

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

VIA WEBEX

THURSDAY, FEBRUARY 22, 2024

The Public Hearing by the District of Columbia Zoning Commission convened via videoconference pursuant to notice at 4:03 p.m. EST, Anthony Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

HILLARY LOVICK, Esquire

This transcript serves as the minutes from the Public Hearing held on February 22, 2024.

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P R O C E E D I N G S

(4:03 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is February the 22nd, 2024. We are convened and broadcasting this public hearing by videoconferencing. Hold one second, please. Okay. All right. Let me start all over again. I'm sorry.

Good afternoon, ladies and gentlemen. Today's date is February 22nd, 2024, and the time now is 4:03 p.m. We are convened and broadcasting this public hearing by videoconferencing.

My name is Anthony Hood. And I am joined by Vice Chair Miller and Commissioner Imamura. We are also joined by the Office of Zoning staff Ms. Sharon Schellin, as well as the Office of Zoning staff as well as Mr. Paul Young, who will be handling all of our virtual operations, as well as Office of Zoning Legal Division counsel Ms. Hillary Lovick. I will ask all others to introduce themselves at the appropriate time.

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

All persons planning to testify should have signed

1 up in advance and will be called by name at the appropriate
2 time. At the time of signup, all participants will complete
3 the oath or affirmation required by subtitle Z-48.7.
4 Accordingly, all those listening on Webex or by phone will
5 be muted during the hearing. And only those who have signed
6 up to participate or testify will be unmuted at the
7 appropriate time. When called, please state your name
8 before providing your testimony. When you are finished
9 speaking, please mute your audio. If you experience
10 difficulty accessing Webex or with your telephone call-in or
11 have not signed up, then please call the OZ hotline number
12 at (202) 727-0789.

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

17 The subject of this evening's hearing is Zoning
18 Commission case number 23-11, 7709 Georgia Avenue,
19 Northwest, LLC, map amendment at square 2961, lot 810, 7709
20 through 7723 Georgia Avenue, Northwest. Again, today's date
21 is February 22nd, 2024.

22 The hearing will be conducted in accordance with
23 provisions of 11Z DCMR Chapter 4 as follows: preliminary
24 matters, applicant's case. The applicant has up to 60
25 minutes -- I believe they want either between 15 and 30 --

1 report of other government agencies, report of the
2 Department of Transportation and Office of Planning, report
3 of the ANC, testimony of organizations and individuals,
4 organizations, five minutes, individuals, three minutes.
5 And we will hear in the following order: from those who are
6 in support, opposition, or undeclared. Then we have
7 rebuttal and closing by the applicant. Again, the OZ
8 hotline number is (202) 727-0789 for any concerns during
9 these proceedings.

10 At this time, the Commission will consider any
11 preliminary matters. Does the staff have any preliminary
12 matters?

13 PRELIMINARY MATTERS

14 MS. SCHELLIN: Just very quickly. There has been
15 one proffered expert witness: Brandice Elliott, who has
16 previously been accepted by the Commission. So we just ask
17 that you accept her in this case.

18 CHAIRPERSON HOOD: Any objections?

19 (No response.)

20 CHAIRPERSON HOOD: No objections. We'll continue
21 that status.

22 MS. SCHELLIN: Okay. So we have two ANCs in this
23 case: ANC 4B, represented by Michelle Colson, Erin Palmer,
24 Alison Brooks. It looks like any of the commissioners that
25 show up can be represented. And, then, also ANC 4A, I

1 believe it is. I have to look back. I don't have that one
2 written in this report. But there are two ANCs in this case
3 for the Commission to consider the reports of the two ANCs.
4 Yes, it's ANC 4A and 4B.

5 CHAIRPERSON HOOD: Okay.

6 MS. SCHELLIN: And the OP is represented by Matt
7 Jesik and Joel Lawson this evening. And I don't believe we
8 have anyone here from DDOT, but we do have a report from
9 them. Thank you.

10 Oh, the applicant will take 30 minutes. I'm
11 sorry.

12 CHAIRPERSON HOOD: Okay. Thank you. And I
13 appreciate you calling out the ANCs as well.

14 Let's bring up everyone, and we can go ahead and
15 get started. Mr. Freeman, you may begin whenever you're
16 ready.

17 CASE NO. 23-11

18 MR. FREEMAN: All right. Thank you, Mr. Chairman
19 and members of the Commission.

20 My name is Kyrus Freeman. I am an attorney at
21 Holland and Knight, here on behalf of the applicant. I am
22 happy to be here this afternoon to present our map amendment
23 application. Our two primary witnesses will be Brandice
24 Elliott, who is a planner here at Holland and Knight; and
25 Mr. Haaziq Gragg, on behalf of the applicant.

1 We will try to keep it close to 15 minutes. Our
2 application statement, all of our materials are in the
3 record describe how we meet all of the applicable map
4 amendment standards. So we will kind of focus on the
5 highlights, as you -- as we like to say.

6 As you're aware, we're happy to have the support
7 of the Office of Planning. DDOT recommended approval of the
8 application. Although ANC 4A and three individuals do not
9 support the application, we are happy to have the support of
10 ANC 4B, as evidenced by their letter and testimonies. We're
11 happy to have the support of many other neighbors and
12 stakeholders, including existing tenants -- that is
13 important -- and abutting property owners. So we have a
14 significant amount of support for this application. And we
15 believe the record overwhelmingly demonstrates that the
16 application meets the standards for approval.

17 So, with that, I will turn to Mr. Gragg for just a
18 one-minute introduction of who the applicant is. And, then,
19 we're not going to be talking about our project. This is a
20 map amendment. We're not talking about a specific project,
21 but we did want to make sure you had a good sense of who the
22 applicant is. And then we will turn to Ms. Elliott.

23 MR. GRAGG: Good afternoon, commissioners. My
24 name is Haaziq Gragg, a partner at Gragg Cardona Souadi. I
25 want to --

1 MR. FREEMAN: Can I ask Mr. Young to pull up our
2 PowerPoint presentation? I'm sorry. Sorry.

3 Go to the next slide, please. There we go. All
4 right.

5 MR. GRAGG: So yes. My name is Haaziq Gragg, a
6 partner at Gragg Cardona Souadi.

7 We are a minority-owned business, locally owned.
8 We're D.C.-based, a CBE business based in Ward 4 inside the
9 District of Columbia. For over the past 25 years, we have
10 been investing in developing housing opportunities for D.C.
11 residents, employment opportunities, neighborhood retail
12 spaces, and contract opportunities for D.C. businesses.

13 We are -- you know, we're heavily involved inside
14 the transformation and investment inside of emerging
15 neighborhoods throughout D.C. from our history until now,
16 including one of our projects we're partner in in St.
17 Elizabeths East inside of Ward 8.

18 And recently, we have been investing heavily
19 inside of creating opportunities and services for some of
20 the most rentable residents of our city, and those are our
21 senior residents inside of the District. And we are happy
22 to be doing that also inside of Ward 4.

23 MR. FREEMAN: Next slide.

24 MR. GRAGG: So as we have been doing this for a
25 while, one of the most for us, it's in our DNA to really be

1 entrenched inside impactful community engagement. What that
2 means for us, that, you know, community engagement and being
3 part of a community doesn't have a stop to it. You know, it
4 has a start, and, then, it has a process that is ongoing
5 from planning, development, and into operations.

6 It is an ongoing situation that should always have
7 listening, implementation, feedback, then repeat with
8 implementation. It's a cycle that starts but never stops.
9 So that our projects -- we're very proud of our record of
10 working with our neighborhood ANCs, of working with civil
11 associations, neighbors, and residents in all of our
12 projects throughout the city.

13 And the outcome of that type of engagement allows
14 us to try to exceed statutory requirements when it comes to
15 affordable housing, when it comes to contracting. We try to
16 always exceed those. We like to try to set the -- provide
17 those contract opportunities and create those employment
18 opportunities that you really need to have that
19 communication in connection with the community to actually
20 get the information out to the relevant members and
21 stakeholders to allow that process to really try to exceed
22 those statutory requirements.

23 And that's really the crux of our byline, which is
24 community placemaking and purposeful placemaking, community
25 investment. And that really entails to not really just

1 focus on the bricks and mortar of a development but really
2 focus on the actual existing cultural, spiritual, economic,
3 and physical nature of neighborhoods and leverage that to
4 the outcome that is best for our stakeholders and community
5 residents and groups.

6 Next slide.

7 MR. FREEMAN: Thanks. I think that concludes Mr.
8 -- having a little trouble there. That concludes Mr.
9 Gragg's testimony. If you have questions for him now, feel
10 free. Otherwise, we will move to Ms. Elliott, Mr. Chairman.

11 CHAIRPERSON HOOD: Mr. Freeman, if it's okay, Mr.
12 Gragg can stay with us, we'll ask ours once you all finish
13 unless he has to go.

14 MR. GRAGG: No.

15 CHAIRPERSON HOOD: All right. We'll let you do
16 the whole presentation.

17 MS. ELLIOTT: All right. Good afternoon, Chair
18 Hood, members of the Commission. It is always fun to be
19 here at the Zoning Commission.

20 I am Brandice Elliott, with the law firm of
21 Holland and Knight. And I will be presenting the proposed
22 map amendment and how it meets the map amendment standards.

23 So, first of all, I will just give you a brief
24 outline of where this property is located. It is near the
25 District-Maryland boundary on Georgia Avenue near Eastern

1 the -- near Eastern Avenue. It is currently zoned MU-4. We
2 are proposing an MU-10 zone. And it is currently developed
3 with a single-story strip mall that has some tenants in it
4 currently as well as a surface parking lot. And we will be
5 discussing the tenants later in our presentation. I know
6 you are excited to hear about it.

7 Next slide, please, Mr. Young. So we just wanted
8 to provide you maybe a little more context since this does
9 cross boundaries. And, then, there's also a variety of,
10 like, building types near it. So you can see the site, you
11 know, the rectangle in the middle. That is the site that is
12 -- that we are proposing the map amendment for. And, then,
13 the 200-foot radius around it, I do have to say that it's
14 mostly accurate, but there is also a little bit of a
15 proximation because, you know, I couldn't follow the
16 notification boundary perfectly. So I just want to give you
17 that caveat.

18 But, just so you can see, it goes over the Eastern
19 Avenue boundary, but the sites that are most impacted are
20 some three to five-story apartment buildings to the east and
21 to the south. And, then, over the street on the other side
22 of Georgia Avenue, you have some single-story tenant
23 buildings and some additional residential. So there really
24 are sort of a variety of building types within this, within
25 the vicinity of the site.

1 Next slide, please, Mr. Young. And, just for a
2 little more context, you can see the building in that top
3 left picture, a single-story tenant building, retail
4 building. And, then, the photograph under that actually
5 shows the eastern side -- I'm sorry -- the western side of
6 Georgia Avenue, which is very similar to this except that
7 you can see that some of the newer development further down
8 Georgia Avenue is actually being constructed at higher
9 densities. And this isn't very far from Walter Reed either.
10 So we do have more density coming along Georgia Avenue.

11 I'm sorry. I see my video freezing up a little
12 bit. So I think I'm going to turn that off for now just so
13 that it doesn't impact the presentation if it will let me.
14 All right. I had it.

15 The photograph to the right just shows those
16 apartments that are around it that are about three to five
17 stories so that you have, you know, a visualization of some
18 of the adjacent density.

19 Next slide, please. So the standard of review for
20 a map amendment is essentially that it cannot be
21 inconsistent with the Comprehensive Plan. And so in our
22 presentation, we are going to demonstrate that using -- or
23 identifying the policies that are applicable, including the
24 future land use map and the generalized policy map, as well
25 as other policies in the Comp Plan and other District-wide

1 policies.

2 Next slide, please. So the future land use map
3 designation for this property is mixed-use medium-density
4 residential and medium-density commercial. Now, the medium-
5 density residential generally supports an FAR of up to 4.
6 And the zone that corresponds to that density would be about
7 an RA-3. And this is per the framework element of the
8 Comprehensive Plan.

9 Now, the medium-density commercial designation
10 supports an FAR of up to six. And, then, the zones that
11 correspond with this density include MU-8 and MU-10.

12 The property is designated as main street mixed-
13 used corridor in the generalized policy map. And,
14 basically, what that means is it is a traditional commercial
15 business corridor. It consists of, you know, your typical
16 single-story commercial strip mall. These areas tend to be,
17 you know, underutilized. And so if they are redeveloped,
18 they are really supposed to include, you know, residential
19 or commercial uses that provide neighborhood services. And,
20 then, additionally, when they are redeveloped, they should
21 support transit use and pedestrian -- and some enhancements
22 to the pedestrian environment.

23 Next slide, please. So in just a quick
24 comparison, the existing MU-4 permits a height of 50 feet,
25 where the proposed zone of MU-10 supports a height of 90

1 feet or 100 feet with IZ.

2 An important thing to point out here is the
3 density. If you recall, the median-density commercial
4 supports an FAR of up to six. And the highest density you
5 are going to get out of MU-4 is three with an IZ
6 development. So currently, the property is not consistent
7 with the Comprehensive Plan. The proposed MU-10 zone would
8 allow that density of six and up to 7.2 with an IZ
9 development.

10 Now, one thing that we also wanted to point out
11 here and you'll see in bold a little further down in the
12 chart is that we did a rough calculation of IZ that could be
13 included with development in MU-4 compared to one in MU-10.
14 And in the MU-4 zone we calculated, if you have ground floor
15 retail -- so you're already allocating one FAR to
16 nonresidential use -- then you could estimate that IZ would
17 include approximately 5,500 square feet. But in the MU-10
18 zone, you would get over, you know, 25,000 square feet. So
19 it is a considerable difference in the potential for
20 affordable housing going from MU-4 to MU-10.

21 Next slide, please. All right. Now we are really
22 going to get down to business with the racial equity tool.
23 So if we could go to the next slide, we will discuss the
24 Comprehensive Plan.

25 If you wouldn't mind going to the next slide,

1 please, Mr. Young? Thank you.

2 Now, in our applicant's statement, which is
3 located in Exhibit 3, we did provide a thorough analysis of
4 the Comprehensive Plan elements that the proposed map
5 amendment would align with. And so we have identified all
6 of these elements as well as some that would advance equity
7 as specifically identified in OP's equity crosswalk.

8 Now, we have a lot of elements here that support
9 growth along corridors, you know, transportation
10 improvements. One thing to call out with this particular
11 map amendment is that it would call for the closure of some
12 curb cuts. So it improves safety, pedestrian safety,
13 transportation safety, a cohesive streetscape. There are a
14 lot of important elements here that would advance equity,
15 including some housing elements.

16 Next slide, please. And along that same vein, we
17 had to take a look at the Small Area Plan. The Small Area
18 Plan for this area that is called Upper Georgia Avenue -
19 Great Streets Redevelopment Plan was approved in 2008 by the
20 council. It includes four different zones, but we are going
21 to focus on zone 1 because that is where the property is
22 located. And it's near the border again.

23 The Small Area Plan specifically identifies these
24 properties as major redevelopment opportunities. And as
25 part of that, they identify the importance of new commercial

1 and residential development. And, in particular, affordable
2 housing is a corridor-wide priority. Now, there is a lot of
3 growth expected just in this zone because the plan
4 anticipated growth of 100 to 200 housing units just in this
5 area.

6 And another thing to point out is the Small Area
7 Plan highlighted this particular area as a gateway. And so,
8 if I may, I am going to read just a quick part from the
9 Small Area Plan that describes this. Page 45 of the Small
10 Area Plan specifically states that the combination of
11 prominent development at the opportunity site's unique
12 architecture and a lively public realm will create the type
13 of gateway development envisioned in this plan. New
14 development at the 7800 and 7700 blocks of Georgia Avenue,
15 which is this location, should consist of moderate- to
16 medium-density development, incorporating street-level
17 retail with residential or office uses. Development of a
18 medium-density range should be placed at the intersection
19 and along Georgia. And so that is how the Small Area Plan
20 specifically describes this location.

21 Next slide, please. And so I wanted to take an
22 opportunity just to wrap all of this together and, using
23 those policies that we have already discussed, just
24 summarize how the end MU-10 zone is consistent with these
25 policies. And so, first of all, I will just briefly note

1 that the future land use map designation of medium-density
2 commercial, medium-density residential is specifically
3 provided in the framework element as inconsistent with the
4 MU-10 zone.

5 We also have housing, the housing element that
6 would specifically be advanced with the proposed map
7 amendment, where the MU-10 zone would provide more than four
8 and a half times housing than the existing MU-4 zone. And
9 that's based on, you know, the ground floor being retail and
10 then having the upper residential use.

11 Additionally, the residential density is
12 consistent with District housing policies, the housing
13 equity report, the Comp Plan, and the Small Area Plan. And
14 the 2021 Comprehensive Plan specifically supported the Small
15 Area Plan vision of this being a gateway. And that is
16 evident in the change that occurred in 2021 where the
17 designation of low-density commercial, moderate-density
18 residential was increased to medium for both residential and
19 commercial. So there is definitely an intent to make this a
20 more pronounced area with higher density, more development.

21 The MU-10 zone also permits a height of 90 feet or
22 100 feet with IZ. The Small Area Plan specifically suggests
23 a height of 90 feet along this -- at these sites.

24 Next slide, please. All right. So we will talk a
25 little bit about community guidance and engagement. The --

1 you know, this is a common story in the District,
2 unfortunately, where racially restrictive covenants really
3 formed the development of this area. And, as you can see on
4 the map to the left, there was a -- the area was
5 predominantly white. And it had a lot of sites that were
6 restricted by deed where only, you know, white people or
7 white families were allowed to purchase those homes. So,
8 you know, it is a little different today. It seems to have,
9 like, tipped over to the other side, but even that is being
10 scaled back. But it is a similar history, unfortunately, to
11 what we have seen elsewhere.

12 Next slide. Next slide, please. All right. So
13 this slide actually notes some of the meetings that the
14 applicant has had with the ANCs. And that includes ANC 4B,
15 where the property is specifically located; and, then, also
16 ANC 4A. And, you know, it tells only a portion of the story
17 because there has been a lot of engagement outside of this
18 with tenants and, then, also with -- well, you know, there
19 are the existing tenants in the retail development, but
20 there are also a lot of residents that were spoken to
21 separately. So, you know, there's just a lot more here than
22 what meets the eye. So there has been a lot of ongoing
23 engagement with people around the property.

24 And, interesting enough, you know, as proof of the
25 outreach to the tenants and the support that they have been

1 provided by the applicant up to this point, they have
2 actually submitted letters of support into the record. We
3 also have a letter of support from the ANC, ANC 4B. And
4 there are some other stakeholders as well that have
5 supported this project.

6 The ANC 4A has actually not recommended support.
7 And it didn't make it into this slide simply because we were
8 only -- we were aware of that recommendation, but the letter
9 was not in the record until this morning. So we weren't
10 sure if it would be submitted.

11 So we will go to the next slide, please. Another
12 part of Part II of the racial equity analysis tool is to
13 identify what the community priorities are. And ANC 4B has
14 been pretty transparent with its priorities of housing,
15 transit-oriented development housing, retail along Georgia
16 Avenue corridor, and the pedestrian-oriented streetscape.
17 Those are all on their website. And they have identified,
18 you know, different resolutions and documents that support
19 these ideas from their -- these priorities with the ANC.

20 They also supported changes during the
21 Comprehensive Plan revision of 2021, where they, you know,
22 asked to include more affordable housing and deeply
23 affordable housing as a priority. That also clearly defined
24 the gateway elements at this area of better sidewalks and
25 have some mitigation, such as stormwater impact mitigation

1 and transportation mitigation.

2 Next slide, please. So Part III of the racial
3 equity tool is disaggregated data. We did provide a more
4 detailed analysis in the applicant's statement at Exhibit 3.
5 OP has also provided an analysis. And so I am just going to
6 briefly describe some of the trends that the Zoning
7 Commission requested during set-down. So, first of all, we
8 see with the data that the white population has increased in
9 this area by 18 percent since 2000 while the black or
10 African American population has actually decreased by 9.7
11 percent. Now, the black and African American population
12 also makes up 56 percent of the overall population of this
13 planning area. They are the only racial group to have
14 declined since 2000 while all other racial groups and
15 ethnicities have continued to grow.

16 The median household income here is 2.1 percent,
17 which is a little bit higher than the District overall. And
18 the median age is also higher compared to the District
19 overall, which sort of underscores the importance of
20 development that, you know, caters to older folks or
21 assisted facilities or other group-related-type housing
22 accommodations.

23 The home ownership rates are highest among black
24 and African American, white, and Asian populations. The
25 upward trend in home ownership is pretty encouraging because

1 it suggests that there is a lot of stability here. And so
2 what we are able to determine by looking at the data as far
3 as how this map amendment would impact that data is that the
4 map amendment would provide opportunities for seniors to age
5 in their neighborhood. It would create some new potential
6 employment opportunities in the care and retail sectors.
7 And it facilitates the promotion of an economically diverse
8 residential community.

9 We have got some datapoints there on the right.
10 There are a lot more in our statement that actually compare
11 it to the District as a whole just so that you can kind of
12 see where this planning area falls when compared to the
13 District.

14 Next slide, please. And so we are going to talk
15 about housing a little bit. The housing equity report
16 requires the Rock Creek East planning area to provide 1,500
17 affordable housing units by 2025. And we get our data from
18 DMPED. They have a dashboard that is updated at the end of
19 every month. And so this data is from the end of January,
20 and it shows that the planning area has generated 70.7
21 percent of its required affordable housing. So, you know,
22 this planning area, it's not producing the least amount, and
23 it's not producing the most. But it does have a little ways
24 to go. And the proposed map amendment will help it get
25 there. And, importantly, it will provide housing along a

1 priority corridor network, which helps it, you know, meet
2 other District goals as well.

3 Next slide, please. So Part IV is the last part
4 of the racial equity tool. And it requires us to evaluate
5 the result of the map amendment through a racial equity lens
6 and sort of identify what those outcomes are and how they
7 advance equity.

8 And so, you know, as far as direct displacement is
9 concerned, we realize that that is an issue. The applicant
10 has been working with those tenants to identify resources
11 that are available to them. There are a couple of tenants
12 that may come back to the new development, that they have
13 been very, you know, engaging in terms of providing
14 information and timeframes and things like that. We suspect
15 that in the end, this will have a neutral impact to equity
16 in the area, if not a positive one for, you know, some of
17 the positive work that's coming out of that.

18 There is also indirect displacement, which is
19 required to be addressed. And, you know, there are no
20 residents on the property that, you know, would be
21 displaced. And the surrounding neighborhood is generally
22 pretty stable, as we have indicated, but should displacement
23 occur, there are a lot of District programs that provide
24 assistance, including the Black Homeownership Strike Force,
25 DC's First Right to Purchase Program, housing counseling

1 services, and anti-displacement housing counseling that is
2 available as resources to those individuals.

3 This is a development that would provide housing.
4 It would increase the amount of housing. It would increase
5 our IZ set-aside. So it would have more affordable housing.
6 And the units themselves would be more affordable because
7 they would be constructed to newer standards, which are
8 generally more energy-efficient and also use fewer -- you
9 know, cost less to operate.

10 There are also the physical indicators where, you
11 know, the map amendment would result in a transit-accessible
12 development close to Metro. It is on a priority corridor of
13 Metrobus route. It is near the Metropolitan Branch Trail.
14 So it has some multimodal access as well, would result in
15 some pedestrian connectivities from our infrastructure. Its
16 proximity to Walter Reed actually gives it a lot of -- it
17 puts it proximate to a lot of neighborhood services, you
18 know, in this particular area.

19 In terms of access to opportunity, you know, being
20 close to transit helps you get to your job or find new jobs.
21 And, also, it provides you with more access to the shopping
22 and other areas of the city.

23 And in terms of the community, you know, in
24 working with ANC 4B, they clearly support transit-accessible
25 development, housing, and affordable housing and retail

1 along the corridor. Because we, you know, didn't have a
2 statement from ANC 4A, we didn't include any information
3 here for them, but we -- you know, I'm sure that they will
4 share their statement with you in -- you know, for further
5 assessment.

6 So next slide, please. All right. We did also
7 discuss potential inconsistencies in our application
8 statement. So these were actually, you know, provided and
9 discussed in detail where the inconsistencies we identified
10 were related to the potential tenant displacement because,
11 you know, on the surface, it looks like, you know, this is a
12 project that would displace tenants. But we are working
13 with those tenants to make sure that they have the resources
14 they need to either stay or go to another location.

15 And, then, we also have rehabilitation before
16 demolition. There would be no intent to keep the existing
17 structure there. And then while the building -- while
18 future development would comply with the green building,
19 building code requirements, it would not be net zero. But
20 we think all of that is outweighed by everything else that
21 we have already discussed here.

22 We have the Comprehensive Plan elements of land
23 use transportation and housing, environmental protection,
24 economic development in Rock Creek East, but we also have
25 the future land use map; the generalized policy map; housing

1 equity report; consistency of the Small Area Plan; and then,
2 of course, a lot of tenant engagement in support.

3 So next slide, please. So that, you know,
4 summarizes our case. We do not think this is inconsistent
5 with the Comprehensive Plan when evaluated through a racial
6 equity lens. And I have already listed the potential
7 inconsistencies and how they are outweighed by, you know,
8 the consistency with the Comprehensive Plan and other
9 District policies.

10 And so, in summary, we think that this actually is
11 not inconsistent with the Comprehensive Plan. And I will
12 pass the baton back to Kyrus.

13 MR. FREEMAN: Thank you, Brandice, Mr. Chairman.
14 I do have just one quick follow-up question for Ms. Elliott,
15 if you don't mind. Mr. Chairman, is that okay?

16 CHAIRPERSON HOOD: Sure. Just -- yeah. You have
17 12 seconds. No, no. Go right ahead. Go right ahead.

18 MR. FREEMAN: If you -- Mr. Young, if you could go
19 back to the slide about potential inconsistencies?

20 In one of the opposition letters that we -- that
21 came in this afternoon, it said the project is inconsistent
22 with policy reflected in 10A DCMR 310.12. Can you talk
23 about what that policy states and why, in fact, the project
24 is consistent with that policy?

25 MS. ELLIOTT: Okay. I can. I'm sorry. Would you

1 mind reading that to me one more time, which policy?

2 MR. FREEMAN: It's 310.12.

3 MS. ELLIOTT: 310.12.

4 MR. FREEMAN: In one of the opposition exhibits,
5 Exhibit 43, page 2, at the bottom, it says that the approval
6 of the application is actually inconsistent with that policy
7 recommendation.

8 MS. ELLIOTT: It does. I'm sorry. Would you give
9 me that policy number one time because I think I scrolled to
10 the wrong place? I thought I had --

11 MR. FREEMAN: 310, 310.12.

12 MS. ELLIOTT: Oh. That's what I did wrong. I'm
13 sorry. I was looking at the actual policy numbers, as
14 opposed to the code number. So I probably did have it up.
15 Okay.

16 This is policy LU. It is in the land use element,
17 2.1.5, to support low-density neighborhoods. And how it
18 reads is that, "Support and maintain the District's
19 established low-density neighborhoods and related low-
20 density zoning, carefully manage the development of vacant
21 land and alterations to existing structures to be compatible
22 with the general design, character, and scale of the
23 existing neighborhood and preserve civic and open space."

24 I think I would argue, actually, that the proposed
25 map amendment is not inconsistent with this particular

1 policy simply because the adjacent low-density zoning would
2 not be impacted. You know, it would continue to remain
3 there. This would not interrupt that pattern of
4 development, those properties. They could continue to be
5 there. It actually moves the density to an appropriate
6 location along Georgia Avenue, which has been identified in
7 the Comprehensive Plan and in the Small Area Plan. And we
8 have actually cited other policies that are kind of partners
9 with this one in describing that.

10 And, oh, let's see here. And one thing that
11 hasn't been mentioned is that the MU-10 zone actually has a
12 requirement to provide a plaza. And so there would be a
13 preservation of open space along with future development of
14 this site.

15 So that's how it would actually further this
16 policy.

17 MR. FREEMAN: Thank you, Ms. Elliott.

18 And one last thing. If you could go to slide 5,
19 Mr. Young? And this is really -- thank you.

20 Mr. Chairman, we were not able to get these
21 letters submitted kind of on a timely basis, but we do have
22 a support letter from the owner of the buildings to the east
23 of the site as well as to the south of the site: square
24 2962, lot 827; and 2961, 810. We would just ask that at the
25 appropriate time, if you would let us submit those letters

1 into the record.

2 And, with that, that concludes our direct
3 presentation.

4 CHAIRPERSON HOOD: Okay. Thank you both for your
5 presentation, Mr. Freeman and Ms. Elliott. We appreciate
6 the presentation. I do have one quick question, and I'm
7 going to go to Commissioner Imamura first.

8 I am trying to understand the boundaries for the
9 ANC. Is it middle of the block? Is it -- 4A is the -- who
10 I believe is in opposition from what I see, and 4B is who is
11 in support. And I want 4B to know I hear them loud and
12 clear. I've seen them enough to know that they believe that
13 housing is definitely a right. So I get it. But which ANC
14 is this, the boundaries in, or what is the --

15 MR. FREEMAN: Sure. So Georgia Avenue is a
16 dividing line. We're to the east of that. That's ANC 4B.
17 So the project, the property, is within ANC 4B, as in Boy.
18 ANC 4A is to the left, west of Georgia Avenue. That's ANC
19 4A, as in Apple. And that's the ANC that had objections.
20 They are an affected ANC. So they are entitled to that
21 weight. But the property is within 4B, which voted to
22 support.

23 CHAIRPERSON HOOD: And their issue is engagement.
24 And, as I mentioned the day of the hearing, there are other
25 policies. And I am still working through this. It seems to

1 be a big deal in this city right now from MU-4 to go to MU-
2 10. I'm seeing quite a bit of that.

3 But I am just curious about the engagement, but we
4 can get into that. I was trying to understand off the cuff
5 exactly what they meant by the engagement and also the
6 submission that came in I understand from Ms. Jefferson. I
7 have not had a chance to read it. I don't know if I missed
8 it, but I don't remember seeing that from when I reviewed
9 this case earlier.

10 MR. FREEMAN: You might know a lot of these kind
11 of came in pretty late. So I would ask for the ability to
12 submit kind of -- I am happy to go through these in
13 rebuttal, but I would like to submit in writing a response
14 to these at the conclusion of the hearing, but --

15 CHAIRPERSON HOOD: Okay. Well, I'm going to wait.
16 And hopefully Ms. Jefferson and those who submitted today I
17 believe will go through their presentation because I have
18 not -- I don't know if my colleagues -- I have not had a
19 chance to read through what they have submitted, just in
20 glancing. Okay.

21 Let me first thank you. Let me -- I have more
22 questions after this, but let me go back to Commissioner
23 Imamura. Any questions or comments, Commissioner Imamura?

24 COMMISSIONER IMAMURA: Yes, Mr. Chairman. Thank
25 you very much. And I agree with your summation that there

1 seems to be a lot of interest in going from MU-4 to MU-10.

2 Just a couple of positive things I want to mention
3 and then ask some questions. I appreciate the fact that
4 existing commercial tenants have been in touch with the
5 Upper Georgia Avenue Main Street UGAMS or UGAMS. I
6 appreciate that. And it sounds as if that has been
7 beneficial to the tenants that have utilized that service.

8 My question, though, I noticed that the applicant,
9 Mr. Freeman, is actively exploring the reintegration or
10 retention of the current tenants there. Can you talk a
11 little bit more about that? What does that look like or
12 what conversations have you had? Any --

13 MR. FREEMAN: Sure. So --

14 COMMISSIONER IMAMURA: -- coming back?

15 MR. FREEMAN: Absolutely. So I would point you to
16 Exhibit 29 and Exhibit 30 just as examples. You will see
17 Exhibit 29, which is a letter in support of the application,
18 from Eva Beauty Salon, where she describes she has been in
19 communications with the client about potential relocation
20 and the ability to come back to the site. So some tenants
21 are, in fact, interested in coming back to the site.

22 Exhibit 30, same thing, the Ramos Market, again,
23 they have been in communication with the landlord, the
24 applicant, about potentially coming back to the site.

25 So will everybody come back? Maybe not, but they

1 have all been in communication with the landlord. I think
2 you'll -- in one of the -- the ANC letter says that there
3 was a concern about a lack of outreach to tenants. I'm not
4 sure where that comes from because our landlord has -- our
5 applicant has been not only engaged with the tenants but
6 with neighbors.

7 They sponsored community events since they
8 acquired the property in less than a year. That is
9 important to know. They recently acquired the property and
10 have immediately started that engagement with the -- with
11 tenants and community stakeholders.

12 COMMISSIONER IMAMURA: All right. Well, thank
13 you, Mr. Freeman. I am encouraged to hear that two of the
14 seven I think -- I think there's seven tenants.

15 MR. FREEMAN: I can get -- some may be vacant. So
16 there may be seven bays, but I don't know that there's seven
17 tenants. I'm happy to get that information for you if you
18 would find that helpful.

19 COMMISSIONER IMAMURA: That would be great, just
20 for clarity, I think, and for the record itself. All right.
21 Thank you, Mr. Freeman.

22 I do have a of couple of questions for Ms.
23 Elliott. Hello, Ms. Elliott. Good afternoon. Good
24 evening. Good to see you.

25 MS. ELLIOTT: You as well.

1 COMMISSIONER IMAMURA: Thank you.

2 I generally support increased density where it
3 makes sense in our city. And, as Chairman had noted, we
4 have received some high level of interest when we increase
5 our density from MU-4 to MU-10 specifically.

6 This particular site seems ripe if that's the
7 right word or appropriate for increased density,
8 particularly since we are at an interjurisdictional space
9 here. And it is sort of the gateway to development here, as
10 you have described.

11 What I noticed, though, from MU-10, certainly, the
12 form shows this particular site appropriate for increased
13 density, medium-density residential and commercial, but what
14 I noticed was that in your presentation, that we didn't
15 include or mention that MU-10 is for medium to high mixed-
16 use development. And so I am wondering if we are pushing
17 the boundaries a little bit, pushing the limits of the FLUM,
18 where perhaps MU-8 is equally appropriate for this
19 particular site and may be just as suitable or not
20 inconsistent with the Comprehensive Plan and the FLUM.

21 And so I am a little bit concerned. It gives me a
22 little bit of pause because of that medium- to high-density
23 mixed-use development for an MU-10. I'm curious to know if
24 in your conversations, you all had studied MU-8. It was
25 very helpful to obviously juxtapose MU-4, MU-10 to see what

1 the height differences are, what the FAR differences are.

2 Obviously, I think the IZ, GFA for the IZ, was
3 very helpful, right, 5,000 square feet for MU-4 compared to
4 I think 25,000-something is what you listed. I even took a
5 snapshot, a screenshot of that, 25,689 square feet.

6 What I'm curious though -- and we never seen
7 applicants come back with this or OP because I think OP just
8 evaluates what's on the face of the application. But it's
9 helpful for us to make sort of an informed decision when we
10 are able to understand what the other appropriate zones
11 might be, like MU-8. So by a matter of right, we are
12 talking 100 feet in height by MU-10, high -- you know,
13 medium-density, medium- to high-density; whereas, MU-8 is
14 straight medium-density.

15 So if you could address that sort of long
16 question, if you had discussions about MU-8 and why not? If
17 you did, great. What were those conversations or why wasn't
18 it considered? And what sort of loss in square footage or
19 IZ was determined by them?

20 MS. ELLIOTT: Okay. Sure, Commissioner Imamura.
21 I don't have calculations that I can share with you. I'm
22 happy to provide those in a comparison table. Since we are
23 providing you with additional information anyway, we could,
24 you know, make sure that that's included.

25 The MU-8 zone permits a density of five and up to

1 six with an IZ development. And the height is lower, where
2 it's 70 feet. So our argument in this case is that the MU-9
3 -- I'm sorry -- the MU-10 zone actually allows a height that
4 is more consistent with what the Small Area Plan has
5 recommended. And so we actually end up being more
6 consistent with that with an MU-10 than an MU-8 zone.

7 MR. FREEMAN: The -- I'm sorry. Go ahead.

8 MS. ELLIOTT: Go ahead, Kyrus.

9 MR. FREEMAN: No. You go ahead. He asked you a
10 question. I just had two more points. So I wasn't sure if
11 you were done.

12 MS. ELLIOTT: Well, the other thing I wanted to
13 point out is, you know, the Small Area Plan discusses what a
14 vibrant gateway this should be. And it really does take
15 some density to do that. And it talks about moving that
16 higher density to Georgia Avenue in order to provide that.

17 So, Kyrus, you said you had two more points?

18 MR. FREEMAN: Yeah. The only other point I want
19 to make, Commissioner, is that, thinking about the old Comp
20 Plan and the new Comp Plan, I think the Comp Plan says MU-8
21 and MU-10 are medium-density for Comp Plan purposes. It's
22 not that one is more medium-density than any other. When
23 you look at the Comp Plan, MU-8 and MU-10 are both medium-
24 density. It is not defined as medium- to high-density in a
25 power plan, so just for the sake of clarity to make sure

1 we're on the same page. So they are both medium-density,
2 and they are both consistent with the FLUM designation.
3 That's number one.

4 Number two, the conversation about height, whether
5 it's 90 feet, 100 feet, respectfully, I think what -- we
6 went through this Comp Plan rewrite, right? Part of the
7 difference now is under the old Comp Plan that said these
8 zones and these heights are appropriate, that started to
9 cause a lot of challenges, a lot of appeals because it's,
10 well, how can 100 feet be appropriate, instead of 90 feet?

11 The current Comp Plan specifically took out
12 references to height in the description of the designations.
13 And that change was specifically -- again, we respectfully
14 specifically -- so we're not looking at consistency with the
15 future land use map solely from a height perspective, which
16 is kind of where some of the opposition is coming from,
17 quite frankly. So that was a specific change, again, from
18 the old Comp Plan to the new plan to take out height
19 references because of the way it should be evaluated or the
20 way folks thought it should be evaluated.

21 COMMISSIONER IMAMURA: Certainly appreciate the
22 point of view, Mr. Freeman, but we're also talking about
23 urban design. And so that does matter. It does matter,
24 especially when across on the western side of Georgia
25 Avenue, from the FLUM, we have low-density commercial,

1 moderate-density residential.

2 So -- and I understand, Ms. Elliott, your point of
3 increased density to create a more vibrant streetscape, a
4 more vibrant pedestrian realm. And my question then would
5 be, okay, so what does the additional 30 feet say from an
6 MU-8 to MU-10? How does that increased height add even more
7 vibrancy because it could be argued, I mean, increased
8 density here to what is already existing will increase the
9 vitality and energy of this particular site and within the
10 Small Area Plan here? So I'm just curious, the additional
11 height and density here or height, how that would increase
12 or differentiate maybe between MU-8 and MU-10 without --

13 MR. FREEMAN: I think what --

14 COMMISSIONER IMAMURA: How would that increase the
15 vibrancy there, both with the --

16 MR. FREEMAN: We talked about -- sure. What we
17 talked about without -- again, a map amendment is not a
18 review of a specific project or the design of a specific
19 project. But what we did talk about in terms of the
20 difference between MU-8 and MU-10 in terms of vibrancy, if
21 you were to look at that height, that height gives you the
22 ability to provide, for example, taller -- a taller ground
23 floor. For example, if you want to have better, more
24 active, attractive retail, more vibrant retail, you are able
25 to maybe have a 20-foot retail bay and then above have the

1 additional residential.

2 So it is not necessarily -- again, without getting
3 into a specific project, that difference in height enables
4 you to do more attractive design and set in a floor-to-floor
5 height because you are able to, for example, have a better,
6 taller ground-floor clearance, as an example, for better,
7 more attractive retail on the ground floor.

8 COMMISSIONER IMAMURA: Mr. Freeman, I certainly
9 appreciate that answer. That makes a lot of sense. And we
10 know that residents of this city -- and so that was very
11 helpful -- often think about, you know, the matter-of-right
12 mass and scale, right? So that is what they are thinking.
13 That is what I am thinking, right?

14 I would like to hear Ms. Elliott's response as the
15 professional planner in the room. So, Ms. Elliott, what is
16 your response to my question?

17 MS. ELLIOTT: Thank you, Dr. Imamura.

18 Well, one of the answers that I have here is
19 related to urban design and where it is actually built more
20 into the MU-10 zone than it is with the MU-8 in the fact
21 that it requires a plaza. And so in terms of providing good
22 urban design, there is an opportunity with MU-10 to weave in
23 some green space that could activate the area or just
24 provide, you know, better pedestrian access or connections
25 through the site.

1 Additionally, the MU-10 because it is higher
2 density allows for more design options of the building
3 itself. So the Comp Plan policies actually discuss
4 transitioning down to the lower-density areas around it.
5 While -- you can do that and push the density up towards
6 Georgia Avenue and with a higher density and then still be
7 able to provide those transitions to provide a more
8 respectful design adjacent to those lower-density zones. So
9 that is my response.

10 COMMISSIONER IMAMURA: Thank you, Ms. Elliott. I
11 think -- I appreciate both of your responses to that, to my
12 question. It's helpful for the public to hear that and
13 understand that as well. So all right.

14 I think, Mr. Chairman, for the moment, those are
15 all the questions that I have.

16 I also want to at least end on a positive note as
17 well, that I appreciate the acknowledgment of the three
18 potential policies that may be inconsistent, outweighed by
19 six other policies that you listed, Ms. Elliott, to include
20 land use, transpo, housing, economic development,
21 environmental protection, and I think the Small Area Plan.
22 So I appreciate that being in the record as well. So thank
23 you both.

24 Mr. Chairman, I yield back.

25 CHAIRPERSON HOOD: Thank you, Commissioner

1 Imamura, for your line of questioning.

2 Let's go to Vice Chair Miller.

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. And
4 thank you, Mr. Freeman and Ms. Elliott and the applicant
5 representative.

6 The -- I associate myself with Commissioner
7 Imamura's questions and would look forward to Mr. Freeman's
8 promise to provide a written rebuttal, in addition to
9 whatever verbal rebuttal might be provided today to --
10 written rebuttal to ANC 4A's concerns at Exhibit 41.

11 They had five concerns: lack of outreach,
12 community outreach; outdated data and omissions in the OP
13 report; overweighting of one element of the Comp Plan to the
14 exclusion of other elements in the OP report; concentration
15 of density east of the park, excluding west of the park,
16 creates, right, racial inequity, quoting from their Exhibit
17 -- ANC 4A's Exhibit 41; and, five, lack of critical
18 evaluation of the appropriateness of the structure for the
19 specific site.

20 So I would look forward to a written rebuttal
21 about ANC 4A's concerns and of Ms. Jefferson's concerns, as
22 outlined in Exhibit 43. And Mr. Freeman did promise that we
23 -- that came in late, as did the 4A I think comments. So we
24 look forward to a written rebuttal of that.

25 But -- and I specifically would like to see that

1 comparison with -- I appreciate all of the responses
2 provided to Commissioner Imamura's questions. And I think
3 that they were reasonable, good responses. But I would like
4 to see the -- a written side-by-side with the MU-8 in their
5 comparing the height and density and what you think you
6 would lose if -- they both are not inconsistent with that
7 future land use map designation, as you have said and as we
8 have acknowledged, but what you would not gain or what you
9 would lose or what the advantages of one of the 10, MU-10,
10 zoning that you are requesting versus the MU-8. So I look
11 forward to that information.

12 The community engagement with -- obviously, you --
13 there was a lot of meetings with ANC 4B and their various
14 housing committees and single-member district commissioners.
15 Was there specific community -- was there specific outreach
16 by the applicant to affected ANC 4A across the street,
17 across Georgia Avenue, which is an affected ANC under our
18 regulations? Even though the parcel -- the site is not
19 located within the boundaries of ANC 4A, it's in -- it's
20 within 4B. But was there specific community outreach to 4A
21 by the applicant?

22 MR. FREEMAN: So I'm trying to pull up the dates.
23 We have a slide that shows the dates we actually met with
24 them. So yes, we've met with them. If you'd like, I can --
25 I don't know that you need to see this, but we've had emails

1 back and forth with ANC 4B -- or 4A representatives. We
2 have had text exchanges with representatives of ANC 4A. So
3 I'll let ANC 4A speak for themselves in terms of what
4 they're describing as a lack of engagement because we have
5 met with them at least twice, and we -- I've been on
6 multiple emails where we have communicated with them
7 multiple times in terms of questions they have had and our
8 answers to those questions. So, again, I'm -- I will let
9 them speak for themselves about perhaps what they feel is
10 lacking.

11 And I think even after their meeting on February
12 6, we reached out to them to say we're happy to come back to
13 meet with you again to the extent you have any questions.
14 And we haven't heard back from them on -- from -- on that
15 either.

16 So, again, I don't want to speak for ANC 4A. I
17 will let them speak for themselves. But they're -- you
18 know, we listed the presentations with their -- and, as
19 Brandice said, there have been multiple communications,
20 texts, email, phone calls. I don't know that there have
21 been phone calls, but I know there have been texts and
22 emails also with representatives of the ANC 4A.

23 VICE CHAIR MILLER: And you have in your -- one of
24 your submissions a summary of those communications or were
25 you saying --

1 MR. FREEMAN: Well, we just got this today. So
2 it's not in there because we weren't aware that they were
3 going to --

4 VICE CHAIR MILLER: Like the --

5 MR. FREEMAN: -- the community engagement, yeah.

6 VICE CHAIR MILLER: So I think it will probably be
7 a written rebuttal that you said you would be providing. I
8 think a summary of those --

9 MR. FREEMAN: Yes.

10 VICE CHAIR MILLER: -- outreach by the applicant,
11 by you, the representative of the applicant, to ANC 4A would
12 be helpful. So thank you for that information that you have
13 provided in terms of the engagement verbally. But I think a
14 written -- the written response would be helpful as well.

15 I don't think I have -- I appreciate also the --
16 all of the assistance that the applicant had provided to the
17 existing commercial business tenants in terms of both the
18 Upper Georgia Avenue Main Street engagement with them as
19 well as the partnership with the real -- the retail
20 consultant who is -- who you've stated has met with all of
21 the tenants and is working with them. So I -- and I think
22 that that's very helpful.

23 And so I don't think I have any other further
24 questions, Mr. Chairman. I think this is largely a Comp
25 Plan consistency case. I just think we need some more

1 information to -- in response to the concerns that have been
2 expressed in the record for the record.

3 So thank you very much for your presentation here
4 today. Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: Thank you. I want to thank
6 both of my colleagues.

7 I am going to kind of walk through, Mr. Freeman
8 and Ms. Elliott, of what I am thinking, not just in this
9 case but just in general. I'm sure maybe you could chime
10 in. So this is not the normal way I ask questions. This is
11 abnormal.

12 So I do know the work of Commissioner Edwards,
13 Commissioner Hoyte, and Commissioner Nelson and I'm sure --
14 of ANC 4A. So I will be interested in them to talk about
15 engagement, but where I am grappling with -- can everybody
16 hear me okay? Okay. Where I am grappling with now is
17 engagement is one of the -- one of our policies in what's
18 supposed to happen, but we have other policies. So I'm
19 thinking through that, not just in this case but just in
20 general.

21 Also -- so I'll leave that there. I want to hear
22 from them. I hope they are here today, 4A, because I want
23 to hear their expression on engagement because I believe
24 this -- and I am talking to my colleagues, too. Who is to
25 say how much engagement, when is enough engagement and when

1 there is not enough engagement? So I've been grappling with
2 that lately. I've been hearing engagement quite a bit. So
3 I've been grappling with that. That is something I'm just
4 throwing out there for now.

5 But what I do appreciate is ANC 4B. And I don't
6 know -- and I appreciate 4A, too. I appreciate because I
7 know ANC 4A and 4B I've -- I know some of them. I know work
8 -- I know how hard they work. But the way 4B summarized
9 something that actually is beneficial -- I was going to copy
10 and then paste it. And I'm not sure if -- how they do this,
11 but I like the way they have this worded. I'm going to read
12 this because I think it is very important.

13 "In reviewing this application, the Zoning
14 Commission could consider whether a proposed map amendment
15 is not inconsistent with the Comprehensive Plan and with
16 other adopted policies and active programs. The District's
17 Comprehensive Plan sets priorities for the District's land
18 use, public services infrastructure, and capital investments
19 as well as guide the use, density, and design for buildings.
20 There are two maps" -- I mean, this is just -- I mean, it
21 might have been somewhere else.

22 I'm not sure. I would ask 4B, did they bring this
23 up themselves or -- because I know I've read something
24 similar. But I just like the way they capture it. And I
25 think it would really help residents to understand exactly

1 what our focus is and what our mission is and what we are
2 trying to do. And my colleagues are -- elaborate on both of
3 those issues very well.

4 I don't necessarily have a lot of questions, Ms.
5 Elliott and Mr. Freeman. I would -- I want to hear from the
6 public, especially ANC 4A.

7 And, 4B, before you come up, 4B, I get it. I know
8 you all are in support of it. I know this is in your ANC.
9 So I want you to know I get it. And I really appreciate ANC
10 4B, the time that you took into what you -- how you
11 explained everything. And I really appreciated that. So I
12 will just leave it at that.

13 I don't have any questions. Colleagues, any
14 follow-up questions?

15 COMMISSIONER IMAMURA: (Shaking head.)

16 VICE CHAIR MILLER: (Shaking head.)

17 CHAIRPERSON HOOD: Okay. Ms. Schellin, do we have
18 any ANCs that want to cross-examine? Let's start with 4B
19 first since it's in the area. And 4A, they're affected.
20 Ms. Schellin?

21 MR. YEATS: No questions for the applicant, Chair
22 Hood.

23 CHAIRPERSON HOOD: Okay. No questions. Thank
24 you, Commissioner Yeats.

25 Commissioner Edwards or --

1 MS. EDWARDS: I do have -- well, you had talked
2 about the community engagement piece. I have several
3 questions, but should I wait to rebut Mr. Freeman's
4 statements or should I ask some questions? That's --

5 CHAIRPERSON HOOD: You can do it two ways. If you
6 have questions of what you have heard, you can ask Mr.
7 Freeman and Ms. Elliott now.

8 MS. EDWARDS: All right.

9 CHAIRPERSON HOOD: But if you want to rebut it,
10 you can do that in your presentation to us because I have
11 questions for you on that --

12 MS. EDWARDS: Sure.

13 CHAIRPERSON HOOD: -- however you choose to do it.

14 MS. EDWARDS: One question is, was any other
15 configuration considered other than MU-10?

16 MR. FREEMAN: You went out a little bit,
17 Commissioner Edwards. I heard you say --

18 MS. EDWARDS: Was any other configuration
19 considered other than an MU-10?

20 MR. FREEMAN: So what we looked at was the Comp
21 Plan, which said MU-8 and MU-10 are appropriate. So MU-10
22 is what we applied for. We didn't -- so between the --
23 between those two, MU-10 is what was most suited for some of
24 the goals of the project.

25 MS. EDWARDS: All right. But there was no -- I

1 mean, when you say you looked at it, did you model it or did
2 you just say, "Well, MU-8, it's not going to work. So we're
3 going to do an MU-10"?

4 MR. FREEMAN: I think maybe I might not be the
5 right person to answer this question. Maybe Haaziq could
6 answer the question. Could --

7 MS. EDWARDS: Well, could your -- would your
8 designer be able to answer that question?

9 MR. FREEMAN: So we don't have an architect on
10 because this is not an application for --

11 MS. EDWARDS: I don't mean the architect. I mean
12 your expert who just testified.

13 CHAIRPERSON HOOD: Ms. Elliott. Ms. Elliott.

14 MS. EDWARDS: Ms. Elliott. Would she be able to
15 answer that question?

16 MR. FREEMAN: If you're asking about what plans
17 were created, neither I or Ms. Elliott would know that,
18 right, because as part of our analysis, we're not reviewing
19 plans. So --

20 MS. EDWARDS: I didn't ask for plans. I said, did
21 you model? The same way you modeled MU-10, did you model
22 MU-8? That's all I asked.

23 MR. FREEMAN: From a land use perspective, I think
24 one of the things that we're going to submit is what
25 Commissioner Miller asked us to submit, is a chart that

1 compares MU-8 to MU-10 to show what those differences are.
2 I don't know that that's in the record now. We will
3 definitely submit that into the record, Commissioner
4 Edwards.

5 MS. EDWARDS: Thank you very much. That's what I
6 wanted to know.

7 You had asked about, you didn't know where my
8 concern about the tenants came from, I believe. Do you know
9 when the landlord reached out to the tenants?

10 MR. FREEMAN: I think if you want to have
11 questions about the communications between the landlord and
12 the tenant --

13 MS. EDWARDS: Uh-huh.

14 MR. FREEMAN: -- I think I should have Mr. Haaziq
15 answer those questions --

16 MS. EDWARDS: Sure.

17 MR. FREEMAN: -- because Haaziq managed that
18 process.

19 MS. EDWARDS: Mr. Haaziq, then, do you know when
20 the landlord reached out to the tenants?

21 MR. GRAGG: Sure. I couldn't provide you with
22 exact dates at this moment, but we did that early on --

23 MS. EDWARDS: Okay.

24 MR. GRAGG: -- on the property.

25 MS. EDWARDS: All right.

1 MR. GRAGG: And we'll provide a full answer at a
2 later time.

3 MS. EDWARDS: Okay. Yeah. That would help.

4 And, Mr. Freeman, when did you reach out to either
5 Commissioner Hoyte or me?

6 MR. FREEMAN: So me personally --

7 MS. EDWARDS: Uh-huh, yeah.

8 MR. FREEMAN: -- as you know, the answer is I have
9 not, right? In this case, the applicant has managed the
10 community engagement process.

11 MS. EDWARDS: Okay.

12 MR. FREEMAN: So the simple answer to your
13 question is, as you and I know, I have not.

14 MS. EDWARDS: No, that's not correct. You did,
15 but --

16 MR. FREEMAN: Well, you had emailed me. Okay.

17 MS. EDWARDS: -- I'll clear that up later.

18 MR. FREEMAN: You emailed me, and I responded to
19 your email.

20 MS. EDWARDS: Right.

21 MR. FREEMAN: Right.

22 MS. EDWARDS: But before that, you had no contact
23 with me, correct?

24 MR. FREEMAN: I had not, correct.

25 MS. EDWARDS: Okay. Thank you. All right.

1 Those are my questions for right now. Thank you
2 very much.

3 CHAIRPERSON HOOD: Okay. Thank you, Commissioner
4 Edwards.

5 Ms. Schellin, do we have any other government
6 agencies that are here, I mean, other than Office of
7 Planning? We've got DDOT report.

8 MS. SCHELLIN: I don't see anyone. Let me just
9 double check. I see no other agencies.

10 MR. FREEMAN: Could I -- I'm sorry. Could you
11 unmute Mr. Oussama Souadi? He -- there are a couple of
12 questions that he actually can respond to specifically.

13 CHAIRPERSON HOOD: Do you mean to Ms. Edwards?

14 MR. FREEMAN: I think some about Ms. Edwards and
15 some about -- I think there's a question about the meetings
16 with the retail tenants. He can answer that. Recall I said
17 I did not know because I was not involved in that.

18 CHAIRPERSON HOOD: All right. Let's bring him up.

19 MS. SCHELLIN: He's up. He's up.

20 CHAIRPERSON HOOD: All right. Let's go right
21 ahead.

22 MR. SOUADI: I am trying to get my camera to pick
23 up the right things. So my apologies.

24 CHAIRPERSON HOOD: And bring Commissioner Edwards
25 back up, too, just in case she has some follow-up.

1 MR. YOUNG: Okay.

2 MR. SOUADI: Okay. Good afternoon, commissioners.
3 Thanks for allowing me the chance to answer these questions.

4 So on the first question, I think we acquired the
5 property April of last year. And then we immediately -- we
6 met with the tenants within the first 60 days to inform them
7 of our anticipated redevelopment of the site and began to
8 have individual discussions. And then we had one tenant
9 leave, the laundromat. And then we continued to engage with
10 them throughout the year. I mean, we hadn't even owned the
11 property a full year. I think we were just a couple of
12 months shy. But our engagement with the tenants was near
13 immediate as -- yeah.

14 So that's -- I think that was the one question,
15 Kyrus, that Commissioner Edwards was asking that I had the
16 answer for, for you.

17 MR. FREEMAN: Thank you.

18 MS. EDWARDS: May I ask a follow-up?

19 CHAIRPERSON HOOD: Yes, you -- I took a minute
20 trying to get my mute button.

21 You sure can, yes.

22 MS. EDWARDS: Thank you.

23 When you initially engaged with the tenants, did
24 you give them information about what was going on or did you
25 just -- oh, in fact, you said you acquired the property in

1 April. I thought it was March 23rd of 2023.

2 MR. SOUADI: You -- Commissioner Edwards, I mean,
3 I could be off by a couple of weeks. I mean, it's --

4 MS. EDWARDS: Okay. Yeah. I just --

5 MR. SOUADI: So it's spring, spring of last year.
6 I mean, we have acquired a couple of --

7 MS. EDWARDS: Right. I believe --

8 MR. SOUADI: -- other properties after. So --

9 MS. EDWARDS: I believe we checked the record.

10 MR. SOUADI: Yeah.

11 MS. EDWARDS: The sale date was March --

12 MR. SOUADI: Yeah. And so I won't go on the
13 record on an exact date because I don't have it --

14 MS. EDWARDS: Okay.

15 MR. SOUADI: -- at my fingertip.

16 MS. EDWARDS: Okay.

17 MR. SOUADI: But it's March-April 2023 or
18 thereabouts.

19 MS. EDWARDS: Okay.

20 MR. SOUADI: But I recall personally walking the
21 site along with my two colleagues. We met with every single
22 one of the tenants, and we immediately advised them who we
23 are and that we have acquired the property and tried to also
24 get a sense of the condition of the building, which a lot of
25 the tenants had communicated to us that it's in, you know,

1 pretty dire -- knowing that the building was in pretty rough
2 shape.

3 And we have -- we explained to them we wanted to
4 hear from them, explained to them that we are going to be
5 going through a process of redevelopment and that we wanted
6 them to be aware, and that we'll keep them abreast, and then
7 certainly brought in -- over time brought in the retail
8 consultant, tried to individualize the discussions to make
9 sure that any tenant that exists on -- that exists with us,
10 that we could figure out a way to make them -- give them the
11 opportunity to support them, to come back, we would, and
12 then make it the least disruptive on them --

13 MS. EDWARDS: Okay.

14 MR. SOUADI: -- knowing full well that
15 redevelopment means shutting down the building and putting
16 in a new building.

17 MS. EDWARDS: Exactly. Now, when did you do --
18 have those efforts to engage them in perhaps moving or
19 whatever because I'll be -- I have to tell you I spoke to
20 them, and they told me that no one had told them anything
21 other than that they -- that there was a new owner and that
22 they would have to move. They didn't -- they said they had
23 no interaction with anyone who told them how to relocate or
24 anything like that. So --

25 MR. SOUADI: I mean, just --

1 MS. EDWARDS: I'm just going by what they told me.

2 MR. SOUADI: No, no. And I'm not sure who "they"
3 is because, I mean, we can name them. We have six active
4 bays --

5 MS. EDWARDS: Right.

6 MR. SOUADI: -- out of the seven.

7 MS. EDWARDS: Right.

8 MR. SOUADI: Two are with the same tenant.

9 MS. EDWARDS: Right.

10 MR. SOUADI: And we have individual leases with
11 each one --

12 MS. EDWARDS: With each.

13 MR. SOUADI: -- of those tenants.

14 MS. EDWARDS: Exactly.

15 MR. SOUADI: And we have individual, you know,
16 privilege conversations or not. What I'm sharing here is
17 the nonprivileged conversations --

18 MS. EDWARDS: Sure.

19 MR. SOUADI: -- that we're saying to folks that,
20 you know, for instance, I think Mr. Freeman noted --
21 mentioned in his testimony that Eva Salon will potentially
22 be coming back. We have several emails to that effect, I
23 mean, back and forth, but I'm saying to you that I
24 personally met with each single one of those tenants and
25 made representations that I am putting on the record here

1 that I have informed them of not only our acquisition
2 purchase --

3 MS. EDWARDS: Right.

4 MR. SOUADI: -- of the asset but also of our plans
5 to redevelop and that as time evolved, we didn't have a firm
6 plan in place. We didn't even file for the amendment action
7 or the zoning action until I believe -- Kyrus, correct me if
8 I'm wrong. I think it was in the fall.

9 So we immediately started working on trying to
10 secure the site. The laundromat moved. We put in security
11 cameras. We hold -- we held a block party. We wanted to
12 engage with the community first because Haaziq mentioned,
13 that's our DNA. We like to come in, engage ourselves deeply
14 with, you know -- with our -- with where we are and do our
15 best to make sure that development has impact. And we try
16 to make sure that it's -- you know, that any negative
17 impacts are minimized, any positive impacts are maximized.

18 And we have beautified. We have put in a mural
19 facing Kalmia to -- you know, knowing that the building is
20 in pretty rough shape, try to do our best to make sure that
21 it -- while it's continuing to operate, it will operate
22 safely, responsibly, you know, to -- knowing that it's a 70-
23 year -- 74-year-old single-story, you know, very, very old
24 building.

25 I'm making representations here on the record that

1 our engagements -- I mean, we're happy to provide anything
2 that's unprivileged between us and they tenants.

3 MS. EDWARDS: Of course.

4 MR. SOUADI: But communications started in --
5 immediately after acquisition. I have walked the building.
6 I am making representations of the responsible party. And
7 we continue to engage to this day with each one of them to
8 discuss how -- and we have not to date, you know, informed
9 anybody of our -- because we do not have plans for when we
10 are going to start design or construction.

11 So as we continue to progress here, we will
12 continue to work with each one of them to make sure that, as
13 best as we can, we're going to minimize any negative impacts
14 and maximize our opportunities to succeed as a small
15 business.

16 MS. EDWARDS: Okay. Just a couple of other
17 things.

18 MR. SOUADI: Sure.

19 MS. EDWARDS: You -- I think you held the block
20 party with UGAMS, correct, Upper Georgia Avenue Main Street?

21 MR. SOUADI: Yes, that's correct.

22 MS. EDWARDS: And they ceased operation in
23 September --

24 MR. SOUADI: That is correct.

25 MS. EDWARDS: -- 2023, correct?

1 MR. SOUADI: That is correct.

2 MS. EDWARDS: Okay. And you attended a meeting
3 with us on January 26, 2024. And Ms. Eva, who owns the
4 salon, was there. And I have her chat saying that no one --
5 that the landlord had not reached out to her. And, then,
6 subsequently, I gave you her contact information so that you
7 could contact her.

8 Now, I'm glad that this situation has been
9 ameliorated, but I really think there have been some gaps in
10 working with the tenants. And I think now maybe, you know,
11 everything would be better.

12 But I can't accept -- since I had to give you her
13 contact information, if you had been in touch with her, then
14 I think you would have had it.

15 MR. SOUADI: Yeah. Commissioner Edwards, I
16 appreciate you providing the contact information, but I met
17 with Eva myself in 2023, in the Spring of 2023. So I'm not
18 sure where the wires are getting crossed. And we certainly
19 have her letter of support.

20 MS. EDWARDS: Okay. I just have the chat. I have
21 the text and the chat.

22 MR. SOUADI: Yeah. And we have -- no, no. I'm
23 not rebutting. I'm just saying we're maybe, you know,
24 passing ships at night, but at the end of the day, I mean,
25 we have a letter of support from Ms. Eva herself --

1 MS. EDWARDS: Okay.

2 MR. SOUADI: -- supporting the application. I've
3 met her in person at least once.

4 MS. EDWARDS: Okay. Great.

5 MR. SOUADI: So I'm -- I mean, we -- again, this
6 isn't -- you know, there is plenty of, you know, documentary
7 evidence here to corroborate what I'm putting on the record
8 here, but I'm not debating that, you know, in fact, she
9 wasn't on the chat and she didn't say what she may have said
10 to you, but the record stands as --

11 MS. EDWARDS: Okay. And the other concern, just
12 for the record, was that they said that the trash hadn't
13 been cleaned up. So now it looks a lot better. So I just
14 wanted to compliment you on that.

15 MR. SOUADI: Thank you.

16 MS. EDWARDS: And one other thing. When was the
17 first -- do you remember the first time you reached out to
18 me or to Commissioner Hoyte?

19 MR. SOUADI: I do not have an exact recollection.

20 MS. EDWARDS: Okay.

21 MR. SOUADI: But I do believe the very first time
22 we have spoken, in your special meeting in January.

23 MS. EDWARDS: Right.

24 MR. SOUADI: And I don't think I mentioned it to
25 you then --

1 MS. EDWARDS: Before that, it was December --

2 MR. SOUADI: -- I was overseas.

3 MS. EDWARDS: -- it was December 5th.

4 MR. SOUADI: It was December? Yeah. That's

5 right. That's right. And I think it was -- yeah. And

6 forgive me. I'm not going to, you know --

7 MS. EDWARDS: No. That's fine.

8 MR. SOUADI: -- a sympathy card, but I've -- my
9 timing I had -- since Thanksgiving, I mean, I had a major
10 loss in the family that -- I've been doing a lot of
11 traveling back and forth. I took that meeting in January
12 talking to you guys until 3 a.m. local time on the other
13 side of the ocean but knowing full well that that's how
14 important community engagement -- so, I mean, I could have
15 easily -- you know, Simon and Haaziq could have covered, but
16 I made sure that I made myself available, you know, within
17 three days of a major disaster. I mean, that's -- you know,
18 and I believe we had a very long, very fruitful conversation
19 that, you know, I've cherished. Thank you.

20 MS. EDWARDS: Well, thank you very much.

21 MR. SOUADI: Sure.

22 CHAIRPERSON HOOD: Okay. Thank you both. We
23 appreciate the exchange.

24 Let me just do the DDOT report since we don't have
25 anyone here from DDOT.

1 CHAIRPERSON HOOD: DDOT has no objections to the
2 approval, requested map amendment. They would like to see
3 continued coordination. And, also, they have the
4 transportation analysis. And this is in their submission,
5 Exhibit Number 24.

6 So do my colleagues have any questions of DDOT --
7 well, not of me but of the --

8 VICE CHAIR MILLER: (Shaking head.)

9 CHAIRPERSON HOOD: All right. So we will move on.
10 Ms. Schellin, let's go to the Office of Planning. Mr.
11 Jesik?

12 MR. JESIK: Thank you, Mr. Chairman and members of
13 the Commission. Again, my name is Matt Jesik. I am
14 representing the Office of Planning in this case.

15 And the Office of Planning can largely rest on the
16 record this evening. We continue to find that the proposed
17 MU-10 zone is not inconsistent with the Comprehensive Plan,
18 including the land use maps of the plan and the written
19 policies of the plan, including as when viewed through a
20 racial equity lens.

21 At the time of set-down, we had asked for
22 additional information regarding the applicant's assistance
23 to the existing tenants for relocation purposes. And we
24 appreciate them providing that additional information at
25 Exhibit 22A.

1 So this evening we can recommend that the
2 Commission approve this application. And I am happy to take
3 any questions. Thank you.

4 CHAIRPERSON HOOD: Okay. Thank you, Mr. Jesik.
5 Commissioner Imamura, any questions or comments of
6 OP?

7 COMMISSIONER IMAMURA: No questions. Thank you,
8 Mr. Jesik.

9 CHAIRPERSON HOOD: All right. And, Vice Chair
10 Miller, any questions or comments?

11 VICE CHAIR MILLER: No questions. Thank you, Mr.
12 Jesik, for the Office of Planning's report on this case and
13 for asking the applicant, which they were responsive to,
14 about the relocation assistance and right to return for the
15 existing tenants, appreciate that engagement. Thank you.

16 CHAIRPERSON HOOD: I, too, thank you, Mr. Jesik,
17 for your report. I don't have any questions.

18 Let's go to any cross of the Office of Planning.
19 Commissioner Yeats, do you have any cross? I forgot the
20 applicant. I'll come back to you, applicant.

21 MR. YEATS: No, not at this time. So you don't
22 have to come back to me in proper order, Chair Hood.

23 CHAIRPERSON HOOD: Okay. Thank you.

24 Commissioner -- let me go to the applicant first.
25 Mr. Freeman?

1 MR. FREEMAN: Chairman --

2 CHAIRPERSON HOOD: I almost called you
3 commissioner. Mr. Freeman?

4 MR. FREEMAN: No. No, Mr. Chairman, no cross-
5 examination.

6 CHAIRPERSON HOOD: All right. Commissioner
7 Edwards, do you have any cross-examination?

8 MS. EDWARDS: Where to start? I'm sorry. Can I
9 take a long time because this is going to take a long time?

10 CHAIRPERSON HOOD: You really want to -- do you
11 want me to answer that question? No. Go --

12 MS. EDWARDS: I'm serious.

13 CHAIRPERSON HOOD: Go ahead, Commissioner Edwards.

14 MS. EDWARDS: All right. Hello. I have a lot of
15 questions. What data -- because if you notice, there is a
16 discrepancy between the applicant's data for the amount of
17 affordable housing that's been produced in Rock Creek East
18 and your report. They show 70.7. I think you show 59.7.
19 And what accounts for that discrepancy? This is in page --
20 let me find your report. I think it's page 3 of your
21 report.

22 MR. JESIK: Yes. Thank you for that question.

23 We use the D.C. comeback plan, the mayor's D.C.
24 comeback plan, which was from last year. I think that the
25 applicant maybe used slightly more recent data. So that's

1 why you may see a discrepancy in the numbers.

2 MS. EDWARDS: That's a pretty big discrepancy.
3 Why didn't you use the more recent data?

4 MR. JESIK: This report is traditionally what we
5 have used over the past year in our reports. So that we
6 wanted to be consistent with our past use of that
7 information.

8 MS. EDWARDS: Okay because I kind of -- I prepare
9 management reports a lot, too. And we always err on the
10 side of currency and accuracy, rather than consistency. So
11 I just wondered about that.

12 So you -- it was kind of like a cut and paste, I
13 guess. You took the data from the mayor's report and just
14 inserted in yours?

15 MR. JESIK: That's correct, yes.

16 MS. EDWARDS: Okay. And, also, on the ACS data, I
17 believe you used the data from the ACS 2022 data, instead of
18 the December 2023 data. Is that correct?

19 MR. JESIK: That -- let me review our report. We
20 used data from the Office of Planning State Data Center.
21 And I believe that that is from -- I'll find the correct
22 ACS. One moment. Yes. The data provided to us is from the
23 2017 to 2021 --

24 MS. EDWARDS: That's what I --

25 MR. JESIK: -- ACS.

1 MS. EDWARDS: Right. And the 2022 data came out
2 in December of 2023. So you used the older data. Is that
3 for consistency also?

4 MR. JESIK: In that case, the State Data Center
5 has aggregated that data by planning area. And we would
6 need to check with them to see if they can provide that
7 updated data by planning area and by the disaggregated
8 racial categories that the Commission has asked us to
9 provide.

10 MS. EDWARDS: Okay. And do you ever vet the data
11 that they provide you? Do you ever go to the source data
12 and kind of validate it to make certain that it is accurate?

13 MR. JESIK: No, we do not.

14 MS. EDWARDS: Okay. And did you visit the site
15 when you wrote your report or was everything by Google?

16 MR. JESIK: I have not visited the site since this
17 application was filed.

18 MS. EDWARDS: Okay. And are you -- you are aware
19 of the proximity to Montgomery County, correct?

20 MR. JESIK: Yes.

21 MS. EDWARDS: Are you aware of any of the
22 development that is going on in Montgomery County? I know
23 that may not be applicable to zoning, but just from a
24 planning perspective, are you aware of the types of
25 development that are planned for Silver Spring?

1 MR. JESIK: I know that Silver Spring is a very
2 robust urban center.

3 MS. EDWARDS: They produced a south Silver Spring
4 plan in 2022 that detailed the types of development that
5 they were going to have in specifically this area, within a
6 one-mile radius of this location. So you haven't seen that,
7 I guess?

8 MR. JESIK: I have not reviewed that plan, no.

9 MS. EDWARDS: Okay. Great. And are you aware
10 that this location is very close to Jesup Blair Park, which
11 is an historic site in Silver Spring? It's like a -- 1.1
12 mile away.

13 MR. JESIK: I'm not familiar with that park, no.

14 MS. EDWARDS: Okay. And for the site, did you
15 consider whether only -- well, you only considered this
16 application, and this application was for an MU-10. So you
17 didn't consider whether another configuration might also not
18 be inconsistent with the Comprehensive Plan for this site.
19 Is that correct?

20 MR. JESIK: Yes, I think that is a fair
21 characterization.

22 MS. EDWARDS: Okay. Now, for the weighting of the
23 different elements, one thing -- this bothered me. So I'm
24 going to ask this quickly. There's a lot of speculative
25 language in here. It said this "should" do this and this

1 "may" do this and we "may" have retail. Haven't there been
2 any other MU-4 to MU-10 implementations in the city? I
3 believe there's one on Florida Avenue. I don't know if it
4 was an MU-4 to an MU-10, but I know it is an MU-10.

5 MR. JESIK: There may have been, but we would have
6 to look at that. But given that this is a map amendment,
7 you know, it's hard to actually assess the impacts. If we
8 have a definitive project, like PUD, we can look more
9 closely at the design and the uses, but given that this is a
10 map amendment, that is why we were maybe a little less
11 committal in what the outcomes of the zoning action would
12 be.

13 MS. EDWARDS: Okay. But it seems -- I don't know.
14 It seems that if there is best evidence, if there has been a
15 map amendment of this type before, at least one could draw
16 some inference from what's actually happened, rather than
17 continuing to speculate on, you know, what may happen when
18 you actually have one that's gone through and you can see
19 what's happened. It may not be the exact implementation,
20 but you can at least, you know, say, "Well, there was an MU-
21 10. And this is what happened."

22 Did you look at whether there were any other MU-
23 10s in the area? Well, this will be the only MU-10 in this
24 area. Is that correct?

25 MR. JESIK: I believe --

1 MS. EDWARDS: On the D.C. side. On the D.C. side.

2 MR. JESIK: I believe this would be the first one
3 in this area, yes.

4 MS. EDWARDS: And the next one, I think the
5 closest one would be at Florida Avenue, which is about,
6 what, three miles away, three or four miles away?

7 MR. JESIK: I would have to check that.

8 MS. EDWARDS: Okay. And it is at the gateway. So
9 was any consideration given to the fact that this is the
10 gateway, this is a special consideration that it is of the
11 gateway, that it is across from Montgomery County but -- or
12 was it just considered as a regular MU-10?

13 MR. JESIK: No. I think the Comprehensive Plan
14 policies and the policies of the Upper Georgia plan both
15 speak to the importance of the gateway --

16 MS. EDWARDS: Okay.

17 MR. JESIK: -- and that it's a very important site
18 that can, you know, accommodate greater density.

19 MS. EDWARDS: Okay.

20 MR. JESIK: So those policies definitely weighed
21 into our analysis.

22 MS. EDWARDS: Great. And the environmental
23 element, how was that weighted because the housing element
24 obviously was weighted very highly? Was the environmental
25 element also weighted?

1 MR. JESIK: Yes. I can find what we said about
2 that.

3 MS. EDWARDS: Thank you.

4 MR. JESIK: Sorry. One second.

5 MS. EDWARDS: Yeah. I had it here, too. I'm
6 sorry. I've lost it. It's on page --

7 MR. JESIK: Yeah. I think, again, because it's
8 not a specific project, it's hard to evaluate the full
9 environmental impacts of any map amendment, but given that
10 the site today is, you know, entirely a parking lot plus a
11 one-story commercial building, we're hopeful that the -- you
12 know, any new construction that would follow more modern
13 green building standards would hopefully minimize any
14 environmental impacts.

15 Also, more generally speaking, you know, when you
16 provide more residences in a location that has good transit
17 access, is bikeable and walkable, you are going to decrease
18 the overall, you know, carbon impact of those residents.
19 They're going to live somewhere. It's better to have them
20 near transit and near other modes of transportation and near
21 amenities in the neighborhood that they can make use of. So
22 from that point of view, we also think it would be
23 beneficial for the environment.

24 MS. EDWARDS: Okay. So and from an environmental
25 standpoint, are you aware of the urban heat index studies

1 that have gone on in Silver Spring right on the D.C. line?

2 MR. JESIK: I'm not aware of those studies, no.

3 MS. EDWARDS: Okay. And the stormwater management
4 program in Montgomery County that impacts this area also?

5 MR. JESIK: I'm not aware of that stormwater
6 management program.

7 MS. EDWARDS: Okay. And as far as the
8 transportation is concerned, was there any thought given to
9 the fact that simultaneous development on Montgomery -- on
10 the Montgomery County side might strain the transportation
11 modalities?

12 MR. JESIK: I did not look at that. I don't
13 recall if DDOT looked at that, but I know that DDOT did not
14 have any objection to approval of the application.

15 MS. EDWARDS: Right. I didn't see anything in
16 DDOT's report that referenced Montgomery County development
17 and the simultaneous addition of more housing on that side.

18 Oh, boy. So for the -- so that's the
19 transportation, the environment, and housing. And what's
20 the other element? I'm looking for it now.

21 Those are my primary questions. My main concern
22 was the data that was used. And we have looked at the
23 source data. And our data disagrees with both yours and ANC
24 4B's and the expert's because we find that we have
25 oversupplied affordable housing in this area. So we'll have

1 to go back through the source data and look at that.

2 But is there anything else that you would like to
3 say about the way the report was done or -- oh, that's what.
4 Do you ever recommend against, have you ever recommended
5 against, an MU-10 implementation?

6 MR. JESIK: I would have to back and look at our
7 records to see, you know, what past recommendations from our
8 office have been. In this case, you know, given the policy
9 direction and the future land use map, we felt comfortable
10 that this application was not inconsistent with the plan.
11 And, therefore, we could recommend approval.

12 MS. EDWARDS: Okay. So, but, basically, as long
13 as -- regardless of the site, as long as the plan is not
14 inconsistent with the -- with what's proposed, then it's
15 approved. Is that correct?

16 MR. JESIK: Well, we -- you know, we make a
17 recommendation to the Commission. And that recommendation
18 is largely -- especially in a map amendment case, is largely
19 based on the policies of the plan and the land use maps of
20 the plan.

21 MS. EDWARDS: Okay. Is it ever your job to say,
22 you know, these are the downsides of the implementation, not
23 to, you know, sink the project or anything but at least to
24 draw attention to potential problems because I didn't see
25 anything that referenced any potential problems with

1 approving this?

2 MR. JESIK: Well, in the Commission's racial
3 equity tool, it does ask, you know, what policies could be
4 furthered by this action and what policies, you know, may --
5 or how could this zoning action work to the detriment of
6 some Comprehensive Plan policies?

7 So -- and, yes, we didn't find many policies that
8 could potentially be negatively impacted. I mentioned the
9 potential retail displacement. But, again, the applicant
10 has addressed that to our satisfaction given their efforts
11 to assist the existing tenants with relocation and possible
12 return to the site. I think the applicant identified a few
13 other policies that may not be furthered by the action but
14 that would be outweighed by the other benefits of the
15 project.

16 MS. EDWARDS: All right. So thank you for
17 insisting that the applicant really reach out to the
18 tenants. I think that helped a great deal.

19 And I guess you weren't aware that UGAMS had gone
20 out of business since September because it was referenced in
21 your report.

22 Oh. Did you prepare the set-down report, the set-
23 down presentation, or did someone else prepare that?

24 MR. JESIK: I did prepare that presentation. And
25 I apologize for the typo on the third slide --

1 MS. EDWARDS: Right.

2 MR. JESIK: -- that it was left over from a
3 previous presentation. But I did check. And the other
4 slides did have the correct heading on them, on the --

5 MS. EDWARDS: Right. We were concerned about that
6 because it seemed like a cut and paste. And so we were
7 going through to make sure that this -- everything hadn't
8 been cut and pasted. But -- because -- and no one caught
9 it. That's the other thing. It wasn't so much the error,
10 but it was the fact that nobody caught it. So that was a
11 concern.

12 Are you -- oh, on the economic, the economic
13 development, are you concerned that by concentrating a lot
14 of very affordable housing in one area that you are
15 depressing the area median income and the ability of an area
16 to attract retail? Does that ever enter into your
17 calculations?

18 MR. JESIK: Well, I'm certainly not a housing
19 expert, but I know that your median income is calculated
20 more broadly on the -- in fact, I believe the whole
21 metropolitan region.

22 MS. EDWARDS: I'm sorry. Not median income. I'm
23 sorry. I used different -- I used the incorrect term. Oh,
24 boy. I'm going through all of my acronyms now. Well, the
25 median -- the average income for an area that a retailer

1 would use to say, "Oh, I want to locate there" or "I don't
2 want to locate there" because retailers select based on
3 demographics.

4 MR. JESIK: Sure. And, again, I'm not a housing
5 or a retail expert necessarily.

6 MS. EDWARDS: Sure.

7 MR. JESIK: But we -- you know, that was not a
8 concern of ours. We feel that -- again, we don't have a
9 project before us, but likely a new mixed-use building would
10 provide, you know, nicer retail space. Hopefully some of
11 the existing tenants can return. And we're hopeful that any
12 retail space will be of service to the local neighbors.

13 MS. EDWARDS: Right. Yeah. The space would be,
14 but the types of retail that is attracted by the space is
15 dependent upon the demographics. And when you concentrate
16 certain types of income or certain demographics, it's really
17 in a way resegregating economically and sometimes racially.
18 So that's one thing we have been concerned about in looking
19 at the oversaturation of certain projects in, say, Wards 7
20 and 8 and then leaving something like Ward 3 untouched. And
21 that's one thing that concerned us.

22 MR. JESIK: Well, I mean, I would just say that,
23 you know, we are recommending that the Commission apply IZ-
24 Plus to this site, which would, you know, result in I
25 believe up to potentially 20 percent affordable housing.

1 So, you know, it's -- we don't feel that we are --

2 MS. EDWARDS: Twenty percent's not bad.

3 MR. JESIK: -- overconcentrating, you know,
4 affordable housing as a result of this remapping.

5 MS. EDWARDS: Okay. Well, thank you very much.
6 You have been very helpful.

7 MR. JESIK: You're welcome.

8 CHAIRPERSON HOOD: Okay. And thank you both.

9 We'll keep moving. Let's go to the ANC. We'll
10 start off with ANC 4B, Mr. Yeats.

11 MR. YEATS: Yes. If Commissioner Palmer could go
12 first, I would appreciate it. I'm in the middle of school
13 pickup. It would be a big help to me.

14 CHAIRPERSON HOOD: Let's bring up Commissioner
15 Palmer. They -- I believe they are doing a joint
16 presentation. So, Commissioner Palmer, good evening. You
17 may begin.

18 MS. PALMER: Thank you so much. I have submitted
19 my testimony in writing, but I will, of course, also provide
20 it here. I want to say thank you to the Zoning Commission
21 and staff for taking the time to hear from us and members of
22 the community.

23 My name is Erin Palmer. I am a Takoma resident
24 and the elected Advisory Neighborhood Commissioner for
25 single-member district 4B02 in Takoma, in my sixth year of

1 service. I also serve as chair of Advisory Neighborhood
2 Commission's 4B Housing Justice Committee. I am writing, as
3 authorized by the commission, to express support for the
4 proposed map amendment.

5 As part of their application, representatives from
6 Gragg Cardona Souadi presented to the full Advisory
7 Neighborhood Commission 4B at the commission's June 26th,
8 2023 meeting and later at the commission's January 22nd,
9 2024 meeting. They also presented and had detailed
10 discussions with our commission's Housing Justice Committee
11 at the committee's May 3rd, 2023 and January 3rd, 2024
12 meetings.

13 Advisory Neighborhood Commission 4B unanimously
14 approved a letter supporting and providing feedback on the
15 proposed map amendment at the commission's January 2024
16 meeting, which was submitted to the commission on January
17 23rd.

18 Having served as a commissioner for more than five
19 years, I have dealt with a number of entities, some of which
20 have had poor engagement with our commission and community.
21 The applicant is not one of those entities and has engaged
22 consistently and in good faith.

23 Advisory Neighborhood Commission 4B's Housing
24 Justice Committee was created in February 2020 on the value
25 that housing is a human right and all D.C. residents are

1 entitled to safe, stable, and secure housing. The
2 commission seeks to do our fair share regarding affordable
3 housing within our commission boundaries and to maximize
4 affordable housing within the commission area.

5 The proposed map amendment furthers Advisory
6 Neighborhood Commission 4B's housing justice priorities.
7 The applicant has indicated their proposed redevelopment
8 would include approximately 175 units of affordable assisted
9 living for seniors. Their model is described as income-
10 inclusive as it would largely serve individuals covered by
11 Medicaid who have a maximum annual income close to 30
12 percent of the median family income.

13 While I understand that a map amendment relates to
14 zoning designation and that approval of a map amendment
15 means a project can be built by right on the site subject to
16 the development standards under the amended zone, I and the
17 Housing Justice Committee have appreciated the applicant's
18 repeated engagement with the committee and the commission
19 about their goals for the project.

20 Furthermore, the Office of Planning's
21 recommendation that Inclusionary Zoning-Plus apply to the
22 property would mean that the property would be bound to
23 additional Inclusionary Zoning units, requiring additional
24 units to be affordable independent of any specific proposal.

25 In addition, as noted in our commission's letter

1 of support, the commission is supportive of efforts to bring
2 new housing to transit-accessible areas, including the
3 Georgia Avenue corridor, which is serviced by some of the
4 most heavily used bus lines in the District. The commission
5 has repeatedly supported efforts to provide new housing
6 around transit hubs, with a particular emphasis on
7 affordable housing, including several projects around the
8 Takoma Metro station.

9 Finally, as noted in our letter of support, the
10 commission strongly supports efforts to make this property
11 and the surrounding area more pedestrian-friendly to ensure
12 a thriving streetscape along a critical commercial corridor.
13 The commission has repeatedly encouraged developers to
14 include plaza spaces or wider sidewalks into new
15 developments, recognizing their critical role in connecting
16 communities. Here, the MU-10 zone offers the specific
17 benefit of a plaza requirement, furthering pedestrian access
18 and safety. These spaces are intended for public use and
19 shall be open and available to the general public on a
20 continuous basis.

21 In sum, after repeated engagement with Advisory
22 Neighborhood Commission 4B and the commission's Housing
23 Justice Committee, our commission has unanimously supported
24 this application for a map amendment, for contributions to
25 the District's affordable housing stock in a transit-

1 accessible neighborhood, as well as a safer and more vibrant
2 streetscape.

3 Thank you very much for your time and
4 consideration.

5 CHAIRPERSON HOOD: Thank you, Commissioner Palmer.

6 Commissioner Yeats, is he available? Was he going
7 to present or are you going to just present?

8 MS. PALMER: I think he had testimony as well, but
9 I also know he's I think commuting at the moment in terms of
10 school pickup.

11 CHAIRPERSON HOOD: Okay.

12 MS. PALMER: But he's here.

13 MR. YEATS: I'm happy to join, Chair Hood, if it's
14 all right with you. And I appreciate the Commission's
15 indulgence of allowing me to care for my children during
16 this timeframe. These 4 o'clock meetings are an adventure
17 as a family person. I would just add that my written
18 testimony is in the record if you want it, and so is
19 Commissioner Palmer's testimony.

20 One thing that I did want to respond to that I
21 heard today is discussion of the height of the project,
22 right? As you know, the height is theoretical. No future
23 project may actually be built to the limits of the zone at
24 the end of it. But what isn't theoretical in this
25 discussion between an MU-8 and an MU-10 zone is the public

1 plaza benefit. One of the difficulties our commission has
2 found in facing map amendments is the inability to deliver
3 binding community benefits, like in a PUD project. But if
4 this project is downgraded from an MU-10 to an MU-8, it is
5 essentially the Zoning Commission stripping out a binding
6 requirement for a public plaza, which is a significant
7 community benefit that we get with the MU-10 upzoning that
8 we do not get with MU-8 upzoning.

9 As someone who represented this portion, Upper
10 Georgia Avenue, for four years, it needs an anchor. It
11 needs pedestrian space. It needs open areas where people
12 can gather and help that business district thrive. And so
13 one of the major arguments in my opinion, in addition to all
14 of the housing arguments, is that we can deliver this
15 important benefit for our community.

16 I'd like to echo Commissioner Palmer's words that
17 this is -- we have had positive engagements with this
18 applicant, that they have engaged in good faith. They have
19 come to many meetings that have all been adequately publicly
20 noticed that any of the people on this call could have
21 participated in.

22 We have not taken them at their word. As you will
23 reflect in the record, we checked their track record with
24 the ANC in Ward 7 that worked with them. We spoke to the
25 people who worked at the small business at Upper Georgia

1 Avenue Main Street to ensure that the things that they said
2 they had done they had done. I mean, we found it to be
3 true.

4 So we voted unanimously to support this map
5 amendment. And we hope the Zoning Commission will stand
6 with us on this project within Advisory Neighborhood
7 Commission 4B.

8 Thank you and for your time this evening.

9 CHAIRPERSON HOOD: Thank you. And get home
10 safely.

11 Let's see if we have any questions for you all
12 right quick. Commissioner Imamura?

13 COMMISSIONER IMAMURA: No questions. I echo your
14 sentiment, Mr. Chairman. I hope Commissioner Yeats and his
15 child get home safely and appreciate the work that he and
16 Commissioner Palmer do on behalf of their constituents and
17 the community.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 And, Vice Chair Miller, any question or comments?

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

21 And yeah, I agree. Thank you, Commissioners Yeats
22 and Palmer, for all of your work at ANC 4B on behalf of the
23 community and for your work on the Housing Justice Committee
24 and for the very comprehensive letter that Chairman Hood
25 mentioned earlier, how comprehensive it was. At Exhibit

1 Number 21, the ANC 4B letter goes into focused detail on why
2 you are supporting this application and its consistency with
3 the -- with Comprehensive Plan policy, particularly the
4 future land use map, but other policies as well. So thank
5 you very much for all of your work.

6 CHAIRPERSON HOOD: I, too, want to thank both
7 Commissioner Yeats and Commissioner Palmer as well as the
8 full commission of ANC 4B for all the time that you all put
9 into especially cases which are coming from the Zoning
10 Commission. So thank you. Thank you both.

11 Let's see if there is any cross from anyone. Does
12 the applicant have any cross?

13 MR. FREEMAN: No, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. ANC 4A, any cross?

15 MS. EDWARDS: Yes.

16 CHAIRPERSON HOOD: Okay. Go right ahead, Ms.
17 Edwards, Commissioner Edwards.

18 MS. EDWARDS: Thank you for the excellent work you
19 did on this. I just have a few questions about how it was
20 noticed and the assumptions that were made in the report.

21 Did you -- I believe you referred to the
22 applicant's other project in Kenilworth in your letter. Was
23 that in your letter that you referred to the applicant's
24 other --

25 MS. PALMER: We did prefer to another project,

1 yes.

2 MS. EDWARDS: Did you visit that project?

3 MS. PALMER: We did not, but we spoke with some of
4 the commissioners who live in that area.

5 MS. EDWARDS: Okay. Have you seen pictures of the
6 project or anything like that?

7 MS. PALMER: We have seen pictures, but I have not
8 been there physically.

9 MS. EDWARDS: Okay. I have. It's very different
10 from what is being proposed here. And so, obviously, this
11 is not use-related, but the Kenilworth project is night and
12 day different from this one. I wanted to make that point.

13 The -- did you look at anything that is going on
14 in the Montgomery County side when you made your
15 recommendations?

16 MS. PALMER: Well, I did not.

17 MS. EDWARDS: Okay. Did anyone? It wasn't
18 referenced in your report. So I just wanted to --

19 MS. PALMER: Yes. Our commission letter speaks
20 for itself, and it does not make reference to that.

21 MS. EDWARDS: Okay. Fine. And did you reach out
22 to 4A at any time about working together to analyze this
23 since both are affected ANCs?

24 MS. PALMER: I did not, no.

25 MS. EDWARDS: Okay. You did send me a recording

1 of your housing justice meeting. So you did have some
2 communication. But other than that, you did not initiate
3 any contact, correct?

4 MS. PALMER: Is that a question?

5 MS. EDWARDS: Correct.

6 MS. PALMER: I mean, as you noted, I did send our
7 Housing Justice Committee meeting recordings. And that was
8 in response to communications that I believe you had held
9 with other 4B commissioners prior to that that I was not on.

10 MS. EDWARDS: That's fine. Thank you very much.

11 And when you analyzed the applicant's submission,
12 did you weight all of the different elements equally or
13 housing was given the most weight?

14 MS. PALMER: The commission's letter speaks for
15 itself, but from my perspective as the chair of the Housing
16 Justice Committee, the Housing Justice Committee's priority
17 was looking at the housing-related components of the project
18 or of the application and the zoning.

19 MS. EDWARDS: And, as you say, raises --

20 MR. YEATS: Commissioner Palmer?

21 MS. EDWARDS: Yes?

22 MR. YEATS: Can I respond as well? Is that all
23 right with you?

24 MS. PALMER: Sure.

25 MR. YEATS: I just wanted to say that we're not

1 the only ones that weight housing as a priority. The
2 Comprehensive Plan does itself when evaluating these
3 projects and says that the delivery of housing, affordable
4 housing, is the priority, the only high-priority element of
5 the Comprehensive Plan. So it is not just the ANC. It is
6 the law of the District of Columbia.

7 MS. EDWARDS: So the law of the District of
8 Columbia says that housing is the only priority. Is that
9 your statement?

10 MR. YEATS: No, not that it's the only priority,
11 but it is highest priority of the Comprehensive Plan.

12 MS. EDWARDS: Okay because I thought you said the
13 only high priority. So it is a high priority. Is that
14 correct?

15 MR. YEATS: Yes, it is absolutely a high priority.

16 MS. EDWARDS: Okay. Fine. I just want to make
17 certain I understand.

18 MR. YEATS: When 4A evaluated this project, did it
19 not consider housing and delivering affordable housing as a
20 high priority?

21 MS. EDWARDS: I don't understand what you just
22 said. So my question is -- excuse me.

23 CHAIRPERSON HOOD: I did not rule that out of
24 order because I've never seen that done before by
25 Commissioner Yeats where he's being cross-examined here.

1 Well, I guess I have seen a question come back to -- he was
2 asking you a question, but, Commissioner Edwards, you were
3 asking the questions right now. So --

4 MS. EDWARDS: Yeah. That's what I thought. So I
5 was just trying to understand better the way the report was
6 put together.

7 Has -- were there any -- well, the report speaks
8 for itself. So, obviously, there were no downsides
9 considered to this project. They were not reported in
10 the -- they were not considered in the report, correct,
11 since *res ipsa loquitor*? Is that correct?

12 MS. PALMER: The letter speaks for itself.

13 MS. EDWARDS: Yep.

14 MS. PALMER: It doesn't mean the commission didn't
15 consider a number of other factors in considering the
16 proposal.

17 MS. EDWARDS: But it didn't think that the
18 commission should know about them or is there a reason they
19 weren't included in the letter?

20 MS. PALMER: The commission included the
21 information it thought was relevant to the consideration of
22 this application for a map amendment in the letter that was
23 submitted and voted upon.

24 MS. EDWARDS: Okay. So this isn't an analysis as
25 much as an advocacy. Is that correct?

1 MS. PALMER: That is a subjective statement that I
2 think is highly inaccurate.

3 MS. EDWARDS: Okay. So this is not --

4 MR. FREEMAN: If the chair would be --

5 MS. EDWARDS: This is objective?

6 MR. FREEMAN: Mr. Chairman, I'm trying to
7 understand where we are here. Are we doing cross-
8 examination of the ANC 4B report or are we --

9 MS. EDWARDS: The way the report is --

10 MR. FREEMAN: -- the ANC questioning her --

11 MS. EDWARDS: -- put together. I'm sorry.

12 MR. FREEMAN: -- about things that aren't --

13 MS. EDWARDS: -- Okay. I'll withdraw. I'll
14 withdraw the question.

15 CHAIRPERSON HOOD: Okay.

16 MS. EDWARDS: I'll withdraw the question. That's
17 fine.

18 CHAIRPERSON HOOD: Commissioner Edwards, just
19 give --

20 MS. EDWARDS: I'll withdraw the question.

21 CHAIRPERSON HOOD: Right. You withdraw the
22 question. Thank you. But give us --

23 MS. EDWARDS: That's fine.

24 CHAIRPERSON HOOD: But give us a chance to finish
25 the statement. I think you can withdraw. She's going to

1 withdraw her question. And I think we can just resolve.

2 Do you have any other questions?

3 MS. EDWARDS: I do, but I'll leave them for later.

4 CHAIRPERSON HOOD: Okay. So, Mr. Freeman, I think
5 you can withdraw your objection. So that way I don't have
6 to rule on it because she withdrew her question. So that
7 saved all there of us from having to do anything. So thank
8 you.

9 MR. FREEMAN: Thank you.

10 CHAIRPERSON HOOD: All right. So, Commissioner
11 Edwards, thank you. You said you are finished. So thank
12 you.

13 Ms. Schellin, let's see who's here in support or -
14 - no, no. I need to go to the ANC in opposition, right?
15 Let's do that.

16 MS. SCHELLIN: Okay. You need to let 4A do their
17 presentation.

18 CHAIRPERSON HOOD: All right. Commissioner
19 Edwards, you are still with us. You may begin.

20 MS. EDWARDS: All right. I'm Paula Edwards, ANC
21 4A01. I was unfortunate enough to win the election by 29
22 votes after I asked for a recount. So I am not doing this
23 job because I love it.

24 I am here because I am concerned about the quality
25 of the data that is being used for this process. I am

1 concerned about the methodology. I am concerned about the
2 inputs. I think the Commissioner Hood said it very
3 accurately: cut and paste.

4 My report is 70 pages long. I was told that I
5 could submit it before the Commission made its final
6 determination and it would still be given great weight.
7 That's the only reason it's not on the record.

8 It is copiously documented. It includes
9 Montgomery County because just because Montgomery County is
10 not part of the District does not mean it does not exist. I
11 live in this area. I know the forces that are brought to
12 bear on our residents as a result of development that is not
13 well-coordinated and well-designed. And this has been
14 difficult from the beginning.

15 The lack of community engagement. I'll address
16 our points. Lack of community engagement. We received a
17 letter. We received an email from Ms. Schellin on June
18 27th. It was sent to Commissioner Hoyte, me, and the ANC
19 offices and to Commissioner Colson.

20 Mr. Freeman sent out a communication on June 23rd
21 to Commissioner Colson and the two offices of the ANC 4A.
22 Our ANC commissioner who was chair did not forward that
23 information to Commissioner Hoyte or me. We did not have
24 access to those email boxes.

25 Subsequently, no one reached out to us. As 4B

1 testified, they did not reach out to us. I finally was
2 contacted by a constituent in October. Oh, Mr. -- I believe
3 Mr. Freeman also sent letters out to ANC 4A office and ANC
4 4B office. Both of those were sent to addresses that were I
5 think -- well, I know our address was, like, three or four
6 years old. And I believe that the ANC 4B notification was
7 returned also because I saw it on the record. So I was not
8 -- I received no communication until a constituent called me
9 right before the set-down report went in.

10 I sat in on the set-down presentation, and I was
11 told -- I reached out to Mr. Freeman on November 29th. I
12 heard back from him -- no, on the 28th. I heard back from
13 him on the 29th. And he said that the applicant would get
14 in touch with me.

15 I tried three more times. And the applicant, as
16 Mr. Zomorodi testified, got back to me on December 5th.
17 This was during the holidays. So we scheduled a meeting for
18 January 26th.

19 In the meantime, I had spoken with the tenants.
20 And they had told me no one had contacted them. And I only
21 spoke with them. That's not my SMD, but I buy coffee over
22 there, and I talk to people over there. I go to the
23 Progresso market.

24 They attended our meeting. We had about 30
25 residents at our electronic meeting. And most of the

1 residents were opposed to the height. And if -- I don't
2 know how height can't be one of the dimensions of a
3 building, but the height is a concern and is a small
4 footprint. So they were concerned about the height of the
5 building.

6 We also had the -- oh, after the meeting, one of
7 the tenants had complained that she had not heard from the
8 landlord. I connected Mr. Zomorodi with her. I sent him
9 her information. And they contacted. And now she is in
10 support, which is good because I think that they should
11 receive support.

12 But the thing that also bothered us was they kept
13 saying that UGAMS, the Upper Georgia Avenue Main Street, was
14 helping, and we knew that they had gone out of business. So
15 apparently some substitute has been found for that.

16 We went to our meeting. And the applicant always
17 stressed the use. And we knew that use was not a part of
18 this map amendment, the consistency or the -- that it was
19 not inconsistent with the Comprehensive Plan was the
20 consideration. So I was not convinced by their argument,
21 and I recommended that we vote in opposition.

22 The concern, again, has been for me the weighting
23 of housing. Housing is a high priority, but it does not
24 exclude everything else, housing and also the figures that
25 we have come up with. As you can see, there is a

1 discrepancy between the data in the OP report and the data
2 in the other reports. The data that I have gone through,
3 through going through the source data and vetting the source
4 data is different from all of them. And we are finding that
5 we are very close to having fulfilled the goal of affordable
6 housing for this area. And I would like confirmation of
7 that.

8 I think that the OP report should be redone.
9 Unless you're going to rely on somebody else's data, I think
10 it is really sad that you can't rely on the District's data.

11 The ACS data is old. The data from these -- the
12 mayor's report is old. And the concern for affordable
13 housing is laudable, but it cannot exclude environmental
14 concerns. It cannot exclude traffic concerns. It cannot
15 exclude residents' concerns. And it cannot exclude
16 notification of residents.

17 Mr. Yeats has said that they had meetings at which
18 anyone could have attended. I have gone through the
19 listservs. I have gone through everything I could find that
20 noticed these meetings. And I cannot find notice of these
21 meetings. I know when the ANC 4B regular meetings are held.
22 And I could have attended those.

23 But I am accustomed to some collegiality where
24 people work together. And I don't see that. I don't see an
25 outreach to Montgomery County on this. And we are very

1 close to the Montgomery County line. And what we do here
2 will affect them, and what they do there will affect us.
3 And I see no outreach for that. I'm the only person I know
4 of who has outreached the Montgomery County Planning Office
5 to see if they knew anything about this project. It's not
6 required, but I think we'll get a better product if we have
7 that outreach.

8 I'm also concerned about -- well, that's most of
9 it. I have -- as I said, I have a 70-page report that I
10 will be submitting shortly. And that will put the rest of
11 my concerns into focus. But those are the main things that
12 I was concerned with. Thank you.

13 CHAIRPERSON HOOD: Okay. I'm going to ask -- Ms.
14 Edwards, if you could hold a second?

15 I'm going to ask Ms. Lovick if she could let me
16 know how to deal with a 70-page report that has not been
17 submitted, that has not been submitted, that cannot be
18 cross-examined because we don't know what's in it. And I
19 will just leave it for that. Now, you don't have to answer
20 right now unless you have an answer, but think about it.
21 And if you could let me know so I can make sure I can make a
22 -- the correct announcement on that?

23 MS. EDWARDS: I do have a question on that,
24 though. From what I read in the regulations, we are
25 permitted to submit a report before you make your final

1 decision. Is that correct?

2 CHAIRPERSON HOOD: Yeah, but your report because
3 you are an ANC, when I -- nobody can cross-examine it. I
4 have to --

5 MS. EDWARDS: I understand that. Yeah.

6 CHAIRPERSON HOOD: So let me just finish. I need
7 to make sure that I am doing it properly just in case it's
8 challenged and the judge says, "Well, the Zoning Commission
9 did not afford anyone the opportunity to cross-examine" your
10 submission. So I want to just make sure I'm right. That's
11 all, dot all my i's, cross all of my t's.

12 MS. EDWARDS: Of course. Thank you.

13 CHAIRPERSON HOOD: Okay. Okay. So let's see.
14 Let me ask this right off, Commissioner Edwards. And I've
15 asked this -- not picking on you on this one. I've asked
16 many times before. Does Montgomery County reach out to us
17 when they have -- reach out to you -- maybe you have a
18 connection -- when they do their projects?

19 MS. EDWARDS: Yes, specifically on the Blairs.
20 And I have that documented in my report. When the Blairs
21 did their redevelopment because they are across the street
22 from D.C. housing, we were invited to their meetings. We
23 expressed concerns about the parking. They included
24 additional parking.

25 CHAIRPERSON HOOD: Was that -- let me ask you --

1 I'm going somewhere here -- was that verbally or did you get
2 something in the mail?

3 MS. EDWARDS: We've -- I received an email.

4 CHAIRPERSON HOOD: Okay. That's a different type
5 of notes.

6 MS. EDWARDS: I'll have to find it, but I
7 received --

8 CHAIRPERSON HOOD: No. That's fine. That's fine.
9 I don't need -- I don't need to see the email, but I thought
10 maybe they gave you something from their database, from
11 their government to participate. And that is not what
12 happened. So you've answered my question.

13 MS. EDWARDS: I didn't say that wasn't what
14 happened. I said I received an email. I didn't say it was
15 not from the government. I'll have to check and see from
16 whom it was sent.

17 CHAIRPERSON HOOD: Oh. So it may have been from
18 the government?

19 MS. EDWARDS: It may have been. I just -- I'm not
20 certain.

21 CHAIRPERSON HOOD: Well, if you can get that --

22 MS. EDWARDS: I'll have to check.

23 CHAIRPERSON HOOD: -- for me?

24 MS. EDWARDS: I'll check my records and see, but I
25 do know we participated in -- no. I'm sorry. It was from

1 the developer. It was from the developer.

2 CHAIRPERSON HOOD: Okay. That's -- again --

3 MS. EDWARDS: The developer reached out, yes.

4 CHAIRPERSON HOOD: I'm going to leave that
5 question right where it is.

6 MS. EDWARDS: The other issue --

7 CHAIRPERSON HOOD: Hold one second. Hold one
8 second, Commissioner Edwards.

9 Ms. Lovick, you have something you want to opine
10 on?

11 MS. LOVICK: I just wanted to respond to your
12 question. Is it okay for me to do that now?

13 CHAIRPERSON HOOD: Sure. Yes, please.

14 MS. LOVICK: Okay. So I think that Ms. -- is it
15 Ms. Jefferson? Is that who --

16 CHAIRPERSON HOOD: Edwards.

17 MS. LOVICK: Oh, Ms. Edwards. I'm sorry. I'm
18 sorry.

19 That -- Ms. Edwards, she can submit her report.
20 And I don't think that the applicant needs to be able to
21 cross-examine her. I just think that they need to be able
22 to provide a written response.

23 CHAIRPERSON HOOD: Okay. I got you. I got you.
24 Thank you. I just wanted to make sure we were legally
25 sufficient and correct. So thank you.

1 MR. FREEMAN: Can I ask a question about that
2 because I'm not clear? Because when Commissioner Edwards
3 says she has a 70-page report, is that her personal report
4 or is that an ANC --

5 MS. LOVICK: It sounds like it's an ANC report.

6 MR. FREEMAN: That's not what she said. And at
7 the last --

8 MS. LOVICK: Oh, it isn't? Okay. She said -- she
9 just said -- what I heard her say was that she has a right
10 to submit a report, that the ANC has a right to submit a
11 report. So maybe I misheard her. Sorry.

12 Go ahead, Ms. Edwards.

13 MR. FREEMAN: Yeah. So the --

14 MS. EDWARDS: My --

15 MR. FREEMAN: If I might, at the last ANC meeting,
16 there was no vote to submit a 70-page report. So this 70-
17 page report is something -- unless, Commissioner Edwards,
18 you're telling me that was presented to the ANC and the ANC
19 voted on that and authorized you submit it in this case,
20 then that's an ANC report. But if this is a report you
21 separately prepared by yourself without presenting it at a
22 public meeting at which notice was given, et cetera, then
23 it's an individual report of an individual commissioner. So
24 I am just trying to understand what this 70-page report is
25 that we have never seen.

1 CHAIRPERSON HOOD: Okay.

2 MS. EDWARDS: I was --

3 CHAIRPERSON HOOD: Ms. Edwards, could you clarify,
4 please? Ms. Edwards, could you clarify us, please?

5 MS. EDWARDS: Sure. I was authorized at the last
6 meeting to prepare a response for the -- we voted to reject
7 the -- to reject the applicant's application for an MU-10.
8 I was authorized to prepare a response for this. And the 70
9 pages is that response.

10 I submitted a report, the form 129, outlining the
11 basics of it. The 70 pages is the support for those
12 responses. And those were voted on at the February 6
13 meeting.

14 CHAIRPERSON HOOD: And I think, Ms. Lovick, you
15 had the fix for that 70 pages that is coming in. The
16 applicant can respond. Is that what you said?

17 MS. LOVICK: Yes. But the applicant is right
18 about making the distinction. It is -- he is correct about
19 the fact that this report is something that would have
20 needed to have been authorized for submission as part of the
21 vote that the ANC took at its meeting.

22 But it sounds like that you're saying that is the
23 authorization you were given, Ms. Edwards. Is that correct?

24 MS. EDWARDS: I was given the authorization to
25 prepare the response.

1 MS. LOVICK: Okay.

2 CHAIRPERSON HOOD: That's all right, but the
3 applicant will have a chance to respond. All right.

4 MS. LOVICK: Correct. I don't think -- I mean,
5 we're not in a situation unless you want to continue the
6 hearing to allow the applicant to have an opportunity to
7 review the report and then essentially allow cross-
8 examination to happen, which I don't think that's necessary.
9 I think that the applicant can respond in writing to
10 whatever assertions and arguments are made in the report.
11 And, in fact, that would be ideal for purposes of, like,
12 assuming that there is a final order with regard to this
13 action.

14 CHAIRPERSON HOOD: Okay.

15 MR. FREEMAN: Thank you. We have no problem with
16 that.

17 CHAIRPERSON HOOD: If we get to that point, that's
18 how we'll move forward unless my colleagues have something
19 else to say.

20 MS. LOVICK: Okay.

21 CHAIRPERSON HOOD: Thank you, Ms. Lovick. So I'm
22 going to put that to rest. Thank you, Ms. Lovick. Okay.

23 Commissioner Edwards, have we -- you were still
24 doing your report or you finished?

25 MS. EDWARDS: No. I'm finished.

1 CHAIRPERSON HOOD: Okay. Ms. Schellin, where was
2 I at? I got confused.

3 MS. SCHELLIN: Questions from the commissioners.

4 CHAIRPERSON HOOD: Oh, questions from the
5 commissioners. Okay. Colleagues, any questions of
6 Commissioner Edwards? Commissioner Imamura, comments?

7 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
8 Just a comment.

9 Ms. Edwards, thank you for your thoroughness and
10 your tenacity and I think in general not just for you,
11 Commissioner Edwards, but just for those that are generally
12 in opposition or in support. One, for me, it's helpful if
13 next time, you could be a little more succinct and strategic
14 about what you want to convince me and my fellow
15 commissioners about your point of view. So that's really
16 something that I think we need to do a better job at
17 conveying to the public, that if you're in opposition, help
18 us understand your position in order to make an informed
19 decision and be strategic about it with your questioning so
20 that we can move the hearing along a little more
21 efficiently.

22 MS. EDWARDS: Yes.

23 COMMISSIONER IMAMURA: So all right. Thank you,
24 Mr. Chairman.

25 CHAIRPERSON HOOD: Thank you.

1 MS. EDWARDS: May I respond?

2 CHAIRPERSON HOOD: Hold one second, Commissioner
3 Edwards. Hold one second for me.

4 Vice Chair Miller, any questions of Commissioner
5 Edwards?

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

7 And thank you, Commissioner Paula Edwards, for all
8 the time and effort that you have put into this case. We
9 appreciate it. Thank you.

10 CHAIRPERSON HOOD: And I, too, want to thank you
11 both, Commissioner Edwards and Mr. Hoyte. And I think I saw
12 another commissioner, Nelson, and the whole commission.

13 One thing I will say, you know, data is one thing.
14 We can always deal with different numbers and different
15 information, but I appreciate the insight that you all have
16 in bringing up -- I'm not saying I always agree with
17 everything that everybody does because people don't always
18 agree with me. But I appreciate the thoroughness, as my
19 colleague mentioned, and the effort that you put into these
20 cases as frontline volunteers representing your
21 constituents.

22 I think you all have always done a good job, not
23 just in this case but all issues. So let me just encourage
24 you all to keep doing what you are doing, regardless of
25 whatever outcomes come up from not just the Zoning

1 Commission, ABC Board, or anything. So keep doing what you
2 are doing because you are making our city better.

3 Commissioner Edwards, you wanted to respond. I'm
4 going to give you --

5 MS. EDWARDS: Yes, I do. I am not trying to
6 convince anyone of anything, to be quite honest. I am not
7 an advocate. I am trying to get the best possible outcome
8 for our community. I live here. I grew up here. And when
9 people talk about the racial equity has changed or whatever,
10 I have been through all of the racial equity changes.

11 I know this neighborhood. You are experts in
12 zoning. I am an expert in this neighborhood. And so I
13 think the reason I am concerned about community outreach is
14 I know the things that you may not. We see the things that
15 you may miss. And so this isn't about convincing people.
16 This is, I'm sorry I was not succinct enough because I am
17 doing this on my spare time. I have more than a full-time
18 job. But this process is more advocacy to me than it is
19 actual decision-making. And that's what I'm concerned
20 about.

21 Thank you.

22 CHAIRPERSON HOOD: Okay. Thank you. So noted,
23 and we appreciate it. Thank you. All right.

24 Ms. Schellin, do we have any persons who are here
25 in support? Oh, wait a minute.

1 MS. SCHELLIN: Did you ask for the applicant --

2 CHAIRPERSON HOOD: Yep.

3 MS. SCHELLIN: -- and the others?

4 CHAIRPERSON HOOD: I heard Commissioner Yeats.

5 They're getting ready to cut me off. I'm going too fast.

6 There are no games on tonight.

7 Commissioner Freeman, do you have any cross of Ms.
8 Edwards?

9 MS. SCHELLIN: Not a commissioner.

10 MR. FREEMAN: I was going to say I'm not a
11 commissioner.

12 MS. SCHELLIN: Don't elevate him yet.

13 CHAIRPERSON HOOD: Hold on. What did I say?

14 MS. SCHELLIN: Commissioner Freeman.

15 MR. FREEMAN: I'm not a --

16 CHAIRPERSON HOOD: It must have been wrong. I got
17 up early this morning. I'm starting to hallucinate. Mr.
18 Freeman.

19 MR. FREEMAN: I did just have a couple of quick
20 questions for you, Commissioner Edwards. I want to make
21 sure I understood your two things you said correctly, maybe
22 three questions.

23 I think the first thing I heard you say is that
24 Holland and Knight and the Office of Zoning did, in fact,
25 mail and email the notices to the ANC but because the ANC's

1 address and email were not updated, that's why you did not
2 receive the information when it was mailed in June of 2003
3 (sic.) Is that right?

4 MS. EDWARDS: The mail address, the USPS address,
5 was incorrect for both ANC 4A and ANC 4B. So we did not
6 receive the letters. The ANC general mail address was
7 correct, but we were not given the subsequent emails. But
8 no direct outreach to the commissioners was made. So the
9 only outreach to ANC 4A that was made electronically was to
10 the general email address and not to Commissioner Hoyte and
11 not to Commissioner -- and not to me other Ms. Schellin.
12 Ms. Schellin --

13 MR. FREEMAN: Schellin.

14 MS. EDWARDS: -- did mail us. Schellin. I'm
15 sorry. Ms. Schellin.

16 MR. FREEMAN: And you said you did not get that
17 email?

18 MS. EDWARDS: We received that email when we were
19 on hiatus. That's the only communication that we
20 individually received.

21 MR. FREEMAN: Okay. Thank you.

22 So that I'm clear, your concern about housing is
23 that there is too much affordable housing in the Rock Creek
24 East planning area? Is that the ANC's concern?

25 MS. EDWARDS: Our concern is not there is too much

1 but that the onus is being put on certain parts of the city
2 to produce the affordable housing while other parts of the
3 city do not have to produce affordable housing. That's my
4 concern in this case because we --

5 MR. FREEMAN: So this --

6 MS. EDWARDS: Let me finish.

7 -- because we -- I believe we have overproduced.
8 If you look at the individual numbers, if you go to the
9 source data, I believe we have overproduced from the goal.
10 We're not 70 percent. We're like 110.

11 MR. FREEMAN: Okay. And I saw some data. And I'm
12 assuming you'll include that data in the 70-page report?

13 MS. EDWARDS: We will.

14 MR. FREEMAN: Because you asked a lot of questions
15 about the data, but you haven't demonstrated what data you
16 were using. So you'll have that in your 70-page report?

17 MS. EDWARDS: We have that sourced, yes.

18 MR. FREEMAN: Okay. And just my last question, so
19 we got your -- we knew the ANC had voted to not support the
20 application in February. We got your letter today. Some of
21 these are new concerns to me. I'm curious whether you
22 previously communicated these five concerns to the
23 applicant.

24 MS. EDWARDS: We did. Now, I'm not certain
25 because most of the concerns were about the OP report. So

1 we did communicate the concern about outreach, and we
2 communicated that in our January 26th meeting. And we
3 communicated the concern about the overconcentration of
4 housing in one area.

5 MR. FREEMAN: Okay. So the last question, then,
6 is, now that you have heard the testimony about the
7 engagement with the tenants, assuming you have seen the
8 record with the support letters from a lot of people in the
9 neighborhood, including the abutting property owners, what
10 additional outreach do you think should have been done? I
11 think to the chairman's question about, what is the scope, I
12 am just curious. What else do you think we should have done
13 that we didn't do because --

14 MS. EDWARDS: I can't --

15 MR. FREEMAN: -- I think when we first met with
16 you in November, we thought we were -- well, when we first
17 started to engage with you in November-December, we thought
18 we were kind of moving in accordance with the way the ANC
19 wanted us to move. So my question is, what outreach did you
20 think that the applicant should have done that they didn't
21 do?

22 MS. EDWARDS: There was no outreach to 4A. I
23 don't know what 4B did. But I know there was no outreach.
24 Usually I put out flyers, but because it was the end of the
25 year and I was so busy, I didn't get a chance to put out

1 flyers. But there are many people in 4A who do not know
2 what is going on across the street. And I have talked to
3 people in 4B who don't know what is going on. But, you
4 know, that's someone else's bailiwick.

5 But I really think the applicant should have made
6 more of an effort to engage the neighbors, to tell them what
7 was going on, and to just in a leaflet, whatever it took, a
8 mailing. I don't know. But I didn't have time to do that,
9 and usually I do.

10 MR. FREEMAN: Okay. Last question. When you say,
11 "neighbors," who are you talking about because we started
12 with a 200-foot radius. The property's immediately
13 surrounded by commercial uses. The neighbors to the
14 immediate east have issued support letters. The neighbors
15 to the south the school, we've communicated with. So I'm
16 just curious how you're -- for future reference, how you are
17 defining neighbors.

18 MS. EDWARDS: Neighbors across the street. I
19 don't believe you -- do you have something from the
20 neighbors across the street in 4A? Did you talk to the
21 church, which is 347 feet away? Have you talked to any of
22 the neighbors on Alaska Avenue, who will be affected by
23 this? And I know there's been no outreach to Montgomery
24 County. Well, I don't know, but I couldn't find evidence of
25 any outreach to Montgomery County.

1 MR. FREEMAN: Thank you. That's all I have,
2 Chairman.

3 CHAIRPERSON HOOD: And thank you. I think I
4 either heard Commissioner Yeats or Commissioner Palmer. Any
5 cross of Commissioner Edwards?

6 MR. YEATS: Yeah. I have a few questions, Chair
7 Hood, if I may.

8 CHAIRPERSON HOOD: Sure.

9 MR. YEATS: I just wanted to start by -- I just
10 wanted to start by noting that while it appears that ANC
11 4B's notification is subject to this report, it's difficult
12 to cross on a report that we haven't seen and wasn't timely
13 provided to us. ANC 4B's report was submitted substantially
14 in advance of this hearing. So 4A was able to engage fully
15 with it. And we wish we had been able to do the same in
16 preparation for today's hearing.

17 My first question is -- with regards to Ms.
18 Edwards is, do you -- to echo it and asked if she believed
19 that ANC 4B's notification was not legally sufficient under
20 the standards of the ANC Act.

21 MS. EDWARDS: Is that the question?

22 MR. YEATS: Yeah.

23 MS. EDWARDS: I did not say it was not legally
24 sufficient. I said I think there needs to be more --

25 MR. YEATS: Okay. Thank you. I appreciate that.

1 MS. EDWARDS: -- community outreach.

2 MR. YEATS: I appreciate that. And how many
3 public meetings did ANC 4B have about this project, both
4 full commission and Housing Justice Committee meetings?

5 MS. EDWARDS: I believe you had five. And I don't
6 know how many people attended, but you had five.

7 MR. YEATS: And how many meetings did ANC 4A have
8 about this project?

9 MS. EDWARDS: ANC 4A found out about this project
10 and got in contact with the applicant on December 5th. And
11 the ANC had two meetings.

12 MR. YEATS: I'm sorry? The -- you found out about
13 the project on December 5th? I had recollected your
14 testimony was that you had an email in June but there were
15 issues internally about relaying that email to the proper
16 people. Did I misremember that?

17 MS. EDWARDS: You did not. The email was sent to
18 an -- the email was sent to an office address. The email
19 was not sent to the individual commissioners. And
20 immediately when --

21 MR. YEATS: So --

22 MS. EDWARDS: If I may say one thing?

23 MR. YEATS: Yes.

24 MS. EDWARDS: Immediately when I found out about
25 the project, I reached out to ANC 4B, to Commissioner Colson

1 and to the chair.

2 MR. YEATS: And but there was notice to 4A in
3 June, the same time that 4B was noticed?

4 MS. EDWARDS: There was one notice.

5 MR. YEATS: Yes.

6 MS. EDWARDS: And there was no contact from the
7 applicant.

8 MR. YEATS: Okay. Right. That's all I have.
9 Thank you very much.

10 CHAIRPERSON HOOD: Okay. Thank you. That's it,
11 right? Yeah. That's it. All right.

12 Ms. Schellin, let's go to the parties. Thank you.
13 Thank you all. Let's go to the parties in support -- I
14 mean, not parties -- the persons in support.

15 MS. SCHELLIN: Yes, sir. We have -- let me see.
16 That's the applicants' folks. So we have no others in
17 support.

18 CHAIRPERSON HOOD: Okay. Let's go to opposition.

19 MS. SCHELLIN: Okay. We have Ren Lee. We have
20 David Jefferson, Naima Jefferson, and Brian Coates.

21 CHAIRPERSON HOOD: Is that all you have or you
22 just called four?

23 MS. SCHELLIN: Let me double check. Let me
24 refresh the screen, see if anybody else has signed up since,
25 since then. Let's see. Move to the last page here. I'm

1 sorry. It looks like one person signed up in support:
2 David Cooke.

3 CHAIRPERSON HOOD: Let's bring him up, too.

4 MS. SCHELLIN: And the answer to your question is
5 yes, that's all of the witnesses that have signed up.

6 CHAIRPERSON HOOD: Okay. We'll do the members we
7 have here. And then we'll do one last call to make sure we
8 got everybody. All right.

9 Mr. Cooke, since you are in support, we are going
10 to start with you first.

11 MR. COOKE: Great. I am a resident of ANC 4B01.
12 I would like to testify in support of the map amendment.

13 As the applicant has shown in this presentation, a
14 mixed-use property fits well in this region. Georgia Avenue
15 is a highly trafficked corridor. One of the reasons why I
16 live here is it has nearby access to the 70/79 bus lines up
17 and down Georgia, nearby 54, S-2, 63 bus lines, and more,
18 not to mention the nearby Silver Spring and Takoma Metro
19 stations.

20 I also live on 8th Street, a protected bikeway.
21 Not only is this a transit corridor, which is perfect for
22 someone like myself that does not own a car, but it is also
23 filled with amenities, not just restaurants and stores but,
24 importantly, the nearby Shepherd Park Library and Jesup
25 Blair Park. This resource-rich corridor is perfect for the

1 type of increased density we need to make the City of D.C.
2 more livable and more affordable for the community.

3 Importantly, as Matthew Jesik noted earlier,
4 higher density of this highly accessible area is precisely
5 what is needed to address issues of climate change and cut
6 emissions from the transportation sector, livable
7 communities (inaudible) just for building community but for
8 the environment.

9 While I understand that the Commission faces a
10 decision on solely the commission of the zoning and not the
11 proposed project, I do think the currently proposed project
12 is indicative of the reasons why I support this upzoning.
13 Mixed-use development and ground-floor commercial usage and
14 housing units above helps diversify the housing offerings in
15 the neighborhood. It also helps ensure that the growth in
16 commercial tenants and jobs along the Georgia Ave. corridor
17 is matched by a growing diversity in housing.

18 Additionally, if this property were developed as
19 proposed, as one targeted toward the elderly, this would
20 create an opportunity for folks who have long been invested
21 in this community to remain in it. My neighborhood in ANC
22 4B01 is filled with a number of elderly individuals who have
23 been living in this neighborhood for decades, raised
24 families, and are now facing the challenge of living in too
25 much house at too high a cost. Ensuring that we have a

1 range of diverse housing choices, including for seniors, is
2 a critical piece of creating a vibrant, livable, affordable
3 neighborhood.

4 So, for all of these reasons, I support upzoning
5 this commercial property.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 If you can stick around, we would like to ask --
8 once we finish the panel, we may have some questions for
9 you.

10 Let's go to -- I'll go by my screen -- Ms. Naima
11 Jefferson.

12 MS. JEFFERSON: Sorry. Thank you, commissioners.
13 Thank you for your time today, and thank you for the
14 opportunity to speak.

15 I am speaking in my personal capacity in
16 opposition to the proposed map amendment. And I'm asking
17 the Zoning Commission to reject this application.

18 I am the prior president of the Shepherd Park
19 Citizens Association, prior member of ANC 4A Zoning
20 Committee. I'm a former trustee of Committee of 100
21 submitted lots of Comprehensive Plan amendments. And I am
22 very familiar with it as well as led the Shepherd Park
23 Citizens Association in doing so and organization submitted
24 more Comprehensive Plan amendments than any other
25 organization in the city.

1 This map amendment affects in an adverse way my
2 personal and property interests and enjoyment and the use of
3 community and city services. I believe that this FLUM,
4 which was illegally amended into the Comprehensive Plan --
5 and that information is incorporated in my written testimony
6 -- uses erroneous data that is used in the analysis for the
7 racial equity tool. This proposed map amendment will
8 permanently alter our community, including the specific and
9 directly adjacent properties and other properties with
10 identical FLUMs in the area and also that live near them.

11 I would characterize going from an MU-4 to an MU-
12 10 as the ultimate displacement aggregator for people of
13 color in this city. I believe that a lot of the information
14 that was used was irrelevant and arbitrary and capricious
15 that was considered at the set-down public hearing. The
16 racial equity tool is not just a check-the-box exercise.

17 The planner for OP was very clear in saying he
18 doesn't really know this community. He ain't been here. He
19 doesn't know what's around. He used wrong data. He copied
20 and pasted. I mean, you know, I don't know how you do any
21 good analysis when those are your contentions.

22 I also want to say that the racial equity tool in
23 and of itself broadly defines community. And I noticed
24 that, once again, we have a situation where the Zoning
25 Commission is allowing an applicant to narrowly define a

1 community. This has happened in zoning case 15-29.

2 And, also, I will just say as it relates to racial
3 equity issues -- and I don't want to repeat what is in my
4 written testimony -- had the Office of Planning and the
5 applicant looked into it, yes, there is prior trauma with
6 land use issues. You can look at zoning case 87-37, 89-29.
7 That was the gateway for those of you all who have been here
8 a long time.

9 And I want to correct the record. My written
10 testimony was submitted on time, 3:42 p.m. yesterday. So
11 this allegation that it was late, you're wrong.

12 Also, I want to say that there was no contact with
13 Concerned Neighbors, which is an organization that has been
14 in Takoma and in that single-member district. They've been
15 there over 50 years. They didn't even know nothing about
16 it. Nobody reached out to them or anything.

17 I as the former president of the Shepherd Park
18 Citizens Association didn't even get an email until January
19 9th of 2024. The racial equity tool is really clear in that
20 it's supposed to happen early.

21 I lastly want to talk about Montgomery -- not --
22 sorry -- lastly -- Montgomery County planning. That is
23 mentioned in the Upper Georgia Avenue plan, the
24 Comprehensive Plan. There is other policies that speak to
25 multi-jurisdiction coordination. And, also, Montgomery

1 County government planners reached out to our community.
2 And we were active participants in their downtown planning
3 listening sessions, which fed into the Silver Spring
4 downtown plan. So Silver Spring definitely includes us in
5 their planning.

6 I also want to say that there was a question about
7 the structure or potential structure that would be allowed
8 under MU-10. You know, I'm going to use some colloquialism
9 here. And it is not about the size of the vote. It is
10 about the motion of the ocean. So you don't have to have a
11 big building to have presence.

12 You have to have quality design, and you have to
13 have something that is impactful. And what we have seen
14 throughout the Georgia Avenue corridor --

15 MR. FREEMAN: Mr. Chairman?

16 MS. JEFFERSON: -- is with regard to rectangles
17 and ugly buildings that do nothing to enhance our community.
18 So I think my written document speaks to itself. And if Mr.
19 Freeman would like to cut me off, that's fine, but I ask
20 that you all look at the data and not parrot what is being
21 told to you and actually do some independent analysis and
22 reject this application on its face.

23 Thank you.

24 CHAIRPERSON HOOD: Okay. Thank you.

25 Mr. Freeman, I didn't hear you say, "Objection."

1 So I did not acknowledge you, and I let Ms. Jefferson
2 finish. Did you have an objection now or are you done?

3 MR. FREEMAN: No objection, sir. Sorry.

4 CHAIRPERSON HOOD: Okay. Okay. All right. So
5 one of the things I do do is allow residents to finish their
6 testimony unless I hear the word, "Objection."

7 MS. JEFFERSON: In all fairness, Chair Hood, I
8 thought he was objecting. That's what I thought he was
9 saying.

10 CHAIRPERSON HOOD: I didn't hear, "Objection." I
11 just heard him say, "Mr. Chair."

12 MS. JEFFERSON: Okay.

13 CHAIRPERSON HOOD: So I didn't want you to be
14 interrupted. All right. So -- unless it was an objection.
15 Okay. So we got beyond that. Thank you. Okay.

16 Let's go to David L. Jefferson. Mr. Jefferson?

17 MR. JEFFERSON: Good evening, Commission. Please
18 bear with me because due to my disability, I have issues
19 with communication at times. I did submit my written
20 testimony. I asked for the ADA accommodation to be turned
21 in after the fact because it takes time to put things
22 together.

23 I request that this application be rejected from
24 the standpoint of OP did not do an analysis. 4B did not do
25 an analysis. That, these entities, are given great weight,

1 but if there is no analysis, then what they're providing is
2 not of given weight. And the Zoning Commission is a quasi-
3 judicial body. So if the entities that are providing
4 recommendations are not actually doing analysis but
5 providing cut and paste, then this application does not meet
6 the standards for the Comp Plan and is not followed
7 properly. I would hope that the Zoning Commission
8 independently evaluates this and makes a determination.

9 And I was not able to participate as a party
10 because I am not within the 200-foot radius. However, my
11 property abuts the 7800 Georgia Avenue, which is part of the
12 MU-4, which would more than likely follow suit because once
13 the MU-10 is started here on the east side of Georgia
14 Avenue, the future applicant can request the same thing on
15 the west side of Georgia Avenue because it would say it has
16 already been done. And so there would be precedent. The
17 Zoning Commission sets precedent for future zoning cases.

18 So I would hope that the Commission would truly
19 analyze this and come to a determination that -- well, I'll
20 just leave it at that, that you truly take note of what has
21 been stated in the record and what is before you.

22 Thank you.

23 CHAIRPERSON HOOD: Thank you, Mr. Jefferson.

24 And, Ms. Schellin, I think I'm -- did I go to Mr.
25 Coates? I started with Mr. Coates. Oussama?

1 MS. SCHELLIN: No, no. He's part of the
2 applicant. There's a Dave Cooke. Let me go back to my
3 list. See. I'm sorry. Let me get --

4 CHAIRPERSON HOOD: Let me see. Dave Cooke.

5 MS. SCHELLIN: Yeah. So Brian Coates is
6 opposition. So Brian Coates is opposition. David Cooke is
7 the one you started with.

8 CHAIRPERSON HOOD: Oh. Okay. So Brian Coates.

9 MS. SCHELLIN: Correct.

10 CHAIRPERSON HOOD: Okay. Mr. Coates?

11 MR. COATES: Can you hear me?

12 CHAIRPERSON HOOD: Yes. We can hear you now, yes.

13 MR. COATES: Okay. Thank you.

14 As a resident who has lived here since 1955, I've
15 seen the neighborhood go through quite a bit of changes.
16 And I understand about affordable housing, and I am all for
17 affordable housing.

18 I live in 4B. I live in Takoma Park. And I
19 wasn't made aware of this until maybe three days ago as I
20 saw it on the Nextdoor listserv. So -- and I don't know
21 what the process is from an ANC standpoint as to notifying
22 neighbors or constituents as to what is going on, but that
23 is something I guess I'll have to find out.

24 But, as I see Georgia Avenue and the changes and
25 all of the construction, I don't see how this is being said

1 that it is going to make our neighborhood vibrant. To me,
2 that's saying that we're not already a nice and decent,
3 vibrant neighborhood and that our area isn't already doing
4 what it is supposed to do for the people who live here.

5 Right across the street from the proposed -- I
6 mean on the east side of Georgia Avenue from the proposed
7 development, there was a development that was just finished
8 at the end of last year. You go a block down the street,
9 next door to the library, the Shepherd Park Library, it's
10 already under construction right now, which started last
11 year.

12 They're not even finished there. And that's about
13 three or four buildings of housing. Then, of course, if you
14 go further down, there's Walter Reed, which is still
15 building and construction. And across the street, we see
16 rowhouses that are the normal two stories. And then every
17 other one has a two-story popup. It's making our
18 neighborhood look really bad. And I'm looking at it from
19 that perspective.

20 Also up there, Georgia Avenue where Alaska Avenue
21 intersects, that's already a very compact and compressed
22 traffic area come rush hour. And I don't see how this is
23 going to help it. Our whole neighborhood has really gotten
24 really bad. It seems that every available space, they want
25 to shoehorn in some type of a condominium and then say it's

1 for affordable housing. And it's more that we're dealing
2 with developers, but we're not dealing with the people who
3 live here.

4 When we were here, when we moved here, we moved
5 here because it was a neighborhood that was two stories.
6 You know, it was homes that people could live in, single
7 families. And I don't see that being done. I mean, they're
8 not building single-family homes. You're building these
9 apartments, which to me -- which is basically what they are.

10 Again, I'm all for affordable housing, but there
11 should be some type of I guess understanding of what was and
12 bringing that along. And maybe someone else spoke about how
13 it looks in our community. And this is not something that I
14 think the community wants.

15 And I know people who live up on 9th Street. I
16 know the gentleman said he was on 8th Street. I know people
17 on 9th Street that didn't know this was even happening. I
18 know people on 8th Street, and they didn't know.

19 So -- and we're like -- I think we're kind of
20 really tired with all of this development in Takoma Park and
21 with the way changes are being made. And that's just how I
22 see it, and that's how other people see it here. And we --
23 this is just what we're dealing with.

24 So that's all I have to say. And I would -- if it
25 has to be done, I would -- I don't really want to see

1 Georgia Avenue end up looking like New York, where we just
2 see a strip of sky going down the road, going down downtown.
3 You know, there's something to the fact that everything is
4 kind of like at the same level. And I'm not sure if it's
5 going to be a 10-story or how high it's going to be, but --
6 or how high they propose it to be, but I would think that
7 you all would ride up and down Georgia Avenue and take a
8 look and see from Walter Reed up to where they're going to
9 what our -- what this area is becoming.

10 So, with that, I would say I'm against it, as you
11 already know. And I did submit it in writing. So, again,
12 thank you for hearing me.

13 CHAIRPERSON HOOD: Okay. Thank you.

14 Ms. Schellin? If everybody can hold, we may have
15 some questions for some.

16 Let me back up because there was a statement made
17 by -- earlier that I said something about cut and paste. I
18 have not today used the word "cut and paste." So I just
19 want to say that. But I get credit for everything. So I
20 will take it. But I did not -- I just want to just let the
21 commissioner know I have not even used the word "cut and
22 paste" today.

23 And I want to ask Ms. Lovick. You don't have to
24 do stuff when I can remember it. So I want to make sure,
25 Ms. Lovick, that you tell me about -- let's talk about this

1 quasi-judicial because that came up at the council hearing
2 today. And I don't know whether I even answered that
3 correctly, but let's talk about that because I think there's
4 some question about the Zoning Commission quasi. And, Vice
5 Chair, I don't know if you watched it, but I told them I
6 needed you because you're the expert on that.

7 So, anyway, let's see if there are any questions
8 or comments. Commissioner, Vice Chair, Miller, let's start
9 with you. Any questions of this panel?

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

11 I did not have a chance to watch today's oversight
12 of zoning hearing by the council of the Office of Zoning. I
13 had a conflict, but I am going to go back and look at it. I
14 actually checked when you mentioned that at the beginning,
15 and it's not yet -- it's not immediate as our videos are
16 available. Let me just put it that way. So I will look at
17 it and talk with you later about that.

18 CHAIRPERSON HOOD: Okay.

19 VICE CHAIR MILLER: Thank you to the persons, the
20 public, for their testimony: Dave Cooke, Naima Jefferson,
21 David Jefferson, and Brian Coates. I have no question, but
22 I appreciate everyone's passion and commitment to their
23 neighborhood and wanting to get to an outcome that maybe
24 everyone doesn't agree with but wanting to get to an outcome
25 that is positive for the neighborhood. So thank you very

1 much for your testimony here this evening and the written
2 testimony that you have provided. Thank you.

3 CHAIRPERSON HOOD: Thank you.

4 Commissioner Imamura, any questions of this panel?

5 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

6 I echo Vice Chairman Miller's comments. I believe
7 that healthy tension sometimes leads to better outcomes. So
8 I appreciate everybody's time they spent to prepare for
9 their testimony tonight and participation.

10 CHAIRPERSON HOOD: Okay. I, too, want to thank
11 everyone for their coming down. But I want to also let
12 Office of Planning, let the applicant know I want to talk
13 about this data question when we -- as this is moving
14 forward. Let's make sure that -- I want to make sure that
15 we're using the correct data because my data actually
16 differs from what I've seen through the months with the
17 commissioner. And I want to make sure that we are all
18 operating from the same sheet of music. All right.

19 Now, we may come up with different analysis or
20 different outcomes, but I want to make sure we have the --
21 because you can put all kinds of numbers somewhere, but I
22 want to make sure that we come up with the -- we have the
23 same sheet of music.

24 Let's see if we have any questions or comments
25 from -- does the applicant have any questions or comments

1 from this panel?

2 MR. FREEMAN: Yes, I do, Mr. Chairman. Can I ask
3 them now or --

4 CHAIRPERSON HOOD: Yes. Go right ahead. Yes.

5 MR. FREEMAN: I have a question for Mr. Coates.
6 Mr. Coates, your -- what is your address? Mr. Coates, can
7 you hear me?

8 MR. COATES: Yes, I can hear you.

9 MR. FREEMAN: What's your address?

10 MR. COATES: I'm in Takoma Park, on Fern.

11 MR. FREEMAN: No. I'm asking you your address.

12 MR. COATES: Do I -- am I supposed to give you my
13 exact address?

14 MR. FREEMAN: Okay. Let me ask a different
15 question.

16 CHAIRPERSON HOOD: Let me just say this now. For
17 security reasons, I would not suggest that you do that, Mr.
18 Coates.

19 MR. FREEMAN: Okay. Fair enough.

20 CHAIRPERSON HOOD: Mr. Freeman, another question,
21 sir.

22 MR. COATES: But I am -- okay.

23 MR. FREEMAN: Let me ask a different question.
24 Mr. Coates --

25 MR. COATES: But I am in the 4B. You understand

1 that, right?

2 MR. FREEMAN: I understand.

3 MR. COATES: Okay.

4 MR. FREEMAN: Let me ask you a different question.

5 How far do you live from the site?

6 MR. COATES: It's in walking distance. I would
7 say I don't have it in mileage, but I can walk there in
8 about -- and which I do walk that way within two to five
9 minutes. And I ask you -- can I ask you, why are you asking
10 me how far away I am?

11 MR. FREEMAN: Sir, you cannot ask me questions.

12 MR. COATES: Why not?

13 MR. FREEMAN: But I looked it up. Based on what
14 I've seen, you are 2,265 feet away from the site. But we'll
15 -- I just wanted to make sure that the Commission under
16 stood that your location -- because you used the word
17 "neighborhood." I'm not suggesting that --

18 MR. COATES: You're saying that's not my
19 neighborhood?

20 MR. FREEMAN: I'm not suggesting you don't live in
21 a neighborhood. I just want to make sure that we're clear
22 in terms of where you live vis-a-vis the site because you
23 also talked about construction impacts in your letter.

24 MR. COATES: Yes.

25 MR. FREEMAN: So we wanted to -- I wanted to make

1 sure. You know, when I hear, "construction impacts," I'm
2 thinking you may live next door or to the immediate north or
3 to the immediate south. And I just wanted to make sure it
4 was clear for the record your -- the distance between where
5 you live and the site. So that was the only question I had
6 for Mr. Coates.

7 Ms. Jefferson, I had two questions for you. I
8 think you said -- and I don't want to misquote you, but I
9 think I heard you say the applicant reached out to you and
10 Shepherd Park Citizen Association. And I think you said
11 January 9th.

12 MS. JEFFERSON: I said as the former president of
13 the Shepherd Park Citizens Association, they reached out to
14 me. I can get you the exact date: January 8th of 2024.

15 MR. FREEMAN: Okay.

16 MS. JEFFERSON: I forwarded that to the current
17 president because I am no longer the president.

18 MR. FREEMAN: Okay.

19 MS. JEFFERSON: So my point was the racial equity
20 tool talks about --

21 MR. FREEMAN: No, no, no. I wasn't --

22 MS. JEFFERSON: -- the intention in doing it
23 early --

24 MR. FREEMAN: I was just trying to --

25 MS. JEFFERSON: -- not doing it after your set-

1 down hearing --

2 MR. FREEMAN: Right. Did you --

3 MS. JEFFERSON: -- and a month before the hearing.

4 MR. FREEMAN: Did you or the Shepherd Park
5 respond? I think the email asked if you wanted to meet.
6 Was there ever a response to that request?

7 MS. JEFFERSON: I don't know what the president
8 did. You have to ask him. He's not here.

9 MR. FREEMAN: Well, but you're here testifying.
10 Did you ever respond to that?

11 MS. JEFFERSON: I'm not the president. It was
12 sent to me in my capacity as the president of the Shepherd
13 Park Citizens Association, to which I do not have that role
14 anymore. So my responsibility is to forward it to the
15 individual who is the president of the Shepherd Park
16 Citizens Association.

17 MR. FREEMAN: So the answer is no, you did not
18 respond to the request to me. I think that's the answer.

19 MS. JEFFERSON: I'm not the president.

20 MR. FREEMAN: Got it. I could --

21 MS. JEFFERSON: It's not about me. It's about the
22 role.

23 CHAIRPERSON HOOD: Let me --

24 MR. FREEMAN: I am going --

25 CHAIRPERSON HOOD: Hold tight. Hold tight, Mr.

1 Freeman. Ms. Jefferson said she is not the president. That
2 was her answer. Let's move forward.

3 MR. FREEMAN: Yeah. Fair enough.

4 CHAIRPERSON HOOD: I've actually lived that, too,
5 when I was not the president and still getting stuff later
6 on. So I understand where she is. So let's not --

7 MR. FREEMAN: No. I understand. I totally
8 understand that response.

9 CHAIRPERSON HOOD: All right.

10 MR. FREEMAN: The last question for you, Ms.
11 Jefferson, attached to your submission is an Exhibit C. Is
12 that -- I was trying to understand. Is this an exhibit that
13 includes data that you prepared or was this produced by
14 someplace and you attached it to your letter?

15 MS. JEFFERSON: So that data was taken from Otto
16 (phonetic) that shows what is currently in production.
17 There's no website about it.

18 MR. FREEMAN: No, no, no. My question is, did you
19 prepare it? That's my question. Did you prepare it?

20 MS. JEFFERSON: Oh, yeah, because I did the job
21 that OP should have done.

22 MR. FREEMAN: Got it. All right. So -- and your
23 -- on pages 1 through 3, you identify a number of projects
24 which you then say tally to an overproduction of affordable
25 housing in the Rock Creek East area. Am I reading -- I'm

1 just trying to make sure I understand what --

2 MS. JEFFERSON: Those are just those that are in
3 the corridor. That doesn't include matter-of-right projects
4 in which affordable housing was produced. So, actually, if
5 you were to add those as well and to through DCRA and look
6 at all of those, there is more.

7 MR. FREEMAN: So you are saying all of these
8 projects on this pages 1 through 3 are in the Rock Creek
9 East planning area --

10 MS. JEFFERSON: Yes. You represent Walter Reed.
11 Your law firm represents Walter Reed. So you ought to know
12 that that is right.

13 MR. FREEMAN: Ms. Jefferson, I am --

14 CHAIRPERSON HOOD: Hold on a second. Let's --

15 MR. FREEMAN: You are not letting me ask
16 questions.

17 CHAIRPERSON HOOD: Hold on. Hold on a second.
18 Let's do this. Let's ask the question. Once the question
19 is over, let's get a response. Let's not talk over each
20 other.

21 MR. FREEMAN: All right. So my question, you
22 prepared this. All of the projects that you have listed on
23 pages 1 through 3 are in the Rock Creek East planning area?

24 MS. JEFFERSON: Yes.

25 MR. FREEMAN: Okay. That's all I have. Thank

1 you, Ms. Jefferson.

2 Thank you, Chairman.

3 CHAIRPERSON HOOD: Thank you.

4 MR. FREEMAN: Those are all my questions.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 Let's go to ANC 4B, Commissioner Palmer,
7 Commissioner Yeats.

8 MR. YEATS: Yes, Chair Hood. I just wanted to
9 thank everybody for coming out tonight.

10 I had one brief questions for Ms. Jefferson. She
11 mentioned the Shepherd Park Citizens Association and
12 Concerned Neighbors Inc. as groups she had spoken to about
13 this but didn't feel that they were adequately engaged. Did
14 they -- and you're no longer the president of the Shepherd
15 Park Citizens Association. Have they engaged on the record
16 on this? Is there a letter in the file? Has either
17 organization taken a position on this project?

18 MS. JEFFERSON: I don't know what they've done
19 because everything is not posted to the record. So you're
20 going to have to talk to Ms. Schellin about that.

21 MR. YEATS: I have no further questions. Thanks
22 for your time.

23 CHAIRPERSON HOOD: Thank you.

24 Now, Commissioner Edwards, do you have any
25 questions of this panel?

1 MS. EDWARDS: Yes, I do. Mrs. Jefferson, your
2 source for the data that Mr. Freeman was asking about, the
3 list of properties that contain affordable housing, what was
4 the source of that data? Hello?

5 MS. JEFFERSON: I'm sorry, Commissioner. I
6 apologize.

7 MS. EDWARDS: Oh, that's all right.

8 MS. JEFFERSON: I was responding on mute.

9 MS. EDWARDS: Okay.

10 MS. JEFFERSON: Well, my husband was yelling from
11 the other room, saying, "You're on mute."

12 So one of the databases is the Project Pipeline
13 database, which is a publicly available database by Otto.
14 And, then, the other is a database that's available through
15 DMPED, and it is publicly available. And it has the
16 projects in which there has been receipts of public
17 financing.

18 MS. EDWARDS: Okay.

19 MS. JEFFERSON: And, again, that is not an all-
20 inclusive. There are matter-of-right projects that produced
21 affordable housing along the Georgia Avenue corridor as well
22 as throughout the Rock Creek East area.

23 MS. EDWARDS: And you are able to access this data
24 easily?

25 MS. JEFFERSON: Yep, I --

1 MS. EDWARDS: I mean, there was no impediment?

2 MS. JEFFERSON: No impediment. It's publicly
3 available. It's there.

4 MS. EDWARDS: Okay. And one thing you cited in
5 your report was the lack of comprehensive impact analysis.
6 Could you elaborate on that a little?

7 MS. JEFFERSON: Sure. So are you speaking of -- I
8 mentioned it twice, first, when the FLUM was part of the
9 Comprehensive Plan amendment.

10 MS. EDWARDS: Yes.

11 MS. JEFFERSON: And, then, the second piece was as
12 it relates to this specific map amendment. So to clarify --

13 MS. EDWARDS: This is on page 9 of 14. And it's a
14 separate item: the lack of comprehensive impact analysis.

15 MS. JEFFERSON: So I talk about both on that page,
16 Commissioner Edwards.

17 MS. EDWARDS: Oh, I see. I'm sorry.

18 MS. JEFFERSON: The first part is talking about
19 how there were no studies related to the 2021 amendments
20 that got us to the FLUM in which there are allegations and
21 assertions that the proposed map amendment would have
22 consistency. So that is the first part. And I cited that
23 that is currently before D.C. Superior Court. So that's in
24 litigation as to whether it was legal.

25 And, then, the second piece is about the impact

1 studies as it relates to this specific map amendment. And
2 my contention is that when you limit the scope and don't
3 adequately define the community, then, therefore, you really
4 can't assess what the data is or know what the scope of it
5 should be.

6 And, then, you can't adequately determine what all
7 of the impacts are or the possible impacts would be. And so
8 I talk about that, and I give a couple of examples in my
9 written testimony, such as, you know, DDOT gave their
10 report, but it contradicts what the Rock Creek East
11 livability study says. And, you know, that document is
12 publicly available as well.

13 So there's lots of impacts that can happen. It's
14 -- and I talk about it in my testimony. It is not all-
15 inclusive. But I don't believe that it has been studied
16 adequately nor sufficiently as well as excluding Montgomery
17 County. When the Comprehensive Plan and the Upper Georgia
18 Avenue land development plan specifically talk about it and
19 the Comp Plan specifically talks about multi-jurisdiction
20 coordination, I think you have issues.

21 And, lastly, with the impacts, I just want to say
22 that, you know, when the Comprehensive Plan amendment
23 process happened, there were issues as it related to how the
24 Walter Reed plan was incorporated into Rock Creek East. And
25 so that distorted and overstated what was needed in terms of

1 the community. So if you're -- if geographically Walter
2 Reed is within Rock Creek East, you then have to take into
3 account what -- the affordable housing that, you know,
4 Walter Reed has done, which they have exceeded what was
5 required per their zoning order. They have provided deeply
6 affordable housing and have availability at their deeply
7 afforded assisted-living facility with no waiting list. So
8 I question whether -- you know, if there is a potential use
9 for that, whether it's even really needed because most of
10 the seniors in this community, they want to age in place.

11 MS. EDWARDS: Okay. And one other quick thing,
12 and you can answer this quickly. At the end, you have on
13 page, I believe it is, 14, "The proposed map amendment is
14 illegal spot zoning." What did you mean by that?

15 MS. JEFFERSON: So I've put some of what the legal
16 criteria is, but, essentially, with the legal spot zoning,
17 you know, it's the rezoning of a single property. And it
18 would allow the property owner or the developer to build
19 something and that's more intense and dense and earn income
20 that without spot zoning would not be possible. And, then,
21 also, you know, one of the other characteristics is, you
22 know, the -- whether it's not inconsistent with the
23 Comprehensive Plan or with regulations. And so I've
24 detailed in my written testimony why I believe this is
25 illegal spot zoning.

1 MS. EDWARDS: Okay. Thank --

2 MS. JEFFERSON: And also -- I'm sorry. Go --

3 MS. EDWARDS: No, no. You go on.

4 MS. JEFFERSON: I was just going to say if you
5 look at the land records and you see the amount that was
6 paid for this property, you know, one could surmise that it
7 was overpaid and without an MU-10, that, essentially, the
8 property owner would be under water, which I believe, you
9 know, giving bailing -- bailouts to developers and --

10 MR. FREEMAN: Mr. Chairman?

11 MS. JEFFERSON: This is my personal belief but
12 okay.

13 CHAIRPERSON HOOD: Yeah. I'm going to rule that
14 question and those comments out of order.

15 Next question, Ms. Edwards, Commissioner Edwards.

16 MS. EDWARDS: Let's see. That was -- oh, the
17 racial equity tool. You said that the racial equity tool is
18 not just a check-the-box exercise.

19 MS. JEFFERSON: Correct. Though it's outlined in
20 my testimony and I think the document primarily speaks for
21 itself, but if you're using stale and outdated data that's
22 inaccurate, you're also limiting the scope of the actual
23 area that is impacted, you're just essentially checking the
24 box. You know, you're saying that you did it because you're
25 supposed to do it but not because you actually are trying to

1 glean any meaningful conclusions from that.

2 I talked about earlier, you know, if you have not
3 been in the community and haven't physically come, then how
4 can you really talk about in a credible way what the impacts
5 would be from behind your desk? You really need to be able
6 to have boots on the ground and see that massive
7 displacement has taken place, even with the Walter Reed
8 development, and continues to take place. And so one of the
9 key points is that there is no analysis on the adverse
10 impacts of overconcentrating and overproducing affordable
11 housing within the Rock Creek East area element.

12 If you look at the map that I included in there,
13 you see Rock Creek West is not bearing their fair share.
14 They're not. And I think it's high time that somebody put
15 their big girl or big boy underwear on and say enough is
16 enough because there are adverse impacts to the Rock Creek
17 East area. And we're seeing it with certain development,
18 the inability to attract retail.

19 It's not about a building because we've got a
20 brand new -- whole bunch of brand new buildings at Walter
21 Reed with empty storefronts. We've got empty storefronts
22 down at Petworth. Big buildings do not attract retail.
23 It's household income. It's consumer demographics and a
24 whole bunch of other factors. And we need to have some
25 honest conversations and stop parroting what we think are

1 talking points to add density that only, you know, brings
2 density and other things but doesn't really address the
3 issue.

4 And I think -- you know, I listened to Chair Hood
5 over the years. And he's talked about -- he's been on this
6 Commission over 20 years, possibly 25. And he has talked
7 about --

8 CHAIRPERSON HOOD: Twenty-five. Twenty-five.

9 MS. JEFFERSON: I want to give you your props.
10 Okay?

11 CHAIRPERSON HOOD: Twenty-five.

12 MS. JEFFERSON: And he has talked about -- he's
13 always heard about affordable housing, affordable housing,
14 we need more, we need more. Everybody ought to be in
15 affordable housing by now for as many times as every project
16 that comes before him has said we need affordable housing.
17 There is an issue that we have with supply. And I think the
18 DCOAG is trying to address that.

19 When you withhold market-rate apartments, you do
20 not let market forces take place and allow market-rate
21 prices to go down as well as although there are caps on the
22 amount that must be paid for affordable housing, they would
23 go down proportionally if the market apartments went down or
24 condos went down proportionally. And they're not.

25 And so we're always going to be saying we need

1 more, we need more, we need more because we're never going
2 to be able to meet the supply because we keep using
3 inadequate data and unrealistic population numbers. I think
4 I cite that in my testimony that, you know, we already had a
5 population decrease from one ACS period to the most current.
6 You know, we went from 683,000 to 670,000. You know, where
7 is the analysis on that? Where is the analysis on -- you
8 know, the housing equity, I believe, report talks about, you
9 know, this unlimited growth. Every city does not grow
10 exponentially year over year indefinitely.

11 CHAIRPERSON HOOD: Ms. --

12 MS. JEFFERSON: And we need to be really realistic
13 about this.

14 CHAIRPERSON HOOD: Ms. Edwards, has Ms. Jefferson
15 answered your question?

16 MS. EDWARDS: Yes, she has answered my question.

17 CHAIRPERSON HOOD: Okay.

18 MS. EDWARDS: Thank you. Yes, she has answered my
19 question.

20 CHAIRPERSON HOOD: Any other questions?

21 MS. EDWARDS: No, not at this day.

22 CHAIRPERSON HOOD: Ms. Jefferson, let me just
23 piggyback. You and I definitely agree on the Rock Creek
24 West. If you have been watching these hearings, I
25 definitely agree with you on the Rock Creek West, but, you

1 know, on the Commission, we have other caveats that we have
2 to deal with, especially when we get advice. But I
3 definitely agree with you, and I'm glad to hear you say that
4 because I thought that they're not doing it. You said the
5 exact words that I have been saying for a while and my
6 colleagues that they're not doing their fair share. But
7 that's not to talk about this case, but I appreciate you
8 bringing that up because they are not. And I'll leave it at
9 that. And the folks that live over there know they're not.

10 And they disagree with me as well, but we have to
11 press on because you are right. I have been talking about
12 affordable housing. And I've said this before. Affordable
13 to who? We talk about affordable housing. And it seems
14 like the price goes up. People have sent me that text --
15 that video that I've said that about 10 years ago.

16 But, anyway, all right. Anything else,
17 commissioners, colleagues?

18 (No response.)

19 CHAIRPERSON HOOD: All right. Let me thank this
20 panel. I appreciate your --

21 MR. FREEMAN: Mr. Chairman, I do have just one
22 last question for Ms. Jefferson.

23 CHAIRPERSON HOOD: Go right ahead.

24 MR. FREEMAN: And that is, Ms. Jefferson, if -- we
25 felt we were asking to meet you in any capacity, but my

1 question is, are you willing to meet with the applicant in
2 your personal capacity? And if so, we're happy to try to
3 arrange that expeditiously.

4 MS. JEFFERSON: Mr. Freeman, so I'm a woman where
5 time is money. And if it's to convince me of what you have
6 already presented, it is not worth his time nor mine, but if
7 you have some alternative proposal in which you would like
8 to discuss, I'm amenable to that. But I also think that
9 does not absolve the Office of Planning nor you from
10 producing sufficient adequate data to support your
11 contention.

12 MR. FREEMAN: So if we meet with you to -- can
13 we --

14 MS. JEFFERSON: Come correct.

15 MR. FREEMAN: -- meet if you --

16 MS. EDWARDS: That's the colloquia.

17 MR. FREEMAN: Is that a yes?

18 MS. JEFFERSON: Come with some data.

19 MR. FREEMAN: Is that a yes?

20 MS. JEFFERSON: That's --

21 MR. FREEMAN: We can meet with you?

22 MS. JEFFERSON: If you have something to talk
23 about, but if it's to convince me of what has already been
24 presented --

25 MR. FREEMAN: We have a lot to talk about, Ms.

1 Jefferson. Can we meet with you?

2 MS. JEFFERSON: Sure. You can meet with me --

3 MR. FREEMAN: All right.

4 MS. JEFFERSON: -- if it's something more than
5 what you've already said.

6 MR. FREEMAN: Okay. We'll send you an email --

7 MS. JEFFERSON: Sure.

8 MR. FREEMAN: -- as soon as this is over to try to
9 get something scheduled. Thank you.

10 CHAIRPERSON HOOD: All right. Thank you all.

11 And, again, while you're meeting with Ms. Jefferson, we
12 appreciate it, but it's the Commission that's going to vote.
13 And I appreciate you all still reaching out in the community
14 engagement. But, also, I do want to make sure that we
15 operate with the correct data from what I understand. So we
16 will continue to work with that issue.

17 And I also want to mention that the Office of
18 Planning -- I know there are updates that go on all of the
19 time. And sometimes it takes a minute to get things
20 updated. So I get that. All right.

21 I guess, Ms. Schellin, we have gotten everybody.
22 So we are doing what, our rebuttal and closing?

23 MS. SCHELLIN: Yes.

24 CHAIRPERSON HOOD: Do we have rebuttal? We done
25 rebut the whole way through.

1 MS. SCHELLIN: Yes. Mr. Freeman.

2 CHAIRPERSON HOOD: Mr. Freeman, do you have any
3 rebuttal?

4 MR. FREEMAN: I think -- not -- as indicated, we
5 would like to -- I don't know if the Board believes the
6 record is sufficient enough to take proposed action, then
7 get written submissions, then take final actions.

8 From our perspective, we certainly have heard a
9 lot today, but when you really kind of peel back and get to
10 what's actually in front of the Zoning Commission in terms
11 of the standard for review, the proposed map amendment
12 clearly meets all applicable standards as it relates to the
13 Comp Plan, racial equity, every future land use map,
14 generalized policy map, Small Area Plan. Everything that we
15 have to look at we have looked at. We fully meet all
16 applicable standards.

17 As you said, you can take proposed action. If you
18 don't feel comfortable after that, then you don't take final
19 action or you keep asking for information until you hit that
20 point.

21 But I can promise you that everything that you
22 have heard today -- well, let's start with the record
23 includes 13 support letters, including ANC support, OP
24 support, DDOT support.

25 It seemed like a lot of opposition, but it's

1 essentially three people that we heard from in opposition
2 today and not that that minimizes their opposition. I'm in
3 no way trying to minimize their opposition, but I can tell
4 you substantively, we -- 25 percent of what we heard today
5 is that we didn't evaluate Maryland. Well, the regulations
6 don't require us to evaluate Maryland.

7 Another 25 percent was that the data is wrong.
8 And Ms. Jefferson described her numbers, and she said that
9 all of these projects are in the Rock Creek East and when
10 you look at this data, many of these projects are not even
11 in the Rock Creek East area element. So it's interesting
12 that they are challenging our data when the data they are
13 presenting is actually incorrect.

14 I can guarantee you every -- all of the
15 information in the record, all of the information OP
16 submitted, all of the information that the applicant
17 submitted is 100 percent accurate and 100 percent meets the
18 standards of what the Commission asks applicants to submit
19 in map amendment.

20 As it relates to community engagement, we've done
21 a lot of community engagement. As you heard, we're happy to
22 continue to meet with other people if necessary if they want
23 to meet, if they respond to emails in their individual or
24 organization capacity, if they're open and willing to try to
25 hear the information that we're trying to describe, right?

1 Like, we have no problem with meeting with anyone so long
2 as, you know, we're working from the same set of facts.

3 And last, but not least, I think just to try to
4 get through the letters again, I think, again, there's no
5 question in any realistic way that the project doesn't meet
6 all applicable standards for the Comprehensive Plan. It is
7 medium-density commercial, medium-density residential. MU-
8 10 is specifically indicated as being consistent with those
9 designations. So I understand that some people may not like
10 that. Some people may not want that to be the case, but
11 that is the case.

12 You did ask kind of, well, what's the difference?
13 What do we lose between MU-8 and MU-10? We talked about
14 that. You heard very strong testimony from ANC 4B about how
15 MU-10 gets and generates the requirement for a ground-floor
16 plaza since, Commissioner Imamura, you didn't like my
17 answer, the ANC's answer about the plaza. And that's
18 important to them. And that's what they get as a result of
19 MU-10.

20 You know, their argument about, is Rock Creek East
21 doing too much or other neighborhoods not doing enough? You
22 know, that's for other bodies to decide, right? Like but
23 we're focused on whether the case in front of us complies
24 with the standards for a map amendment. And we submit that
25 it does. And I have not heard any, any, anything that

1 demonstrates that it doesn't.

2 So we would respectfully ask the Commission to
3 take proposed action. Let folks -- let the ANC submit what
4 it is they want to submit. We will happily respond to that
5 as well as the other opposition letters to further indicate
6 that there is really not any real technical issues here that
7 would suggest that this application should not be approved.

8 CHAIRPERSON HOOD: Thank you, Mr. Freeman. I've
9 always said when lawyers do that, they do their rebuttal in,
10 like, a closing argument. I want you to know that it
11 doesn't fall short on me that that's what just happened. At
12 least that's my interpretation. But let me see what others
13 have to say.

14 My colleagues are -- Commissioner Imamura, any
15 comments on moving the path forward? Do you need some time
16 or you, you know --

17 COMMISSIONER IMAMURA: I thank you, Mr. Chairman.
18 I appreciate the airtime.

19 I just want to clear the air. I did -- it was not
20 that I didn't like Mr. Freeman's response. Actually, I
21 thought it was quite well. But, also, I wanted to hear from
22 the professional planner, from the applicant. So, in fact,
23 combining both of their responses satisfied me.

24 And I am prepared to -- I think, to Vice Chair
25 Miller's request, if it still remains a request, I support

1 the request to see sort of an analysis or at least a
2 comparison with the MU-8 and MU-10 for the record.

3 But I'm prepared to move forward. I think there
4 is a strong -- I think for the MU-10 and the case that the
5 ANC brought up about the plaza as well as the applicant from
6 the MU-10 is an important aspect of it. So I remain
7 convinced that we can move forward but welcome to hear Vice
8 Chair Miller's thoughts on this as well.

9 CHAIRPERSON HOOD: Okay. Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you, Mr. Chairman. I
11 thank you I think, Commissioner Imamura.

12 Yeah. My request still stands that to not only
13 get a written comparison or a brief summary type of analysis
14 of comparing the MU-8 and MU-10, recognizing and
15 acknowledging that both are not inconsistent with the future
16 land use map designation. I think in writing, it would be
17 good to have that information in the record.

18 And I also reiterate the request that Mr. Freeman
19 offered at the outset to provide a written rebuttal to the
20 affected ANC 4A across the Georgia Avenue, to their
21 opposition comments, and also to the lengthy comments
22 recently submitted by Ms. Jefferson.

23 I think it would be -- it was a fulsome discussion
24 and response that we had verbally today, but I think it
25 would be good to have that in writing in the record from the

1 applicant.

2 So I think I would be more comfortable with us
3 setting a date for that written rebuttal and -- or I guess
4 first just setting a date for this 70-page supporting
5 documentation, whether it's from the ANC or whether it's
6 from Commissioner Edwards individually. We can evaluate
7 that subsequently, whether it's ANC great weight testimony
8 or the commissioner's testimony. We had the ANC's written
9 form in opposition with their stated reasons, five of them.
10 So I want a written response to -- written rebuttal to that.

11 I think I would be more comfortable setting dates,
12 but I could go either way. And I'll leave it to the
13 chairman, then, to make that call -- so thank you very much
14 -- as to whether or not we proceed with proposed action this
15 evening. I could go either way, but I think it -- I think I
16 am leaning -- I would be more comfortable just having the
17 written rebuttal and the written analysis that we requested
18 in the record within a relatively short time period. I
19 think that can also be provided within a relatively short
20 time period. So that I think that's where I am.

21 Thank you, Mr. Chairman.

22 CHAIRPERSON HOOD: Okay. Thank you.

23 I would agree. I would rather have all
24 information, the 70-pager, go correct when you meet with --
25 whether you change anything or not, still have engagement

1 with not just Ms. Jefferson but those who still want to
2 continue to meet. I am hoping that we could at least
3 tighten up the data and find out if it's incorrect, even
4 though that's not necessarily germane to consistency with
5 what we are dealing with, but I would like for -- I would
6 like for the record to be complete and have as much accurate
7 information that we can possibly have if need be.

8 And I will tell you I have heard a lot of comments
9 that I think were not necessarily accurate, but we have to -
10 - we have to deal with that when we do our deliberations.
11 And we will do that.

12 And I will continue to -- I don't want ANC -- I
13 don't want to pit ANCs against each other because I don't do
14 that. I appreciate the work that they all do. But I want
15 to also make sure that I understand that ANC 4B did do a
16 very thorough job of basically outlining what our duties
17 are. And I've got to make sure that we abide by our
18 regulations and our duties. I know others sometimes put in
19 things that they believe how we should proceed, but it's
20 strictly codified in our regulations of how we should
21 proceed. So I will -- but I also want to make sure that we
22 acknowledge those who have problems.

23 Again, as I stated earlier, we're getting a lot of
24 MU-4 to MU-10 cases. I'm trying to really understand the
25 nexus. And while, Mr. Freeman, I know that one of them has

1 the courtyard and the open area for the public, if it's
2 built -- whatever is built out -- and that's another --
3 well, I'm not going to go there because I will get a
4 dissertation from my counsel. I've always had an issue.
5 And I do have it written. So, Ms. Lovick, you don't have to
6 come on and school me on it. But -- and I've had it for
7 years. Map amendments and projects go together. It's --
8 but you've got to keep it separate here. And I know -- I
9 don't want to open it back up. I'm going to follow the
10 rules and the regulations, but I can tell you for me, it's
11 always been a sticking point trying to get through hearings
12 without talking about a project. But we have been
13 successful, but it ain't easy.

14 So, anyway, we're up to the task. We will come
15 back. Let's set some dates, Ms. Schellin. And if everybody
16 can get the 70-page, Commissioner Edwards, and meet with Ms.
17 Jefferson and all of those, Mr. Freeman, that may want to
18 meet, that's fine. But I also want ANC 4B to understand
19 that we wholeheartedly get their endorsement. We get that.
20 And Vice Chair Miller has asked for a few things. So, Ms.
21 Schellin, let's set some dates.

22 MS. SCHELLIN: Okay. So we're not having proposed
23 action this evening. Are we going to try to have proposed
24 action at the -- well, actually, no because that's next
25 week. So do you want to try to have proposed action,

1 Chairman Hood, at -- on March 14th? Does that work for you?

2 CHAIRPERSON HOOD: Give me one moment. I'm being
3 flagged. Hold on one second, please.

4 (Pause.)

5 CHAIRPERSON HOOD: I'm going to ask, Ms. Lovick,
6 if you can come on and help me understand what my flag is.

7 MS. LOVICK: Right. So I just -- so there needs
8 to be a submission from Ms. Edwards. She is filing a report
9 to the record. And I just want to get clarity about whether
10 you want that report to include data points about Montgomery
11 County or if you would like for her to exclude any data that
12 is specific to Montgomery County.

13 CHAIRPERSON HOOD: I'm sorry, but I don't need any
14 data from Montgomery County, even though some of them are
15 friends of mine. But I want District. But let me hear from
16 my colleagues first because we are all going to operate on
17 the same sheet of music. Vice Chair Miller, do you want
18 Montgomery County's data?

19 VICE CHAIR MILLER: No, but Commissioner Edwards
20 can submit whatever she wants to submit. And we will give
21 it the weight that we think it needs to be given.

22 CHAIRPERSON HOOD: Commissioner Imamura, I will
23 give you a chance to respond.

24 COMMISSIONER IMAMURA: Sure. Thank you, Mr.
25 Chairman. I appreciate her attempt to be comprehensive,

1 but, you know, we have to adhere by our D.C. regulations.
2 And I don't think we need Montgomery County. I'm pretty
3 sure of that.

4 CHAIRPERSON HOOD: Okay. So I don't know if that
5 helps you, Ms. -- Commissioner Edwards, but I will go with
6 the vice chair.

7 Would that be fine, Ms. Lovick?

8 MS. LOVICK: Yeah. It's perfectly fine for her to
9 submit whatever she'd like. I just am raising the issue
10 because I don't know what you want to see. And, I mean,
11 typically, you do not consider Maryland data in your
12 decision-making. And so I am raising the issue for that
13 reasons. Since she -- she said it's a 70-page report, that
14 is not typical.

15 CHAIRPERSON HOOD: Well, I can speak for myself,
16 Commissioner Edwards. I will not be looking at Montgomery
17 County's data if you submit it. So you can save time. But
18 my colleagues may look at it. I'm going to be looking at
19 what is germane to the District of Columbia, so I will just
20 -- if that will save you some time and some page numbers.
21 All right.

22 Anything else, Ms. Lovick?

23 MS. LOVICK: No, sir.

24 CHAIRPERSON HOOD: Thank you. Thank you,
25 colleagues.

1 Ms. Schellin, if we can finalize everything,
2 please?

3 MS. SCHELLIN: So, to be clear, on procedural
4 things, there were two to one on not including Montgomery
5 County information. So she should not include it, just
6 wanted to point that out there.

7 COMMISSIONER IMAMURA: Mr. Chairman?

8 CHAIRPERSON HOOD: Commissioner Imamura?

9 COMMISSIONER IMAMURA: Sure. Thank you, Mr.
10 Chairman.

11 I don't believe that we should set a precedent on
12 the Commission to include that kind of information for
13 deliberations. So we have been pretty consistent and I
14 think we should remain consistent that we will review data
15 and information related to the District of Columbia.

16 CHAIRPERSON HOOD: Right. I believe so as well.
17 So but --

18 MS. SCHELLIN: If it's included, then staff can
19 remove it or talk to her and have her remove it. Sorry.
20 Okay. So --

21 CHAIRPERSON HOOD: Well, let's see what happens.
22 Let's just see what happens.

23 MS. SCHELLIN: Okay.

24 CHAIRPERSON HOOD: I'm sure Ms. Edwards
25 understands what's going to happen.

1 MS. SCHELLIN: Right. Okay. So did you -- I
2 mean, it doesn't sound like anything major has been
3 requested prior to proposed action. It sounds like she's
4 already got her information. And Mr. Freeman can prepare
5 whatever it is that he needs to submit in a week, Mr.
6 Freeman, and --

7 MR. FREEMAN: Just so I'm clear, did we set a date
8 for Commissioner Edwards what she --

9 MS. SCHELLIN: I'm going to. She will submit the
10 same day you will.

11 MR. FREEMAN: But aren't I being -- aren't I able
12 to respond to what she is --

13 MS. SCHELLIN: I'm going to give you that date,
14 too.

15 MR. FREEMAN: Oh, okay.

16 MS. SCHELLIN: I'm just trying to get the date --
17 the first date for submissions. Can you submit in a week?
18 She's already got her 70-page --

19 MR. FREEMAN: Yes.

20 MS. SCHELLIN: -- report.

21 MR. FREEMAN: Yes.

22 MS. SCHELLIN: But she's not going to include the
23 Montgomery County data. So it will be less than 70 pages.

24 So both the ANC and the applicant will make their
25 submission --

1 MR. FREEMAN: I don't know that that's right, Ms.
2 Schellin. I think I'm filing after she files her 70-page --

3 MS. SCHELLIN: No, you're not. The Commission
4 asked you for some information, too, didn't they?

5 MR. FREEMAN: I thought I have a right to respond
6 to that 70-page document.

7 MS. SCHELLIN: I know. I'm going to give you that
8 second date, Kyrus. Just wait one second.

9 MR. FREEMAN: Okay.

10 MS. SCHELLIN: Mr. Freeman, just wait one second.

11 MR. FREEMAN: Got it. Got it.

12 MS. SCHELLIN: Did the Commission ask you for
13 anything?

14 MR. FREEMAN: A response to the 70-pager, a
15 response to the ANC's Exhibit 41, and a response to Ms.
16 Jefferson's exhibit --

17 MS. SCHELLIN: Okay. So everything else they
18 asked you for is what -- is the first date I'm going to give
19 you.

20 MR. FREEMAN: Got it.

21 MS. SCHELLIN: Okay? So just hold on. Everything
22 the Commission asked you to provide and, Ms. Edwards on
23 behalf of the ANC, those documents are due by 3 p.m. on
24 February 29, 3 p.m. February 29. Then you have an
25 opportunity to respond to what the ANC files on February 29.

1 And the ANCs, both ANCs, and OP if they choose to respond
2 can respond to those documents by 3 p.m. March 7.

3 Are you following me, Mr. Freeman? Where are you?

4 MR. FREEMAN: I'm a little slow. It's -- I
5 haven't been on camera this late, late, late.

6 So February 9th, the response for ANC Exhibit 41
7 and --

8 MS. SCHELLIN: No, no. February 29th.

9 MR. FREEMAN: February 29th, the applicant
10 submits --

11 MS. SCHELLIN: The applicant is going to submit
12 all of its responses by February 29th. The ANC is going to
13 submit its 70 pages minus the Montgomery County stuff
14 February 29th. Got it?

15 MR. FREEMAN: 3 p.m.?

16 MS. SCHELLIN: 3 p.m.

17 MR. FREEMAN: Okay.

18 MS. SCHELLIN: Then on March 7th, the applicant
19 gets to respond to the ANC's 70 pages minus the Montgomery
20 County information. The -- and the ANC 4B, ANC 4A gets to
21 respond to everything the applicant submitted on February
22 29th.

23 MR. FREEMAN: I guess what is confusing about that
24 is that that --

25 MS. SCHELLIN: And ANC 4B also gets to respond to

1 ANC 4A's submission that was made -- that gets made on
2 February 29th. Are you clear now?

3 MR. FREEMAN: I think what I'm not clear on is you
4 are adding a response to the applicant from the ANC to the
5 applicant's last submission. And you're giving the ANC like
6 the last word if I understood that correct.

7 MS. SCHELLIN: No, I'm not. Well, the parties
8 always get to respond to additional submission. There's
9 nothing -- you've been doing this for years. This is the
10 normal process. Additional submissions come in, and parties
11 get to respond to the submissions that come in. So the
12 parties, the ANCs, get to respond to the additional
13 documents that the applicant files on February 29th. That's
14 the normal process.

15 MR. FREEMAN: What date is that?

16 MS. SCHELLIN: The parties always get to respond.

17 MR. FREEMAN: So what date is that, March --

18 MS. SCHELLIN: March 7th.

19 MR. FREEMAN: Okay.

20 MS. SCHELLIN: Draft findings of fact, conclusions
21 of law, 3 p.m. March 7th. And then we can put this on for
22 proposed action March 14th at 4 p.m.

23 CHAIRPERSON HOOD: All right. Are we all straight
24 on that? Ms. Lovick, did you have something you wanted to
25 add?

1 MS. LOVICK: I was confused initially, but now
2 Sharon has clarified. So I'm good.

3 CHAIRPERSON HOOD: We can't be confused at 7:30.
4 Normally we go to 9:30-10 o'clock. So --

5 MS. SCHELLIN: This is the normal process. It's
6 just that typically, only the applicant provides documents.
7 But we have an ANC that has been asked to provide something,
8 too.

9 CHAIRPERSON HOOD: Okay. Okay. All right. Are
10 we all on the same page? If there are questions, you all
11 can call Ms. Schellin or --

12 MS. SCHELLIN: Oh, I'm sure I'll get a call.

13 CHAIRPERSON HOOD: All right. Let me -- before I
14 close out, let me say the Zoning Commission will meet again
15 February 26, a continuation of Zoning Commission case number
16 23-02. Again I want to thank everyone for their
17 participation tonight. And if you have any questions, I
18 stated just a moment ago please call Ms. Schellin, Office of
19 Zoning. And I want to thank you all. Pro or con or
20 wherever you were in this case, thank you for your input.

21 And, with that, this hearing is adjourned. Good
22 night, everyone.

23 (Whereupon, the meeting was adjourned at 7:38
24 p.m.)

25 * * * * *

REPORTER CERTIFICATE

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Before: D.C. Zoning Commission
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