and senior citizens.

11          CHAIRPERSON HOOD: And, Ms. Jacobson, any  
12 questions or cross?

13          MS. JACOBSON: I don't. Thank you very much.

14          CHAIRPERSON HOOD: Thank you.

15          And, Mr. Jones, any cross?

16          MR. JONES: No. Thank you.

17          CHAIRPERSON HOOD: Okay. Thank you all very much  
18 again. We appreciate you taking the time and sticking with  
19 us. All right.

20          Ms. Schellin?

21          MS. SCHELLIN: Party in opposition.

22          CHAIRPERSON HOOD: Let's go to the party in  
23 opposition. Mr. Jones and his team, if you can come on up?

24          MS. SCHELLIN: Mr. Young, if you could bring Mr.  
25 Jones, I believe George Alan Smith and Linda Gray?

1           Mr. Jones, is there any others that are going to  
2 be testifying as part of the party --

3           MR. JONES: No. That should be it.

4           MS. SCHELLIN: -- besides those two?

5           MR. JONES: That should be it. Thank you.

6           MS. SCHELLIN: Just those two?

7           MR. JONES: Yes.

8           MS. SCHELLIN: Thank you.

9           CHAIRPERSON HOOD: All right. Once you all get  
10 straight and come on up, you all can get started.

11           MR. JONES: Oh, okay. I have a presentation that  
12 should accompany this with my testimony.

13           MS. SCHELLIN: There you go.

14           MR. JONES: Thank you.

15           MS. SCHELLIN: Perfect.

16           MR. JONES: Okay. Thank you for your time and  
17 consideration. I am a board member of the Eastmont  
18 Cooperative housing complex.

19           This cooperative started in 1986, when a group of  
20 black residents exercised their TOPA rights to purchase the  
21 building. Since then, for nearly 40 years, the cooperative  
22 has successfully provided life-changing home ownership to  
23 overwhelmingly black and Latino District residents and  
24 continues to do so today.

25           Despite historical racial inequity in this city,



1 our senior founders have been able to create and maintain an  
2 institution that allows themselves and other black and  
3 Latino residents to prevail and thrive. As such, we would  
4 hope to prevail today in ensuring our protections inherent  
5 in the District's zoning regulations and District law will  
6 be recognized in this case.

7           Next slide, please. In 2022, the applicant (audio  
8 drop) for a similar case to this one. We strongly opposed  
9 the case on the grounds that it would be a great injustice  
10 to us and cause us harm. Our objections were based not  
11 simply on a disagreement on what is appropriate for a  
12 neighborhood but on what we perceive to be a  
13 misunderstanding of the policy maps on the part of the  
14 applicant.

15           The Office of Planning report for the application  
16 stated that a small area of the applicant's property was in  
17 a medium-density area on the future land use map and in a  
18 neighborhood improvement area on the generalized policy map  
19 while the rest was in a moderate-density area and a  
20 neighborhood conservation area. However, according to the  
21 applicant's presentation and the case exhibits, the  
22 applicant seemed to believe that a much more significant  
23 portion of their lot was in these higher-density areas and,  
24 therefore, more suitable for significant upzoning than the  
25 OP report implied.

1           Our suspicions were eventually validated entirely.  
2   The OP would eventually correct their initial report before  
3   the hearing for the case started and revealed that  
4   absolutely none of their lot is in areas suitable for  
5   significant upzoning. The applicant continued to pursue the  
6   case, nonetheless. And eventually all four zoning  
7   commissioners stated their intent to deny the application  
8   for being inconsistent with the comprehensive plan.

9           The applicant has returned with a new case. And  
10   we oppose it once again on grounds more than just  
11   disagreement on what is appropriate for a neighborhood.  
12   But, unlike the previous case, this case doesn't stem from a  
13   misunderstanding. This case stems from what appears to be a  
14   large financial mistake on the part of the applicant and is  
15   an active attempt to circumvent zoning regulations in order  
16   to make up for that mistake.

17           The applicant purchased the lot believing that it  
18   had a large amount of legally designated, underutilized land  
19   with significant potential for expanded development. They  
20   found out only through the previous case that legally, the  
21   land has virtually none of that potential. There is a huge  
22   discrepancy between the land use capacity of what they  
23   thought they purchased and what they actually purchased,  
24   which represents a huge value. They seek to recoup on that  
25   value by undermining zoning regulations at our expense.

1           Despite the large amount of allowances they are  
2 asking from the District and from us to help them out of  
3 their quandary, they have shown themselves to be completely  
4 undeserving of it. Though circumventing the intent of  
5 zoning regulations would harm us, the applicant has been  
6 steadfast in refusing to engage in meaningful conversation  
7 with us to agree how to mitigate that harm and produce a  
8 proposal that is in line with the intent of zoning  
9 regulations. They have been encouraged by multiple  
10 government officials to believe they can do so without any  
11 restraint, despite zoning regulations insisting that they  
12 engage in community outreach in good faith.

13           They have stated that this case represents a  
14 compromise that reflects consideration of our concerns.  
15 This is not true. The compromise they refer to is simply  
16 the fact that they previously attempted to pursue an  
17 illegitimate application for a slightly larger building and  
18 were denied on legal grounds. And they pursued that case to  
19 the point of denial, despite our objections.

20           Our input has absolutely nothing to do with this  
21 current proposal. And, to be clear, a unanimously rejected  
22 proposal conceived out of the applicant's misunderstanding  
23 of their own property is meaningless as a starting point for  
24 discussion. The drawing board starts at our block of three-  
25 story garden apartment zoned for RA-1, where we bought our

1 homes.

2           Next slide, please. District law states that,  
3 "the PUD process shall not be used to circumvent the intent  
4 and purposes of the Zoning Regulations." Yet, this is what  
5 the applicant is attempting to do. The applicant's outreach  
6 to us began with an email invitation to view a proposal for  
7 a 4-story and 40-foot building. We would quickly learn that  
8 the building would be effectively 52 feet tall, with 5  
9 levels as it included a habitable penthouse, a feature never  
10 mentioned in any previous discussion or presentation from  
11 the applicant. The outreach then ended immediately when  
12 they next told us that they would not be soliciting or  
13 accepting any community input on the proposal.

14           When we bought the seeming deceit inherent in the  
15 applicant's invitation, the applicant told us that,  
16 technically, a building story count and height can be  
17 described on paper without including the structure's  
18 habitable penthouse. While it's obvious that this legal  
19 fact is irrelevant in the context of a discussion about  
20 mitigating the effect of a massing on neighbors, this  
21 initial disingenuousness would eventually be revealed to  
22 form the crux of the applicant's proposal.

23           This case is simply a collection of delicately  
24 taped-together technicalities meant to be slipped past the  
25 authorities. Technically, it's 4 stories and 40 feet,

1 despite the habitable penthouse. Technically, it's attached  
2 to a zone consistent with the FLUM, despite the FAR that is  
3 higher than that FLUM category. Technically, the height is  
4 consistent with an RA-1 zone, despite the fact that it's two  
5 and a half size times the size of the actual RA-1 zone  
6 building that is already there.

7           But this approach is ultimately an exercise in  
8 multiplying by zero. No amount of technicalities can add up  
9 to successfully using the PUD process to circumvent the  
10 intent and purposes of zoning regulations because the point  
11 of the technicalities is to provide surface-level cover to  
12 the underlying truth that the proposal is indeed intended to  
13 circumvent the intent and purposes of zoning regulations,  
14 that under all the technicalities, the applicant is  
15 proposing a 52-foot massing stretching twice the length of  
16 the neighboring buildings squeezed smack in the middle of a  
17 block of RA-1-zoned garden apartments that are all within a  
18 neighborhood conservation area.

19           Their list of PUD benefits is similarly insincere.  
20 They didn't seek to engage the community for needs to  
21 address in order to justify using a PUD. They, instead,  
22 sought to describe existing attributes of their previously  
23 denied proposal retroactively as PUD benefits. Since  
24 submitting the case, the applicant has expanded the list of  
25 PUD benefits from two to five and added two amenities, but

1 the fact that none of these attributes are additions to  
2 their denied 2022 proposal and are quite often standard  
3 features of a multi-family building, such as landscaping and  
4 balconies, reveals a naked attempt to simulate a legitimate  
5 PUD.

6 In fact, the attempt is stark naked when  
7 considering the recently opened all-affordable Entwine  
8 Apartments in Takoma, which is the exact same walking  
9 distance to the Takoma Metro station entrance as the Elm  
10 Gardens. It offers a nearly identical list of benefits and  
11 amenities, including 24 units of permanent supportive  
12 housing, which is almost twice the relative 10 percent  
13 amount that the applicant lists. Yet, Jair Lynch has been  
14 able to provide balconies, superior architecture, and a  
15 fitness center to 129 all-affordable units near the Takoma  
16 Metro station without pursuing a PUD.

17 Jair Lynch has provided all of these benefits and  
18 amenities to our neighborhood entirely within the District's  
19 laws and regulations simply by purchasing a lot with the  
20 land use capacity to provide them. The applicant believes  
21 that they did this as well and, then, only after purchase  
22 realized they did not. This suggests that the applicant's  
23 PUD and its entire list of purported benefits and amenities  
24 is simply intended to exceed the zoning regulations that  
25 govern their property in order to make up for that mistake.

1           The applicant's hierarchal approach to this case,  
2 reporting support from those it was perceived to hold  
3 traditional power to overwhelm any push back from the  
4 community combined with consistent dismissal of us as  
5 neighbors, is completely at odds with the zoning process.

6           The Zoning Commission's racial equity tool was  
7 released months after the applicant conceived their initial  
8 proposal for the lot. Since the tool's debut, the applicant  
9 has been completely unprepared and unwilling to meaningfully  
10 address it. A racial equity tool is not an opportunity for  
11 an applicant to state on their own terms that their actions  
12 are racially equitable. It is a mandate to meaningfully  
13 engage with the community to ensure that their actions do  
14 not cause racially inequitable harm on the community's  
15 terms.

16           The applicant clearly intended to use their local  
17 connections to pursue their goals unrestrained by the needs  
18 of the community or plainly stated law. Their local  
19 connections have been happy to help them do so.

20           Our ANC 4B just simply does not care that the  
21 NHP's previous application was demonstrably illegitimate.  
22 They wrote a letter on record scolding the Zoning Commission  
23 for upholding the law and scolding us for not shutting up  
24 and accepting so-called compromises offered entirely on the  
25 applicant's terms and in the context of a proposal that was

1 denied. The letter records their open contempt for us for  
2 ever having taken issue with NHP at all in their attempt to  
3 illegally transgress against us based on their own mistake.

4           So when we spend an hour as a community expressing  
5 our objections to the applicant's current case in an ANC  
6 meeting, instead of acting as a moderating force between two  
7 parties and encouraging the applicant to justify their PUD  
8 application by working to address our concerns, they just  
9 reaffirmed their unconditional support for NHP in whatever  
10 actions they wish to take.

11           The Office of Planning has consistently supported  
12 the applicant, in spite of all regulations. In the first  
13 case, upon revealing that they made a massive expensive  
14 mistake in initially implying that the applicant's lot had  
15 the right to much greater density than it actually does,  
16 they simply stated that, nevertheless, the rule shouldn't  
17 apply to the applicant. In this case, they went further to  
18 obscure the fact that the applicant is circumventing the  
19 rules and to support them in doing so.

20           While we reported to the case exhibits that the  
21 applicant began their PUD process by telling us that they  
22 would not be accepting community input, that OP chose not to  
23 share that. Instead, they reported that the applicant  
24 actively accepted community input simply by having  
25 previously pursued a failed application and deciding to



1 submit a new case and then referred to the applicant's own  
2 claims that this is sufficient. To clarify, an applicant  
3 submitting a PUD application as a new case is required to  
4 complete the entire zoning process, including community  
5 outreach.

6           Next slide, please. Any entity that is not held  
7 accountable to our regulations and given special favor to  
8 skirt the rules is capable of causing harm. An ultimate  
9 harm follows a racially inequitable trend. This applicant's  
10 track record locally proves that they are not the exception.  
11 An affordable housing property management company in D.C.  
12 when residential spent 2023 in the news for multiple  
13 lawsuits from multiple properties, from tenants complaining  
14 about unsafe and health-threatening conditions. So far,  
15 they have been forced to pay damages with further suits  
16 pending. This is the property management company that NHP  
17 uses for the majority of their properties in D.C., including  
18 Elm Gardens.

19           Next slide, please. Also, this case has attracted  
20 support from an outside form letter campaign from people in  
21 the privileged position of having no stakes in this case and  
22 most likely no stakes in anything NHP has done or wishes to  
23 do. However, organic public feedback from people who have  
24 actually had to deal with NHP is consistently negative.  
25 Here is a collection of online feedback from local residents

1 and neighbors who have had to deal directly with NHP  
2 properties.

3           This is not a cherry-picked selection. The only  
4 public reviews from tenants and neighbors they seem to have  
5 attracted as an organization are negative ones from local  
6 black residents, which is especially illustrative because  
7 NHP is a national organization based in New York. And the  
8 only tenant review they have of any of their three new  
9 construction properties in D.C. is also extremely negative.  
10 And I should clarify this is the entirety of what I could  
11 find for feedback. They all express the same broad  
12 frustration and sense of having been misled or betrayed. As  
13 you can see, they are described as bullies, not having the  
14 residents' best interest at heart, being a blight on the  
15 surrounding properties, and there is even a desperate plea  
16 for somebody to do their job right and stop these bullies.

17           For context, overwhelmingly positive reviews for  
18 Jair Lynch is easy to come by. And positive reviews from  
19 the tenants at Entwine, which opened at the end of 2022,  
20 have been steadily rolling in.

21           The point of sharing this is not to imply  
22 malicious intent on the part of the applicant but, rather,  
23 to show that they are capable of doing harm and they are  
24 validating a hand-fisted transparent effort. To help them  
25 skirt the law would not be racially equitable or in the

1 interest of District residents.

2           Next slide, please. During the May 11, 2023  
3 Zoning Commission public meeting, Vice Chair Miller  
4 encouraged the applicant to try using a PUD for their  
5 project before denying their RA-3 application. He did so  
6 with the explicit caveat that they use the flexibility of a  
7 PUD to create a proposal that addresses the issues with  
8 their neighbors that the zoning regulations are intended to  
9 mitigate. We honestly expected the applicant to approach us  
10 months ago to do exactly that. Instead, they simply used  
11 PUD flexibility to re-create as much as possible the same  
12 proposal that was denied on legal grounds, which is  
13 explicitly prohibited. However, an RA-2 PUD, arguably, has  
14 the flexibility to produce an outcome that is reasonable and  
15 fair and ultimately consistent with the intent of zoning  
16 regulations.

17           We reached out on December 15th, 2023 to propose  
18 altering their proposal so that the bulk of their density is  
19 moved to the large portion of their lot that extends far  
20 beyond any existing residence on our block. Doing so would  
21 maintain the low-rise quality of all the exist residents  
22 while maintaining the same density requested in their  
23 proposal. It would lead to a change that is indeed modest  
24 in scale and justify the use of the PUD and the flexibility  
25 and density and lot usage that it grants.

1           NHP responded, saying that such an alteration  
2 would take too much time and money. The response just gave  
3 life to the pretention that their PUD proposal is anything  
4 but a delicately constructed attempt to circumvent zoning  
5 regulations.

6           One of their listed PUD benefits is superior urban  
7 design architecture and site planning. Their quick response  
8 shows that they had no intention of taking any outside  
9 responsibility to follow through on it. Anytime constraints  
10 with this proposal are completely of their design.

11           They chose to shut down any discussion of this  
12 proposal in August. They chose to pursue their previous  
13 mistakenly conceived proposal all the way up to its failure.  
14 They chose to ignore our initial objections to their  
15 proposals, made as early as October 2022.

16           And, incidentally, I uploaded that initial October  
17 letter exactly one day before they closed on the property.  
18 Since that exchange, they have now decided to incorporate  
19 describing the existing proposal as having shifted the  
20 additional density away from the existing buildings without  
21 having done so.

22           The proposal remains one long, uniform-shaped  
23 massing towering over the neighboring buildings. Yet, in  
24 the latest unbelievable demonstration of deception, they  
25 have incorporated the language of the request they have

1 denied us into their proposal.

2           The next slide, please. The applicant has shown  
3 that they are only interested in doing what they want to do.  
4 They have proven that they have that they have to be forced  
5 to do what's right and fair. They have shown they are  
6 capable of harm and that the harm they cause and  
7 enthusiastic support that they get to cause that harm  
8 unchecked follows a racially inequitable trend. They are  
9 proposing more density than the maximum allowed in their  
10 FLUM category, which is inconsistent with the comprehensive  
11 plan. They are proposing to increase the size of their  
12 building more than 150 percent in their neighborhood  
13 conservation area, which is inconsistent with the  
14 comprehensive plan. They are attempting to use the PUD  
15 process to circumvent the intent of the zoning regulations,  
16 which is inconsistent with the comprehensive plan.  
17 Approving this proposal in its current form would be a  
18 direct injustice to us and a violation of our equal  
19 protection under the law.

20           We ask the Zoning Commission to once again defend  
21 our rights as District residents. Thank you for your time.

22           CHAIRPERSON HOOD: Okay. Mr. Jones, were you  
23 speaking for the entire group or is somebody else going to  
24 speak?

25           MR. JONES: Yes. We have other witnesses in the

1 party, too. I think George is up next.

2 CHAIRPERSON HOOD: Okay.

3 MR. SMITH: Can you hear me, sir?

4 CHAIRPERSON HOOD: Okay. Yes.

5 MR. SMITH: Can you hear us?

6 CHAIRPERSON HOOD: Yes. Yes.

7 MR. SMITH: All right. Thank you.

8 I'm George Alan Smith. And good evening. Thank  
9 you for this opportunity, Chairman Hood and members of the  
10 Zoning Commission.

11 I, along with my neighbors, last addressed you on  
12 April 6, 2023, when case 22-33 was before you. Weeks later,  
13 you found the applicant's request to be inconsistent with  
14 the low-rise garden apartment nature of our block and did  
15 not accept the applicant's request for a map amendment to  
16 change its zone from RA-1 to medium density. We appreciated  
17 that the Zoning Commission, in Chairman Hood's words, "has  
18 to do what's right within the regulations."

19 The applicant has returned and seeks to have its  
20 property upzoned within moderate-density parameters but now  
21 with a Planned Unit Development and related map amendment.  
22 Given that the initial medium-density request was found  
23 inappropriate for our modest block, where no buildings are  
24 more than three floors above grade and were constructed  
25 under D.C. RA-1 zoning laws, a zoning commissioner has even

1 admitted that it's a very densely packed area, and where we  
2 have made it quite clear but perhaps bears repeating that we  
3 are sandwiched between a border with Maryland on one side  
4 and a raised train platform on the other, the configuration  
5 burdens us with unique geographical restrictions that our  
6 current zoning helps to relieve. However, it only works if  
7 everyone is subject to the same rules.

8           Every residence on our block is part of a multi-  
9 family building that is oriented perpendicular to the street  
10 that we share. This unusual positioning is forced by our  
11 lot sizes. They are exceptionally deep relative to the  
12 street ends. But none of our entrances face the street.  
13 Instead, they face each other. Because we all fall under  
14 the same zoning rules, we are able to enjoy the same quality  
15 of life expectations that those on standard street-facing  
16 residences do.

17           The applicant is now requesting to build a  
18 structure with four floors above grade, along with a  
19 penthouse. To be clear, the applicant is now requesting to  
20 upzone its property from RA-1 to RA-2 in between two  
21 existing garden-style buildings that were constructed under  
22 RA-1 standards knowing that neighbors to its immediate north  
23 are already blocked by the large concrete walls I just  
24 mentioned and that neither of its neighbors' buildings face  
25 the street, like the applicant's proposed building does.

1           The applicant is requesting the use of a PUD,  
2 although its lot size falls well below the acreage that is  
3 required for PUDs in the zone that it is requesting to have,  
4 about 40 percent less than the requirement, in fact.

5           The applicant is seeking permission to use more of  
6 its lot than is allowed under RA-2 zoning regulations, again  
7 seeking more lot usage than its requested zone is permitting  
8 to have. It wants to waive the rules of a zone it does not  
9 yet have.

10           The applicant is requesting for more density than  
11 is allowed in standard moderate residential areas in what a  
12 zoning commissioner once again has described as very densely  
13 packed. And the applicant is seeking to increase the size  
14 of its current building by more than two and a half times  
15 within a neighborhood conservation area, where there should  
16 only be modest in-scale change.

17           The applicant's requested waivers and requests for  
18 special privileges are rather suspicious for an entity that  
19 began its rezoning aspirations without expressing an  
20 interest in a PUD. It would seem that if the applicant was  
21 truly committed to PUD principles, it would have expressed  
22 such an interest in its initial case, case 22-33, rather  
23 than expressing such an interest with a revised request.

24           I would like to remind us that District of  
25 Columbia municipal regulation 300.2 emphasizes that the PUD



1 process shall not be used to circumvent the intent and  
2 purposes of the zoning regulations. Some essential intents  
3 and purposes of regulations include, first, preventing  
4 overcrowding of land and over concentration of people.  
5 Again, we are already in what a zoning commissioner has  
6 described as a very densely packed block. The applicant's  
7 disregard of the purposes of both the neighborhood  
8 conservation area and moderate-density area neglects the  
9 overconcentration intent.

10           Second, leaving adequate light and air around  
11 property is another intent and purpose of zoning  
12 regulations. The applicant's own shadow study of its  
13 proposed building indicates reduction of sunlight for us and  
14 produces the canyon effect that I think Commissioner Imamura  
15 termed it a bit earlier. But they have not initiated any  
16 conversation about what it would mean for our cooperative,  
17 particularly the people who reside in our south-facing  
18 units.

19           And, third, protecting existing residences from  
20 adverse impacts is yet another intent and purpose of zoning  
21 regulations. We have made it clear that we are seriously  
22 concerned about the potential approval of the applicant's  
23 request that would compromise our safety, health, and  
24 property value. Unlike the applicant, our research shows  
25 differently about the construction or potential construction

1 of their building.

2 Relying on published zoning regulations, the  
3 Zoning Commission denied the applicant's initial request for  
4 medium density. We hope that the Commission considers  
5 municipal regulation 300.2 as well.

6 Also, District of Columbia municipal regulation  
7 304.3 emphasizes that the Zoning Commission shall judge,  
8 balance, and reconcile any potential adverse effects  
9 according to the specific circumstances of a case. The  
10 applicant uses the comprehensive plan to support its  
11 request, but it's critical to remember that although -- and  
12 I quote -- "The policies and actions of the comprehensive  
13 plan are principally intended to guide the decision of  
14 District Government as the policies and actions are carried  
15 out. Continuous and ongoing consultation with Advisory  
16 Neighborhood Commissions, residents, community  
17 organizations, businesses, institutions, and property owners  
18 is essential."

19 Please note that this comprehensive plan statement  
20 distinctly separates ANCs from residents and property  
21 owners, implying that ANCs are not automatically  
22 representatives of the concerns of communities, specifically  
23 residents and property owners.

24 There has been no ongoing nor meaningful  
25 consultation with Eastmont owners with case 23-19, just what

1 appears as the applicant's assumptions from the previous  
2 case, when it was seeking medium density and when we were  
3 intensely fighting to protect our precious lifetime  
4 investments: our homes.

5 Chairman Hood, at the conclusion of the November  
6 2023 set-down meeting, you encouraged parties of this case  
7 to come to an agreement prior to this hearing. Please note  
8 that we, Eastmont, met with NHP Foundation staff on August  
9 10th, 2023, prior to the set-down convening, where the  
10 applicant informed us of their revised plans after you and  
11 your colleagues did not accept their medium-density  
12 aspirations.

13 During that meeting, Eastmont distinctly asked NHP  
14 Foundation representatives whether they were open to  
15 suggestions on the design of their proposed building.  
16 Unequivocally, they said no, shutting down from our  
17 perspective the type of discussions that you seem to have  
18 encouraged at the set-down hearing for this case, case 23-  
19 19.

20 Because you urged good neighbor policy with hopes  
21 of a win-win, once again, even after the applicant told us  
22 they were not open to changes to the design of their  
23 proposed building, we reached out to them via email on  
24 December 15th, 2023 with a suggest that we believe would be  
25 good for both parties.

1           The applicant responded a few weeks later, January  
2 26 of 2024, with an email that explained they could not  
3 reduce their programmatic needs and benefits.

4           Although we had not requested a reduction of their  
5 programmatic needs and benefits, Eastmont responded quickly,  
6 four days later, with a more detailed email clarifying that  
7 we were not requesting a reduction of their programmatic  
8 needs and benefits.

9           They responded three days later explaining that  
10 our requests would require a more expensive construction  
11 type that the project cannot support financially.

12           We are not trying to stand in the way of our  
13 neighbors' hopes of continuous affordable housing. We  
14 simply do not want them disturbing our continuous affordable  
15 housing, which this community has enjoyed for half a  
16 century. Imagine your neighbors working to circumvent  
17 zoning regulations at your peril. I suspect neither of you  
18 would care for that very much, and nor do we.

19           We have presented an option to the applicant that  
20 we believe is the win-win zoning commissioners have  
21 encouraged. Unfortunately, we have had no true discussions  
22 with the actual tenants of 7050, just primarily The NHP  
23 Foundation staff.

24           So, in sum, we do not find that case 23-19 is of  
25 exceptional merit, for the many reasons I have pointed out

1 in my testimony.

2 I want to conclude by thanking the Zoning  
3 Commission for listening and, Chairman Hood, for your  
4 integrity and for reminding your colleagues that the Zoning  
5 Commission has made no promises to the applicant, as  
6 suggested by another commissioner in an earlier hearing  
7 regarding this case.

8 Where is the win in the win-win for Eastmont,  
9 especially given the extraordinary and invasive requests of  
10 the applicant?

11 Thank you very much for listening.

12 CHAIRPERSON HOOD: Thank you very much, Mr. Smith.

13 Let's see. Ms. Gray, were you going to say  
14 something as well?

15 MS. GRAY: Yes. Good evening.

16 CHAIRPERSON HOOD: Good evening.

17 MS. GRAY: Good evening, Commissioner Hood and  
18 members of the Zoning Commission. My name is Linda Gray,  
19 and I am an owner at Eastmont.

20 Let me remind you of my previous testimony in  
21 April that the Eastmont Cooperative is fully supportive of  
22 affordable housing. We are the creators of affordable  
23 housing and have been a successful market-rate cooperative  
24 for 40-plus years.

25 The cooperative's members have raised families,

1 created generational wealth for their children. They are  
2 retirees. They have embraced newer, younger families and  
3 maintain a business model that affords our elderly to age in  
4 place comfortably. We are the success story that should be  
5 duplicated.

6           After the hearing in April of 2023, the Zoning  
7 Commission strongly suggested that NHP take the necessary  
8 steps to correct the obvious missteps and that the  
9 cooperative should engage in conversation that could  
10 possibly move us to a win-win situation.

11           We took that suggestion seriously. We attempted  
12 to meet with NHP in August to discuss possible changes to  
13 the design mass and scale of the project. We were told that  
14 they would not consider any changes and that they couldn't  
15 afford to scale back.

16           Again we tried to connect with them in December  
17 with suggestions moving to a win-win. The answer was no.

18           Thinking that they possibly misunderstood what we  
19 were saying, there was correspondence again sent in January  
20 trying to clarify our perspective. The answer again was no  
21 due to finances.

22           We are not against the project. We are against  
23 the encroachment that we feel will render harm to us. And  
24 prior to NHP, we have had a very peaceful existence with all  
25 residents of Eastern Avenue.

1           Because we really haven't been able to have  
2 constructive conversation, our additional concerns if they  
3 are allowed to build with waivers are about the set-asides.  
4 What happens to us when they tear down the building, causing  
5 possible structural damage to our buildings? What happens  
6 to us when tearing down the building may cause an influx of  
7 rodents? What happens to us if our very small street has a  
8 changed traffic pattern? The traffic, the current traffic,  
9 pattern includes rush-hour traffic from drivers using  
10 Eastern Avenue as a shortcut to Piney Branch Road. And our  
11 narrow street is also a bus route.

12           The Metropolitan Bike Trail is not included in my  
13 testimony because after a 25-plus-year engagement with DDOT  
14 and the Office of Planning, Eastern Avenue was considered  
15 the Eastern alignment, but it was decided that the Western  
16 alignment was more suitable for the neighborhood.

17           What -- I am sorry. What happens to us when we  
18 can no longer enjoy our balconies on the south side, which  
19 is just a simple pleasure? What happens to our property  
20 values as homeowners? What happens to the quality of life  
21 to the residents on this block of Eastern Avenue if NHP is  
22 allowed to build with the requested waivers? Our very  
23 strong opinion without having these very concrete  
24 conversations is that our lives will be irreversibly  
25 uncomfortable? And we don't deserve that?

1           Thank you very much for listening and for your  
2 consideration.

3           CHAIRPERSON HOOD: Okay. Are you all complete?  
4 Ms. Gray, are you all complete?

5           MS. GRAY: I am.

6           CHAIRPERSON HOOD: Okay. All right. Mr. Jones  
7 and Mr. Smith and Ms. Gray, we really -- you all are the  
8 ones who are most impacted. And nobody feels it like -- and  
9 I have said this in a lot of cases. Nobody feels it like  
10 the person who is most impacted. But let me back up.

11           Ms. Gray, I know you. I know the work that you  
12 have done in this city. You have done a stellar job,  
13 stellar work in this city, and you have really helped a lot  
14 of parties. And I'm trying to keep this not political. You  
15 have helped a lot of parties. And I don't mean parties  
16 where you go dance. I mean parties in this city. And you  
17 have helped advance the District of Columbia. So thank you  
18 for all the work that you have done --

19           MS. GRAY: Thank you.

20           CHAIRPERSON HOOD: -- because I have watched you  
21 for years.

22           MS. GRAY: Yes.

23           CHAIRPERSON HOOD: I was at McKinley when you were  
24 there. So I go that far back.

25           But I will say this, though. I would say that



1 what I have learned from Ms. Gray and Mr. Jones and Mr.  
2 Smith is that we don't buy view. And the people on -- I  
3 think about a guy I used to work for who lives on -- this  
4 job here, you have to make tough decisions. He lives on  
5 East Capitol Street. And I used to work for him. And, you  
6 know, the Supreme Court told us back then -- this was back  
7 in the late '90s. When Mr. Barry put me on, the first thing  
8 I learned was you don't buy a view. So I want to take that  
9 out. And that's what I think about. And I know exactly,  
10 Ms. Gray, because that's what I was thinking when I was  
11 looking at some of the comments that came in and what's  
12 going to happen with the view of the balcony. So you  
13 brought that out for me. So that was one of my concerns at  
14 the time, too. And it still is, and it probably is going to  
15 always be.

16 But one of the things that I'm going to do in this  
17 case, I'm going to follow the law. And the Zoning  
18 Commission has flexibility, but we still have to follow the  
19 law, which the comp plan goes by the -- as we know, is voted  
20 on by residents and then the city council. And I should let  
21 Vice Chair Miller talk more about that because he's been  
22 part of that process, not me.

23 So I'm just saying that we are going to -- we have  
24 some questions. I understand that because I say this the  
25 most to developers. And developers, people have heard me

1 say this. The people most -- that you can develop and  
2 build, but the people most impacted are the ones who have to  
3 endure. Who is going to have to endure in this case, it is  
4 going to be you all and your neighbors. You know, your  
5 neighbors are building it, probably going to build or not  
6 build, whatever the case is. They're going to be impacted.  
7 You all are going to be. You all are going to have to live  
8 there. All the rest of us are going to be gone.

9           You know, I'm going to still be over here in Ward  
10 5 with my -- and one of you, and I think it was you, Mr.  
11 Smith -- and I'm not scolding nobody, but I tell people on  
12 the Commission they think that I live in a gold mine. You  
13 know, what I live by? You know, I live -- trash transfer  
14 stations. That's how I got on the Zoning Commission,  
15 fighting trash right near my house. I couldn't even open my  
16 windows. So I get it. I have lived it in some cases, and  
17 in other things, I still live it. So, anyway, I'm not  
18 making a lecture. I get it, but I've got to, we've got to  
19 follow the law. That's what I'm going to deal with.

20           So let me see if my other colleagues have any  
21 questions or comments. Commissioner Imamura?

22           COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

23           Ms. Gray and Mr. Jones, Mr. Smith, I just want to  
24 thank the three of you for expressing your point of view  
25 tonight. It is important. And I know that you may not feel

1 that you have the support that you would like or want but  
2 just know that I think the Zoning Commission, and certainly  
3 I do, listens carefully to your point of view. And I think  
4 Chairman Hood has just stated that fact. So thank you for,  
5 you know, coming out tonight, participating in the process,  
6 and advocating for your neighbors. So I appreciate that.

7 MS. GRAY: Okay.

8 CHAIRPERSON HOOD: Commissioner Stidham?

9 COMMISSIONER STIDHAM: No questions, but thank you  
10 very much for coming out and speaking with us today, greatly  
11 appreciate it.

12 CHAIRPERSON HOOD: Vice Chair Miller?

13 VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
14 thank you to my colleagues. I share the comments that you  
15 have made.

16 And I thank the party in opposition, Jeremi Jones  
17 along with Linda Gray and George Alan Smith, for being here  
18 tonight, for your passion about your neighborhood that you  
19 have lived in. And, you know, change is always -- is often  
20 difficult. And if there is going to be a change here, I  
21 hope you will find a way to live with your neighbors  
22 peacefully and civilly.

23 And in terms of the construction impacts, I mean,  
24 there are ways to mitigate all of those. That's not before  
25 us, the construction aspects, but there are ways to mitigate

1     that.

2                   And in terms of the zoning, I think there have  
3     been -- even though you don't agree, I think there have been  
4     significant compromises from the original proposal. I think  
5     there's a strong argument to be made that the change in the  
6     map amendment from RA-3 to RA-2, which is still up from RA-  
7     1, which is what you have and what they have currently, but  
8     the change that was made from RA-3 to RA-2, with the PUD,  
9     where we could require -- where we can require if we get to  
10    this point, a height that is less than what the RA-2 zone  
11    allows.

12                   Whatever they might have been promising under the  
13    RA-3 zone in terms of mitigation, that was going to be a  
14    matter of right. And that was going to be 60 feet that  
15    could possibly be built there. And I hope you recognize  
16    that the existing RA-1 zone allows 40 feet, which is what  
17    the height is of this building before you get to the  
18    penthouse. We recognize that. There was still going to be  
19    a mechanical penthouse on the previous proposal, not a  
20    habitable penthouse, but the height is not substantially  
21    different than what they were promising to build. But the  
22    matter-of-right zoning would have allowed some other  
23    proposal to come forward if that didn't pan out and with no  
24    guarantees that it would not be 60 feet and with all  
25    the -- without any conditions at all in a zoning order.

1           So I think there -- I know you disagree because  
2 you have made some strong arguments about the comprehensive  
3 plan, but I think there are strong arguments on the other  
4 side about the comprehensive plan consistency with this  
5 zoning for this site, both the affordable housing policies  
6 and the FAR, which it calls out RA-2 in your density zone,  
7 density designation, on the land use map, which says RA-2 is  
8 appropriate, which has a 60-foot height, actually, but  
9 they're going to do 40. And we can make that a condition of  
10 the order.

11           And they are increasing it beyond, the FAR beyond,  
12 the matter of right, but the comp plan specifically says if  
13 there's inclusionary zoning or, in conjunction, if this is  
14 done, if that mapping at RA-2 is done, with an inclusionary  
15 zoning or a PUD, it can exceed that. And so it does, by not  
16 a substantial amount, but it does. But it's the IZ -- the  
17 affordable housing that is being provided is way, way beyond  
18 the minimum that inclusionary zoning would require. It's  
19 all affordable. And it includes the permanent supportive  
20 housing, including supportive services on site that this  
21 city desperately needs in every neighborhood.

22           So I appreciate the arguments that you have made  
23 and the work that you have put into this case. I think you  
24 have made it a better proposal, even though you don't  
25 necessarily agree with that assessment of mine and maybe

1 others. But I think your work did help make this a better  
2 proposal than what we saw a year ago that will have more if  
3 we get to a point of an order conditions that can be  
4 enforced that will mitigate and balance out any adverse  
5 impacts that may accrue from this.

6 Thank you again. I appreciate. I don't have any  
7 specific questions for you, but I thank each of you for all  
8 of your work.

9 MR. JONES: Thank you.

10 CHAIRPERSON HOOD: Okay. So through all of that  
11 and through all of the comments that we all have said, one  
12 thing that sticks out for me is the answer no when you all  
13 were trying to have the discussions I asked you for. I have  
14 a problem with that. I have a problem when I hear the word  
15 "No."

16 We are going to have I'm sure rebuttal. I am  
17 going to be asking the applicant about the no response, Ms.  
18 Gray and Mr. Jones and Mr. Smith, of what -- apparently you  
19 all were told no.

20 Why weren't you -- so let me ask this question  
21 like this. You all didn't have any discussions. I'm going  
22 to start off with that. You all didn't have any discussions  
23 with the -- what is it, NHP or whatever. Forgive me. I  
24 can't remember all of these acronyms.

25 MR. SMITH: As I mentioned in my testimony, on

1 August 10th, they did come to our property. And we were  
2 under the impression it was going to be more of a  
3 discussion, but, instead, to us, it felt like -- I feel like  
4 I can speak on behalf of my colleagues -- it felt like a  
5 public service announcement --

6 MS. GRAY: It was a --

7 MR. SMITH: -- here is what we are doing. But it  
8 wasn't the type of conversation that it seemed that you,  
9 Vice Chair Miller, and the rest of your colleagues were  
10 suggesting that should happen at the set-down hearing for  
11 this case and even during the last case. It wasn't that  
12 kind. It wasn't a conversation. It was an announcement.

13 CHAIRPERSON HOOD: So let me ask this question.  
14 And I'm trying to figure out because, as the vice chair has  
15 already mentioned and others, they have made -- we see some  
16 concessions, but those concessions that were not made to get  
17 to even where we wanted to be to a point. You all had no  
18 input or no interjection or no advice, as I said earlier  
19 with another person, into any of that?

20 MR. SMITH: Not with this case. I mean, they did  
21 present -- and I would my colleagues to, you know, say  
22 something as well. The last case, there was some  
23 interaction, but that was a different case.

24 During that case, it felt like we were fighting  
25 for our lives. We all talked about how we lost sleep, the

1 hours of work. We don't do this type of work full-time,  
2 right? You know, this is just -- and I suspect you guys,  
3 you know, are volunteering your time, too. It was a lot on  
4 us.

5 We did ask them to explore four floors. That's  
6 all we asked. And we even wrote in our last statement in  
7 the last case. We knew that four floors would still be a  
8 major impact, but we wanted an exploration for that. And  
9 now we have got something that's four floors and a  
10 penthouse, you know, which is more than we were asking them  
11 to explore initially.

12 So, Linda and Jeremi, I'm sure you all have  
13 something to say. Those are mine.

14 CHAIRPERSON HOOD: But didn't they knock off two  
15 floors? I can tell you the last building we did around here  
16 knocked off two floors during COVID, and I pushed for them  
17 to knock off two floors.

18 MR. SMITH: Yes, sir. In case 22-33, they did  
19 that. Yes, indeed. We did have some interaction with them.  
20 But for case 23-19, the case we are in right now, there has  
21 been no discussion. It's just been, you know, this is what  
22 we are doing.

23 CHAIRPERSON HOOD: All right. Every time I hear  
24 floors being knocked off, I think about -- and some of my  
25 colleagues may have been -- when we did Sibley Hospital and



1 we pushed to knock off a floor. And then when COVID hit, I  
2 told my wife, I wish them floors was there because we needed  
3 them. And I'm not saying -- and I know it's a total  
4 different situation, but we had a lot of people die in this  
5 city.

6 And, you know, people think that the stuff we do  
7 here -- we are residents, too. And the stuff we do here,  
8 you think about it later on. Just like the fire over there  
9 off of M Street on a rooftop, you know, we think about that  
10 stuff. We take this stuff seriously for the time we serve.  
11 But, anyway, that's me going to the soapbox. So it must be  
12 getting late.

13 MR. SMITH: Thank you. But my colleague Jeremi  
14 and Linda may have something. They might want to respond to  
15 your initial question.

16 MR. JONES: I just want to confirm that at the  
17 meeting, the first meeting for this case, they came in and  
18 did a presentation, but, explicitly, they told us at that  
19 meeting that they would not be taking any input.

20 And the conversation in the previous case just  
21 consisted of showing -- I mean, we didn't ask -- they just  
22 came and showed us options and said pick one. The options  
23 didn't seem to address -- didn't seem to be relevant at all  
24 to what we were worried about. The only technical  
25 interaction, real interaction, with that situation was we --

1 like George said, finally, after being shown all of the  
2 options. And they weren't meaningful to us in any way. It  
3 just seemed like chipping away at something that we knew  
4 they couldn't build at all, just a tiny chipping away at --  
5 George -- the only interaction was George sending an email  
6 saying we believe that four stories would be less of an  
7 encroachment.

8 And, finally, they came back with a five-story  
9 proposal. And that was the extent of -- of all of our  
10 interactions, that was probably the only situation where we  
11 were able to say something and got a response.

12 CHAIRPERSON HOOD: Now, Ms. Gray says you all were  
13 the model for affordability. And that was some years back,  
14 I believe. So, you know, things have changed, and now we  
15 have different models for affordability. And it's ever a  
16 time we need affordable. And I always have said, affordable  
17 to who? But if it's ever a time we need affordability --  
18 and, Ms. Gray, you may disagree with me, but I believe that,  
19 even that affordability level was -- I mean, the  
20 affordability model where you all at that time -- things  
21 have changed because stuff has gotten a lot -- the prices  
22 have really increased. And I heard most of your neighbors  
23 say that this would allow them to be able to stay in the  
24 community.

25 I'm sure nobody's against that. I mean, I know

1 you all are not against that.

2 MS. GRAY: No.

3 CHAIRPERSON HOOD: Yes. I already know that. I  
4 know you are not.

5 MS. GRAY: We are not against that. And let me  
6 tell you something. We understand affordable housing  
7 because, even though we have maintained our success, it  
8 changes for us, too. We do feel the cost of everything  
9 going up. So, I mean, it would be hypocritical for us not  
10 to be.

11 We are supportive of the project. We are just  
12 fearful of how it's going to harm us. That is our greatest  
13 fear. And not having those kinds of conversations that we  
14 know we really need and what we ask for, this is why you get  
15 what you get from us.

16 CHAIRPERSON HOOD: I got it. I got it. I'm good.  
17 I thank you all.

18 Let me see if my colleagues have any further  
19 questions. I got it.

20 MS. GRAY: Okay.

21 CHAIRPERSON HOOD: I think I got my path forward.  
22 Thank you all very much. I appreciate it.

23 MS. GRAY: Okay.

24 CHAIRPERSON HOOD: Ms. Brown, do you have any  
25 cross of this panel, the applicant?

1 MS. BROWN: Sorry. It just took me a moment for  
2 the unmute button.

3 No, sir, we don't have any cross-examination of  
4 this panel.

5 CHAIRPERSON HOOD: Thank you.

6 Commissioner Yeats, do you have any cross-  
7 examination of this panel?

8 MR. YEATS: No cross, but I want to express my  
9 gratitude to Mr. Jones and Mr. Smith, who are my  
10 constituents, for coming out. And I'm sure Commissioner  
11 Cohen, likewise, has similar appreciation for Ms. Gray, who  
12 is his constituent.

13 CHAIRPERSON HOOD: And, Ms. Jacobson, do you have  
14 any cross?

15 MS. JACOBSON: I don't. Thank you very much.

16 CHAIRPERSON HOOD: Okay. And that's it. All  
17 right.

18 Thank you all very much. We appreciate it.

19 We are going to have rebuttal. Oh, no. I'm  
20 sorry. Ms. Schellin, do we have anybody?

21 MS. SCHELLIN: Individuals, yes.

22 CHAIRPERSON HOOD: Individual?

23 MS. SCHELLIN: Uh-huh. I will let him get  
24 everyone down. Okay. So we will go to the opposition list  
25 we have Sara Green, Vivette Davidson, Linda -- oh, she just

1 testified -- Shirley Douglas, Carilis Olmedo Alvarez. I  
2 believe that's four. One, two, three, four.

3 Are all four here, Mr. Young? I'm on a different  
4 screen. So --

5 MR. YOUNG: No. I only have two of them.

6 MS. SCHELLIN: Got two. Okay. Let me try two  
7 more. Let's go to -- let's see. Shirley Douglas is on  
8 there twice. I have one more name, and that's it under  
9 opponents. Then we go to undeclared. James Bradley.

10 CHAIRPERSON HOOD: Ms. Schellin, how many do you  
11 have under there?

12 MS. SCHELLIN: Just two. Actually, only one.  
13 Actually, only one.

14 CHAIRPERSON HOOD: Okay.

15 MS. GRAY: Jeremi?

16 CHAIRPERSON HOOD: Let's bring the one.

17 MS. SCHELLIN: None, actually. I take that back.  
18 That's DDOT. They signed up twice.

19 CHAIRPERSON HOOD: Okay. So DDOT is undeclared?  
20 No.

21 MS. SCHELLIN: And that's it.

22 CHAIRPERSON HOOD: All right. Who did you call  
23 first? Ms. Green?

24 Ms. Green, you can go right ahead.

25 MS. GREEN: Okay. Good evening, Mr. Chair and

1 members of the board. Thank you for hearing me. My name is  
2 Sara Green. I live at 7106 Piney Branch Road, about three  
3 blocks from this site. And I have been in my house for  
4 about 49 years. I was an ANC commissioner for about 12  
5 years, one as chair and one or two -- I can't remember -- as  
6 chair of the ANC 4B Design Review Committee. So I think I  
7 know something about the area and about the way it looks.  
8 And I also participated in a lot of the comprehensive plan  
9 discussions.

10           Clearly, like everybody else who's spoken tonight,  
11 we need more affordable housing. We all get that. Given  
12 that, there are lots of ways to get to that. And one of the  
13 things that I noted nobody has brought up is family-sized  
14 housing. And that is probably one of the biggest, if not  
15 the biggest, unmet need in this city: family-sized  
16 affordable housing.

17           And the comprehensive plan points that out. In  
18 policy H-1.1.9, they say, "Encourage three-bedroom housing  
19 in areas near transit, schools, public facilities,  
20 recreation." I'm sorry that this project doesn't include  
21 that because we have I think a significant number of  
22 affordable housing projects in our community, including I  
23 think two that are under construction now. But none of them  
24 have the family housing. And that I think is something that  
25 should be rectified. It could have been rectified in this

1 proposal.

2           The comp plan also says that because this is such  
3 a difficult thing, that it's going that -- there's a quote  
4 about apartments are really the only way we are going to get  
5 affordable housing of any size. This is three-plus units,  
6 three-plus bedroom units. This is the only way we are going  
7 to get it. So this is an opportunity we have missed. And I  
8 hope that the -- it will be considered as a change after  
9 this hearing.

10           The other thing I just wanted to be sure of is,  
11 clearly, 80 percent -- I'm sorry -- is not the need. We  
12 have so-called affordable housing in this neighborhood at 80  
13 percent AMI, and it's not the need. It's all over this  
14 city. Eighty percent is not where we are at.

15           So I just wanted to clarify that the 80 percent  
16 FMI would be for those people who are returning, those  
17 people who have a right to come back. But the other housing  
18 is going to be -- you said it is 50 percent. I would like  
19 to see more at 30 percent, where there's any ability to do  
20 that, again, understanding that people who are going to come  
21 back should be able to come back, whether it's 80 percent or  
22 whatever.

23           I think that Eastmont's concerns can be addressed,  
24 and I would like to hear how one of the things they talked  
25 about, more detail about pushing -- how their needs can be

1 addressed. I would like to hear more specificity about that  
2 because I think they have worked extremely hard to try to  
3 come to an agreement. And, yet, they feel that they have  
4 not been heard. And I think you have heard a lot of detail  
5 about that.

6           The last thing I wanted to mention are form  
7 letters. There's an awful lot of them in the comments. And  
8 I know you will take that into consideration. I know you  
9 have seen all of this before. I don't understand why form  
10 letters of people from California, from Rockville, from  
11 Bethesda -- they're padding the record. And I hope you  
12 acknowledge that. It's silly.

13           That said, I want to thank you for listening.

14           Also, just last quick thing about the public space  
15 in the front of the building. I know that the trail, the  
16 bike trail, is not preferred for that site. And it's  
17 probably with very good reason that it should not go down  
18 Eastern Avenue. I wouldn't second-guess that. But we have  
19 a history in this neighborhood of things being set aside too  
20 late.

21           And, in fact, where Commissioner Yeats lives,  
22 Cedar Crossing, we are supposed to have a bike trail going  
23 between the Metro tracks and that building. And the way it  
24 got built, you know, there was lip service to doing it, that  
25 by the time it came to actually putting a trail there, it



1 was so built out, it couldn't fit. And we have had some  
2 other situations like that, where you sort of wanted to do  
3 pedestrian and bike access, but it got built out.

4 So I would like to make sure that there is  
5 adequate space on a street, which is huge, pedestrian, a  
6 huge pedestrian route to Metro, as well as bike use, and  
7 anything else. So please, please give it more space, even  
8 though Eastern Avenue is not the best use for a bike path.

9 Again, thank you very much for your time and for  
10 all of the time you are spending on this project.

11 CHAIRPERSON HOOD: Thank you, former Commissioner  
12 Green. And thank you. It is good to hear from you.

13 Let's see. Ms. Schellin, who do we have next?  
14 Her last name is Carilis.

15 MS. SCHELLIN: Yes. You know, I thought I had  
16 seen Marilyn Simon on here, for some reason, on the list.  
17 Let me go back and look at my list to make sure I called  
18 everybody.

19 CHAIRPERSON HOOD: Okay. Let's make sure we get  
20 everybody. Carilis? I'm sorry I have to call you Carilis.  
21 That's all I see up here.

22 MS. ALVAREZ: I am here.

23 CHAIRPERSON HOOD: Okay. Ms. Carilis, if you can  
24 go ahead?

25 MS. ALVAREZ: Yes. So my name is Carilis Olmedo

1     Alvarez.

2                 First, I would like to thank you for your hard  
3     work on this and for taking seriously community input and  
4     the fact that this project has seen people like me, a next-  
5     door neighbor.

6                 I also want to say that I submitted my testimony  
7     in writing.

8                 As a member of Eastmont Coop, I oppose The NHP  
9     Foundation's project as proposed. The NHPF purchased the  
10    building next door, and they're requesting to upzone their  
11    property from RA-1 to RA-2. They are requesting the D.C.  
12    Zoning Commission to uphold the law and regulations  
13    establish (audio drop) expense of an already established  
14    community, mainly composed of elderly people as well as  
15    people of color and like me.

16                As a member of the Eastmont community, I am  
17    extremely concerned about the effect that this construction  
18    will have on my life investment. That is my home, which I  
19    actually own.

20                Some of these concerns are related to, one, the  
21    lack of sunlight due to the proposed building's height; two,  
22    out-of-control traffic with Eastern Avenue; and, three, an  
23    over-density in an area that was never designed for that  
24    purpose as Takoma mainly has narrow streets, sidewalks, and  
25    very little parking available.

1           Moreover, I am concerned about NHPF inflexibility  
2 in having a real dialogue as well as a lack of a  
3 compensation package for Eastmont Coop as a direct result of  
4 the damage that our structure will suffer due to the  
5 construction.

6           Members of the Eastmont Coop do not oppose the  
7 construction of a building next door. We just simply oppose  
8 the construction of a structure that, as proposed, would be  
9 detrimental to our quality of life. Respectfully, we remind  
10 the D.C. Zoning Commission of what is currently happening in  
11 M Street in Southeast. And I provided a link in my  
12 testimony where after an out-of-proportion-size next-door  
13 construction, residents describe this situation like having  
14 a solar eclipse in their homes, precisely because they don't  
15 have access to sunlight. We don't want that mistake to be  
16 done to do as well. Therefore, we respectfully request the  
17 D.C. Zoning Commission to apply the law as is and reject the  
18 NHPF project as proposed.

19           CHAIRPERSON HOOD: All right.

20           MS. ALVAREZ: That's it. Thank you.

21           CHAIRPERSON HOOD: Thank you very much.

22           Let's see if we have any -- Ms. Schellin, do we  
23 have anyone else?

24           MS. SCHELLIN: No, sir.

25           CHAIRPERSON HOOD: Okay.

1 MS. SCHELLIN: That was it.

2 CHAIRPERSON HOOD: That was it?

3 Commission, any questions of this panel, Ms.  
4 Carilis and Ms. Green? And I'm sure I messed Ms. Carilis'  
5 name up. She accepted. All right. No questions, Vice  
6 Chair Miller, Commissioner Imamura, Commissioner Stidham?  
7 All right.

8 VICE CHAIR MILLER: No questions. Thank each of  
9 you for your testimony.

10 CHAIRPERSON HOOD: Yes. Thank you. Thank you  
11 both for your testimony.

12 Let's go to Ms. Brown, the applicant.

13 MS. BROWN: No questions.

14 CHAIRPERSON HOOD: Okay. Commissioner Yeats, any  
15 cross?

16 MR. YEATS: I wanted to thank Ms. Carilis, who is  
17 my constituent, for coming out and to tell Ms. Green, even  
18 though she's no longer my constituent, it is good to see her  
19 again.

20 I did want to note that there are deeply  
21 affordable family-sized units being built next door at the  
22 EYA project. Were you aware of that, Ms. Green?

23 MS. GREEN: I was but didn't seem to be -- there  
24 aren't that many, and this needs to be an opportunity here.  
25 Every project ought to have deeply affordable family units.

1 And this is an opportunity not to be missed.

2 MR. YEATS: And, Ms. Green, you supported the EYA  
3 project at the Takoma Metro because of those deeply  
4 affordable family-sized units?

5 MS. GREEN: I did not support that project because  
6 -- for a number of reasons. You don't have a lot of time  
7 for me to get into it. The affordable units were certainly  
8 not the issue for me. I wanted even more of them, frankly.  
9 And I think more of them could have even been provided.  
10 It's a complicated issue, but I don't think you're stating  
11 my views accurately.

12 MR. YEATS: And this current project, the Elm  
13 Gardens project, is 100 percent affordable, right?

14 MS. GREEN: I get that. Yes, I do. I do get  
15 that. And that's fine, but my question had to do with how  
16 many 80 percent FMI units are there because there is  
17 affordable and there is deeply affordable. So I wanted just  
18 to confirm that. I suspect it's good, but I wasn't clear on  
19 the numbers. So that's why I asked and the family and the  
20 family-sized units.

21 MR. YEATS: And the most deeply affordable type of  
22 housing is permanent supportive housing, right, for people  
23 who are formally house --

24 MS. GREEN: Yes. I understood. I understand  
25 that. I was just asking about the numbers --

1 MR. YEATS: Okay.

2 MS. GREEN: -- about how the numbers worked out  
3 and how many 80 percent units there are, understanding that  
4 the 80 percent -- you know, if people are returning, these  
5 are returning tenants, then clearly some of them might be 80  
6 percent. So that isn't --I wouldn't include that. I am  
7 saying other than returning tenants. I just asked how many  
8 were at 80 percent. That's all.

9 MR. YEATS: Thanks. Thank you, Ms. Green. I  
10 appreciate it.

11 Thank you, Chair Hood.

12 CHAIRPERSON HOOD: Thank you.

13 Ms. Jacobson?

14 MS. JACOBSON: I have no questions. Thank you.

15 CHAIRPERSON HOOD: Thank you.

16 And Mr. Jones?

17 MR. JONES: No, I have no questions. Thank you.

18 CHAIRPERSON HOOD: Okay. Thank you both for your  
19 testimony. I did call after -- yes. Thank you both for  
20 your testimony. And we appreciate you sticking with us.  
21 All right.

22 I am going to push colleagues to try to finish  
23 this case tonight. Hopefully, if we go 15 minutes over, are  
24 we good? I am going to push. Okay? Are you all ready to  
25 stop now? I mean at 9 o'clock. I mean, just a little bit.

1 We have just got a little bit. All right. Let's do it.

2 Ms. Schellin, let's bring up the applicant. Let's  
3 do a two-minute call. Come back in two minutes.

4 MS. SCHELLIN: Okay. Mr. Young, if you would  
5 bring up the applicant? Ms. Brown, do you need Mr. Young to  
6 bring up the couple of rebuttal slides? Did you send those  
7 to him?

8 MS. BROWN: Yes, yes. And we will probably only  
9 need the first three or four slides, not the full eight,  
10 that we submitted.

11 MS. SCHELLIN: Okay. So you will submit those to  
12 the record?

13 MS. BROWN: The ones we use we will submit to the  
14 record, yes.

15 MS. SCHELLIN: Okay. Thank you.

16 MS. BROWN: And we can do that after the hearing?

17 MS. SCHELLIN: Correct. Since you're not  
18 submitting the entirety, you will need to remove the slides  
19 that you are not going to use.

20 MS. BROWN: Okay.

21 MS. SCHELLIN: If you can do that tomorrow, that  
22 would be great.

23 MS. BROWN: Okay. And, then, we would request  
24 that Mr. Young also bring up another of our rebuttal  
25 witnesses: Mr. Mansur Abdul-Malik.

1 MS. SCHELLIN: Did he sign in on the witness  
2 thing?

3 MS. SIMON: I believe so.

4 MS. SCHELLIN: Yes, I did see his name on there.  
5 Yes.

6 MS. BROWN: He wasn't pulled up earlier.

7 MS. SCHELLIN: He was under NHP, I believe?

8 MS. BROWN: Yes.

9 MS. SCHELLIN: Is that correct?

10 MS. BROWN: Yes.

11 MS. SCHELLIN: He was on the list. I just wanted  
12 to make sure the oath was done.

13 CHAIRPERSON HOOD: Okay. We are going to go ahead  
14 and get back started. I'm sure my colleagues are close by  
15 where they can hear, but when they're ready, they will come  
16 back on.

17 MS. SCHELLIN: Mr. Young, you could bring up that  
18 PowerPoint.

19 CHAIRPERSON HOOD: Ms. Brown, are you ready? Ms.  
20 brown, are you all ready?

21 MS. BROWN: We are ready. And there it is, our  
22 rebuttal slides. If you can go to the next slide when  
23 you're ready? Great. So we have --

24 CHAIRPERSON HOOD: Well, Ms. Brown, before you get  
25 started --



1 MS. BROWN: Yes?

2 CHAIRPERSON HOOD: -- with rebuttal -- well, I  
3 will do that after you finish rebuttal. Go right ahead.

4 MS. BROWN: Okay. There are two issues that I  
5 understand we really should address for the benefit of the  
6 Commission. One is the adequacy of our communications with  
7 the Eastmont neighbors and how that transpired. And the  
8 second are the light impacts and shadow impacts of our  
9 proposed building on the adjacent building. So since we  
10 have the shadow study up here first, we will begin with  
11 that. And I would like to have Mr. Bonilla address those  
12 studies.

13 Mr. Bonilla?

14 MR. BONILLA-VERDESOTO: Yes. Thank you. Fernando  
15 Bonilla, for the record.

16 Again, what I would like to mention is how we have  
17 a very narrow site. We are about 75 feet in width. We are  
18 proposing a building that is also narrow in order to address  
19 that, the proportions of the site. So we are proposing a  
20 building that is about 50-foot wide.

21 We are meeting the same or putting the building  
22 pretty much in the same place where the existing building is  
23 located in terms of the distance between our building and  
24 our neighbors to the north.

25 And, in addition, we want to point out right here

1 that, as you can see on those slides, the building actually  
2 turns away from the existing neighbors to the north as the  
3 building moves outside towards the back of the building. So  
4 that and the fact that we have pushed the -- we have  
5 increased the size of our front yard, that alleviates some  
6 of the concerns in terms of the canyon or the wall that was  
7 mentioned earlier.

8           We have these slides here that are showing the  
9 shadow status that we have prepared. And, of course, we  
10 look at the summer solstice and winter solstice because  
11 those would be the ones where the greatest impact will be  
12 generated on the side. And, as you can see here, we  
13 have -- there are only three times between 10, 11, and 12 12  
14 p.m. that we are seeing that there is some very modest  
15 shadow that is coming onto the vertical facades of the  
16 buildings towards the north.

17           And, then, if you look at the other -- so that I'm  
18 talking about the three slides, the three images on the top  
19 portion of the page. And, then, everything else in terms of  
20 the rest of the day, then there is really no impact on the  
21 building to the north.

22           We can go to the next slide. So, then, we are  
23 looking at the winter solstice here. And again we looked at  
24 every hour between 10 and 3 p.m. The times when we can see  
25 that there is some impact is between 12 and 2 p.m., but it's

1 mostly created just at the upper portions of the building to  
2 the north of us. You can see that the rest of the time,  
3 there is really no relevant or significant shadows that are  
4 casted onto the building. That is just in two hours.

5           Let's go to the next slide. So what we also did  
6 is we compared what we are proposing with what a building  
7 that would be built under the permitted RA-1 zone would  
8 provide in terms of shadows. So on the second, the lower  
9 portion of the page, we have just a general building built  
10 under the RA-1 zone and, then, what we are proposing on the  
11 upper portion of the page. And, as you can see, there is a  
12 very modest section of the lower-level units to the north of  
13 our building that will be receiving some shadow lines.

14           Next page. And, again, this is now looking at the  
15 winter solstice, where we are also looking at the amount of  
16 shadows that we will be looking towards the north side of  
17 our building and is pretty much the same in terms of  
18 comparing between what we are proposing and what will be  
19 allowed for a building -- what would be allowed under the  
20 AR-1 zone.

21           MS. BROWN: I think those are all our shadow  
22 studies. And maybe this is a good place to pause if anyone  
23 had questions on that topic.

24           CHAIRPERSON HOOD: If you could just go ahead and  
25 finish your whole rebuttal --

1 MS. BROWN: Okay.

2 CHAIRPERSON HOOD: -- so we can do cross on  
3 rebuttal as well?

4 MS. BROWN: Okay. Thank you.

5 So, next, I would like Mr. Mansur Abdul-Malik to  
6 address the issue of communication with the neighbors and  
7 the assertion that there was a hard and fast no to any  
8 compromise that they wanted to entertain.

9 If you could introduce yourself for the record,  
10 please?

11 MR. ABDUL-MALIK: Yes. For the record, my name is  
12 Mansur Abdul-Malik, senior vice president for The NHP  
13 Foundation, while, also, I am the project executive that has  
14 been working with Michael Simon on the Elm Gardens  
15 redevelopment.

16 So Commissioner Hood, you know, other  
17 commissioners of the committee, thank you very much for this  
18 opportunity.

19 I want to say that the word "No" never came from  
20 NHP Foundation. And I want to be very clear. NHP is very  
21 proud of the work that we have done in the District. We  
22 worked with a number and continue to work with a number of  
23 community groups and tenant associations throughout the  
24 city. And our key to being successful is being able to be  
25 flexible and trying to find middle ground when we have the

1 combination of forces, whether it be design, finance, or  
2 other legal impediments that prevent us from being able to  
3 do what, ideally, one side would like us to do.

4           In this instance -- and it was actually confirmed  
5 by the opposition party that we did meet with them. We came  
6 to them with options. We came to them with different shadow  
7 studies that showed what those options would look like at  
8 varying times, both at the peak of summer and at the peak of  
9 winter.

10           And in that instance, instead of us having a  
11 conversation that was going to be one that would be flexible  
12 to not just the constraints of the site but also flexible to  
13 the fact that -- because affordable housing, it's not  
14 affordable to build. It's affordable for us to be able to  
15 rent to folks, but a brick for an affordable housing complex  
16 costs the same as a brick for a market-rate complex. So, in  
17 this instance, we have to work within the confines of  
18 affordable housing finance, specifically the affordable  
19 housing finance structure here in the District.

20           So, with that being said, we tried to make sure  
21 that we were open and vulnerable with regard to where we  
22 were and what we could do, given those constraints. And we  
23 were met, instead, with, you know, responses that were more  
24 akin to not doing this transaction at all, in comparison to  
25 those that were more flexible and willing to work with us

1 through this process, understanding that there are rocks and  
2 hard places that we cannot penetrate or move that are higher  
3 than where we are.

4           So, in this instance, there was never a hard no.  
5 Instead, we brought to them an open mindset. We gave them  
6 options based on us working with our architect to try and be  
7 as creative as possible. And we were simply met with a lack  
8 of creativity and open-mindedness other than to not do the  
9 transaction at all.

10           And, Michael, please feel free to expound on this  
11 in the event that I have missed anything.

12           MR. SIMON: Thank you, Mansur. It is Michael  
13 Simon, for the record.

14           You know, we met with Eastmont on 8/10. I feel  
15 like that was quite a productive meeting. They asked a lot  
16 of questions about the proposed design, which is the design  
17 that is before the Commission today.

18           On 8/22, we actually responded to Eastmont with a  
19 letter, you know, just explaining in more detail a lot of  
20 the questions that were asked at that meeting and that, you  
21 know, left open the door to meeting with them again at a  
22 later date.

23           You know, the next communication we received from  
24 them was on December 15th, and that was when they asked us  
25 to consider redesigning the building -- I believe under the

1 first scenario was with, you know, looking at removing the  
2 penthouse or pushing that density to the back -- and, then,  
3 sent a follow-up email clarifying that request. And I  
4 believe that is -- also, those two email exchanges are in  
5 the record under -- with George Alan Smith's testimony. So  
6 I think that shows that we have been, you know, cordial and  
7 open to -- you know, open to anything that would not  
8 diminish the number of units or the programming on site. So  
9 thank you.

10 MS. BROWN: Thank you. I think that concludes are  
11 rebuttal unless you -- and we are ready to have questions.

12 CHAIRPERSON HOOD: Question. I have a comment,  
13 but I'm going to do that before we do closing.

14 Do we have any questions on rebuttal, Commissioner  
15 Imamura?

16 (No response.)

17 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

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

19 I think I may want something in writing from NHP  
20 Foundation, the applicant, on the challenges to the  
21 feasibility of the project if you -- by pushing the density  
22 or the height to a different area, I think just a more  
23 fulsome written response.

24 And maybe if you shared images or renderings,  
25 draft renderings, with Eastmont -- I might have been

1 | distracted for a second. I don't know if you pulled them up  
2 | on your rebuttal presentation, but I thought you had alluded  
3 | to that earlier in response to my questions on your direct  
4 | presentation. So if there if there are some renderings of  
5 | your trying to be responsive to what they requested in terms  
6 | of an alternative that pushed the height elsewhere, if you  
7 | shared that, those renderings, with them, I would like to  
8 | see what you shared and, then, a written explanation as to  
9 | why that just makes the project not feasible.

10 |           MS. BROWN: Thank you for the reminder,  
11 | Commissioner Miller. There is a slide in the presentation  
12 | that explains how we did examine the suggestion from the  
13 | Eastmont community and the challenges we faced because of  
14 | the cost and the podium that I discussed I guess earlier in  
15 | the hearing this evening. And if I could impose on Mr.  
16 | Young to bring up the rebuttal slides again, it should be  
17 | part of that submission.

18 |           CHAIRPERSON HOOD: While he's working on bringing  
19 | that up since Commissioner Vice Chair Miller went into this,  
20 | I will say that I want to know how are we protecting the  
21 | properties. And I don't need that now. I don't even want  
22 | to hear about it now. How are we protecting the properties  
23 | if you go through in construction -- if we go through  
24 | construction? That may be another form. If it is, tell me  
25 | it's another form.



1           But I heard the party in opposition mention, Mr.  
2 Mansur and others, how -- making sure their property is  
3 secure. So that's -- I will leave it at that. And you can  
4 just --

5           VICE CHAIR MILLER: You mean during construction,  
6 right?

7           CHAIRPERSON HOOD: During construction, right.

8           VICE CHAIR MILLER: Yes, even though that's not  
9 our purview, but we often do get information on that. Yes.

10          CHAIRPERSON HOOD: Well, sometimes it's not our  
11 purview, Vice Chair. I asked for it, and that's what I want  
12 because under construction management plans and stuff -- I  
13 didn't ask for a construction management plan, but I need to  
14 know what goes on --

15          VICE CHAIR MILLER: Right.

16          CHAIRPERSON HOOD: -- with their concern. Okay?  
17 All right.

18          MS. BROWN: Great. Just a quick response to that,  
19 Chair. In our slide deck from today, there is that -- we  
20 have the chart of the potential unacceptable impacts. And  
21 there is a category that talks about construction. But we  
22 will be happy to --

23          CHAIRPERSON HOOD: You have already got it?

24          MS. BROWN: -- respond to that more.

25          CHAIRPERSON HOOD: No, no, but if it's already

1     there, tell me where it is, and I will look for it right  
2     quick.

3             MS. BROWN:   It's in our slide deck.   And, you  
4     know, it's in my presentation.   So it's probably about the  
5     third or fourth slide that ends my presentation.   Oh.   Yes.  
6     It's got to be all the way toward the end, Mr. Young.

7             CHAIRPERSON HOOD:   Okay.   Thank you.   You all can  
8     continue.   I will look for it.   Thank you.

9             MS. BROWN:   Well, he brought it up on the screen  
10    for us.

11            CHAIRPERSON HOOD:   Okay.

12            MS. BROWN:   Let's see.   Okay.   Yes, it should be  
13    -- there it is at the -- go back one.   At the bottom,  
14    "Construction period impacts on" the "neighbors," "Temporary  
15    construction impacts are capable of being mitigated through"  
16    the DOB "construction requirements.   The Applicant has  
17    significant experience successfully completing construction  
18    projects for infill locations without disturbances."   So  
19    whatever construction impacts there may be are capable of  
20    being mitigated.

21            So we did at least address it that much.   And we  
22    are happy to submit any additional information that you  
23    might want.

24            CHAIRPERSON HOOD:   That's all I need.   And I thank  
25    you for obliging.   That's all I need, just something in the

1 record to give the Eastmont a level of confidence. So thank  
2 you, Ms. Brown.

3 MS. BROWN: Okay. And, then, Mr. Young, if we  
4 could go back to the rebuttal slides? And we will get that  
5 taken care of. Thank you. And I think it's going to be the  
6 third or fourth -- let's see. Keep going. Fifth slide, I  
7 guess. One more. There.

8 MR. SIMON: There we go. Thank you.

9 MR. BONILLA-VERDESOTO: Yes. So what we heard  
10 from our neighbors up the street was look at an idea where  
11 we lowered the height of the building that is closer to  
12 Eastern Avenue to three stories and remove the penthouse and  
13 then take that density or that height and put it in towards  
14 the back of the site.

15 So we did some calculations. And, as you can see  
16 here, we drew that line between the blue area and the green  
17 area right where our building would be facing the end of  
18 their building to the north.

19 And, then, we also -- when we did this, we started  
20 doing the calculations in terms of what was needed to  
21 achieve this not only from a square footage but also for the  
22 density. So, as you can see, we would have to go to a six-  
23 story building without a penthouse -- that is the image  
24 shown at the bottom towards the right -- or we do a five  
25 stories with a penthouse, but, then, there would be

1 significant loss of number of units in either scenario, with  
2 the idea with the five stories and the penthouse, of course,  
3 there would be additional loss of units. And some of these  
4 are technical reasons, but, as you can see, the moment that  
5 we take what was a very efficient building with stairs and  
6 elevators on each end of the building and we create this  
7 sort of shoe shape I call it where we are sort of towering  
8 towards the Metro station and lowering the height towards  
9 the street, we also need to bring along with it a new set of  
10 stairs so that the residents on those levels have always  
11 access to two means of egress. We need to bring the trash  
12 chute. We need to bring other surfaces in that area,  
13 including mechanical, electrical, and plumbing components.  
14 So all of that has to come also on every level, and that  
15 reduces the efficiency of the building when we are trying to  
16 do that.

17           In addition, we would have to bring the trash  
18 chute, the trash compactor room, and everything else,  
19 towards the back of the site, where we are really tight in  
20 terms of space for a trash truck to be able to turn around  
21 there and in terms of the ceiling height that we are  
22 required to provide from a DDOT perspective for those  
23 trucks.

24           So we have done some calculations in terms of the  
25 square footage, the number of units that been lost and, you

1 know, happy to share that information as well as some cost  
2 information.

3 MS. BROWN: Mr. Bonilla, could you describe the  
4 construction typology?

5 MR. BONILLA-VERDESOTO: Yes, yes, absolutely. So,  
6 as I mentioned during the presentation of our design, we are  
7 proposing a building that is wood, of wood frame  
8 construction, for stories and the penthouse. And that's the  
9 most affordable construction type that we can achieve here.  
10 The moment that we start increasing the height of the  
11 building, even if it is in a portion of the building,  
12 towards the six stories or a five stories and a penthouse,  
13 then that changes the construction type so much that we  
14 would have to bring additional concrete or a metal  
15 construction. So it not only changes the cost of the  
16 construction from a square footage perspective, but, also,  
17 there are other regulations in terms of the -- from the  
18 Department of Labor perspective in terms of the wages that  
19 the workers will have to be paid. So it certainly increases  
20 not only the construction type but also increases the cost  
21 of the project.

22 MS. BROWN: And yes. Mr. Simon would also address  
23 this issue as well. We are going to turn the camera toward  
24 him.

25 MR. SIMON: Michael Simon, for the record.

1           Yes. As Fernando explains, this would increase  
2 the cost of the building significantly and make it so that  
3 the project would not score as well under the DHCD's scoring  
4 rubric or potentially make it so that you can't underwrite  
5 it because the costs have exceeded the cap of the subsidy  
6 that they will provide. You know, so that is, you know, a  
7 risk that we would face under this scenario.

8           And with the reduced number of units, you know,  
9 the cost of acquisition for the TOPA that is being spread  
10 over those units is higher. And that also makes it less  
11 attractive to DHCD.

12           So that's a risk, you know, trying to increase,  
13 you know, have more concrete podium or have to excavate more  
14 so you can get a trash truck all the way into the back of  
15 the basement. Those are really expensive, you know,  
16 construction issues.

17           MS. BROWN: Thank you.

18           And that, then, concludes our rebuttal.

19           CHAIRPERSON HOOD: I think you all really were  
20 responding to a question for Commissioner Vice Chair Miller.

21           Do you have any more questions, Vice Chair Miller?

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

23           And thank you. That was very helpful. And I  
24 assume that that, what you -- whatever slides you just  
25 showed will -- as part of the rebuttal testimony or answers

1 to question will be put into the record so we have that as  
2 part of the official written record on the case as well. Is  
3 that -- it's not in the record currently. Is that correct?

4 MS. BROWN: No. We will upload it either this  
5 evening or -- I will be more realistic. Tomorrow morning,  
6 we will upload it to the --

7 CHAIRPERSON HOOD: Won't nobody be reading this  
8 evening except for the vice chair. The vice chair won't be  
9 looking at it.

10 VICE CHAIR MILLER: Yes. I'm not going to be this  
11 evening. Thank you.

12 The other -- the only other question I had, I  
13 appreciated the slide and the discussion and what's in the  
14 written record on the relocation assistance and the right to  
15 return for the existing tenants at comparable rents. And  
16 there was a slide that showed that in your presentation.

17 And I think there was a cost there of over \$2  
18 million. I don't know if that was just the relocation  
19 assistance or that included also the guarantee of rent. I'm  
20 not sure it did include the guarantee of rent for the  
21 existing tenants for their life I guess if they are there  
22 for their life.

23 But if there's additional -- here's my question.  
24 If there's additional information about or details about  
25 this, the relocation assistance and the right to return,

1 that's part of your project, whether it's, what I just said,  
2 on the rents or if there's a draft agreement with the Elm  
3 Gardens Tenants' Association, I think it would be helpful to  
4 have that in the record, in the written record.

5 So that's it, Mr. Chairman.

6 And I -- is there a draft agreement with the Elm  
7 Gardens on the relocation assistance and the right to  
8 return? Do you know?

9 MS. BROWN: I will let either Mr. Simon or Mr.  
10 Malik address that.

11 MR. ABDUL-MALIK: Yes. Let me address that, if I  
12 could.

13 The agreement that we have with the Elm Gardens  
14 Tenants' Association, it flatly says that we will pay for  
15 any and all relocation expenses and they all have the right  
16 to return. The relocation --

17 VICE CHAIR MILLER: If you can provide that --

18 MR. ABDUL-MALIK: Sure.

19 VICE CHAIR MILLER: -- agreement for the record?  
20 I'm not sure we have it in the record, written record.

21 MR. ABDUL-MALIK: Oh, absolutely. And, just to  
22 quickly answer your concern, that amount also includes the  
23 difference between what the tenants are paying now and what  
24 the rent would be in order for us to be able to relocate  
25 them locally as close to the property as possible. So we



1 would absorb all of those costs and any other additional  
2 costs at the relocation community. So that they would not  
3 see a difference in their financials.

4 VICE CHAIR MILLER: Okay. Thank you very much.  
5 Thank you, Mr. Chairman.

6 MS. BROWN: And -- excuse me, Mr. Miller. I'm  
7 sorry. Before we commit to submitting the entire agreement,  
8 I just need to make sure that it's allowed to be shared,  
9 but, otherwise, we certainly will give you a summary of  
10 everything that's in there.

11 VICE CHAIR MILLER: Thank you. I appreciate that.  
12 There might be proprietary information or --

13 MS. BROWN: Yes. I just don't know.

14 VICE CHAIR MILLER: Okay. Okay.

15 CHAIRPERSON HOOD: All right. Thank you.

16 Commissioner Stidham, any questions?

17 COMMISSIONER STIDHAM: No.

18 CHAIRPERSON HOOD: Thank you. Thank you. Okay.

19 Let's see if we have any cross and rebuttal.

20 Commissioner Yeats?

21 MR. YEATS: Not at this time, Chair Hood. Thank  
22 you.

23 CHAIRPERSON HOOD: Thank you.

24 Ms. Jacobson?

25 MS. JACOBSON: No questions. Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 Mr. Jones?

3 MR. JONES: Yes. I just wanted to ask to confirm.

4 Mansur said we were not agreeable in discussion in the  
5 previous case, which I will contend was a different context  
6 in a different case. And I disagree that we weren't  
7 agreeable or -- I mean, but I will -- I just want to confirm  
8 whether in this case, the first thing we were told when we  
9 were met was there will be no community input and you're not  
10 soliciting any community input.

11 MR. ABDUL-MALIK: Is that a question?

12 MR. JONES: Yes.

13 MR. ABDUL-MALIK: Okay. We never said that there  
14 would not be any community input.

15 MR. JONES: Can you confirm that you weren't  
16 actually at the meeting that we had, the first meeting we  
17 had in this case?

18 MR. ABDUL-MALIK: I was at all meetings that were  
19 in person with the entire Eastmont --

20 MR. JONES: You were silent.

21 MR. ABDUL-MALIK: I was there.

22 MR. JONES: Can I ask Carolyn Brown?

23 MS. BROWN: I don't think so since I am the  
24 attorney, I am not the witness.

25 CHAIRPERSON HOOD: Mr. Jones, are you asking her,

1 Ms. Brown, was she at the meeting or --

2 MR. JONES: Can I ask Michael Simon? It was  
3 Carolyn Brown who said it to us. But can I ask Michael  
4 Simon if he remembers?

5 MR. SIMON: I don't recall anyone saying no, that  
6 we wouldn't -- you know, that we weren't willing to do  
7 anything. I think that you asked about, you know,  
8 different, you know, options. And we said that we would  
9 evaluate them, but -- you know, and they may not be  
10 financially viable. That was what a lot of the discussion  
11 was about.

12 And the letter that we wrote explained financial  
13 viability as well as, you know, there were a lot of  
14 questions about penthouses. So I think the letter that we  
15 wrote to you and submitted to you on the 22nd explained a  
16 lot about the financial liability.

17 That's what I remember, is that, you know, that we  
18 discussed -- financial viability was the biggest topic, that  
19 and penthouses. That's what I recall from that meeting.

20 And I know there were a lot of questions. Then we  
21 responded to the major questions in the letter that we sent  
22 back to you, I believe, on the 22nd.

23 MR. JONES: Okay. All right, then. Thank you.  
24 That's it.

25 CHAIRPERSON HOOD: Okay. Thank you.

1                   Ms. Brown, do you have a two-sentence closing? I  
2 do.

3                   CHAIRPERSON HOOD: Thank you.

4                   MS. BROWN: And I will be very brief. I don't  
5 know of a single applicant that wants to appear before you  
6 that doesn't have 100 percent support. We always want to  
7 strive for that and try to reach some meeting of the minds.  
8 And, unfortunately, there was just not a way to accommodate  
9 the Eastmont suggestion to shift the density to the rear of  
10 the property. There are too many construction and cost  
11 hurdles to make that happen, as you heard from our  
12 witnesses.

13                   But, frankly, the height, massing, and density of  
14 the building are all extremely reasonable, particularly in  
15 what essentially is an RA-1 building height of the existing  
16 zoning. So I think that it's a very positive, extremely  
17 beneficial project that we have developed here.

18                   And, again, it's rare that we get a privately  
19 developed all-affordable PUD project. Most of the time,  
20 it's got a District agency that is a co-applicant and it's a  
21 much larger project. But this is a small- to medium-sized  
22 apartment building that's all privately handled here. Yes,  
23 they're getting funding from DHCD, but more of these need to  
24 happen in the city. So I think we are, you know, very lucky  
25 to have this project here.

1           We already heard about all the important public  
2 benefits that this will deliver: minimal flexibility  
3 requested, only 8 percent of the additional density under  
4 the PUD process that allows 20 percent more.

5           And we clearly meet all the PUD evaluation  
6 standards. We meet just about every comprehensive plan  
7 element that we submitted. And there is nothing that we are  
8 inconsistent with. And I know that Ms. Green testified that  
9 she would have preferred to see more three-story, but that  
10 doesn't make this project inconsistent with the  
11 comprehensive plan.

12           So we have not heard one shred of evidence that  
13 goes against this project. And every potential impact is  
14 either capable of being mitigated or it's favorable or it's  
15 favorable in light of the extent of the benefits being  
16 offered.

17           So, for those reasons, we believe that the  
18 application should be approved. And we would request that  
19 you act favorably upon it at the appropriate time.

20           Thank you.

21           CHAIRPERSON HOOD: Okay. Thank you, Ms. Brown.

22           Ms. Schellin, could you give us some dates?

23           MS. SCHELLIN: Ms. Brown, how much time do you  
24 think you need to provide what's been requested?

25           MS. BROWN: I would say I am guessing it could be

1 within a week.

2 MS. SCHELLIN: Okay. Perfect. Then we can put  
3 you on the first meeting agenda in March, I believe.

4 MS. BROWN: Great. Okay.

5 MS. SCHELLIN: If we work it for a week, yes. So  
6 if we could have your responses, the additional requests  
7 made by the Commission, by 3 p.m. one week from today, which  
8 would be February 22nd, the parties; that's, the ANC, the  
9 party in support, the party in opposition, would have until  
10 3 p.m. on February 29th. And, then, we can put this on our  
11 first meeting agenda for consideration of proposed action on  
12 March 14th at 4 p.m.

13 Okay. Thank you, Ms. Schellin.

14 Is anything else before us?

15 MS. SCHELLIN: No, sir.

16 MS. BROWN: If I could just clarify that there was  
17 the one piece of information that was requested, and that  
18 was about the relocation plan and the draft agreement  
19 between NHP and Elm Gardens Tenants' Association? I believe  
20 that was it.

21 MS. SCHELLIN: One other thing. I want to make  
22 sure that you include a draft, draft findings of fact and  
23 conclusions of law, on the 29th also. If you guys would  
24 like to provide one? The applicant must.

25 CHAIRPERSON HOOD: Okay. Anything else?

1 MS. SCHELLIN: No, sir.

2 CHAIRPERSON HOOD: All right. Thanks, everybody.  
3 Let me just say this right quick. At 9:17, nobody really  
4 cares, but some people may.

5 The Zoning Commission will meet again February  
6 22nd, 2024, case number 23-11. The case number is 7709  
7 Georgia Avenue, Northwest, LLC.

8 With that, I want to thank everyone for their  
9 participation tonight. Regardless of what side we are on,  
10 as stated, the Commission will make a decision. We  
11 appreciate all the input and thank everybody for all their  
12 hard work, whatever side you are on.

13 So, with that, good night. Thank you all for  
14 sticking with us. Good night, everyone. This meeting is  
15 adjourned.

16 (Whereupon, the meeting was adjourned at 9:19  
17 p.m.)

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REPORTER CERTIFICATE

This is to certify that the foregoing transcript  
In the matter of: Public Hearing  
Before: D.C. Zoning Commission  
Date: 02-15-24  
Place: Teleconference  
was duly recorded and accurately transcribed under my  
direction; further, that said transcript is a true and  
accurate record of the proceedings.



Gary Euell