

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC HEARING

VIA WEBEX

PUBLIC HEARING

MONDAY, MARCH 18, 2024

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

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN, Secretary
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire

This transcript serves as the minutes from the Public Meeting held on March 18, 2024.

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C O N T E N T S

Case No. 23-02

Map Amendment Submitted By Office Of
Planning to Rezone from the MU-4 Zone to the
MU-10 Zone the Contiguous Properties at 1617
U Street, N.W. (Square 175, Lot 826) and at
1620 V Street, N.W. (Square 175, Lot 827),
and to Apply IZ Plus

4

P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convened and broadcasting this public hearing by videoconferencing. And what we are doing is reconvening Zoning Commission case number 23-02.

This is a Office of Planning map amendment from MU-4 to MU-10 at squares 175, lots 826 and 827, again in Ward 1. Today's date is March the 18th. And, just for point of reference, we started this case on January the 8th, 2024.

Joining me are Vice Chair Miller, Commissioner Imamura, and Commissioner Stidham; also the Office of Zoning staff Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations; and our Office of Zoning Legal Division, Mr. Jacob Ritting.

This evening, we will be picking up -- pull that up, and I am going to thank -- first, let me thank Ms. Schellin for all the work she's done to make things easier and all the staff, Mr. Ritting and all of those who have made things easier in work with the persons or -- I'm sorry -- the organizations in opposition so we can proceed this evening.

So, Ms. Schellin, do we have any preliminary matters before we call up the first party?

1 MS. SCHELLIN: I don't think we have any
2 preliminary matters. I'm sure Mr. Ritting will jump in if I
3 missed any. So I think we're ready to proceed with the
4 first party.

5 We received the order they're going to go in. It
6 changed a little bit from what we had last time. So the
7 Black Neighbors party is going to go first. And so that's I
8 believe Mr. Adams, Tanya Golash-Boza, Nathan Fleming. They
9 will be the parties for him -- I'm sorry -- the individuals
10 that will be presenting for him.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 And I'm going to ask that we -- the courts have
13 already ruled on this, the amount of time that's been
14 allotted for whatever your party is. Make sure you --

15 MS. SCHELLIN: Well --

16 CHAIRPERSON HOOD: -- stick to that time.

17 MS. SCHELLIN: Yes. Twelve minutes on the clock
18 for him. I'm sorry. Mr. Adams, were any of yours -- you
19 had an expert witness, correct?

20 MR. ADAMS: (Indicating.)

21 MS. SCHELLIN: Two? They're both experts?

22 MR. ADAMS: (Indicating.)

23 MS. SCHELLIN: Yes.

24 They're both experts. I'm trying to find -- I
25 have so many documents printed off here. So I'm trying to

1 find his exhibits. Exhibit 566 and 564 for his two experts.

2 CHAIRPERSON HOOD: Okay. I see Mr. Ritting. Mr.
3 Ritting?

4 MR. RITTING: Yeah. I popped up just to restate a
5 sort of housekeeping issue that has been mentioned a few
6 times already. And I wanted to state it now so it's fresh
7 in the minds of the parties before they begin their
8 testimony.

9 And it's a request that the parties state before
10 their testimony whether they've submitted a written
11 statement listing their arguments that's in the record and
12 if yes, to tell us affirmatively where to find it because
13 the record is so voluminous.

14 And there are some there's some sort of piecemeal
15 arguments that are made by parties and other persons. And
16 it would be very helpful to the Commission to know
17 definitively where to find the statement of your arguments.

18 And if you haven't submitted something like that
19 in writing already, at the end of this, I have suggested to
20 the chair -- and I'm sure he is going to go along with this
21 -- that, instead of having a closing statement by the
22 applicant, that all of the parties, including the applicant,
23 are going to be given an opportunity to present a closing
24 statement in writing, closing argument in writing, and that
25 what the Commission is expecting is that it is going to be a

1 summary of your arguments for why the Commission should
2 grant or deny the application.

3 And I think that's very helpful in this case
4 because the record is so large and so confusing.

5 And having documents that affirmatively state what
6 your respective positions are would be very helpful to the
7 Commission when they consider a proposed action.

8 End of speech.

9 CHAIRPERSON HOOD: Okay. Mr. Adams, are you and
10 your team ready?

11 Okay. So we'll turn it over to you, and the clock
12 will start now.

13 MR. ADAMS: Thank you, Commissioner Hood. I moved
14 to this block 40 years ago. Well, first of all, let me say
15 that my written statement is Exhibit Number 473.

16 I moved to this block 40 years ago. And when I
17 moved to this neighborhood, it was teeming with black
18 households.

19 I don't have all of the answers as to why that is
20 no longer the case, but I do know that it is the
21 responsibility of the Office of Planning to make sure that
22 they don't do anything to make that problem worse.

23 And so, rather than take up too much time, I would
24 rather turn my time over to my two expert witnesses to give
25 their testimony.

1 That would be Tanya Golash-Boza and Nate Fleming.
2 And first would be Tanya Golash-Boza.

3 MR. RITTING: Hi. This is Mr. Ritting. I'm
4 popping up just because I want to give the Commission a
5 chance to decide whether they're going to grant expert
6 status to the witnesses, which is customary.

7 I will stop there.

8 CHAIRPERSON HOOD: Okay.

9 Yeah. We did not do that. And we're going to
10 stop the clock.

11 Mr. Adams, what are you proffering? I have to
12 hear it from you. What are you proffering Dr. Boza in and
13 as well as Mr. Fleming?

14 MR. ADAMS: They will speak to the potential
15 consequences of the Office of Planning not doing their due
16 diligence when it comes to looking at this through a racial
17 equity lens.

18 CHAIRPERSON HOOD: So what is their expertise in?
19 What are they being proffered --

20 MR. ADAMS: Both of their expertise are in
21 displacement.

22 CHAIRPERSON HOOD: I'm not sure if we have -- we
23 will take their testimony.

24 Mr. Ritting, maybe you can help me. I don't know.
25 Have we ever had -- I think we might have done this once.

1 Do we have experts in displacement?

2 MR. RITTING: Well, I mean, you can have experts
3 in anything. The customary process is the moving party
4 states the area of expertise and then presents usually a
5 resume or some sort of explanation of why the person is an
6 expert in that thing.

7 And then the Commission decides whether to grant
8 expert status to that person. Of course, the other parties
9 have an opportunity to object as well. And I think you get
10 it from there.

11 MR. ADAMS: Also, Chairman Hood, Mr. Fleming's
12 expertise is in racial equity. And all of their resumes are
13 part of the exhibits.

14 CHAIRPERSON HOOD: But this is a map amendment.
15 That's the problem that I'm having with this. I don't have
16 a problem in listening to Mr. Fleming, who I know, and also
17 Dr. Boza.

18 But, you know, we have procedures for certain
19 things we do in contested cases versus a map amendment.

20 And this is a map amendment, even though if you
21 follow it, you wouldn't think so. But this is a map
22 amendment.

23 MR. RITTING: It is a contested-case map
24 amendment.

25 CHAIRPERSON HOOD: Right. Right.

EVENING SESSION

(6:00 p.m.)

1
2
3 MR. RITTING: So it's different from a planned-
4 unit development or some other kind of contested case, but
5 it is a contested-case map amendment. I mean, I think that
6 the customary process is for the Commission to look over the
7 resumes or the statements or if Mr. Adams could provide a
8 summary of the qualifications of the individuals to be
9 experts, and then the Commission decides whether to grant
10 the expert status or not.

11 And I should add that those individuals would be
12 allowed to testify even, if they're denied expert status, as
13 individuals.

14 CHAIRPERSON HOOD: Okay. Thank you. I think I
15 got it from here, Mr. Ritting.

16 Can you tell us exactly -- it's 688 exhibits.
17 Maybe Mr. Fleming or Dr. Boza can tell us exactly where
18 their resumes are. Are they in your presentations?

19 MR. ADAMS: They are not in my presentation. They
20 are just presented as exhibits.

21 MS. SCHELLIN: Yes. They are -- 566 is Ms. Boza,
22 and 564 is Mr. Fleming's.

23 CHAIRPERSON HOOD: Okay.

24 MR. ADAMS: Also, since Ms. Boza is -- she is
25 speaking on land use, I would think that her testimony would

1 be appropriate. No, no. That's not what I'm trying to --

2 MR. ADAMS: Okay.

3 CHAIRPERSON HOOD: I'm trying to see -- her
4 expertise in displacement is what you're proffering both of
5 them in.

6 Hold on one second.

7 MR. ADAMS: Displacement for one and racial equity
8 for the other.

9 CHAIRPERSON HOOD: Okay. So Mr. Fleming is racial
10 equity, and Dr. Boza is displacement.

11 MR. ADAMS: Yes.

12 CHAIRPERSON HOOD: Okay.

13 MR. ADAMS: And land use.

14 CHAIRPERSON HOOD: All right. I don't -- let me
15 hear from others. I don't have an issue with Dr. Boza. I
16 think the resume is definitely sufficient for a number of
17 things, actually. Any objections?

18 And, again, that's exhibit 568 -- no.

19 I'm sorry --

20 VICE CHAIR MILLER: I would like to go to those
21 exhibits, Mr. Chairman. I don't want to delay things by my
22 review of them, but I'd like to hear their testimony can we
23 possibly defer whether we are giving them expert status
24 until a later point?

25 CHAIRPERSON HOOD: I think typically, Vice Chair,

1 we do it in the beginning.

2 VICE CHAIR MILLER: Okay.

3 CHAIRPERSON HOOD: I don't want to judge somebody
4 after I've heard their -- I want to do it now while I have
5 their resume they are sufficiently --

6 VICE CHAIR MILLER: Okay. Well, let me go look at
7 the resume.

8 CHAIRPERSON HOOD: Yes, 566, just like I'm doing
9 now.

10 COMMISSIONER IMAMURA: Mr. Chairman, could we
11 repeat, too, Dr. Boza's expert status and what category as
12 well as --

13 CHAIRPERSON HOOD: Dr. Boza is being proffered as
14 an expert in displacement. And I'll just leave it at that,
15 Mr. Adams.

16 And, also, Mr. Fleming is being proffered as an
17 expert in racial equity. So let's do Dr. Boza first.

18 COMMISSIONER IMAMURA: Okay.

19 (Pause.)

20 CHAIRPERSON HOOD: I don't know about others, but
21 I don't have a problem with Dr. Boza in displacement. I
22 think she has the credentials. But let me hear from others.

23 VICE CHAIR MILLER: I'm okay with Dr. Golash-Boza.
24 I just quickly looked at her resume, which I had looked at I
25 think a couple hearings ago.

1 So I will look at the other one as well. I know
2 Mr. Fleming. I respect his views. But let me just -- what
3 number was that resume at?

4 CHAIRPERSON HOOD: Let me -- do me a favor. Let's
5 stick with -- let me do one because I get confused.

6 VICE CHAIR MILLER: Okay.

7 CHAIRPERSON HOOD: Let me do Dr. Boza, and then we
8 will go to Mr. Fleming. Let's do Dr. Boza first.

9 COMMISSIONER IMAMURA: Well -- go ahead,
10 Commissioner Stidham.

11 COMMISSIONER STIDHAM: I'm okay with Dr. Boza.

12 CHAIRPERSON HOOD: Okay. Commissioner Imamura,
13 any issue -- well, we have got three. So it's pointless
14 now. But we can still hear your comments.

15 COMMISSIONER IMAMURA: All right. Thank you, Mr.
16 Chairman. I'm amenable to Dr. Boza.

17 And as we move to Dr. Fleming, I'm also amenable
18 to Dr. Fleming.

19 CHAIRPERSON HOOD: Okay. All right. Let's go to
20 -- and, Nate, forgive me for not calling you doctor.

21 MR. FLEMING: Well, I haven't been confirmed, my
22 doctorate, yet.

23 CHAIRPERSON HOOD: Oh, okay. Okay. Well, I was
24 about to say because I want to give you, definitely give
25 you, your respect as well.

1 But let's go to Mr. Fleming, as I stated. What
2 was the exhibit, Ms. Schellin?

3 MS. SCHELLIN: 564.

4 CHAIRPERSON HOOD: Okay. I saw it earlier.

5 COMMISSIONER IMAMURA: Well, that's just A, B, D,
6 Mr. Fleming. I'll call you doctor. You're almost there.
7 Congratulations.

8 MR. FLEMING: Thank you. That is true.

9 COMMISSIONER STIDHAM: Dr. Fleming was on racial
10 justice?

11 CHAIRPERSON HOOD: Racial equity.

12 COMMISSIONER STIDHAM: Okay.

13 CHAIRPERSON HOOD: I, too, don't have any problems
14 with Nate, Dr. -- well, soon-to-be-Dr. Fleming, Nate. I
15 don't have any problems. I know some of the work he's done
16 besides this. So I am aware of his work previously to this.
17 So I don't have any issues.

18 Let me hear from others.

19 COMMISSIONER STIDHAM: I'm good also.

20 CHAIRPERSON HOOD: Yeah. All we need is one more.

21 VICE CHAIR MILLER: And I'm okay.

22 CHAIRPERSON HOOD: All right. Dr. Imamura, out of
23 courtesy.

24 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

25 Yes. I'm good with Dr. Boza and Dr. Fleming.

1 CHAIRPERSON HOOD: Okay. So we will -- and that's
2 just what we have to do, the process. So we will give both
3 of them expert status, Mr. Adams. And I think you had
4 turned it over to Dr. Boza.

5 And, Dr. Boza, you may begin.

6 (Pause.)

7 CHAIRPERSON HOOD: Let's not start the clock until
8 Dr. Boza starts talking.

9 You're still on mute.

10 (Pause.)

11 MR. FLEMING: I believe she may be unable to
12 unmute. I believe I saw a --

13 CHAIRPERSON HOOD: So we don't control -- I don't
14 believe we control whether they can mute. There she is.

15 MS. GOLASH-BOZA: Yes. Sorry. I was unable to
16 unmute, but I just -- I also don't have the access to the
17 camera. But good afternoon, everyone. I'll go ahead and
18 speak. I am about to catch a plane. So I will get out of
19 here.

20 So good afternoon. I'm going to reference
21 Exhibits 473 and 616 on the record to support this
22 testimony.

23 I approach this rezoning application with my
24 significant experience as a scholar of displacement in
25 Washington, D.C. and as a scholar of racial and economic

1 inequality.

2 My conclusion is that the record lacks a
3 meaningful racial equity analysis and an impact study. We
4 know from prior evidence presented over the course of this
5 hearing that the rezoning to MU-10 at 1617 U Street will
6 imminently harm the very few remaining black residents in
7 the surrounding area. There are five areas of D.C. that
8 have been rezoned to MU-10. There's a clear and consistent
9 pattern of black displacement from each of these areas.
10 With a similar upzoning in this area, we have every reason
11 to expect the same to happen in the area near 1617 U Street.

12 In the other five areas, there's also been
13 substantial redevelopment activity. Because there were not
14 planning safeguards in place to buffer those neighborhoods
15 from the rezoning and immense land use changes, the
16 increased development activity and increase in land values
17 have dramatically shifted the demographics of those areas.

18 The areas around the District to rezone MU-10 have
19 seen substantial displacement of black D.C. residents. As
20 you see in the testimony, I did an analysis of each of those
21 areas.

22 The Office of Planning has admitted that they did
23 no study of how MU-10 affects black neighborhoods. This is
24 why deploying a comprehensive racial-equity lens during the
25 planning stages of rezoning is so important. Here, we can

1 conclude that the MU-10 zoning at 1617 U Street will result
2 in the imminent displacement of the remaining black
3 community and any remaining black-owned small businesses
4 nearby and will drive up development activity land use
5 changes and further gentrification.

6 Per my memorandum in Exhibit 616, one solution is
7 for a custom or special-purpose zone at 1617 U Street, one
8 whereby the community works with the Office of Planning to
9 decide parameters that can meaningfully mitigate
10 displacement pressures. These parameters include requiring
11 a substantial volume of affordable housing and much deeper
12 levels of affordability and to require substantial numbers
13 of family-sized units that have three or more bedrooms.

14 The Commission has approved of special-purpose
15 zoning in the past along these line, and this can and should
16 happen here. But all of this should start with outreach to
17 the effective residents to meet them where they are and to
18 discuss a special customs purpose zone for the site
19 collaboratively and come back to the Commission. That is my
20 expert recommendation.

21 And thank you for your time and attention.

22 CHAIRPERSON HOOD: Thank you.

23 Before we go further, Dr. Boza, do you have to
24 leave?

25 MS. GOLASH-BOZA: I do have to leave.

1 Unfortunately, I have a plane scheduled in about 32 minutes.

2 CHAIRPERSON HOOD: Well, we don't want you to miss
3 that plane. Let's be very quick. Your exhibits are 473 and
4 616, correct?

5 MS. GOLASH-BOZA: Yes, sir.

6 CHAIRPERSON HOOD: Okay. Okay. Let me see if my
7 colleagues have any questions because I want to make sure
8 that you get your flight. Any questions for Dr. Boza?

9 COMMISSIONER IMAMURA: (Shaking head.)

10 CHAIRPERSON HOOD: Okay. Let's go to the parties
11 right quick. And I'd ask everybody to be pretty quick.
12 Give me one second to pull my file up.

13 COMMISSIONER IMAMURA: To be clear, Mr. Hood,
14 you're asking for cross-examination of Ms. Golash-Boza now.
15 Is that correct?

16 CHAIRPERSON HOOD: That's what I'm doing. Yes, it
17 is.

18 COMMISSIONER IMAMURA: Can I ask that Ms. Schellin
19 stop the clock on Mr. Adam's testimony?

20 CHAIRPERSON HOOD: Yeah, yeah. Stop the --

21 MS. SCHELLIN: It's been stopped.

22 COMMISSIONER IMAMURA: Oh, okay. Good. Okay.

23 CHAIRPERSON HOOD: Because everybody's on board.

24 MS. SCHELLIN: It's been stopped.

25 CHAIRPERSON HOOD: We got it. We got it. Okay.

1 So does the Office of Planning have any questions
2 of Dr. -- cross of Dr. Boza?

3 MR. LAWSON: No, sir. Thank you.

4 CHAIRPERSON HOOD: Okay. Does ANC 1B, Chair
5 Harris, has any cross Dr. Boza?

6 MS. HARRIS: No. Thank you.

7 CHAIRPERSON HOOD: Okay. Is ANC 2B represented
8 tonight?

9 MS. SCHELLIN: I don't see anybody.

10 CHAIRPERSON HOOD: Mr. Jones, do you have any
11 cross?

12 MR. JONES: I don't have any questions, but the
13 clock should be rewound to 8:40. That's when her testimony
14 ended, and it kept running for another 25 seconds.

15 CHAIRPERSON HOOD: Let's restart the clock.

16 MS. SCHELLIN: I don't think it was that long.

17 CHAIRPERSON HOOD: Let's put it back at 8:40. The
18 small stuff now don't matter at this point. The fifth
19 night, sixth night, or whatever night this is, that small
20 stuff don't matter.

21 Does Ms. Akel have any cross? Ms. Akel?

22 MS. AKEL: Hello. Can you hear me?

23 CHAIRPERSON HOOD: Yes, we can hear you.

24 MS. AKEL: Okay. No, I do not have any questions.
25 Thank you.

1 CHAIRPERSON HOOD: Thank you.

2 Ms. Feskanich, any cross?

3 MS. FESKANICH: Yes. I want to be respectful of
4 Dr. Golash-Boza's time. But could you just address, what
5 can the Zoning Commission do to reduce the likelihood of the
6 displacement of black residents at the zoning level?

7 CHAIRPERSON HOOD: Dr. Boza did you hear the
8 question? Is Dr. Boza still here, Ms. Schellin?

9 MS. SCHELLIN: I'm not sure what happened to her.
10 Mr. Adams, do you know?

11 CHAIRPERSON HOOD: She had a plane to catch.

12 MR. ADAMS: Unfortunately, I don't know.

13 CHAIRPERSON HOOD: All right.

14 MS. SCHELLIN: I don't see her on.

15 CHAIRPERSON HOOD: All right.

16 MS. FESKANICH: Chair Hood, would it would be
17 possible for me just to ask the two questions and have her
18 respond in writing at a later time?

19 CHAIRPERSON HOOD: Yeah. What were your two
20 questions?

21 MS. FESKANICH: The first one was, at the zoning
22 level, what can the Zoning Commission do to reduce the
23 likelihood of the displacement of black residents?

24 CHAIRPERSON HOOD: And what was the second
25 question?

1 MS. FESKANICH: And the second one was, would the
2 creation of an IZ building with 30 percent affordable
3 housing and 70 percent market rate housing meet the housing
4 needs of low-income black families in D.C.?

5 CHAIRPERSON HOOD: I will rule those questions in
6 order. And, also, Ms. Feskanich, since you are going to be
7 doing that, could you ask a question for me? I was trying
8 to hurry up and get through everyone else. Could you add to
9 that list -- me of asking for favors, but could you add to
10 that list, is there another zone -- would her testimony
11 still apply to any zone? Would she put her testimony with
12 any zone so it would take that off the table?

13 MS. FESKANICH: Okay. Would her testimony --

14 CHAIRPERSON HOOD: Would her testimony apply to
15 any zone because it was more procedural? And I want to know
16 -- you know, there's been conversation about MUA other
17 zones.

18 MS. FESKANICH: Right.

19 CHAIRPERSON HOOD: From her testimony -- and I
20 wanted to ask her this. I was just trying to get through
21 everybody else. Does that still apply, regardless of the
22 zone, of the programmatic way she's talking about moving
23 forward and how she thinks things should be moving forward
24 to preserve and protect black residents? So if you could
25 just add that to your -- and we'll have those three

1 questions, Ms. Feskanich. And ask her if she has time to be
2 able to respond.

3 Ms. Schellin, could you help me remember that we
4 need to get that from Ms. Feskanich?

5 MS. FESKANICH: Okay. And I will submit that for
6 the record. How do I submit that, just to --

7 MS. SCHELLIN: To Mr. Adams. To Mr. Adams.

8 MS. FESKANICH: To Mr. Adams?

9 CHAIRPERSON HOOD: Yeah.

10 MS. SCHELLIN: It's his party, his witness. Yes.

11 CHAIRPERSON HOOD: Yeah. And one of those
12 questions is mine. So we'll leave it at that.

13 MS. FESKANICH: Okay. I'll address it to Mr.
14 Adams. Thank you.

15 CHAIRPERSON HOOD: Okay. Thank you.

16 MR. ADAMS: Chairman Hood, I just learned that her
17 plane is boarding.

18 CHAIRPERSON HOOD: Yeah. I figured that. That's
19 why I was trying to rush. So I get it. I wouldn't want to
20 miss my plane either. And thank her, Mr. Adams, for us.
21 Thank you.

22 All right. Now let's add the time back that we've
23 done that. Okay.

24 Mr. Fleming, you may begin.

25 MR. YOUNG: Sorry. I don't think you asked Mr.

1 Hanlon.

2 CHAIRPERSON HOOD: Oh, I definitely want to ask
3 Mr. Hanlon.

4 Do you have any questions that you want to submit
5 to Dr. Boza as well?

6 (Pause.)

7 CHAIRPERSON HOOD: Ms. Schellin, could you check
8 and see if Mr. Hanlon is available? Meanwhile we -- okay.

9 MS. SCHELLIN: He just needs to unmute.

10 CHAIRPERSON HOOD: Okay. There. There he is.

11 MR. HANLON: Here I am.

12 CHAIRPERSON HOOD: Sorry for leaving you out, Mr.
13 Hanlon.

14 MR. HANLON: No. It's okay. I'm back from COVID,
15 17 days of it. And I survived.

16 CHAIRPERSON HOOD: Okay.

17 MR. HANLON: I did want to ask the doctor to
18 explain in greater detail why she believes MU-10, in
19 particular, would cause greater displacement here at this
20 particular site. So it's a slightly different version, I
21 guess, Chair Hood, of the more general question you're
22 asking.

23 CHAIRPERSON HOOD: Okay. So if Ms. Feskanich
24 could submit that to Mr. Adams? And we have to work that
25 way because she did have a flight that she did not want to

1 miss, and we didn't want her to miss it. So if we can add
2 those, and we'll get responses on those questions. All
3 right. Okay.

4 So, with that, do you have anything else, Mr.
5 Hanlon? If not, we will proceed on with Mr. Fleming.

6 (No response.)

7 CHAIRPERSON HOOD: Okay. Mr. Fleming, you may
8 begin.

9 MR. FLEMING: Good evening, commissioners. My
10 name is Nathan Fleming. I currently serve as the racial
11 justice fellow at DePaul University, where I codirect the
12 Racial Justice Initiative. I have recently been appointed
13 as an assistant professor of law at Wake Forest University,
14 where I'll teach constitutional law, state and local
15 government law, and election law. Previously, I served as a
16 legislative director at the council, where I worked directly
17 on the recent amendments to the comprehensive plan.

18 I participated in the roundtable with the Zoning
19 Commission related to the racial-equity tool and
20 subsequently published an article in the Harvard Anti-Racism
21 Policy Journal, entitled, "Strategies to Build Racial Equity
22 Into Land Use in Zoning."

23 As an individual deeply invested in the equitable
24 development of our city, I'm before you to address the
25 proposed map amendment concerning the rezoning of 1617 U

1 Street. My background informs my understanding of the
2 crucial intersection between land use and racial equity.

3 The D.C. comprehensive plan, particularly its
4 implementation element in the recent amendments, provides a
5 framework, a visionary framework, for racial equity and
6 urban planning. This framework is not merely about equal
7 outcomes but demands an intentional focus on creating
8 equitable opportunities for historically marginalized
9 communities.

10 Racial equity and planning requires policies and
11 actions that explicitly address and seek to redress past
12 injustices and current inequalities. Accordingly, for the
13 Office of Planning, advancing racial equity requires
14 acknowledging the historical role of urban planning and
15 perpetuating racial discrimination and exclusion, especially
16 against black residents and other people of color. And OP
17 must dedicate itself to confronting and rejecting structural
18 racism and advancing racial equity through transparent
19 processes, centering community voices and planning, and
20 maximizing the accessibility of services and programs.

21 So in my opinion, some of the major discrepancies
22 between our racial equity goals and the proposal is the lack
23 of disaggregated data as relates to race and the lack of
24 focus on what disaggregated data would tell us. So this
25 approach really reveals a fundamental misunderstanding of

1 racial equity. And this overlooks the nuanced needs of
2 different racial and social economic groups and fails to
3 recognize the historical context of racial inequities in
4 urban development.

5 As we know, in the racial-equity tool, the Zoning
6 Commission expects disaggregated race and ethnicity data
7 from the Office of Planning in every racial equity analysis
8 submission that analyzes an action. And so disaggregated
9 data as relates to race and income in this particular matter
10 reveals that the overwhelming number of low-income renters
11 in the area are African American.

12 Given the challenges in community outreach as
13 relates to renters, particularly low-income renters in being
14 a hard-to-reach population, there's a need for targeted
15 outreach directly towards low-income renters in this area if
16 we're advancing racial equity, given the intersection
17 between race, socioeconomic status, and class in this
18 instance, given that low-income renters will be some of the
19 most impacted residents by this action.

20 After holding the roundtable in September 22, the
21 Commission revised this racial-equity tool. And a core
22 component of racial equity in the view of the Zoning
23 Commission is ensuring that affected communities,
24 particularly those that are vulnerable, have a meaningful
25 voice in the process. And this action exhibits a notable

1 lack of substantial engagement with these communities. This
2 absence of dialogue and consultation represents a top-down
3 approach, contradicting the principles of inclusive and
4 equitable planning.

5 The need for community engagement is not merely a
6 procedural formality, but it's a substantive requirement to
7 ensure that the voices of those most impacted are heard and
8 integrated into the planning process. This approach is
9 crucial for understanding the lived experiences of
10 residents, their concerns about displacement, and the
11 potential impacts of rezoning in their lives.

12 So let's just remind ourselves of the key
13 components of racial equity analysis as it relates to land
14 use in zoning. One is defining who the community is, making
15 sure that we understand who would be potentially burdened by
16 this action, and who may potentially benefit from the
17 action.

18 We also must understand the past and present
19 racial discrimination in that community. What are the
20 current challenges facing the community as relates and as a
21 result of present discrimination. And, finally, what's most
22 important in this instance is understanding community
23 priorities and the impact on the potential action. And one
24 of the key aspect is understanding what changes has been
25 made to the proposal as a result of the engagement of hard-

1 to-reach communities. And in this instance, I feel that to
2 be lacking.

3 So, in conclusion, I would state that I urge the
4 Commission to reflect deeply on the principles of racial
5 equity, as delineated in the comprehensive plan and as
6 expressed by the actions of this Commission. The current
7 proposal deviates from these principles and threatens to
8 exacerbate existing racial and socioeconomic inequities in
9 our city, particularly due to a lack of community
10 engagement, which is at the core of racial equity.

11 It is our shared responsibility to ensure that
12 urban planning and zoning decisions and land use decisions
13 are not just compliant in letter with our city's policies
14 but also in the true spirit with the ideals of equity and
15 inclusivity.

16 Thank you.

17 CHAIRPERSON HOOD: Mr. Adams? Let's stop the
18 clock. Mr. Adams, I'm going to let your party finish. The
19 only reason we took Dr. Boza was because she had a flight to
20 catch. But your party can finish, and then we'll ask our
21 questions.

22 MR. ADAMS: The only thing I would add would be
23 that two months ago, when the OP testified, they said they
24 would give back to the Commission with certain information.
25 And, to specify, they talked about -- they asked the OP to -

1 - well, we wanted them to further do some further analysis
2 on more localized demographics, displacement, housing
3 vulnerability of black residents and market rate housing.
4 And I think that some of the testimony given today could
5 have benefited if they had given that information by now.

6 And I'll just leave it at that.

7 CHAIRPERSON HOOD: Okay. Mr. Adams, you don't
8 have anything else? So you are complete? Because you have
9 two minutes.

10 MR. ADAMS: If I can give this time to the other
11 parties, I would appreciate that.

12 CHAIRPERSON HOOD: I'm not sure. I don't think --
13 I think we have got to work -- I want you to use your two
14 minutes.

15 MR. ADAMS: Okay. Well, I think what I said at
16 the beginning, someone said a few weeks ago about some
17 things repeating. And that's very true. And there is much
18 said here that bears repeating. And you have heard over and
19 over again about what OP has not done and what OP was
20 supposed to be doing.

21 But I think you get to a point where you're
22 beating a dead horse, and I don't want to do that. So I'll
23 just say this. OP needs to do what it was supposed to do
24 that it has not done. And I think that this Commission has
25 not been given what it needs to make a full decision about

1 this matter. And so I would hope that at some point, the
2 Commission would look at that and decide that either this
3 case needs to be postponed or scrap it altogether.

4 I'm familiar with displacement personally, as I
5 spoke to earlier, but we know this was a long-time story.
6 My parents when they met were living in Georgetown. When
7 they married, they didn't marry at my father's church in
8 Georgetown. They married at my mother's church in
9 Georgetown. We don't have a black community in Georgetown
10 any longer. They had an extended community of friends and
11 family in Foggy Bottom. They don't have that community
12 there anymore. We have seen this happen in too many places
13 in this city and I would like to see it stop at some point.
14 And I definitely would like to see it not happen here. I
15 thank you for that.

16 VICE CHAIR MILLER: Chairman Hood, we can't hear
17 you.

18 CHAIRPERSON HOOD: I said all that. Most people
19 don't want to hear me.

20 But we want to thank the Black Neighbors. I think
21 the whole presentation was very insightful, especially Dr.
22 Boza and Mr. Fleming and, Mr. Adams, your story.

23 Let me just ask a couple of questions that I've
24 been having through this whole series of hearings. And I'm
25 going to start before I go to my colleagues, and I may have

1 some more. But I don't know whether to start with -- I'm
2 trying to figure out if my question going to Mr. Fleming
3 first or you, Mr. Adams. Let me go over to you, Mr. Adams,
4 first.

5 Growing up in this city myself -- and I kept
6 hearing, nobody came to us. What is enough engagement.
7 Because some people are saying there was enough engagement,
8 and, then, I'm hearing that there was not enough engagement
9 or was it just not any engagement to people of color?
10 Because growing up in this city, even where I am now, nobody
11 comes to my house to tell me anything. I have an issue
12 going on now. I have to get out here and get involved to
13 push back on things. So it just doesn't happen because I'm
14 on the Zoning Commission or it doesn't happen -- oh, it
15 happens. It happens in all of our neighborhoods. So if I
16 was to say that to you, what would your response to me be?

17 MR. ADAMS: I would say, Chairman Hood, that
18 personally, in this neighborhood, most of my neighbors,
19 particularly the ones who signed the petition to form this
20 party, are elderly. They're in their 80s, some in their
21 90s. I don't expect those people to be online. I don't
22 expect them to be getting information that way through
23 social media. And I know that I have an ANC commissioner
24 who actually does go and knock on doors in this
25 neighborhood. So that's not unusual.

1 But apparently OP didn't do any of that. They
2 didn't reach out, not only to the neighbors but to
3 businesses, to churches, nothing.

4 CHAIRPERSON HOOD: So I would agree with you about
5 the social media. I agree with you 100 percent about the
6 seniors, our seniors, because if we live long enough, I
7 always tell my grandkids they're doing stuff that I'm not
8 going to be up on. So I agree with you about social media.
9 We have got to have these different ways. And I think this
10 is what Mr. Fleming was saying. We have got to have
11 different ways of being able to get information out.

12 Now, Mr. Fleming, let me come to you. You were
13 saying, we have got to know who the community is. Expound
14 on that a little more because I'm trying to understand. And
15 I know you have been in a plethora of different avenues and
16 places you worked. But when you say, we have to know who
17 the community or know who our -- you didn't say clients but
18 know who our community is, what do you mean by that?

19 MR. FLEMING: Well, it's really pulling directly
20 from the racial-equity tool OZ's racial-equity tool in that
21 you have to define what factors really define the impacted
22 community? And what are those defining characteristics?

23 So in some cases, it may be the age of the
24 community. It might be a particularly young community. It
25 might be a particularly old community. But it also may be

1 an intersection of a variety of factors. That's why
2 disaggregated data is so important. So, particularly in
3 this community, at the intersection of race and class, you
4 notice that in this particular community, a large percentage
5 of African Americans are low-income renters or let's put it
6 another way. A large percentage of the low-income renters
7 in this community are African American. So upon recognizing
8 that, you have to understand that that community may be
9 potentially burdened as a result of this action. And you
10 have to understand who may potentially benefit as a result
11 of this action. And that needs to inform the way that we
12 approach our community engagement.

13 As it relates to community outreach, when it
14 relates to hard-to-reach communities, it is important to
15 recognize that zoning continues to skew towards well-to-do
16 households. And so in my article as relates to racial
17 zoning in land use and equity, I point out how participation
18 in zoning hearings and meetings continue to skew towards
19 those who have more wealth and time. Particularly, you know
20 in this meeting, it has taken plenty of days, plenty of
21 time. And that's why these meetings are disproportionately
22 white male, elderly, usually homeowners and long-time
23 residents and frequent voters.

24 But when low-income residents are shut out of
25 these processes, outcomes are made without consideration of

1 the voices who are most impacted.

2 And that's what the heart of racial equity is, is
3 making sure that those who may potentially be most impacted
4 have their voices heard, even though sometimes they are the
5 hardest to reach.

6 So some examples are direct canvassing, direct
7 surveying, direct phone outreach to hard-to-reach
8 communities, in addition to ANC outreach, outreach that
9 targets particularly multi-family units, multi-family
10 residents, apartment buildings. Those are the type of
11 things that can help to mitigate the fact that some of the
12 most impacted residents are the hardest to reach,
13 particularly when you're disaggregating for race and income.

14 CHAIRPERSON HOOD: Okay. So let me make sure I
15 understand you, Mr. Fleming. First of all, do you know what
16 exhibits your presentation is in?

17 MR. FLEMING: I will have to submit my
18 presentation as a closing statement.

19 CHAIRPERSON HOOD: Okay. Yeah. I want that.
20 Please do make sure that that's submitted to us.

21 So I'm trying to -- the intersection -- and I'm
22 trying to -- for me, it is not about what's in front of us
23 or MU-10/MU-8. It's not about that for me now. It's always
24 been about process. And, as you've mentioned, we seem to
25 have fallen short or the appearance is that it has been

1 falling short on getting to the community, especially when,
2 as Mr. Adams mentioned, our seniors, people who are not on
3 social media, people who don't go to the ANC, it feels like
4 they've been -- they feel like they have been
5 disenfranchised. And I know that can happen in this city.
6 That happens. I don't care how hard you try to do -- I did
7 mailouts one time. I still left people out. And this was
8 in my civic capacity. So I do know that sometimes, that's
9 not the easiest job.

10 But you bring up a good point, Mr. Fleming, that I
11 am going to have to digest on. And that is, if you know we
12 have low-income residents and the time commitment and the
13 access to be able to participate in these hearings, the
14 extra step I believe has to be done. Is that a fair
15 assessment of what you just said, the extra step? And I am
16 trying to figure out what that extra step is. Knocking on
17 doors? Because I've done that to at some point to no avail.

18 And I am using personal experiences now, trying to
19 figure out, how do we achieve what I'm hearing that we are
20 asking OP to do, to go after those who, as Mr. Barry used to
21 say, the mayor for life used to say, you know, the lost, the
22 least, the left out? How do we get to that point? He was
23 expert at doing that. How do we get to that point, continue
24 that?

25 MR. FLEMING: Like you said, the extra step is

1 important. And it takes -- like you said, it is not a
2 formulaic answer for every community. Each community is
3 specific. That's why it's important to understand and
4 define the community and who may be potentially burdened by
5 a decision.

6 In this case, it is particularly low-income
7 renters in that particular area. So some ways to reach out
8 directly to that targeted population, you can do direct
9 canvassing. You can incorporate surveys. Surveys I think
10 is a good way to quantify the experiences of a community,
11 and you can conduct surveys via phone. You can conduct
12 surveys through direct targeting. But having that
13 quantifiable data from surveys can help to express the
14 concerns of a hard-to-reach community that may not be able
15 to express their concerns at a forum such as this.

16 CHAIRPERSON HOOD: And I'm expanding because it is
17 not just helping me in this case, but I'm sure it's going to
18 help us in other cases. One of the things that I know we
19 used to do when we couldn't get residents to participate and
20 come out, not zoning but just in general, we would go to
21 where they were and have the meeting, like right out in
22 front of their house.

23 So I mean, you know, I'm not saying that's the way
24 to do it, but I'm trying to -- that's kind of what you were
25 saying about thinking outside the box. Is that correct?

1 MR. FLEMING: Certainly. And that's actually
2 what's done in Boston, meetings of that sort. So notice is
3 given in a particular community. And certain land use in
4 zoning and disposition meetings must be held within a
5 certain feet from that notice. So that would be in that
6 particular community.

7 I also will reference into the record the article
8 that was in the Harvard anti-racism policy review, building
9 racial equity into land use in zoning, which refers and
10 recommends several innovative approaches in jurisdictions
11 throughout this country, localities that are implementing to
12 build racial equity into their land use processes.

13 CHAIRPERSON HOOD: Okay. Well, Mr. Fleming, I
14 know you have a lot of other things going on. I don't want
15 to take up all of your time. But I would appreciate if you
16 could submit that information.

17 And my last question before I go to my colleagues
18 is, is this a fair assessment? It's not about the Zoning
19 Commission's zone. It's about to me -- is it more about the
20 process and leaving out the lost, the least, and the left
21 out. Is that what it's more about?

22 And let me ask you this. If something was done
23 differently and you had, like, a form, like, a design form,
24 for the community -- and I'm just talking off the top of my
25 head now -- and you invited those people who don't have

1 social media, the black residents that we have heard so loud
2 and clear Mr. Adams says has been left out, and you went to
3 them and you all had a design about whatever project is
4 going to be done and people had plenty of input, do you
5 think that would lessen -- would that lessen some of the
6 opposition that I've heard over the past five hearings or
7 four hearings or whatever it is?

8 MR. FLEMING: Well, I don't think that's certain.
9 I think that community engagement is really the engine that
10 drives a racially equitable land use decision-making
11 process. And I think in this case, robust community
12 engagement that includes those that would be most impacted
13 would shape the decision-making process, which may lead to a
14 different outcome and a different decision in terms of the
15 correct classification as it relates to land use.

16 CHAIRPERSON HOOD: Okay. All right. Thank you,
17 Mr. Fleming.

18 Let me see if my colleagues have any additional
19 follow-up questions. Commissioner Stidham?

20 COMMISSIONER STIDHAM: I do not have any
21 additional comments or questions, but I really appreciate
22 your participation tonight and the information that you
23 provided into the record.

24 CHAIRPERSON HOOD: Okay. Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.

1 Dr. Fleming, good luck on your defense. And,
2 also, thank you for sharing your perspective tonight and
3 your participation in the public process.

4 Mr. Adams, thank you for asking Dr. Fleming to
5 come before the Commission this evening.

6 CHAIRPERSON HOOD: And Vice Chair Miller?

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

8 And thank you, Gregory Adams, for your
9 presentation testimony tonight and the testimony of your
10 expert witnesses, Dr. Boza and Dr. Fleming, soon-to-be-Dr.
11 Fleming.

12 One of the things you said, Mr. Adams, was that we
13 hadn't gotten certain information that had been requested
14 from the Office of Planning. I think you were talking about
15 specifically in terms of displacement. At the first
16 hearing, I did ask Office of Planning to respond on behalf
17 of itself and the deputy mayor of planning and economic
18 development, the applicant, certain information. And they
19 gave verbal responses at that time. But I asked for, and
20 they agreed that at some point, they would provide, more
21 detailed written responses to the questions that I and maybe
22 others had asked in a supplemental report, which the
23 parties, including you, will have an opportunity to respond
24 to if we get that.

25 And one of the requests was how this proposed

1 zoning map amendment will or will not contribute to indirect
2 displacement of nearby lower-income residents, which is, as
3 you pointed out, primarily a racial, economic, and economic
4 analysis required by the comprehensive plan and by our own
5 racial-equity tool in zoning consistency cases, which is
6 what this largely is.

7 So I expect that we will get a supplemental report
8 as part of -- from the Office of Planning that will include
9 that information and additional information, which they
10 testified to and which we asked questions about. And the
11 parties, including you, will have an opportunity to respond
12 to that after that submission. At least that's my
13 understanding.

14 So I expect to -- I agree it would be beneficial
15 to have that and would be for you to be able to present a
16 more complete presentation here. And I think you will have
17 that opportunity in our process. So I at least am going to
18 continue to press for that.

19 So I thank you for being here this evening and for
20 your witnesses.

21 MR. FLEMING: Thank you, Commissioner Miller.

22 CHAIRPERSON HOOD: Okay. Let's go down and see if
23 the parties have any cross, other parties. Does the Office
24 of Planning have any cross for Black Neighbors?

25 MR. LAWSON: I'm sorry. No thank you.

1 CHAIRPERSON HOOD: Thank you.

2 Chair Harris, do you have any cross?

3 MS. HARRIS: No thank you.

4 CHAIRPERSON HOOD: Thank you.

5 Anyone here from the ANC 2 -- I'm going to stop

6 asking, is anyone here. I'm just going to say, ANC 2B?

7 And, Ms. Schellin, if they're not here yet, then because

8 they've given their position. So ANC 2B?

9 (No response.)

10 CHAIRPERSON HOOD: All right. Mr. Jones?

11 MR. JONES: Yeah. I just had a couple of quick

12 questions for Mr. Fleming.

13 First off, just because I found this interesting

14 that this hearing is still being held virtually, you know,

15 in your, you know, sort of expert opinion does that, you

16 know, help or hurt the overall community engagement process

17 to have, you know, a hearing like this, which is virtual and

18 maybe not as easy for some residents, as opposed to, you

19 know, that case you talked about in Boston? You know, I

20 feel like when you have something like this, it might be way

21 easier to have this hearing, you know, right across the

22 street at the site in the police station. And you can meet

23 people where they are. Does having a virtual hearing, you

24 know, impact engagement in any way whatsoever, negative,

25 positive?

1 MR. FLEMING: I think it's a mixed bag. I think
2 that, certainly, there are benefits to having virtual
3 testimony and that anyone that has a cellphone, regardless
4 of other obligations, may be able to participate; whereas, a
5 meeting that's in an on-site location may present some
6 challenges in terms of accessing the meeting.

7 But, at the same time, we do have a broadband gap
8 we do have a gap as relates to accessing the technologies to
9 assess this hearing. And that does typically fall along
10 lines as relates to age. So, certainly, it might be more
11 limiting for people of a certain age to participate in a
12 forum of this nature, but I think it shows the -- speaks to
13 the need of a variety of approaches to community engagement
14 using a variety of tools that work together to try to get
15 the broadest cross-section of participation possible. So I
16 think that's the best approach, using as many elements as we
17 can use to get feedback and direct contact from residents.

18 MR. JONES: Right, just as many channels as
19 possible. I hear you.

20 MR. FLEMING: Yes.

21 MR. JONES: And, then, my last question -- and I
22 think it just bears repeating from the end of your
23 presentation there weren't any significant changes made to
24 the application. And that, in and of itself, kind of -- can
25 you speak to how that shows that engagement was, you know,

1 kind of just checking the box, as opposed to, you know,
2 meaningful feedback and exchange of ideas?

3 MR. FLEMING: Certainly. I think that's a key
4 component. When we participated in making comments as it
5 relates to the tool at OZ, an important part of robust
6 community engagement is documenting and making a record of
7 that engagement. And an important piece of that record are
8 what changes were made as a result of that engagement.

9 MR. JONES: Exactly.

10 MR. FLEMING: And it makes the engagement simply
11 not just lip service and just engagement to simply follow
12 the procedures that are required but a robust form of
13 engagement, where the community's needs are integrated into
14 the application. And I think one of the things that OZ got
15 done that it did correctly was understanding that community
16 engagement must take place early in the process and inform
17 the process moving forward. And that's part of the reason
18 why OZ included that in the tool, an understanding of what
19 changes were made as relates to -- as a result of community
20 engagement.

21 In Boston, there are a set of outlined actions
22 that applicants can take to reflect a commitment to equity
23 and a commitment to inclusivity. And I think that that's an
24 element that we may be able to learn from because in many of
25 these cases, some of the actions that applicants can take to

1 advance racial equity are similar.

2 MR. JONES: Great. Thank you so much.

3 CHAIRPERSON HOOD: Let me just piggyback. And,
4 Mr. Jones, I'm going to seize the moment. As Mr. Fleming
5 has mentioned about a mixed bag of trying to figure this
6 out, whether it be virtual, when we did GR-16, we took it on
7 the road. I know specifically, you know, we were
8 advertising, pushing for people to come out to different
9 locations.

10 I think we went to at least four wards in the city
11 to hear input from residents. And I will never forget at
12 one of the specific places, the only people who showed up
13 were the five people I had invited, but I was trying. We
14 were trying. We went to the newspapers trying to get
15 people. So, as Mr. Fleming said, that's a mixed bag.

16 I think what we can continue to do is keep working
17 hard, especially in the case of our seniors. I always think
18 about our seniors in technology because if we keep living --
19 I've said this before -- we, too, will be challenged at some
20 point.

21 And, then, I think about the ladies who were able
22 to care for their little ones at night, at 9 and 10:30 at
23 night. My colleagues turned the camera on, and she was
24 taking care of her little baby. She would not have come
25 down to the hearing room.

1 So, again, I think Mr. Fleming's response, a mixed
2 bag, I think is very appropriate. And then you try to
3 strike that balance. So I just wanted to throw that out
4 there, not that I have a pro or con either way, but we'll
5 continue to strive to continue to get participation. All
6 right.

7 Let's go to Ms. Akel, Rochelle apartments.

8 MS. AKEL: Yes. Hi. Can you hear me?

9 CHAIRPERSON HOOD: Yes.

10 MS. AKEL: Okay. Great. Soon-to-be-Dr. Fleming,
11 I do have one question. And this is going to be expounded
12 on in my testimony later, but I want to take advantage of
13 asking you this.

14 I've been renter all my life. And I've witnessed
15 the bias that is baked into our laws against renters in
16 favor of property owners. And I would like to ask you if
17 you've encountered this. This is taking public engagement
18 to a deeper level, where we might need some changes in our
19 laws that give renters more rights. For example, in this
20 case, we are right on the property line. And we did not
21 receive any notice of anything.

22 So I would like to ask you, have you encountered
23 this or done any work on recognizing or trying to change
24 laws that elevate renters' rights because renters are
25 usually the population that we're talking about that is the

1 most impacted by zoning decisions? Thank you.

2 MR. FLEMING: Certainly. Well, there are a lot of
3 approaches, and one of the approaches that shows the most
4 promise across the country is reform to notice requirements,
5 so making changes as it relates to how notices are
6 disseminated amongst the community, expanding who is
7 eligible to receive notice, creating mechanisms for
8 residents to sign up to receive notice via the internet or
9 via text message, and also creating opportunities for
10 entities and nonprofit organizations to sign up as parties
11 that are required to get notice for certain elements so that
12 they can take on some of the work of notifying the
13 community. So I think notice reform is particularly
14 important.

15 I think moving towards virtual, more virtual,
16 using more online tools allows us also to broaden our
17 approaches to how we invite and how we let people and inform
18 people about these processes. So there are number of ways
19 that we can promote these processes using a variety of
20 online tools and social media tools. And I think that's
21 important.

22 So particularly this forum, this forum could also
23 be simultaneously streamed on YouTube. And we can find a
24 way to notify residents that are already signed up for the
25 YouTube page of these forums in real time.

1 Those are the type of things that are going on
2 across the country to expand and modernize notice
3 requirements.

4 CHAIRPERSON HOOD: Are you finished, Ms. Akel?

5 MS. AKEL: Yes, that was it. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 And, Mr. Fleming, I happened to just look on my
8 phone at the YouTube. So I was watching you on YouTube just
9 now. I mean, not that we can't perfect it, but we are out
10 there on YouTube. And I'm sure what you said at some point,
11 they will figure that out, the experts, because I'm not.
12 All right.

13 Let's see if we can go to -- okay. Homeowners
14 within two -- Ms. Feskanich?

15 MS. FESKANICH: Yes. Mr. Fleming, I would like to
16 just clarify the issue that we have been discussing about
17 community engagement. Could you please clarify the
18 engagement, what's meant by that? Is that before the map
19 amendment had been proposed or are we talking about just
20 merely notification after the map amendment had already been
21 proposed?

22 I think you are trying to get at the point that
23 residents and community members that will be most affected
24 should actually be engaged in the process of formulating
25 this map amendment request right from the beginning. Is

1 that correct? What is your understanding of that? And if
2 you could clarify that for us, please?

3 MR. FLEMING: Yes, certainly. A hallmark of
4 robust and racially equitable community engagement is
5 beginning on the onset as early as possible because it
6 allows for, like you said, the voices to be heard on the
7 onset to have the most impact on the process throughout the
8 cumulative effects.

9 And then, in addition to that, it's important for
10 that community engagement to yield results, to yield changes
11 to the application. So, certainly, on the onset and ongoing
12 throughout the lifecycle of a particular application is the
13 hallmark of robust community engagement.

14 MS. FESKANICH: So is it your understanding that
15 robust community engagement before the actual map amendment
16 request was made was not done?

17 MR. FLEMING: Certainly not sufficiently and
18 certainly not in a way that takes into account the results
19 of disaggregating intersections as relates to race and
20 class. And, particularly in this application, where the
21 intersection of race and class reveals that a large number
22 of low-income residents and renters in this community are
23 African American, it speaks to the need of targeted
24 community outreach to low-income renters and renters
25 generally. And that requires a much more robust community

1 engagement to effectively, or even minimally, get the input
2 of the hard-to-reach communities.

3 MS. FESKANICH: And one last question, if I may.
4 If that robust community engagement had been done before the
5 application to request a rezoning was made, do you think
6 that request would have been substantially different?

7 MR. FLEMING: So I wouldn't want to speculate, but
8 I think when you hear about the potential for displacement
9 as a result of this project, when you think about potential
10 concerns or potential input as relates to affordable
11 housing, you might safely make the assumption that renters
12 who are low-income, if their voices were robustly meaningful
13 in this process or robustly considered or heard in this
14 process, would advocate for a different outcome and/or
15 classification.

16 MS. FESKANICH: Thank you, Mr. Fleming. Thank
17 you.

18 CHAIRPERSON HOOD: Thank you.
19 And Mr. Hanlon?

20 MR. HANLON: Thank you, Chair Hood. I have a
21 question for Mr. Adams, if I may.

22 Mr. Adams, you heard Commissioner Miller talk
23 about the information that he had asked for concerning
24 displacement from OP and the statistical information that
25 Commissioner Miller had asked for months ago. If OP submits

1 a supplemental report at this point in time, wouldn't you as
2 Black Neighbors of 1617 U Street want the opportunity to
3 cross-examine the writer of that report about their
4 additional findings concerning displacement?

5 MR. ADAMS: I think that would be a great idea,
6 Mr. Hanlon.

7 MR. HANLON: Well, this is a contested hearing we
8 have the right to cross-examine. So I'm concerned about
9 Commissioner Miller. Commissioner Miller did a wonderful
10 job asking. I'm concerned that it can't be put in the
11 record after the hearing's over.

12 I do have a question for soon-to-be-the-doctor.
13 This case is called 23-02. It was filed in January of last
14 year. The community engagement log in this case was filed
15 by OP in June of last year and, as I recall, never updated.
16 Are you surprised, given all of the protests of the
17 community and all the concerns that have been voiced through
18 multiple meetings here, that OP has never and apparently
19 never in the last 15 months gone back and done any of the
20 additional suggestions you've made in your testimony?

21 MR. FLEMING: Surprised. That's an interesting
22 determination to make. I would say that I think that for OP
23 to be consistent with making the argument that the requisite
24 and sufficient level of community engagement was made, it
25 will require an update over those past months.

1 MR. HANLON: Thank you.

2 I don't have any other questions, Chair Hood.

3 CHAIRPERSON HOOD: Thank you, Mr. Hanlon and all
4 of the parties who asked questions.

5 And let me just say this. Mr. Adams, you put
6 together I think a star team. I really appreciate the
7 insight that was given. It has been very helpful to me and
8 I'm sure my colleagues. So thank you for all of the work
9 that you all have done in putting together Dr. Boza and Dr.
10 Fleming. Okay? Thank you very much. All right.

11 Ms. Schellin, let's go to the next.

12 MS. SCHELLIN: The next party is going to be the
13 Homeowners party.

14 CHAIRPERSON HOOD: Okay. And they have -- oh,
15 okay.

16 MS. SCHELLIN: That is Ms. Feskanich's people.

17 CHAIRPERSON HOOD: Okay. Ms. Feskanich, you can
18 bring all of your folks up.

19 MS. SCHELLIN: That's going to be Mr. Mallow and
20 Mr. Hakeem.

21 CHAIRPERSON HOOD: Hakeem.

22 MS. SCHELLIN: Josh Mallow, Omar Hakeem. And they
23 are both expert witnesses. If the Commission would please
24 look at Exhibits -- hold on one second. I've got them here.
25 Sorry. I've got a few different papers here. I'll find it.

1 CHAIRPERSON HOOD: But I do have a question, Ms.
2 Schellin or Mr. Hakeem. I noticed that the note here says
3 you were with the Black Neighbors party as well, were with
4 them. I'm just curious what happened.

5 MR. HAKEEM: I just have some time constraints
6 today. I've been on all of the hearings and have been kind
7 of waiting to be able to present some --

8 CHAIRPERSON HOOD: Oh, there's a long line of
9 that. I just was wondering.

10 MR. HAKEEM: Yeah.

11 CHAIRPERSON HOOD: Okay. Thank you.

12 MR. HAKEEM: No. We're all good. Everybody's --
13 we're still in the fam, yeah.

14 CHAIRPERSON HOOD: I thought it was something
15 different, something else but, yeah, all of us. It's a lot
16 of us. I don't think anybody on this call is saying that.
17 All of us are saying -- we all are in the same -- we all
18 agree to that. That's for sure. That's one thing we can
19 agree on. All right.

20 So I'll let your party begin.

21 Ms. Schellin, is everybody up?

22 MS. SCHELLIN: Yeah, but the -- before they start,
23 if you guys would look at Exhibit 565 for Mr. Hakeem's
24 resume and, then, Exhibit 478, attachment 1, page 11 for Mr.
25 Mallow's resume?

1 CHAIRPERSON HOOD: And let's do Mr. Hakeem. Ms.
2 Feskanich, what are you proffering Mr. Hakeem as? Let me go
3 to --

4 MS. SCHELLIN: She's on mute.

5 MS. FESKANICH: I'm sorry. There we go.

6 Mr. Hakeem is an AIA architect working in the D.C.
7 area and would be able to speak to the height and massing of
8 an MU-10 zoning proposal.

9 CHAIRPERSON HOOD: So you're proffering him as an
10 architect?

11 MS. FESKANICH: To speak about the height and
12 massing that an MU-10 by-right size building would allow and
13 how it would affect the community.

14 CHAIRPERSON HOOD: Ms. Schellin, that's 478?

15 MS. FESKANICH: 565 for Mr. Hakeem.

16 CHAIRPERSON HOOD: 565.

17 MS. SCHELLIN: And, then, 478, attachment 1, page
18 11.

19 CHAIRPERSON HOOD: I am having problems with
20 getting my -- I don't know if anybody else -- maybe it's
21 just me, as usual. I am having problems getting my files to
22 open up. It says I have 1,000. It has 1617 motion. It has
23 it 500 times in here. All right.

24 Is anybody else having that problem? Vice Chair
25 Miller? Anybody?

1 MR. HAKEEM: Chairman Hood, can I describe my
2 experience? Am I allowed to do that?

3 CHAIRPERSON HOOD: Yeah. If everybody's able to
4 see his resume, then you don't have to do that.

5 COMMISSIONER IMAMURA: Yeah. I found his resume.

6 Mr. Chairman, I do have a question for Mr. Hakeem,
7 though. He doesn't list where he went to school, although
8 it looks like he spent some time in Dallas.

9 MR. HAKEEM: I went to -- I have a undergraduate
10 degree at the State University of New York in Buffalo. And
11 I have a Master's. I have two Master's degrees from
12 University of Minnesota: one in architecture and one
13 specializing in environmentally forward design.

14 COMMISSIONER IMAMURA: I just wanted to make sure,
15 Mr. Hakeem, you didn't go to a school that was one of my
16 rivals in Texas.

17 MR. HAKEEM: I only lived in Texas. I didn't go
18 to school there.

19 COMMISSIONER IMAMURA: You're in the clear with
20 me.

21 So, Mr. Chairman, I'm comfortable with Mr.
22 Hakeem's background, experience, and expertise as a
23 registered architect.

24 CHAIRPERSON HOOD: Okay. Any of my colleagues
25 have any objections? We will go on the recommendation of

1 our expert in this. Commissioner Imamura, he doesn't have a
2 problem. Anybody else?

3 (No response.)

4 CHAIRPERSON HOOD: So we will do that. Mr.
5 Hakeem, you will be an expert in architecture in this case.
6 All right.

7 The other one is 565. And I'm going to need my
8 colleagues to help me until I'm able to get my file
9 straight.

10 MS. FESKANICH: The other one, you mean for Mr.
11 Mallow?

12 CHAIRPERSON HOOD: Yeah, 565.

13 MS. FESKANICH: No. He's 478.

14 CHAIRPERSON HOOD: 478? Okay. I'm sorry.

15 MS. FESKANICH: Yeah. It's amendment 1. So it's
16 page 11 of 47. It's contained within the Homeowners'
17 testimony.

18 CHAIRPERSON HOOD: Okay. I got it.

19 MS. FESKANICH: 478, page 11 of 47.

20 CHAIRPERSON HOOD: Thank you, Ms. Feskanich. All
21 right. Page 11?

22 MS. FESKANICH: Yes.

23 CHAIRPERSON HOOD: And you're proffering him --
24 I'm sorry. You're proffering him again as what, Ms.
25 Feskanich?

1 MS. FESKANICH: As someone who could speak to
2 impact studies, the importance of impact studies, and the
3 ethics of doing impact studies as he is an AICP expert.

4 COMMISSIONER IMAMURA: So, Mr. Chairman, I took a
5 look at Mr. Mallow's background as a certified planner.
6 With the expertise that Ms. Feskanich had described. And I
7 am also comfortable with Mr. Mallow being proffered as an
8 expert witness as a certified planner.

9 CHAIRPERSON HOOD: Okay. Any objections? Let me
10 look at others. Any objections?

11 COMMISSIONER STIDHAM: Nope. I'm good.

12 CHAIRPERSON HOOD: Vice Chairman? A certified
13 planner?

14 (No response.)

15 CHAIRPERSON HOOD: Okay.

16 COMMISSIONER STIDHAM: Yes, sir.

17 CHAIRPERSON HOOD: All right. Ms. Feskanich, we
18 will give both of them those expert statuses. Thank you,
19 Commissioner Imamura.

20 MS. FESKANICH: Thank you.

21 And I just wanted to also note, as Mr. Adams noted
22 previously for his party, that we wanted to note that this
23 expert testimony will be prejudiced by the lack of timely
24 responses from the Office of Planning to those questions
25 that you and others raised during, I believe it was, the

1 first hearing back in January. So they're giving their
2 testimony today without having the complete information that
3 answers to those questions would have provided. I just
4 wanted to make note of that for the record.

5 CHAIRPERSON HOOD: I will tell you this for the
6 record. Anything new -- unfortunately, I'm not sure what's
7 going to come in, but we always ask for additional stuff.
8 Anything new will be able to be cross-examined or
9 questioned.

10 MS. FESKANICH: Okay. Very good. Thank you.

11 CHAIRPERSON HOOD: Unless it is not new, now. If
12 it's not new, that's a different story. So okay.

13 But, Ms. Feskanich, you may begin.

14 MS. FESKANICH: Okay. The presentation is Exhibit
15 605. So if you could bring that up online? Okay.

16 My name is Arlene Feskanich. I represent a group
17 of homeowners who live in close proximity to this proposed
18 rezoning site.

19 The site is referred to a 1617 U Street, but, in
20 actuality, it should be called 1620 V Street and the 2000
21 block of 16th Street and 17th Street, Northwest, because
22 these are the areas that will be most impacted by this
23 proposed rezoning.

24 This is not, as some people have characterized it
25 over the course of these hearings, a simple map amendment.

1 If it were, we would not be here for a sixth day of
2 hearings. It's about people, their lives and livelihoods.
3 It's about community, diversity, cohesiveness. It's about
4 history, cultural, ethnic heritage. It's about preserving
5 public property, our property, for the public good. It's
6 about building and maintaining communities, taking a whole
7 neighborhood approach to zoning and development. It's about
8 righting the wrongs of the past and not perpetuating them,
9 wrongs like displacement. So it's not a simple map
10 amendment to us.

11 A rezoning from MU-4 to MU-10 will not enhance the
12 lives of the people who live here. It will not enhance our
13 community. It will not respect the history of the area. It
14 will not protect our public land to support growing
15 communities with the essential services they need. Zoning
16 is our first line of defense against rampant ill-advised
17 development.

18 We, therefore, urge the Zoning Commission to deny
19 this request to rezone this parcel of publicly owned land
20 from MU-4 to MU-10, which is a huge and unnecessary jump.

21 In this first slide, when we first walked through
22 the Office of Planning's final report, which was Exhibit 58,
23 in our first day of hearings, we noted -- and Chair Hood
24 agreed -- that there were flaws in the site and area
25 description. The area is not predominantly moderate to

1 high-density but, rather, moderate-density mixed-use, MU-4,
2 and moderate- to medium-density residential, RA-4, as
3 indicated by the blue arrows in this slide. Both of these
4 zones have a height limit of only 50 feet, half of what's
5 being proposed by the applicant.

6 Next slide, please. We also noted that the site
7 is completely surrounded by two historic districts, the
8 Strivers' Section in the 16th Street Historic District,
9 whose architecture and building structures cannot be altered
10 due to their historic designation on both the local and
11 national level.

12 Next slide, please. The Office of Planning in a
13 presentation they made to ANC 1B on November 16, 2023 noted
14 the incompatibility of height that would be caused by the
15 approval of a by-right MU-10-sized building on the
16 surrounding neighborhood, even with their last-minute
17 proposed step-backs. You can see the little man in this
18 picture on the left, looking up at the proposed MU-10-sized
19 structure. The new structure would be over twice the height
20 of the existing surrounding rowhouses along V Street.

21 Next slide, please. And twice the height of the
22 existing adjacent buildings on U Street. The D.C. zoning
23 handbook of 2016 says that the purpose of mixed-use zones is
24 to, "ensure that infill development is compatible with the
25 prevailing development pattern within the zone and

1 surrounding areas." It is hard to see from these two OP
2 height transition and building setback renderings how the
3 proposed MU-10 zone comports with that zoning regulation.

4 Next slide, please. This is what our neighborhood
5 actually looks like: historic rowhouses built in the late
6 1800s and early 1900s. I would like to point out that
7 Frederick Douglass owned three of the houses at 17th and U
8 Street, shown at the bottom left of this slide. And Calvin
9 T. S. Brent, thought to be the first African American
10 architect to practice architecture in D.C., lived at the
11 corner of 17th and V Streets in an empire-style rowhouse two
12 houses down from the one pictured in the bottom center of
13 this slide.

14 I would also like to point out about the rowhouses
15 pictured in the upper right corner of this slide, they are
16 limited-equity co-op. And they sit directly across the V
17 Street side of this site, which is the Third District Police
18 Station. They would, therefore, be the most affected by a
19 massive MU-10 proposed rezoning, but they never received a
20 notice of public hearing in the mail, never.

21 Next slide. When the FLUM was first introduced,
22 it acknowledged and protected the neighborhood conservation
23 area to the north and west of this site by indicating a
24 split-zoned approach where only the southern half of the
25 site would allow medium to high density and the entire

1 northern half would allow only -- and I am quoting
2 Councilmember Nadeau's staff member David Meni here,
3 "Medium-density residential to enable the future
4 architecture to reflect that step-back into the
5 neighborhood."

6 We don't know how, when, or why the FLUM was
7 changed to allow medium to high density across the entire
8 site. We never got a chance to discuss a split-zoning
9 approach, a lower zone across the entire site, or even any
10 other alternatives, like a special zone with either the ANC,
11 Office of Planning, or DMPED. It was always presented to us
12 as an MU-10 zone across the entire site. That was it.

13 Next slide. In this hearing and the time leading
14 up to it, we've continually been told that there's no
15 project. It's --

16 CHAIRPERSON HOOD: Ms. Feskanich, hold on one --

17 MS. FESKANICH: Yes?

18 CHAIRPERSON HOOD: Stop the clock. Let's stop the
19 clock. So I want to make sure that we don't run afoul. So
20 stop the clock. Let's put four minutes back on the clock
21 because it kept running when I when I cut her off.

22 I want to make sure that you know that the time
23 included is also for your two experts.

24 MS. FESKANICH: Yes.

25 CHAIRPERSON HOOD: So you have four minutes left.

1 MS. FESKANICH: Okay.

2 CHAIRPERSON HOOD: They must talk very quick. I
3 just wanted to do that. So you may continue. This is your
4 presentation. You may continue. I'm sorry. I was just
5 making sure.

6 MS. FESKANICH: Thank you. Oh, all right. I'm
7 going to -- okay. I will try to go a little more quickly.

8 Slide 7. Let's see. Slide 7. Yes. The next
9 couple of slides were about the March Madness presentations
10 made by DMPED. And from these presentations, it was obvious
11 that a maximum -- it was an attractive site for new
12 development, and they wanted to maximize the development
13 opportunity, which would only lead us to conclude that an
14 MU-10-sized building, the entire envelope would be what
15 would result from this maximum density.

16 And, in conclusion, it's clear that this site's
17 surrounded area had been to a great extent mischaracterized
18 in the Office of Planning's final report. All of the
19 evidence on record points to an MU-10-sized building being
20 allowed and constructed on this site if this rezoning
21 request is approved. Pitches are being made to attract
22 developers to maximize development, rather than comply with
23 D.C. zoning handbook and comp plan directives; to ensure new
24 development is compatible with the surrounding area; provide
25 for in-scale development, do a development review, including

1 impact studies, showing what the negative impacts on the
2 community and surrounding structures would be; and to plan
3 for the essential community services needed to maintain and
4 grow a healthy community.

5 I would like to ask my expert witnesses now to
6 present their testimony. If Mr. Mallow, certified land-use
7 expert, could proceed?

8 MR. MALLOW: I'm Josh Mallow. I'm a certified
9 planner with the American Institute of Certified Planners.
10 I was asked to review this case.

11 And I believe that the zoning change is premature.
12 I think that OP has some ethical issues to work through
13 before submitting a rezoning and not something that they
14 should do after. This is mainly in that the code of ethics
15 which all planners are required to follow requires that we
16 have a concern for the impacts of planning; a concern for
17 our actions, especially our actions on the public, that we
18 facilitate the exchange of ideas between the public and
19 planners, between planners and elected officials, and
20 between the public and elected officials; and that we have a
21 special focus, that we emphasize the needs of disadvantaged
22 groups. I feel that the Office of Planning hasn't really
23 accomplished these parts of the code of ethics yet and that
24 a lot of this six-day event could have been avoided if they
25 had gone through with that in the beginning.

1 Thank you.

2 MS. FESKANICH: And Mr. Hakeem to address the
3 massing issue.

4 MR. HAKEEM: Great. Is it possible to pull up my
5 presentation or should I share it myself?

6 CHAIRPERSON HOOD: Stop the clock. They don't
7 have enough time. Let's just stop the clock while we're
8 pulling that up. Let's stop the clock. It was 1:07 when I
9 asked to stop the clock. So let's put 1:07 back on the
10 clock. It looks like it's going to be zero when we finish.
11 I know he's trying to pull up the exhibit, but we'll go back
12 to 1:07.

13 MR. YOUNG: What was the exhibit number? Sorry.

14 CHAIRPERSON HOOD: Mr. Hakeem, what's your exhibit
15 number?

16 MR. HAKEEM: I don't know. I sent it to Ms.
17 Schellin, and she confirmed that it was received. I also
18 sent it again this afternoon just to confirm. I don't know
19 how else to get it to you all.

20 CHAIRPERSON HOOD: We are fine.

21 MR. HAKEEM: Okay.

22 CHAIRPERSON HOOD: We only have 688 exhibits.

23 MR. HAKEEM: Yeah.

24 CHAIRPERSON HOOD: We should be to find it
25 shortly.

1 (Pause.)

2 CHAIRPERSON HOOD: Mr. Hakeem, when did you send
3 the first one?

4 MR. HAKEEM: Prior to the first hearing. And,
5 then --

6 MS. FESKANICH: Chair? Chair Hood, I believe it
7 might be 608.

8 CHAIRPERSON HOOD: Oh. Okay. 608.

9 MS. FESKANICH: Is that correct, Mr. Hakeem.

10 MR. HAKEEM: Honestly, I wasn't given an exhibit
11 number. I was just told that it was received and that it
12 will be entered into the record.

13 MS. FESKANICH: Okay. It --

14 CHAIRPERSON HOOD: 608 says, "Black Party
15 Presentation, 1617 U Street."

16 MS. FESKANICH: Yeah. Mr. Hakeem was originally
17 was originally part of that party and for --

18 CHAIRPERSON HOOD: Okay. Well, that's it, then.

19 MS. FESKANICH: -- scheduling reasons -- yeah.
20 Okay. I believe --

21 CHAIRPERSON HOOD: Yeah, 608. Thank you, Ms.
22 Feskanich.

23 Mr. Young, can we bring up 608? Is that it, Mr.
24 Hakeem?

25 MR. HAKEEM: No. But it may be a different slide

1 of this. It starts with a ground-level perspective view of
2 this. There it is. There's part of it. Is there another
3 page to that? Could I just see? No. There's not another
4 page. Is Ms. Schellin able to just pull up the email that I
5 sent a few hours ago?

6 CHAIRPERSON HOOD: Ms. Schellin?

7 MR. HAKEEM: I don't want to take up everyone's
8 time. If that's difficult, then I'll just use that one.

9 CHAIRPERSON HOOD: Don't worry about the time. We
10 did six days.

11 MR. HAKEEM: Yeah.

12 CHAIRPERSON HOOD: We can wait.

13 Ms. Schellin, can you send that email to Mr. Young
14 so we can get the correct presentation up? Did I lose you,
15 Ms. Schellin?

16 (Pause.)

17 CHAIRPERSON HOOD: One second. She may be having
18 some --

19 MS. SCHELLIN: I'm sorry. It went out for a
20 second. What did you ask? I'm sorry.

21 CHAIRPERSON HOOD: We need to get Mr. Hakeem's
22 updated presentations emailed to Mr. -- it's quicker to do
23 that. If we can email that to Mr. Young right quick so we
24 can follow as he goes through his presentation?

25 MS. SCHELLIN: Okay. Mr. Hakeem's? Did he email

1 it?

2 CHAIRPERSON HOOD: He said he emailed --

3 MS. SCHELLIN: I thought he said he emailed it
4 already.

5 CHAIRPERSON HOOD: Yeah, but that we couldn't find
6 the right one. So it's quicker than going through 600
7 exhibits. It is quicker.

8 MS. SCHELLIN: Yes. If he could email it to
9 Paul.Young?

10 MR. HAKEEM: Already done.

11 MS. SCHELLIN: It's already done. Okay. Great.

12 CHAIRPERSON HOOD: All right.

13 MR. HAKEEM: Just sent it. I had his email
14 because I've had to present before.

15 (Pause.)

16 CHAIRPERSON HOOD: I'll tell you what. While we
17 have got this time, let's take a five-minute break. And
18 we'll be back in five minutes, 5:35.

19 (A brief recess was taken.)

20 CHAIRPERSON HOOD: If everybody can come back up?
21 All right. Ms. Schellin, Mr. Hakeem, are we all straight?
22 Mr. Young?

23 MR. YOUNG: Yes. I have it. Okay.

24 CHAIRPERSON HOOD: Let's bring it up so Mr. Hakeem
25 can get started.

1 You have 1 minute and 27 seconds.

2 MR. HAKEEM: Great. I'll start as soon as it
3 comes up.

4 Hello again. My name is Omar Hakeem. I'm an
5 architect, lifelong D.C. resident, born and raised. And
6 outside of just general architectural work, I do focus on
7 affordable housing. And I'm currently, you know, like on my
8 other screen, designing a multi-family affordable housing
9 project right now. So while being kind of involved with
10 community efforts, I'm also trying to understand and work
11 within the parameters that the Office of Zoning sets in D.C.

12 And my main point that I wanted to share was that,
13 obviously, this isn't just about unit counts. It's not this
14 kind of binary about affordable housing unit counts and if
15 you're not, you know, pro maxed unit counts, that you're not
16 pro-affordable housing, I think, as you all know, as people
17 that help save the District zoning, it's really, really key
18 to balance those efforts. So I just wanted to represent
19 some quick views for you what a maximum envelope would look
20 like.

21 Next slide, please. Looking north up 17th Street.

22 Next slide, please. Looking along V Street. And
23 you can see just the very minimal amount of step-
24 back/setback.

25 Next slide, please. Next slide. And that's

1 suggested.

2 One minute and 27 seconds.

3 CHAIRPERSON HOOD: That minute and 27 seconds went
4 by fast. Okay.

5 So we may have some questions. Let my colleagues
6 go first this time. I have a few for you, Mr. Hakeem. And,
7 also, Mr. Mallow, I know I had questions for you, too. But
8 let me see.

9 Commissioner Imamura, any questions or comments?

10 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
11 No questions.

12 The only comment that I have is that it's
13 unfortunate that Mr. Hakeem didn't have enough time to go
14 through his presentation. So that's unfortunate that Ms.
15 Feskanich didn't allow enough time, but otherwise, no
16 questions. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank you.

18 Commissioner Stidham, any questions?

19 COMMISSIONER STIDHAM: No. No, none from me
20 either. Thank you.

21 CHAIRPERSON HOOD: Okay. Vice Chair Miller, any
22 questions?

23 VICE CHAIR MILLER: Yes. Thank you, Mr. Chairman.

24 Thank you for this party, for your presentation
25 and your expert witnesses.

1 So, Mr. Hakeem, I wonder if we could go back,
2 despite the fact that you had the use of -- you didn't use
3 the time that you are allotted. I'm going to give you an
4 opportunity to focus on that last slide, which I was
5 interested in, which had a suggested I think alternative.
6 If we can go back to the last slide that was on -- yes,
7 that's it. And if Mr. Hakeem could just explain what that
8 slide is briefly? And I might have a question after he
9 does.

10 MR. HAKEEM: Sure. So, really, I think one of the
11 things that's a little bit misleading with some of the other
12 kind of the Office of Planning's presentation or proposal is
13 that the setback is only on V Street. And I think U Street
14 is an important -- as is 17th Street, an important facade to
15 consider.

16 V Street also because it has such a large
17 retaining wall -- I mean, I think that maybe -- was that the
18 largest or maybe one of the largest kind of retaining wall
19 outside of a highway in the city that I can think of.
20 There's such a potential for this building to create a bit
21 of a canyon. And so thinking about setting it back on 17th
22 and on U Street, I think you could still get a ton of units
23 in this building and create a more street-friendly face.

24 You know, I showed this superimposed against, you
25 know, one of the other buildings just to the west to show,

1 of course, it's a taller building. Of course, the ground
2 floor space is going to be taller. But you could start
3 stepping it back and really create a different kind of
4 feeling through zoning as a tool, through good design after
5 zoning goes through to make this building work and to get a
6 lot of units in it and to make a positive impact on the city
7 because that's what this is about, right? It's creating a
8 positive impact on the city.

9 VICE CHAIR MILLER: So that was the 17th and U
10 perspective?

11 MR. HAKEEM: Yes, the 17th and U, looking kind of
12 east/northeast.

13 VICE CHAIR MILLER: Okay.

14 MR. HAKEEM: And I would say -- can I add
15 something? I think this process should be happening through
16 community engagement, the design process, as well. This is
17 just a quick proposal to say, if you stepped it back and
18 manipulated the façade, that you could achieve something
19 that was more in line with the neighborhood. But I agree
20 with my previous presenters that an engagement process would
21 really kind of bring forward some outcomes that are in
22 alignment with the neighbors.

23 VICE CHAIR MILLER: And that suggested
24 alternative, does that work with the MU-10 zoning or would
25 that have to be a different, a less intense zone? I see it

1 goes up to -- does the height go up to the 90 or 100 feet
2 under that in the middle?

3 MR. HAKEEM: No. I think it would be a slightly
4 smaller building. I think my suggestion would be kind of
5 closer to six to eight stories and stepping back on at least
6 the north, west, and south faces to create because, I mean,
7 that's really the residential areas that'll be abutting.

8 VICE CHAIR MILLER: And you were focused on this U
9 Street and 17th Street side, but are you -- even though this
10 is not before us right now, are you supportive of the
11 setbacks that have been proposed? You did have a slide that
12 showed -- I think you may have described it as --

13 MR. HAKEEM: Yeah.

14 VICE CHAIR MILLER: -- insufficient setback --

15 MR. HAKEEM: Yeah. I think it's --

16 VICE CHAIR MILLER: -- on the other side.

17 MR. HAKEEM: I think the street face on V street
18 is still too tall looking at OP's because it's setting back
19 so far, but then it's going back up a considerable amount.
20 So that would still kind of create the same face.

21 And, also, you know just to remember that that is
22 the north-facing side. So the sun would be casting the
23 shadow towards V. So the higher we are, the more shadow
24 will be cast towards the north to V street. So that will be
25 the side of the building that will be affected or, using,

1 you know, OP plan language, you know, affecting its light
2 and views.

3 VICE CHAIR MILLER: Okay. Thank you very much. I
4 appreciate --

5 MR. HAKEEM: Of course.

6 VICE CHAIR MILLER: -- you taking the time. I
7 appreciate my colleagues' indulgence on this point. Thank
8 you.

9 CHAIRPERSON HOOD: Thank you.

10 Mr. Mallow, let's talk about this code of ethics
11 that planners -- can you expand and tell me a little bit
12 more about the code of ethics?

13 MR. MALLOW: Yeah. The American Institute of
14 Certified Planners' code of ethics is -- it's a list of
15 values that all urban planning professionals have to follow,
16 not just certified planners but all planners. It's
17 something that is -- if you're not familiar, AICP is
18 contained within the American Planning Association, which is
19 our professional organization as urban planners.

20 So these ethics, I mean, they're not like, you
21 know, especially restrictive things. They don't require you
22 to, you know, conform to some, like, specific values.
23 They're pretty straightforward. But they are a part of
24 being a professional planner.

25 CHAIRPERSON HOOD: Mr. Mallow, let me ask, is it

1 an oath that planners take or something, like the zoning --
2 well, the mayor appoints us. We take an oath.

3 MR. MALLOW: It's not an oath.

4 CHAIRPERSON HOOD: It's not an oath?

5 MR. MALLOW: Uh-uh.

6 CHAIRPERSON HOOD: So what is it, an unsaid rule,
7 or is it scripted and written?

8 Do you learn it or -- I mean --

9 MR. MALLOW: Yeah.

10 CHAIRPERSON HOOD: -- how is it --

11 MR. MALLOW: Yeah, you learn it.

12 CHAIRPERSON HOOD: Do you sign onto it or -- do
13 you sign onto it? How do you become indoctrinated or how do
14 you become -- that becomes what -- other than you just
15 telling me this, how does that become something that I have
16 to abide by?

17 MR. MALLOW: So, like I said, all planners need to
18 follow it, but repercussions occur if you are AICP. So I
19 guess I don't recall raising my hand when I became AICP, but
20 I do know that to carry those letters I am judged against
21 the code of ethics. And I could be removed from the AICP if
22 I violated the ethics.

23 CHAIRPERSON HOOD: Okay. All right. Thank you
24 for that insight.

25 Mr. Hakeem, I noted, as mentioned already, you

1 didn't have a lot of time, but I had questions for you
2 regardless. So could you put back up I think the U Street -
3 - no. Let me back up. The depiction that you showed us,
4 when you say that's form-based code, it doesn't mean if -- I
5 always use this example, not just in this case but in
6 general. Just because I'm allowed to build to 100 feet and
7 I have the zoning doesn't mean I'm going to do that. Is
8 that a correct or fair assessment? This is where trust
9 comes in. This is where trust comes in that. But is that a
10 fair assessment?

11 MR. HAKEEM: Yes, that is a fair assessment. So
12 that is why I didn't represent those as potential buildings.
13 I just showed a kind of maximum envelope.

14 CHAIRPERSON HOOD: Yeah. You gave a max envelope,
15 which is what they call I think the new way now. What is
16 it, form-based code?

17 MR. HAKEEM: Sure. Sure. That's one, yeah.

18 CHAIRPERSON HOOD: So just because I'm allowed to
19 do it doesn't mean I'm going to do it, correct?

20 MR. HAKEEM: That's correct.

21 CHAIRPERSON HOOD: Okay. Could you put that --
22 Mr. Young, could you put his exhibit back up for me, please?
23 Now, Mr. Hakeem -- I can use this one.

24 What I've learned in the past 10 to 15 years as I
25 had, too, to learn how to get used to height and density,

1 for the most part, this city -- and a lot of it probably
2 predates me, but this city has always had -- from what I am
3 hearing, it has always had the opportunity to build up and
4 build more dense, but we never did. So let me ask you this.
5 In your estimate, is that a correct assessment as well?

6 MR. HAKEEM: Well, I mean, your office -- I mean,
7 your position had predecessors as well. And so there's
8 always been a process to regulate the form of the city as
9 just a city in terms of human parameters and definitely a
10 form as it relates to, you know, the capital city. There's
11 always been a process by which people have to move through
12 that regulates the District's design. And that's going way
13 back to the 1800s. And did I answer your -- does that
14 answer your question?

15 CHAIRPERSON HOOD: Yeah, you kind of answered it,
16 but this is a question not just for this case. I've been
17 asking for years because I, too, had to get used to height
18 and density. And, you know, it's -- you know, I'm not
19 saying just here on this, if it's appropriate for here or
20 not. I'm not saying that.

21 MR. HAKEEM: Sure.

22 CHAIRPERSON HOOD: I'm just saying I can think of
23 many cases where I had to figure out, including my
24 neighborhood, hey, did we mess up? You know, but then
25 people say, "Hey, that's starting to grow on me. It looks

1 good." But what I've always been educated and told is that
2 -- and it's starting to come true. And I'm sure the people
3 coming behind me, behind us are probably going to be even
4 more, but this city has always had the opportunity, like
5 these empty parking lots. They've always had the
6 opportunity to build on it. Maybe that's something that
7 goes with planning. And I did not, Mr. -- I did not -- I am
8 not an expert planner, but I do know what I've seen.

9 MR. HAKEEM: Sure.

10 CHAIRPERSON HOOD: And people now are starting to
11 maximize their benefits, as opposed to years ago, when they
12 didn't.

13 MR. HAKEEM: Sure.

14 CHAIRPERSON HOOD: And I just want to know, when I
15 look at this form-based code which you presented here, even
16 though it looks that way, I guess after they do whatever
17 process they are doing, if it's approved, whatever it may
18 be, MU-10, --

19 MR. HAKEEM: Yes.

20 CHAIRPERSON HOOD: -- it doesn't mean I have to do
21 MU-10. And I just wanted to make sure that in your expert
22 opinion, am I going down that road correctly? But I know
23 that there is always -- the city should always be
24 predictable. And I know people -- there's a trust factor
25 that goes along with all of this as well.

1 MR. HAKEEM: Yes. I think that as a proponent of
2 affordable housing, as someone who has dedicated essentially
3 my entire career to working affordable housing and, again,
4 something that I practice, like, I have my hands in it every
5 day and trying to figure out how to make these buildings
6 work, I think I have a pretty good understanding of, okay,
7 you know what, you really do need to get enough units in
8 these buildings to make the financing work, to make the unit
9 mix work, to be able to add the correct amount of amenities
10 in the building to balance some of the costs.

11 So I'm not opposed at all to height, but I think
12 that what is important is that we understand the balance
13 between height and its effect on the city.

14 So to answer your question a little bit more
15 specifically, you know, I think when a building envelope is
16 established, in most cases, because there's not another
17 system of regulation unless it's a PUD and the deputy
18 mayor's Office of Economic Development sets another kind of
19 parameter in the proposal process -- they used to have a
20 process I don't know if they're really practicing anymore
21 called RRFP. There's not another regulatory structure to
22 really define its form the way that zoning can.

23 So I think that, the Office of Zoning, you are the
24 main kind of protection, as you know. I don't need to be
25 telling you this, Mr. Chairman, but I think you are the main

1 protection. And so that's why I think it's so important,
2 the work that you all are doing.

3 And, again, I agree on maximizing to a certain
4 extent, but these decisions, all of these steps that we
5 take, this is how our city is made. So I think these are
6 really important.

7 You know, sometimes cities are changed in
8 broadbrush strokes. Like L'Enfant said, okay, let's do
9 these diagonals everywhere. But for the most part, it's
10 these day-to-day things. And so it is important that we
11 think beyond just zoning and massing, what specifically the
12 implications of this building are on its neighborhood and
13 its residents.

14 CHAIRPERSON HOOD: Thank you, Mr. Hakeem. I
15 appreciate your responses and Mr. Mallow as well. Ms.
16 Feskanich, I think you, too, have presented very well. So
17 thank you.

18 With that, let me see if there is any cross. Let
19 me go up to the Office --

20 COMMISSIONER IMAMURA: Mr. Chairman?

21 CHAIRPERSON HOOD: Yes?

22 COMMISSIONER IMAMURA: I'm sorry.

23 CHAIRPERSON HOOD: Did I leave you out?

24 COMMISSIONER IMAMURA: No. No, Mr. Chairman, but
25 I did have a follow-up for Mr. Mallow after your question of

1 Mr. Mallow if you'll indulge me, Mr. Chairman.

2 So, Mr. Mallow, I'm sorry. Could you remind me,
3 how are you invoking the AICP code of ethics and its
4 relation to this zoning case?

5 MR. MALLOW: What do you mean by "invoking"?

6 COMMISSIONER IMAMURA: Well, I mean, you know, the
7 chairman is asking about the AICP code of ethics. And so
8 I'm asking you, if any, are you making a connection between
9 the AICP code of ethics and this zoning case?

10 MR. MALLOW: My claim was that it's a premature
11 case because the ethics have not been satisfied.

12 COMMISSIONER IMAMURA: The ethics have not been
13 satisfied.

14 MR. MALLOW: The planning code of ethics has not
15 been satisfied.

16 COMMISSIONER IMAMURA: Okay. Can you specify on
17 which code of ethics you're referring to?

18 MR. MALLOW: Sure. "People who participate in the
19 planning process shall continuously pursue and faithfully
20 serve the public interest," and then there are sub-
21 requirements underneath. The one I identified that hasn't
22 been satisfied is having a concern for the impacts of
23 planning actions on the public through critical analysis.
24 So that's one.

25 COMMISSIONER IMAMURA: Okay. And I appreciate

1 that. Okay.

2 Is there another that you wanted to --

3 MR. MALLOW: There are two more.

4 COMMISSIONER IMAMURA: Okay. What were the other
5 two? I'm sorry.

6 MR. MALLOW: Yes. So "People who participate in
7 the planning process shall do so with integrity." And the
8 reason I cite that, the sub-bullet is "Planners facilitate
9 the exchange of ideas between the public planners and
10 elected officials."

11 And, then, the third one that I believe is
12 misaligned is that "People who participate in the planning
13 process shall work to achieve economic, social, and racial
14 equity," which, obviously, a lot of people before me have
15 said this, but that includes -- it does include increasing
16 the supply of affordable housing, but it also includes
17 emphasizing the needs of disadvantaged groups.

18 COMMISSIONER IMAMURA: Okay. All right. I
19 appreciate the added clarity there, just as those are kind
20 of -- zoning's imperfect, as I've said before -- and I think
21 you'll agree with me as a fellow planner -- in that it's a
22 balancing act here, you know. And much of those I think are
23 a bit subjective and a little vague, right? So I don't
24 think those -- it's hard and fast, but I appreciate your
25 point of view and what you're trying to articulate.

1 So all right. Thank you, Mr. Mallow.

2 MR. MALLOW: Thank you.

3 COMMISSIONER IMAMURA: That's all that I have, Mr.
4 Chairman. Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 And, Mr. Mallow, on that, was that submitted? Did
7 you submit that to the record?

8 MR. MALLOW: That's my testimony. And it's far
9 more detailed than I read.

10 CHAIRPERSON HOOD: Okay. Okay. I was looking for
11 it again. I would ask --

12 MR. MALLOW: The number is 265.

13 CHAIRPERSON HOOD: 265. I don't know why I think
14 everybody's doing four and five hundred. I'm always in the
15 four and five hundreds right now. Okay. But thank you, Mr.
16 Mallow. I appreciate it.

17 And thank you, Commissioner Imamura, for those
18 follow-up questions. All right.

19 Let's see if we have any additional questions from
20 my colleagues.

21 COMMISSIONER STIDHAM: (Shaking head.)

22 CHAIRPERSON HOOD: I'm not seeing any. All right.
23 Let me go down the list. One moment, please. All right.
24 Let's go to the Office of Planning. Any cross-examination?

25 MS. STEINGASSER: No, sir.

1 CHAIRPERSON HOOD: Okay. Thank you. Chair
2 Harris, any cross-examination?

3 MS. HARRIS: Yes. For Mr. Hakeem, one, when you
4 talked about the retaining wall, are you referring to the
5 one on Florida Avenue, not on V Street?

6 MR. HAKEEM: Let me see real quick. I was
7 thinking of -- give me one second. Yes, I was -- sorry --
8 thinking about the one on Florida Avenue. But that's just
9 reflecting the kind of canyon idea. I think either way, the
10 building is casting V Street in a pretty serious amount of
11 shade. Yeah.

12 MS. HARRIS: Okay. Are you aware that the MU-10
13 has a public space requirement?

14 MR. HAKEEM: Yes, I am.

15 MS. HARRIS: Okay. And, then, lastly, how does
16 your analysis address the relevant comp plan policy that
17 says that massing should be concentrated towards U Street
18 and not away from it?

19 MR. HAKEEM: Well, you can still concentrate
20 massing towards U Street as all of the other buildings on U
21 Street are concentrated towards U Street. It's just that
22 which height -- at what height do you start to step back in
23 order to maintain the character? Even, again, I'm not
24 talking about a three-story building, but even just remotely
25 maintaining the character of that street as it relates to

1 its surrounding context but also, you know, access to light,
2 views. And we haven't talked about climatological factors,
3 like creating wind tunnels and that kind of thing.

4 But, again, you are -- what I would suggest is
5 still doing that, but it's just not the whole height up.
6 And I think that would be more reflective of the entire kind
7 of comp plan kind of intent.

8 MS. HARRIS: Okay. Thank you.

9 CHAIRPERSON HOOD: Thank you.

10 MR. HAKEEM: My pleasure.

11 CHAIRPERSON HOOD: ANC 2B?

12 (No response.)

13 CHAIRPERSON HOOD: All right. Let's go to Mr.
14 Jones, Randy Jones.

15 MR. JONES: Yeah. Just a few questions for Mr.
16 Hakeem. Could you discuss any potentially damaging impacts
17 of high-density development, you know, on a site like this?

18 MR. HAKEEM: As related to what types of impact,
19 Mr. Jones?

20 MR. JONES: Just, you know, what would be the
21 pluses and benefits to going to high density?

22 MR. HAKEEM: Sure. I mean, and, no doubt, you
23 want to --

24 MR. JONES: Pluses and minuses, rather.

25 MR. HAKEEM: Sure. We need more affordable

1 housing in the District. I recognize that. That's one of
2 my missions. So that's a big positive. The inclusionary
3 zoning only gets us so far, obviously. I'm not going to be
4 one of those people that's talking about parking and that
5 kind of stuff. I think the city needs to deal with the fact
6 that we're densifying. And that's part of understanding
7 kind of urban living. So I'm not one of those people that
8 says I can't find a parking spot.

9 I think, really, what this affects is the
10 character of the neighborhood. I think it is going to be a
11 precedent and also a major kind of -- what's the right word?
12 It is going to have an adverse effect on the visual language
13 of the neighborhood. And I think it will cast a lot of
14 shadow. So I think all afternoon, the homes on the west
15 side of this will be -- sorry. All morning, the homes on
16 the west side of this property will be in shade and darkness
17 and most of the day on the north side because of the limited
18 setback on the V Street face.

19 And yeah. I think those are my main concerns, the
20 main issues. And I am just, again, not sure why it's so
21 much larger than its surroundings. Of course, the existing
22 building has always been kind of a gap in the smile of U
23 Street if I can say it like that. So it needs to be a
24 taller building, but this tall I think is going to have
25 really adverse effects visually and when it comes to light

1 in the neighborhood.

2 MR. JONES: Okay. Would it be possible to still
3 have a good amount or, you know, have you done any kind of
4 research on -- I'm getting my exhibits mixed up, but I
5 thought maybe I saw something where someone had done a yield
6 study for how many, you know, affordable units could be done
7 under the base zoning. Was that by you or --

8 MR. HAKEEM: No, sir, but, you know --

9 MR. JONES: Okay.

10 MR. HAKEEM: -- we can't get into the details of
11 how many units and based right now when we don't really know
12 unit makeup and all of that kind of stuff. I think it's
13 kind of conjecture.

14 You know, I think that Office of Planning should
15 and Office of Zoning should find a balance of getting
16 increased density but not adversely affecting their
17 neighborhood. And just doing it based on a pretend number
18 of unit counts is just kind of like -- no one's done that
19 yet. No one's designed it. And if they are going to, that
20 should be a community-based, -engaged model so that we can
21 really understand that better as part of this process.

22 MR. JONES: Understood. And, then, I guess just
23 one basic question for Mr. Mallow, you know, because this
24 was the first I'm kind of hearing about ethics in this case.
25 And it struck me so far that you can have such a, you know,

1 large petition to upzone, create all of this extra density,
2 all this extra height without, you know, impact studies.
3 Could you elaborate more on, like, you know, had you been
4 the one in OP submitting this, you know, what you would have
5 ethically found yourself bound to do?

6 MR. MALLOW: I think as a planner, my main concern
7 is that this is public land, which offers the most
8 opportunities for the future. It should have been a moment
9 to get everyone excited about it. It should have been a
10 moment for OP and the community to form some sort of
11 relationship with each other, a relationship of trust and
12 then to plan out what they could use this land for prior to
13 the rezoning or an RFP process. I think that if I were to,
14 you know, design a process like this, it would be, like,
15 just a pretty engaged one, a significant amount of outreach,
16 and ultimately the visioning and planning. It's a very
17 important piece of land.

18 MR. JONES: In my limited D.C. experience, a PUD
19 seems to, you know, make more sense than a blanket map
20 amendment. Is that a fair assessment?

21 MR. MALLOW: I'm not especially familiar with the
22 PUD process in D.C.

23 MR. JONES: Okay. Apologize. No further
24 questions. Thanks, everybody.

25 CHAIRPERSON HOOD: Thank you.

1 Next, Ms. Akel, Rochelle Apartments?

2 (Pause.)

3 CHAIRPERSON HOOD: Ms. Akel, did you unmute
4 yourself?

5 MS. AKEL: Hi. I'm sorry.

6 CHAIRPERSON HOOD: No problem.

7 MS. AKEL: I was waiting to be allowed to unmute.

8 I have one question for each of the two expert
9 witnesses. Mr. Mallow, one of the things that bothers me
10 and some of my neighbors is that we've never had a
11 discussion on alternatives to MU-10. And I wanted to ask
12 you, in terms of your ethical code of conduct, would a
13 planner -- when proposing such a drastic upzoning, should a
14 planner as part of their community engagement be prepared to
15 present alternatives, instead of just it's MU-10 or nothing?
16 I mean, is that something that raises a flag for you that
17 we've never had or been given an opportunity to discuss MU-8
18 or some other arrangement for this?

19 MR. MALLOW: I think that, you know, in my
20 opinion, ethically aligning with the code would be to create
21 those alternatives with the public and not for the public.
22 You know, I don't know that I could say that a certain
23 number of alternatives equals a more ethical situation. You
24 know, maybe there could have been a process where MU-10 was
25 what everybody wanted and it was the only option to move

1 forward. I just think that ethically, the public should be
2 involved in deciding what the possibilities are.

3 MS. AKEL: Thank you.

4 And, Mr. Hakeem, I have to say, when I saw that
5 rendering that you did with a lower -- still a tall building
6 but lower, I felt a tangible sense of relief when I saw the
7 height of that in that rendering. So I want to ask you, in
8 your testimony, early on, you said something about, you
9 know, it doesn't have to be that tall and there would still
10 be plenty of room for affordable units. So I wanted to ask
11 you. I know Mr. Jones just asked you a similar question,
12 but I wanted to drill down just a little bit. If we went
13 with, as you suggested, a six- to eight-story building,
14 which would be consistent with the Balfour and other
15 buildings in the vicinity just -- and I'm not going to hold
16 you to this exactly, but how many -- approximately, whatever
17 your expertise can offer here, how many units do you think,
18 let's say studios and one bedrooms, could be accommodated on
19 that footprint if it was a six- to eight-story building?

20 MR. HAKEEM: I want --

21 MS. AKEL: Can you even just get take a guess?

22 MR. HAKEEM: I want to be able to answer your
23 question because I want you to kind have an understanding of
24 it, but as an architect and presenting in a public forum
25 like this, I don't think it's appropriate for me to say

1 because I haven't had the ability to design the building.
2 And that's what it would need, is you really have to design
3 the building to understand that unit makeup. And so I wish,
4 I really wish, I could give you that answer, but I don't
5 feel like it would be appropriate or professional of me.

6 MS. AKEL: Okay. And, then, just a follow-up. If
7 the design were willing to -- I mean, is there a way to -- I
8 guess what I'm asking, is there a way to maximize without
9 going to a social housing model? Is there a way to maximize
10 the number of affordable units and still make it financially
11 viable for the city? And maybe that's something that we're
12 not considering in this.

13 MR. HAKEEM: You know, I think the people here,
14 the people practicing planning and zoning, know best how to
15 maximize unit typology related to, like, what area median
16 income you might be reaching. I think that, of course, it
17 would be better to dig a little deeper into the 50 percent,
18 60 percent, 70 percent AMI.

19 And I think involving, you know, the deputy
20 mayor's office for grants -- man, my brain is failing but
21 the District's, you know, housing finance organization.
22 Sorry. I barely slept last night. I have got a sick two-
23 year-old at home.

24 But it really will come down to the financing to
25 determine that and what funds are able to be -- I do think

1 the Office of Zoning has some tools that could apply here it
2 get --

3 MS. AKEL: Okay. I'm just --

4 MR. HAKEEM: It would better to get in beyond, to
5 go beyond inclusionary zoning and get into 50 or down lower,
6 you know, but those units are hard to finance without
7 additional funds.

8 MS. AKEL: Okay. Yeah. What I was trying to get
9 is, if we go to a six- to eight-story building versus what
10 MU-10 will allow, is there -- you know, will we really be
11 sacrificing that much considering the benefit that the
12 neighborhood would derive from more light and all of those
13 other things?

14 MR. HAKEEM: You would be sacrificing a
15 proportionate amount of units. I don't think you'd be --
16 but I think the point I'm trying to make is that urban
17 planning, zoning, this whole process should always be a
18 balance. And I think we are off balance a little bit now
19 with MU-10. I think MU-6 or MU-8 would be more in balance,
20 more in tune with increasing the density considerably,
21 adding the appropriate number of affordable housing units,
22 adding just housing units in the market in general because
23 we all need housing, whether or not we're in need of
24 affordable housing. And that balance would be better with a
25 smaller building, with a lower building.

1 And I think that even -- yeah. Go ahead.

2 MS. AKEL: Oh, no. I'm sorry. Go ahead.

3 MR. HAKEEM: Just to say regardless --

4 CHAIRPERSON HOOD: Mr. Hakeem, let's -- and I
5 allowed Ms. Akel to ask the last three questions, which I
6 think were out of line in the scope of what we're doing, but
7 that last response I think is what we need to be doing. I
8 hear the giggling, but, you know, at the end of the day,
9 those last three questions are not helping us.

10 But I think what you said about the MU-6 and MU-8,
11 actually, that's not even before us. So let's stick to
12 what's before us because that's what we're going to be
13 dealing with and voting on because there are probably a lot
14 of people, as you know, Mr. Hakeem, who don't want the six
15 or the eight, who probably don't even want the four. So
16 let's just focus on what's in front of us.

17 MR. HAKEEM: Sure, Chair. I'm just a solutions
18 person. So I'm thinking forward. Go ahead.

19 CHAIRPERSON HOOD: Ms. Akel, we can get those
20 questions back to what is before us, right?

21 MS. AKEL: Yeah. I'm not going to continue with
22 this questioning. Thank you.

23 CHAIRPERSON HOOD: Thank you.

24 And, again, Mr. Hakeem, I appreciate the way you
25 responded about not being an answer to about a project

1 because that's not what's in front of us. So thank you for
2 that.

3 Let's go to Mr. Hanlon.

4 MR. HANLON: Can you hear me okay?

5 CHAIRPERSON HOOD: Yes, we can hear you.

6 MR. HANLON: I wanted to ask Mr. Mallow a
7 question.

8 Mr. Mallow, I think you've been at many of these
9 hearings. It's gone on a long time. And I wanted to ask
10 you, did you hear OP admit that not any studies of impact
11 have been done to support this rezoning application? And if
12 that's correct, does that fail the basic AICP policies and
13 protocols in ethics and why?

14 MR. MALLOW: To be honest with you, I can't recall
15 if they specifically said that they did no impact studies.
16 I haven't seen any produced. And I know that we're waiting
17 on that one report that I would say satisfies an impact
18 study depending on what they do.

19 But I think that, to answer the second part of the
20 question, not doing studies -- and I will use the word
21 "study" loosely here. I'm not defining what they needed to
22 study. But, you know, at a minimum, determining what could
23 possibly happen with this sort of zoning on the
24 socioeconomic status of the neighborhood, I would say is --
25 you know, I use the word "unaligned." I don't want to make

1 a claim that this is unethical. And that's not my claim in
2 my written testimony or my claim right now. But it is
3 unaligned. It's something that can be brought back into
4 alignment through study. And, yeah, I would say if there
5 were no impact studies, then that would be something to try
6 and correct.

7 MR. HANLON: And before the future land-use map
8 was changed, would you have expected an impact study as
9 studies to have been done?

10 MR. MALLOW: Yes.

11 MR. HANLON: Thank you. I don't have any more
12 questions.

13 CHAIRPERSON HOOD: Thank you, both. All right.

14 We appreciate, Ms. Feskanich, your party and Mr.
15 Mallow and Mr. Hakeem for providing your views on this case.
16 Thank you very much. Okay.

17 Ms. Schellin?

18 MS. SCHELLIN: Yes, sir. The next party is the
19 Rochelle Apartments, Ms. Akel. And they have said eight
20 minutes for presentation time. No expert witnesses for this
21 party.

22 CHAIRPERSON HOOD: Okay. Ms. Akel, whenever
23 you're ready, you may begin.

24 (Pause.)

25 CHAIRPERSON HOOD: Ms. Akel, you want to unmute.

1 MS. AKEL: Yes. I have a question. Am I allowed
2 to read my testimony as I've written it or am I going to be
3 -- is it going to be interrupted because I'm saying
4 something that isn't helpful to the Commission? I'm not
5 sure how this works.

6 CHAIRPERSON HOOD: Well, let me tell you how this
7 is going to work. This is your testimony. All the times
8 that you -- whatever you want to say, I'm not going to say
9 anything. I'm not going to say not -- as a matter of fact,
10 I'm going mute myself. So you can do whatever you need to
11 do. These are your eight minutes -- or your part is eight
12 minutes.

13 MS. AKEL: All right.

14 CHAIRPERSON HOOD: I'm going on mute now.

15 MS. AKEL: All right. This is exhibit I was told
16 676. So I was told to highlight the ways in which this map
17 amendment is inconsistent with the comp plan. So I'm going
18 to do that very quickly first.

19 In the housing element, there is H-2.1.1,
20 "Protecting Affordable Rental Housing." And if anyone isn't
21 aware, I am representing a rent-stabilized apartment
22 building which is right directly on the property line of
23 this proposal. So protecting affordable rental housing,
24 this is something I feel OP has not done.

25 "Recognize the importance of preserving rental

1 housing affordability and the diversity of its neighbors and
2 undertake programs to protect the supply of low-cost market
3 rate units." I'm not aware of any program, I'm not even
4 aware of any analysis that they've done on the impact that
5 this project could have on us: affordable rental housing.

6 Second comp plan item is, "Tracking Displacement,"
7 510.21, "Track neighborhood change, development, and housing
8 costs to identify areas that are experiencing or likely to
9 experience displacement pressures. Use the information to
10 improve program performance." OP, as we've heard already,
11 is not using any displacement risk analysis, is not using
12 disaggregated data, even though they should be. And I want
13 to point out that ANC 1B, which is our ANC, in their
14 resolution, there was a statement, "We strongly encourage
15 DMPED to consider displacement in the immediate surrounding
16 area for naturally occurring affordable housing," which is
17 what we are. "DMPED should conduct and publish a
18 displacement risk assessment to determine the impact on the
19 surrounding affordable housing in the neighborhood." To my
20 knowledge, that hasn't been done.

21 The next one is policy H-2.1.3, "Avoiding
22 Displacement," "Maintain programs to minimize displacement."
23 I don't feel -- I feel this is going to exacerbate
24 displacement, not only of us but also the properties on V
25 street that you've heard from already.

1 And one last one is "Rent Control Policy," H-
2 2.1.6, "Maintain rent control as a tool for moderating the
3 affordability of older rental properties and protecting
4 long-term residents, especially the elderly." So why I feel
5 they have not followed these guidelines is that I don't have
6 to tell you that upzoning like this raises property taxes
7 and incentivizes landlords of buildings like ours to sell.
8 And then we all get displaced.

9 And I'm going to be my own expert witness here
10 because I was displaced by a very similar project in 2008 in
11 the West End. There was a fire station and a special ops
12 police station. And it's a long story, and I won't bore you
13 with it, but our building was very similar to this one and
14 workforce housing, similar, very diverse tenant population.
15 And the building got sold. We did exercise our TOPA rights,
16 but it was just an agonizing two-year process that I would
17 not want to repeat. And I just don't think that OP has done
18 its due diligence in this on analyzing and predicting and
19 using the data they already have to analyze displacement
20 risk. Okay.

21 So your Commission's racial-equity tool clearly
22 states that you believe that community outreach engagement
23 should start at the inception, before a zoning action is
24 filed. And, of course, you've heard time and time again
25 that was not done.

1 I was in this in the early stages. And I went to
2 the one and only in-person meeting that DMPED did. And it
3 was not -- I wouldn't call it by any stretch community
4 engagement. There was no Q&A, and we were only allowed to
5 get up for two minutes and say our piece. And, then, they
6 never issued a report for a very, very long time. So, you
7 know, the lack of community outreach in this is just
8 astounding. So I would say that, you know, your own racial-
9 equity tool would find a serious problem with this process.

10 And, you know, the first two expert witnesses' and
11 Gregory Adams' testimony said a lot of what I was going to
12 say about using disaggregated data and displacement
13 pressures.

14 I want to just briefly give you a synopsis of the
15 people who live in this building: singles; families;
16 interns; students; seniors; immigrants; LGBTQ, more than
17 one; blacks; Hispanics; Muslims; librarians; Uber drivers;
18 entrepreneurs; hospitality workers; and retirees. And many
19 of them are economically vulnerable. Some of them have
20 lived in this building for decades.

21 I want to say something again about how our laws
22 treat renters. D.C. is a majority renter city. And home
23 ownership is out of reach for a lot of people. And I think
24 we need to revisit our laws and how they discriminate
25 against renters, not only in the noticing process because,

1 as I said, none of us got a notice. And I think it would be
2 naive to think that our landlord is going to trickle that
3 down to us because that doesn't happen. We've also been
4 denied access to inspection actions after we call what used
5 to be DCRA. We're not allowed to see inspection reports and
6 whether the landlord was fined. It goes through all of our
7 laws how we discriminate against renters. And I just wanted
8 to bring that up because that is relevant in that we had no
9 notice whatsoever of any of this. And if it hadn't been for
10 some of us being proactive, we still not might not know.

11 And, lastly, I just -- if Paul can bring up -- I
12 did a very brief, like, five- or six-page slideshow. Yeah.
13 I'm just going to go through this really quickly. This was
14 a 2016 -- the mayor did this, "Housing Preservation Strike
15 Force Final Report." These are recommendations for
16 addressing affordable housing preservation. And that's what
17 we're all about in my party.

18 Next slide, please. You can see that one of the
19 six recommendations is the preservation unit that she
20 created should -- there should be quantification and
21 tracking of what's going on. And we are not doing that. OP
22 is not doing that.

23 Next slide, please. This is from the Metropolitan
24 Council of Governments. They have sort of a scorecard on
25 what cities are doing and not doing. And you can see there

1 I circled it. They do not have a preservation inventory of
2 unsubsidized affordable housing still. In 2024, they are
3 still not doing that.

4 Next slide, please. This is from OP's what they
5 call the equity crosswalk.

6 Next slide, please. So here is where the points
7 that I made earlier, "Preserving Affordable Rental Housing"
8 at the top and "Avoiding Displacement," the third one down.

9 And last slide, please. This is an article in our
10 nemesis, Greater Greater Washington, from 2017, 7 years ago.
11 David Whitehead, the former housing program organizer for
12 GGW, published a piece called, "DC's Comprehensive Plan
13 needs to treat displacement as a serious problem."

14 So I want to close by saying that it's
15 unconscionable to me, given the shameful exodus of tens of
16 thousands of black residents over the last decade, that we
17 still -- as a city, we still are not monitoring affordable
18 housing. We're still not using disaggregated data to do
19 displacement risk. We're still doing tactics like this
20 where we put forward a zoning proposal without even having
21 any displacement risk analysis.

22 And I'm going to close.

23 CHAIRPERSON HOOD: Your closing thoughts, yes.

24 MS. AKEL: I'm sure I'm out of time.

25 CHAIRPERSON HOOD: Yes.

1 MS. AKEL: And so, in closing, I ask the
2 Commission to deny OP's request until they conduct
3 meaningful public engagement, use the racial-equity tool and
4 anti-displacement analysis, and ensure safeguards to avoid
5 displacement, if at all possible. Thank you.

6 CHAIRPERSON HOOD: Okay. Thank you, Ms. Akel. I
7 wasn't going to say anything, but it was 00:00 for a while.
8 So I had to.

9 But I will tell you this. Looking at your
10 testimony, it was excellently done. If somebody was going
11 through going through this and we kind of referred to this
12 testimony, I think this is very well-done. And I appreciate
13 that. I'm not just saying that. But I know we've had some
14 times with how we ask questions on cross-examination, but if
15 we had asked on some of these questions here, as I see in
16 this testimony that you wrote, I think you took time. You
17 have your facts here. And I think it is excellently done.

18 But I do have a question about one of your bullet
19 points. Let me see what number it is. Okay. So when it
20 says -- maybe I may have missed this -- number 3, it says,
21 "OP failed to consider alternatives." How do we know that
22 they didn't consider other alternatives?

23 MS. AKEL: And, again, like others have said,
24 because we have not been entitled to robust public
25 engagement. As far as we know, meaning me and my neighbors,

1 MU-10 is before you. And, as far as we know, there was no
2 real thought process of anything else.

3 I have had conversations with the DMPED project
4 manager, Daniel Lyons, who I've said before is a very nice
5 man. And I've tried to get him here to speak to us in
6 person so we can ask these questions, but because DMPED will
7 not allow him to come and speak to us in person, we have to
8 assume that MU-10 is the only option that OP is considering.

9 I've also looked across the city, as Dr. -- I'm
10 sorry. I don't remember her name, the first expert witness
11 with Gregory Adams. She mentioned MU-10 in other regions of
12 the District. It seems to be a trend or something that the
13 mayor's office and the planners have decided they're going
14 to instigate to try to take a bigger bite out of -- you
15 know, the need for affordable housing is just anywhere they
16 can. Let's just go for the maximum. And I just think
17 that's reckless.

18 So, to answer your question, this is an assumption
19 that we have had to make because there has not been adequate
20 public engagement.

21 CHAIRPERSON HOOD: Okay. I get that. Thank you
22 very much. Again, I really appreciate your written
23 testimony.

24 Let's see if we have any other questions.
25 Commissioner Stidham?

1 COMMISSIONER STIDHAM: No other questions, but
2 thank you for your well-done testimony. I appreciate it.

3 CHAIRPERSON HOOD: Okay. Commissioner Imamura?

4 COMMISSIONER IMAMURA: No questions. Ms. Akel, I
5 think throughout this whole process, you've demonstrated a
6 lot of passion about your neighborhood, about this project,
7 and your participation in the public process. So thank you.
8 And I appreciate your perspective on this issue.

9 CHAIRPERSON HOOD: And Vice Chair Miller?

10 VICE CHAIR MILLER: No questions, Mr. Chairman.
11 Thank you, Ms. Akel, for your presentation today.

12 CHAIRPERSON HOOD: And let me just add it was good
13 to hear a renter's point of view because, you're right,
14 oftentimes, that gets lost. And I think landlords will say
15 the same thing. It probably depends on where you are. It
16 goes both ways. But it's always good to hear a different
17 perspective. And we have got to find a way to balance that.

18 Let's see if others have any questions or
19 comments. Let me go back to my list. Give me one moment,
20 please. Does the Office of Planning have any cross?

21 MS. STEINGASSER: No, sir.

22 CHAIRPERSON HOOD: Okay. Chair Harris, do you
23 have any cross?

24 MS. HARRIS: Yes. Ms. Akel, can you provide more
25 details on why the TOPA deal you were involved in ended in

1 your displacement?

2 MS. AKEL: I don't have enough time. And, Ms.
3 Harris, I would be happy to if it would help you in your
4 future deliberations, I would be happy to have an offline
5 conversation with you.

6 We were privileged to have a couple of neighbors
7 in our building who had resources and education and
8 connections to navigate the process. You get a thing on the
9 door that says, you know, we intend to sell, and you have
10 something like 30 days to express your interest in wanting
11 to buy the building. There are strict timelines that you
12 have to adhere to. And there's a lot of pressure to try to
13 find a partner because, of course, a tenant population isn't
14 going to have the money to make an offer on the building
15 without finding financing. And it's very, very difficult.
16 You have to have cohesion.

17 And, then, what happened in our tenant population,
18 which happens often, is you get factions. And you get
19 people who just want the money, and they want to take the
20 money and run. They tend to be people who haven't lived in
21 the building very long, and they're more flexible. And,
22 then, you have long-term people, which we have a lot of in
23 this building, who want to stay. They want to stay in their
24 communities. You know, my upstairs neighbor is 80 years
25 old. Does he want to move? So then you have to navigate

1 these factions.

2 And, then, you know, we had to get developers to
3 make presentations. It was agonizing. And I think when
4 people look at TOPA, they think, "Oh, gosh. You know,
5 renters have it made." But in the end -- and let me just
6 tell you one last thing because I don't want to take up too
7 much time -- the buyout that some of us got, it doesn't last
8 very long. And I'm sure the Commission is going to
9 understand when I say that. In this market, that money may
10 look like a substantial amount, but when you figure moving
11 costs and trying to get everything you need to get
12 organized, it's not worth it.

13 So we need to find other mechanisms besides TOPA
14 to protect our vulnerable renters, especially long-term
15 renters, from displacement.

16 And I hope that answered your question a little
17 bit, Ms. Harris. And, like I said, I'm happy to tell you
18 more about the experience. I was the vice president of our
19 tenant association. So I had intimate knowledge of a lot of
20 the process and where the faults are. So thank you for your
21 question.

22 MS. HARRIS: Yeah. Thank you. It's something
23 that I certainly care about. I'm a renter. So I
24 understand.

25 I think I just want to quickly clarify. And this

1 is a question. So what you're saying is maybe that TOPA
2 wasn't sufficient enough to prevent your displacement. It
3 wasn't necessarily the zoning change that happened at the
4 West End Library?

5 MS. AKEL: So the West End Library case is a
6 little different in process from this one. It wasn't
7 necessarily a zoning matter. It was our councilmember at
8 the time did an emergency legislation thing to give away
9 public land to a developer without doing any public
10 engagement. And, again, that's why, you know, I don't want
11 to get in the weeds, but I have lots of documentation about
12 what happened.

13 So what happened was our landlord saw this as a
14 sign that this is a good time to sell before all of this
15 goes down. And we had no warning that this was going to
16 happen. We just got the notice on the door that he was
17 going to sell. And we had to really, you know, get
18 organized very quickly.

19 And there are fees, by the way. When you want to
20 engage your TOPA rights, there are fees that you have to pay
21 to file. And so you have to have a tenant population that
22 is somewhat aware or engage a group like Housing Counseling
23 Services to maybe help you. I mean, it's not an easy
24 process is my point. And not every tenant population is
25 going to be able to use those TOPA rights.

1 And getting a buyout does not avert the really
2 harmful parts of displacement. You know, there's a book
3 called, "Root Shock" and the physical and social costs of
4 displacement. And I would encourage anybody at the Zoning
5 Commission to read this book. And, you know, the money,
6 like I said, it doesn't go very far. And you have to -- you
7 know, if you have kids in school, if you belong to a local
8 church, if you have a -- you know, it just goes into your
9 life.

10 And I think displacement is sometimes minimized
11 because you're renters. And renters are, you know,
12 transient. And I'm trying to really get this audience to
13 see that there's a lot of renters who consider this their
14 home. They just can't afford to buy a single-family home or
15 even a condo. But that doesn't mean they shouldn't get the
16 same consideration.

17 So thank you for that.

18 MS. HARRIS: Thank you. I don't have any further
19 questions.

20 CHAIRPERSON HOOD: Okay. Thank you.

21 ANC-2B?

22 (No response.)

23 CHAIRPERSON HOOD: Mr. Jones, Randy Jones?

24 MR. JONES: No questions. Thank you.

25 CHAIRPERSON HOOD: Okay. Mr. Adams, Black

1 Neighbors, Gregory Adams?

2 (Pause.)

3 CHAIRPERSON HOOD: Mr. Adams, you just muted
4 yourself. You unmute yourself. Okay. You went off and
5 went back on. Try to do it again. There you go. Nope.
6 You are back on. Okay. You're off again. Oh, you're back
7 on. All right. We're going to come back to you, Mr. Adams.

8 Ms. Feskanich?

9 MR. ADAMS: I'm sorry.

10 CHAIRPERSON HOOD: Okay. There you go. There you
11 go.

12 MR. ADAMS: Okay. I don't have any questions of
13 Ms. Akel.

14 CHAIRPERSON HOOD: Okay. Great. Thank you.

15 Ms. Feskanich?

16 MS. FESKANICH: Yes. I have two questions for Ms.
17 Akel.

18 During the cross-examination, do you remember
19 hearing that the Office of Planning admit they didn't
20 consider any other zoning alternative, zoning district
21 alternatives?

22 MS. AKEL: To be honest with you, I don't
23 remember. I am going based on what we have been entitled to
24 know. And this project has been sort of cloaked in secrecy
25 and a refusal to engage. So I don't remember that, Ms.

1 Feskanich. I'm sorry.

2 MS. FESKANICH: Okay. And one other question.
3 Given the almost wholesale lack of community engagement
4 we've been hearing about, would you be okay if the Zoning
5 Commission required the Office of Planning to use the next
6 few months to host several well-attended, well-noticed
7 community forums to hash out data and possibly come up with
8 a collaborative zoning plan and to come back to the
9 Commission with that?

10 MS. AKEL: Yeah, absolutely. In my closing
11 testimony, I squeezed it in at the last minute that I said
12 I'm asking the Commission to deny OP's request until they,
13 you know, conduct real and meaningful public engagement with
14 the community, not just a check-the-box formality. So yes,
15 I think that's the least they should be required to do for a
16 building this size with this level of impact and this level
17 of public interest.

18 MS. FESKANICH: Yes. Thank you, Ms. Akel.

19 CHAIRPERSON HOOD: Thank you.

20 Mr. Hanlon?

21 MR. HANLON: Thank you, Chair Hood. I don't have
22 any questions for Ms. Akel.

23 CHAIRPERSON HOOD: Okay. Again thank you, Ms.
24 Akel, for providing us your testimony. We appreciate it.

25 MS. AKEL: Thank you.

1 CHAIRPERSON HOOD: All right. Ms. Schellin, who
2 who's next? I guess I need to open my file back up.

3 MS. SCHELLIN: Yes. Next is Randy Jones.

4 CHAIRPERSON HOOD: Okay.

5 MS. SCHELLIN: No expert witnesses. Five-minute
6 presentation.

7 CHAIRPERSON HOOD: Okay. Mr. Jones, whenever you
8 are ready, you may begin.

9 MR. JONES: Yeah. I apologize in advance if I go
10 long, long by maybe 20 seconds. My throat is killing me.
11 I've got a sore throat.

12 Good evening. My name is Randy Jones. I live at
13 2109 17th Street, within 200 feet of the properties for
14 which the Office of Planning is petitioning to rezone from
15 MU-4 to MU-10. My wife and I have lived here for five
16 years. I've lived in D.C. my entire adult life.

17 I worked for Clark Construction on multiple
18 projects across the District. And more recently, I worked
19 on projects across the United States as a commercial real
20 estate developer. I bring up my background because it shows
21 that I am not a newbie in the slightest and because it
22 informs my educated opposition of the petition in its
23 current form for its lack of balance, nuance, and
24 compromise.

25 I would like to say for the record that I commend

1 the applicant, my ANC, parties in opposition, and the Zoning
2 Commission for participating in the District's planning
3 process. Planning is hard, and it is imperfect. It
4 involves competing priorities. And the intent of the people
5 who participate in planning should be revered, not demonized
6 or condescended.

7 This particular case has been prolonged because
8 the petition does not include sufficient balance, nuance, or
9 compromise. If the applicant had tried harder to balance
10 the needs of the community and married their petition up
11 with the comprehensive plan, you would have no parties in
12 opposition. All parties in opposition recognize the need
13 for change, the need for additional density, and the need
14 for more affordable housing that could be addressed with
15 this large and unique publicly owned site.

16 The applicant has not tried to meet anyone
17 halfway. As a result, we are, instead, left only with this
18 hearing as our sole means by which to negotiate a
19 compromise.

20 As Chair Hood succinctly mentioned in last week's
21 hearing, let's work together. Working together in the in
22 D.C. zoning has historically been best achieved via the PUD
23 process. In contrast with this petition for a map
24 amendment, the PUD process allows landowners to achieve
25 balance, nuance, and compromise in ways that the zoning map

1 simply does not. I take issue with the use of a map
2 amendment for this site because it is not project-specific,
3 and it appears to me that the applicant has used the allure
4 of a future RFP as a stalking horse for further public
5 engagement with development efforts on the site. By not
6 using a PUD for this large and complicated public site, I
7 believe the applicant seeks to blunt the impact of public
8 sentiment in building massing and limit the need for
9 community benefits that would diminish the development value
10 of the land.

11 While MU-10 seems like it may be appropriate for
12 the front of the site, when reviewing the comp plan
13 amendments and policies or the comp plan maps and policies,
14 applying this zone to the back half of the site will lead to
15 problems that the comp plan rightly seeks to avoid.

16 There are three core issues with this petition.
17 One, the general policy map delineates the back half of this
18 square as neighborhood conservation. MU-10 has never been
19 applied to any land in the ANC area District-wide.

20 Two, the surrounding zoning is incompatible with
21 MU-10, as exemplified by the lack of existing MU-10,
22 abutting residential zones elsewhere throughout the
23 District.

24 And, lastly, the Office of Planning was not able
25 to hold itself to the standards that it would hold private

1 landowners to. This has been catalogued throughout the
2 hearing, as you have learned about their bare minimum
3 engagement, their incomplete racial-equity analysis, and
4 their lack of impact analysis at large.

5 Each of these issues can be easily addressed with
6 balance, nuance, and compromise. Indeed, the ANC resolution
7 supports this position to upzone only on the basis that
8 additional conditions, including balance, nuance, and
9 compromise, are worked into the future RFP. Since the
10 applicant has chosen not to work together, you must find
11 that this petition is inconsistent with the comp plan on
12 balance. Alternatively, you could make them work together
13 by approving the petition with conditions that require the
14 applicant to incorporate balance, nuance, and compromise in
15 a way that a map amendment cannot. These conditions would
16 be enforceable by a covenant, as the OAG has suggested in
17 their previous testimony. Now, when I say, "on balance," I
18 mean, that the commissioners need to list out the comp plan
19 policies which support the petition and which are in
20 conflict with the petition.

21 Typically, the applicant or the Office of Planning
22 will do this in a manner which highlights the competing
23 policies. In this case, the applicant has not shown a
24 single policy which is in conflict with the comprehensive
25 plan. In fact, they've selectively excluded passages of

1 certain policies to make them appear to entirely support
2 their petition. The Zoning Commission is obligated to
3 tabulate the comp plan policies which support the petition
4 and those which are in conflict with the petition in order
5 to arrive at an on-balance conclusion.

6 I would like to ask the commissioners to
7 independently review exhibit 618, which is my attempt to
8 tabulate all of the comp plan policies which are at play in
9 this case. I've tabulated the policies and also highlighted
10 those in the land-use element which are to be given greater
11 weight in accordance with DCRMR.

12 While there are policies that support the
13 petition, particularly in the housing element, my findings
14 show that the petition is inconsistent with the comp plan by
15 a count of 22:10 and inconsistent by a count of 3:1 in the
16 land-use element of additionally produced exhibit 666, which
17 is a shadow study showing how the proposed transition height
18 setbacks are, unfortunately, not enough of a compromise to
19 eliminate the potential shadow on my V Street neighbors.

20 I hope that you will ask me questions about the
21 exhibits which I have uploaded to the record. I have tried
22 to keep them germane to the zoning and comp plan so that you
23 can consider the legitimate comp plan consistency issues,
24 which have not had their fair consideration so far in this
25 hearing.

1 This case started with the City Council's lack of
2 community engagement during the FLUM amendment and continued
3 with the applicant's lack of community engagement prior to
4 the map amendment application.

5 CHAIRPERSON HOOD: Mr. Jones, your time is up.
6 Give us your last sentence.

7 MR. JONES: Their collective unwillingness to
8 compromise will lead to an erosion of public trust in
9 government institutions unless the Zoning Commission acts in
10 an impartial manner that considers the comp plan on balance.

11 CHAIRPERSON HOOD: All right. Thank you.

12 MR. JONES: Thank you for letting me run late. I
13 apologize. I had practiced it, and I tried to get it to
14 five minutes. I wanted to give more time to Greg, my
15 neighbor.

16 CHAIRPERSON HOOD: Okay. All right. Let's see if
17 we have any questions or comments. Vice Chair Miller, do
18 you want to start us off with any questions or comments of
19 Mr. Jones?

20 VICE CHAIR MILLER: Sorry. I thank you, Mr.
21 Chairman.

22 And thank you, Mr. Jones, for your testimony
23 today. I will review again the exhibits that you
24 referenced. 618, it was for the comprehensive plan
25 policies. And which exhibit was it for the shadow, your

1 information about the shadows and the setbacks not being
2 sufficient or something related to that? What exhibit
3 number was that?

4 MR. JONES: It was 666.

5 VICE CHAIR MILLER: Thank you.

6 MR. JONES: I sent a full list of the exhibits to
7 Ms. Schellin, as instructed, I believe. And I copied Mr.
8 Young. So he should be able to pull it up.

9 VICE CHAIR MILLER: Okay. I wasn't asking that it
10 be pulled up right now, but I wanted to make sure that I
11 reviewed it again carefully. So thank you very much. Thank
12 you for your testimony. Somebody else might want to discuss
13 it further. I'm not prepared to do that right at this time.
14 But thank you.

15 And I appreciate your emphasis on balance, nuance,
16 and compromise. That's what we strive to do a lot of the
17 time, not always successful. Thank you.

18 MR. JONES: Yep.

19 CHAIRPERSON HOOD: Thank you. Commissioner
20 Imamura, any questions?

21 COMMISSIONER IMAMURA: No questions. Thank you,
22 Mr. Jones, for your testimony tonight.

23 CHAIRPERSON HOOD: Commission Stidham, any
24 questions?

25 COMMISSIONER STIDHAM: No, sir. But thank you,

1 Mr. Jones, for being here this evening.

2 CHAIRPERSON HOOD: I, too, want to thank you, Mr.
3 Jones, especially for the exhibit 666, which, as has already
4 been stated by my colleague, that I will review again, look
5 at it again in detail after your testimony.

6 MR. JONES: I think 618 is the one that you want
7 to take a look at.

8 CHAIRPERSON HOOD: Yeah. I had 618. I followed
9 through while you --

10 MR. JONES: Oh, okay.

11 CHAIRPERSON HOOD: But I want to look at 666 as
12 well. So thank you. I have got both of them: 618 and 666.
13 All right. Let's see.

14 MR. JONES: Fair enough.

15 CHAIRPERSON HOOD: I'll look at my list. Give me
16 one second. I close these files and open them back up
17 because they are -- okay. Let's go to the Office of
18 Planning. Any cross of Mr. --

19 MS. STEINGASSER: No cross.

20 CHAIRPERSON HOOD: Okay. Ms. Harris, Chair
21 Harris, any cross?

22 MS. HARRIS: No questions. Thank you.

23 CHAIRPERSON HOOD: Okay. Thank you. ANC 2B?

24 (No response.)

25 CHAIRPERSON HOOD: Mr. Adams?

1 MR. JONES: You guys wanted the comp plan --

2 MR. ADAMS: I have no questions of Randy, no.

3 MR. JONES: Oh, sorry.

4 CHAIRPERSON HOOD: I'm sorry. Somebody asked
5 about the councilmember or something? What did I hear?

6 MR. JONES: You guys wanted all the comp plan
7 policies sent and documented, but there's no questions about
8 them? Just a --

9 CHAIRPERSON HOOD: Okay. Yeah. If they have
10 questions, Mr. Jones, they will ask you. Okay.

11 So, Mr. Adams, I think you said no questions?
12 Okay. I think that's Mr. Adams said no questions. Can Mr.
13 Adam come back and confirm to me he said no questions?

14 MR. ADAMS: That's correct, Chairman Hood. Thank
15 you.

16 CHAIRPERSON HOOD: Thank you.

17 Ms. Akel?

18 MS. AKEL: No, I do not have any questions for Mr.
19 Adams. Thank you.

20 CHAIRPERSON HOOD: You mean for Mr. Jones?

21 MS. AKEL: I mean -- excuse me. I'm so sorry.
22 Yes.

23 CHAIRPERSON HOOD: No problem.

24 MS. AKEL: For Mr. Jones. Thank you.

25 CHAIRPERSON HOOD: All right. Ms. Feskanich?

1 MS. FESKANICH: Okay. Well, have a couple of
2 questions about Mr. Jones' comp plan references. Could you
3 highlight one or two of the most important parts of the comp
4 plan that you feel this map proposal's inconsistent with?

5 MR. JONES: Probably the most interesting one is
6 the policy that, you know, was specifically crafted via the
7 comp plan amendment for this specific site.

8 MS. FESKANICH: Could you elaborate on that a
9 little bit? I'm not that familiar with that specific --

10 MR. JONES: It's policy MC, which is the mid-city
11 element, 2.3.7, "Use of Public Sites." I found it
12 particularly interesting that Office of Planning selectively
13 quoted this policy and left out important parts of it that
14 would have incorporated nuance, balance, compromise. It
15 states, "Utilize public land at the Reeves Center, HFA,
16 Garnet-Patterson, Engine 9, and MPD Third District to create
17 mixed-use neighborhood landmarks that acknowledge and
18 continue the history of U Street as a black business
19 corridor. Added density at these public sites should be
20 used to create a significant amount of new affordable
21 housing, establish space for cultural uses, provide
22 additional facilities, such as a new public library. New
23 construction should concentrate density towards U Street and
24 use design strategies to visually reduce building height and
25 bulk to provide appropriate transition to adjacent lower

1 density areas."

2 MS. FESKANICH: Okay. Thank you.

3 And one other question. You mentioned conditions
4 of approval to get this type of map amendment approved.
5 Could you please elaborate on what you meant by that
6 reference, "conditions of approval" before something like
7 this is approved? What are some of those condition?

8 MR. JONES: Well, this was something that I picked
9 up in OAG's testimony. And they suggested on one of their
10 slides that, you know, this map amendment be approved with
11 the condition that the transition height setback be also
12 approved. So, you know, you couldn't do one before the
13 other or, you know, just conditioned upon that approval.

14 My suggestion would be to, you know, incorporate
15 additional elements. You know, if we really are concerned
16 about affordable housing, why not codify that via text
17 amendment as well? Why do we have to settle for the IZ?
18 This is public land. This is, you know, the Office of
19 Planning petitioning the Zoning Commission. They could very
20 easily add a stipulation that requires 40 percent
21 affordable, 50 percent affordable, you know, 80 percent
22 affordable. And these are things that, you know, when it's
23 private developers get worked out via proffers, you know,
24 and conditions. You know, if they're adamant about using a
25 map amendment here, I think that's the only way it can be

1 approved and still actually be not inconsistent with the
2 comprehensive plan.

3 I think there's too many policies as -- you know,
4 I went through all 1,500 pages here, guys. OP didn't try to
5 do that. They didn't try to show you what was good and bad
6 in the comp plan. They really only wanted to hold up, you
7 know, this is going to be more housing, so it's got to be
8 good. You know, if you really sift through that, there's
9 two policies for every one. There's two policies that don't
10 support this petition for every one that does.

11 Sorry if I rambled.

12 MS. FESKANICH: I appreciate it. Thank you.

13 No other questions.

14 CHAIRPERSON HOOD: Okay. Thank you.

15 Mr. Hanlon, any cross?

16 MR. HANLON: Thank you, Chair Hood. I just have
17 one or two questions for Randy. One second, Randy.

18 You mentioned the neighborhood conservation area.
19 Could you please elaborate on how that's relevant to this
20 particular property?

21 MR. JONES: Well, I guess, you know, the back half
22 of this square is in neighborhood conservation. This is a
23 term that's defined in the general area -- I'm sorry -- the
24 general policy map, which is supposed to be used in a land-
25 use map and in concert with the entirety of the

1 comprehensive plan. And so I think it's pretty clear that
2 you have a future land-use map that's not in quite concert
3 with the generalized area map. So that's in my mind, you
4 know -- and I'm no lawyer, but that's really opening this
5 case up to, you know, a lot of, you know, nuance.

6 I think to apply the one zone across the whole
7 site when you have a generalized policy map that shows split
8 areas, particularly, you know, neighborhood conservation,
9 which, you know, policy MC-1.1.1 says retain and reinforce
10 the historic character of mid-city neighborhoods,
11 particularly its mix of row homes, apartment homes, as well
12 as historic African American Civil War memorial districts
13 and walkable neighborhood shopping districts, you know, the
14 areas of rich architectural heritage and cultural history
15 should be preserved and enhanced. By applying this zone, I
16 think you're flying in the face of one of the maps and,
17 then, you know, the corresponding policy.

18 So I think, ultimately, you know, if you're --
19 yeah.

20 MR. HANLON: Okay.

21 MR. JONES: I think that's why I feel the
22 neighborhood conservation zone is pretty relevant for this
23 case.

24 MR. HANLON: I had another question. I'm sorry I
25 had a camera malfunction there. I have another question. I

1 believe you mentioned THE shadow study in your presentation.
2 Is that somewhere in the record that we can pull that up or
3 that you can refer the Commission to?

4 MR. JONES: It's exhibit 666, but they didn't want
5 to pull it up.

6 MR. HANLON: Is that a PowerPoint?

7 MR. JONES: Yep.

8 MR. HANLON: I don't know. Chair Hood, is it
9 possible to pull up 666? An odd name, an odd name for it,
10 but --

11 CHAIRPERSON HOOD: Not that I have to disclose
12 this to Mr. Jones or to you, but we had it up or I had it up
13 already. It just wasn't up for all of us to see. When a
14 person is presenting, we are usually looking at their -- we
15 have another screen. We're looking at their -- at least I
16 know I am, and I'm sure my colleagues are, too.

17 So it wasn't, Mr. Jones, that we didn't want to
18 pull it up. It's just that you don't know if we had it up
19 or not. So let's not make any assumptions here, like we're
20 doing in some other cases.

21 Mr. Hanlon, do you need to have questions of that
22 exhibit?

23 MR. HANLON: Yeah. I was going to ask Mr. Jones
24 if he could explain briefly the shadow study that he did and
25 what it shows.

1 CHAIRPERSON HOOD: Okay. Mr. Young, can we bring
2 it up, please, exhibit 666?

3 MR. HANLON: I'm sorry. Mr. Jones, is there a
4 particular page you want Mr. Young to go to?

5 MR. JONES: I think it's eight or nine sheets.
6 So, you know, I didn't have enough time to actually do it
7 all. But --

8 CHAIRPERSON HOOD: It's 14 sheets, Mr. Jones. So
9 which page do you want us to go to?

10 MR. JONES: Yeah. There you go. You know, I
11 think the probably -- I don't even know. I knew I wasn't
12 going to have enough time to get to it. So I was really
13 just asking --

14 MR. HANLON: All right. I mean, if there's
15 nothing else you wanted to say about the shadow study, then
16 I don't have any more questions.

17 MR. JONES: Yeah. I mean, the pictures are on,
18 what, sheet 4, 5, 6.

19 CHAIRPERSON HOOD: On your exhibit, the pictures
20 for the most part are what? We are probably looking at 6,
21 7, 8, 9, 6, 7, 8, and 9. Actually, as one of my colleagues
22 mentioned earlier about another exhibit, we want to review
23 it. We don't need to run through it now. So we have it.

24 MR. JONES: Right.

25 CHAIRPERSON HOOD: All right. So thank you, Mr.

1 Hanlon. You have asked all of your questions?

2 MR. HANLON: Yes. Thank you.

3 CHAIRPERSON HOOD: All right. Mr. Jones, thank
4 you very much. We appreciate all of the work that you have
5 put into this as well. So thank you.

6 All right. Ms. Schellin?

7 MR. JONES: Thanks, everybody.

8 CHAIRPERSON HOOD: Okay. Thank you.

9 Who's our next -- I think this is our last party.
10 Mr. Hanlon, is it you?

11 MS. SCHELLIN: It is. It's Mr. Hanlon. And he
12 has expert Catherine Bray. And, then, the party he's
13 representing, that representative is Susan Volman.

14 CHAIRPERSON HOOD: Okay. Mr. Hanlon?

15 MS. SCHELLIN: You need to consider Ms. Bray's --

16 CHAIRPERSON HOOD: Right.

17 MS. SCHELLIN: -- resume. And that is at

18 Exhibit --

19 CHAIRPERSON HOOD: It's 6 something.

20 MS. SCHELLIN: -- 589.

21 CHAIRPERSON HOOD: 89? Okay. Same thing.

22 MS. SCHELLIN: 589.

23 CHAIRPERSON HOOD: 589. Mr. Hanlon, what are you
24 proffering Ms. Catherine I think Bray as?

25 MR. HANLON: I'm proffering her as a demographer,

1 demographer experienced in comp plans. And I've attached
2 her resume. She has two Master's degrees. She is a senior
3 planner and demographer for Henrico County in Virginia and
4 also a senior planner and I believe demographer for a second
5 county in Virginia as well and experienced in developing the
6 comp plan for Henrico County.

7 COMMISSIONER IMAMURA: What is that exhibit again?

8 MR. HANLON: Five --

9 CHAIRPERSON HOOD: 589.

10 COMMISSIONER IMAMURA: I don't see it at 589.

11 CHAIRPERSON HOOD: 589? Resume of Catherine Bray?

12 COMMISSIONER IMAMURA: I do. There's multiple
13 589s. I see it.

14 CHAIRPERSON HOOD: Oh, you haven't saved the first
15 one. Yeah, it is two of them -- three of them in there.
16 Yeah. 589, Catherine Bray, the first one. It looks like
17 all of them say the same thing, even though they have
18 another name.

19 COMMISSIONER STIDHAM: She's being proffered as an
20 expert witness on what specifically?

21 MR. HANLON: Demography and demography as related
22 to --

23 COMMISSIONER STIDHAM: Okay.

24 MR. HANLON: -- the comp plan.

25 COMMISSIONER STIDHAM: I see. Thank you.

1 CHAIRPERSON HOOD: So we'll just say -- Mr.
2 Hanlon, we'll just say comp plan.

3 Let me hear from other colleagues, Commissioner
4 Imamura, Vice Chair Miller, then Commissioner Stidham. I
5 don't know. You know, let me hear from you all.

6 COMMISSIONER IMAMURA: I'm amenable, given her
7 current role with Henrico County and past experience.

8 MS. BRAY: That was actually a previous role. I
9 am currently employed by Comcast as a data analyst, but I
10 have worked in comprehensive planning for two counties in
11 Virginia.

12 COMMISSIONER IMAMURA: Thank you for the
13 clarifications.

14 COMMISSIONER STIDHAM: And also --

15 CHAIRPERSON HOOD: So, Mr. Hanlon -- I'm sorry.
16 Commissioner Stidham?

17 COMMISSIONER STIDHAM: I'm good also.

18 CHAIRPERSON HOOD: And Vice Chair Miller?

19 VICE CHAIR MILLER: I have no objection. Thank
20 you.

21 CHAIRPERSON HOOD: I don't have any objections. I
22 do have a concern, but I'll leave it at that. Expert in
23 comp plan in the District of Columbia is definitely
24 different from a comp plan anywhere else, trust me, because
25 most places -- well, I'm not going to go into that.

1 MR. HANLON: Right.

2 CHAIRPERSON HOOD: I don't have a problem, but I
3 just wanted to raise that.

4 MR. HANLON: No. Understood.

5 CHAIRPERSON HOOD: Okay? Because I don't want to
6 be in violation of anything, Mr. Hanlon. So let's go ahead
7 and proceed in that fashion. I think you know what I mean.
8 So let's go ahead and proceed in that in a fashion. We will
9 give her expert status, while not an expert in the District
10 of Columbia's comp plan --

11 MR. HANLON: Correct.

12 CHAIRPERSON HOOD: -- but comp plans in general.

13 MR. HANLON: Correct. Correct. Thank you.

14 So I would I would like to call first, Chair Hood,
15 briefly our president, Susan Volman. And I believe there
16 she is on the screen.

17 Ms. Volman, you are the president of the Dupont
18 Circle Citizens Association.

19 MS. VOLMAN: Yes.

20 MR. HANLON: And can you tell us very briefly
21 about it? And is this property, this site, located within
22 the boundaries of the civic association?

23 MS. VOLMAN: Yeah, this site is within our
24 boundaries, which run approximately from Florida Avenue down
25 to K Street and from 23rd to 15th. And DCCA is a community

1 association. I don't think we have a lot of time for me to
2 say a lot about it. So maybe we should just --

3 MR. HANLON: Yeah.

4 MS. VOLMAN: -- go to the -- it's been around for
5 over a hundred years. And we work on a lot of neighborhood
6 issues.

7 MR. HANLON: And did DCCA hold a large meeting in
8 November, debate this project, and come to a position and a
9 resolution?

10 MS. VOLMAN: Yeah. We passed a resolution at our
11 November meeting, November 6. An overwhelming majority
12 passed it. There were a lot of people there, both for and
13 against this project.

14 MR. HANLON: And could you tell us briefly what
15 the essence of the resolution said?

16 MS. VOLMAN: Yeah. I mean, there are basically
17 two bottom lines. One is that we oppose the upzoning to MU-
18 10 based on the fact that it's inconsistent with the
19 comprehensive plan and also that we think that it should
20 remain in public hands and public control. The present
21 zoning, the MU-4, provides for all the public uses, such as
22 police station, fire station, library, maybe some affordable
23 housing. And that development within the context of the
24 present zoning will meet all of the public purposes but also
25 crucially will preserve future flexibility for the city to

1 adjust to the changing needs of our community.

2 MR. HANLON: Thank you.

3 Chair Hood, that resolution can be found at
4 Exhibit 437.

5 I have no more questions. If we could stop the
6 clock?

7 CHAIRPERSON HOOD: So, Mr. Hanlon, did you finish
8 your -- are you finished?

9 MR. HANLON: Yes. Yes.

10 CHAIRPERSON HOOD: We're not going to hear from
11 Ms. Bray?

12 MR. HANLON: Oh, no, no. I'm sorry. No. I
13 intend to call her next. I did not know whether you had any
14 questions for Ms. Volman.

15 CHAIRPERSON HOOD: Just finish your whole thing.
16 We'll ask our questions on the on the back end.

17 MR. HANLON: All right. I would call Catherine
18 Bray, expert witness. If we can let her in if she's there?

19 MS. BRAY: I am here. And I'm here today to
20 provide a review of D.C. Office of Planning's population
21 projection and discuss their methods for collecting and
22 analyzing population data in long-range planning.

23 So an impetus for the D.C. Office of Planning's
24 policy approving development for large-scale apartment
25 projects includes demand-side assumptions of high rates of

1 population growth between now and 2045 that may not
2 materialize. These assumptions are based on long-range
3 population projections developed by OP that rely on several
4 substandard and atypical methodologies. And the projection
5 OP developed, their outcomes vary widely from Metropolitan
6 Washington Council of Governments' projections ranging from
7 an overestimate of 13 percent in 2025 to 21 percent in the
8 final horizon year, 2045.

9 First, contrary to best practices in the field of
10 demography, the population projections were not updated
11 using 2020 census data and, instead, rely on 2010 and 2017
12 American Community Survey five-year estimates. So OP has
13 never corrected and recalibrated its projections of
14 populations and households using the base year 2020 census
15 data. So the OP's comp plan overestimated D.C.'s population
16 in 2020 by approximately 40,000 people and 6,852 homes
17 compared to the census. And they then carry over that
18 overestimate into the horizon years.

19 In addition, there is reason for the OP to rely on
20 more cautious projections because COVID-19 resulted in
21 population reductions in D.C. related to availability of
22 telework flexibility, causing outmigrations. According to
23 MWCOG, as of March 2022 weekly office activity in the
24 Washington region has only returned to 37 percent of pre-
25 pandemic levels, which will have implications for both

1 housing and population. MWCOG is considering the
2 implications of COVID on planning, as is best practice,
3 which the OP should do as well.

4 Finally, the OP is using a nonstandard housing
5 unit methodology for their projections. Typically, this
6 supply-side method begins with the total population in a
7 base year and adds new occupied housing units times the
8 average number of persons per household at the time plus
9 populations in group quarters. The --

10 MR. HANLON: Ms. Bray? I'm sorry, Ms. Bray.

11 Could we stop the clock for a moment, Chair Hood?
12 I should have had on the screen and I want to put on the
13 screen the PowerPoint I sent to Mr. Young. It has two
14 graphs in it. If we could put up on the screen briefly in
15 the time that's left? It demonstrates graphically the
16 witness' testimony.

17 CHAIRPERSON HOOD: Let's go back to 12 seconds
18 because that's when Mr. Hanlon stopped me -- or, well, tried
19 to stop it. So let's put 12 seconds on the clock, please.
20 This is like a football game. You have to put the time on
21 the clock.

22 Okay, Mr. Hanlon. You can make a --

23 MR. HANLON: Could we put the PowerPoint up,
24 please?

25 CHAIRPERSON HOOD: Let's not start the clock until

1 the PowerPoint is put up. Okay.

2 MR. HANLON: And can we go to the next page of the
3 PowerPoint? Does this show the difference or the error in
4 OP's population projections compared to the Council of
5 Governments? And does it show that OP has an error of over
6 170,000 people in the District of Columbia population by
7 2045 compared to the Council of Governments?

8 MS. BRAY: Yes.

9 MR. HANLON: And you prepared this table?

10 MS. BRAY: I did prepare this table. And the
11 problem is that OP is using an additional factor that is not
12 usually featured in the housing unit method. Chapter 2 of
13 the framework element of the comprehensive plan states that
14 net natural increase minus deaths is added to the population
15 numbers to reflect growth from within the District. And
16 that is --

17 MS. SCHELLIN: Time.

18 MS. BRAY: Okay.

19 MR. HANLON: I'm sorry. Can she finish her
20 sentence, Chair Hood?

21 MS. BRAY: Net natural increase is not typically
22 added to the housing unit projection because --

23 CHAIRPERSON HOOD: Hold on for a second. Hold on
24 for a second. I was talking. I'm sorry. I was muted.

25 Now, Mr. Hanlon, I would suggest -- we did give

1 her some time over I'll give her 10 seconds, but I want to
2 make sure I don't violate anything.

3 MR. HANLON: Well, we'll find out but okay.

4 CHAIRPERSON HOOD: But I'm just saying you're
5 asking for something, and I didn't do that with anybody
6 else. But now --

7 MR. HANLON: I understand. I just would like her
8 to finish her sentence. She was reading a sentence, I
9 believe, from the comp --

10 CHAIRPERSON HOOD: Make sure that's in the
11 submission the next time, that we were able to go over and I
12 didn't violate.

13 So, anyway, go right ahead. Last 10 seconds. Go
14 right ahead, please.

15 MS. BRAY: Net natural increase is not typically
16 added to the housing unit projection because growth is
17 linked to housing units times average number of persons per
18 household. So the OP's method duplicates this count of
19 residents, inflating the number, total number, atypically.

20 MR. HANLON: Thank you.

21 CHAIRPERSON HOOD: Okay. Thank you.

22 MR. HANLON: I believe my time is up.

23 CHAIRPERSON HOOD: Don't mind me, Mr. Hanlon.
24 Thank you. Thank you all for your presentation.

25 Let's see if my colleagues have any questions or

1 comments? Commissioner Imamura?

2 COMMISSIONER IMAMURA: No questions or comments.

3 CHAIRPERSON HOOD: Okay. Commissioner Stidham?

4 COMMISSIONER STIDHAM: None for me either. Thank
5 you.

6 CHAIRPERSON HOOD: And Vice Chair Miller?

7 VICE CHAIR MILLER: No questions. Thank you, Mr.
8 Hanlon and your witnesses, the Dupont Circle citizens and
9 the demographer, Cate Bray. Appreciate the testimony.

10 MS. BRAY: Thank you.

11 CHAIRPERSON HOOD: And, Ms. -- I do have one or
12 two questions, Mr. Hanlon, of your witnesses. Ms. Volman, I
13 believe, Exhibit 437, Ms. Volman, the DCC, Dupont Citizens
14 Association, are you under the Federation of Citizens
15 Associations' charter?

16 MS. VOLMAN: Well, I don't think the federation
17 has a charter. We're members of both, both federations, the
18 Federation of Civic Associations and the Federation of
19 Citizens Associations, which is now Federation of Community
20 Associations.

21 CHAIRPERSON HOOD: Okay. They have changed the
22 name since I have been involved. But, yeah, they do have
23 charters. But thank you. I just wanted to make sure. And
24 if you're both of them, you're covered all the way. So
25 thank you.

1 MS. VOLMAN: Yeah. We like to be everywhere.

2 CHAIRPERSON HOOD: Right, right. That's good.

3 Let me ask, Ms. Bray, now, Ms. Bray, how long have
4 you not been practicing planning?

5 MS. BRAY: I have not been practicing planning for
6 about a year.

7 CHAIRPERSON HOOD: Okay. So you are fresh -- have
8 you ever looked at the comprehensive plan in the District of
9 Columbia? I guess you have probably in this case. Have you
10 ever looked at it prior to this?

11 MS. BRAY: No. I reviewed it at Mr. Hanlon's
12 request for this case. And how long ago did Mr. Hanlon
13 request you to review it?

14 MS. BRAY: I believe I first took a look in -- was
15 it January, Ed?

16 MR. HANLON: I can't remember whether it was --
17 sometime between January and the next hearing in June. And
18 we don't remember. If it's important, Chair Hood, I could
19 find out.

20 CHAIRPERSON HOOD: No. The reason I was asking is
21 I was finding out how much time is exactly spent on the
22 District of Columbia's comp plan. That's what I was trying
23 to figure out.

24 Now, Mr. Hanlon, obviously, you thought enough of
25 Ms. Bray that she had an expertise to bring something

1 valuable to this equation. And I guess -- could you share
2 with me what that was?

3 So, basically, what I'm trying to do is see how
4 much I want to weigh her testimony --

5 MR. HANLON: Okay.

6 CHAIRPERSON HOOD: -- because she may have -- did
7 she look at it two months ago? Is she an expert? You know,
8 that's kind of what I'm trying to hash out here. Was she
9 opinionated like I am or is she just giving an opinion like
10 anybody, the residents, of the District of Columbia can do
11 on the comp plan?

12 MR. HANLON: Well, I mean, what would -- the comp
13 plan, the comp plan is based on 2010 census data. This comp
14 plan has never been updated for the 2020 census. This is
15 why this comp plan is more than 40,000 off as of 2020 and
16 going to be 90,000 off by July in population, by July of
17 2025. This comp plan is overestimating the population of
18 District of Columbia by 90,000 people 15 months from now.
19 By 2045, this comp plan is basing its needs for housing on
20 data from 13 years ago. And by 2045, the Council of
21 Governments is going to differ from the Office of Planning
22 by 170,000 people. The comp plan is assuming 20 percent
23 more people are going to be living here in 20 years than the
24 Council of Governments says. And why did this happen? It
25 happened because OP never updated the data on which the comp

1 plan is based.

2 You all are being asked to make decisions. And
3 you're being asked to make decisions partly on data, and
4 you're being asked to balance needs for housing population
5 growth. But all that data in the comp plan is wrong. That
6 comp plan could have been updated. If you go to the -- if
7 you look at the Council of Governments website, you can see
8 it's major error.

9 Now, I don't know why OP never updated the comp
10 plan for the 2020 census data, but you'd be looking at a lot
11 smaller population for the District of Columbia. The
12 District of Columbia has less people in it now than it had
13 in 2020. And by 2025, it may just eek out the number of
14 people it had in time of the April 2020 census.

15 So there's a massive overestimate of population
16 housing in the comp plan. And the comp plan is driving
17 these policies. Is this really necessary to build an MU-10
18 on this site because housing is in so short and population
19 is growing so fast that we must choose a balance that
20 balances in terms of MU-10, instead of something smaller?
21 And I say, how do you make these decisions if you've got bad
22 data? How can you make decisions?

23 OP must be the only planning agency in the country
24 that has not incorporated 2020 census data. This comp plan
25 was updated in 2021.

1 CHAIRPERSON HOOD: Mr. Hanlon, let me ask you
2 this. Do you know that for a fact or are you just saying
3 that because that's what you're dealing with?

4 MR. HANLON: I'm sorry? What fact?

5 CHAIRPERSON HOOD: Do you know what's going on in
6 Houston? Do you know what's going on in Atlanta, Georgia?
7 Do you know? Have you done research to find out that our
8 award-winning Office of Planning in the District of Columbia
9 is the only Office of Planning that has not really up --
10 even though they are probably updating it, has not done
11 that? Do we know that for a fact or are we being
12 speculative?

13 MR. HANLON: All right. You've got me to this
14 extent. I don't know it as a fact for every planning agency
15 in the country. I know it as a fact for many planning
16 agencies in the country because I took a look. So, no, I
17 don't know for all of them. And I guess we could organize a
18 staff to try to pull comprehensive plans for different
19 entities, but we're talking three years after the census.

20 CHAIRPERSON HOOD: So I just wanted to go down
21 that road because I want to make sure that we're doing an
22 apples to apples and make sure that we're just not singling
23 out because we're involved with the case right now in the
24 District of Columbia and to say -- because I've already
25 heard from others, not this case but years ago, D.C. is so

1 unique -- and I need to say this. They are they are so
2 unique that they invite people to sit at the table.

3 And I want to thank Mayor Williams and the Office
4 of Planning over the years because it used to didn't be like
5 this. Other people that live in other cities have told me,
6 Anthony Hood, all we know is it's up and done when we see
7 it. But the District of Columbia is involved in making sure
8 people are at the table. And I know that happened under the
9 end of Mr. Barry's administration and the beginning of --
10 that I can recall, at the beginning of Mayor Williams' when
11 he upped the Office of Planning. The City Council had the
12 wisdom to start putting money into our Office of Planning
13 group.

14 Now, are they perfect? No. And I think our
15 colleague always says zoning is imperfect. And I've learned
16 that from him.

17 So I think I just want to make sure that we make
18 statements, we make statements that are correct, because
19 we're going to take all of this and move forward when we try
20 to find out how we're going to proceed and what we're going
21 to do. So that's all I have.

22 You're right. I took you down that road, but I
23 wanted to stop because I wanted to make sure that we had all
24 of our facts and data correct. And we actually don't.
25 We're going by -- we're doing assumptions.

1 MR. HANLON: Well, we have this much data correct,
2 that we haven't updated the comp plan for the 2020 census.
3 We have this correct, that the comp plan is based on data
4 that's 13 years old and from a 2017 survey, not census data.
5 And you are making strategic plan and you're making
6 strategic decisions based on massively outdated data. And
7 you only have to look at the Council of Governments to
8 realize by 2045, the Council of Governments is saying
9 there's going to be 170,000 less people living here than
10 this comp plan says. That's a 20 percent error.

11 CHAIRPERSON HOOD: Okay. I got it. Thank you,
12 Mr. Hanlon, for going through that discussion. I want to
13 thank all of your witnesses as well. I appreciate it.

14 MR. HANLON: Thank you. I'll wait for other
15 questions.

16 CHAIRPERSON HOOD: And I appreciate all of the
17 work that you have done and all of the work that you are
18 going to continue to do.

19 Let's see if they have any questions. Does Office
20 of Planning have any cross? Oh, wait a minute. Did I go to
21 my colleagues? I already did that, yeah? Does the Office
22 of Planning have any cross?

23 MS. STEINGASSER: No, sir, we don't.

24 CHAIRPERSON HOOD: Okay. Chair Harris, have any
25 cross?

1 MS. HARRIS: No questions. Thank you.

2 CHAIRPERSON HOOD: Okay. And ANC 2B?

3 (No response.)

4 CHAIRPERSON HOOD: Mr. Jones, do you have any
5 cross?

6 MR. JONES: No thank you.

7 CHAIRPERSON HOOD: Okay. And, Mr. Adams, do you
8 have any cross?

9 MR. HANLON: I wish -- I can't --

10 MR. ADAMS: No, I don't. Thank you, Chairman
11 Hood.

12 CHAIRPERSON HOOD: Mr. Hanlon? I'm sorry. What
13 did you say, Mr. Hanlon?

14 MR. HANLON: I thought you were asking whether I
15 had cross. I said, no, I can't cross.

16 CHAIRPERSON HOOD: I make a lot of mistakes, but I
17 won't make that one. All right.

18 Ms. Akel, do you have any cross?

19 MS. AKEL: I do if you'll allow me. I am trying
20 to understand how this population faulty estimate -- how the
21 downtown situation plays into that with regard to work from
22 home. I mean, we are just looking at population as far as
23 people living here. And the vacant buildings downtown, do
24 they have any bearing on this data? Are we factoring in the
25 availability, the vacancy rates of other parts of the city

1 when we say we need an MU-10 here? Are we factoring in all
2 of the people who moved elsewhere because of work from home?
3 Could you help me understand that?

4 CHAIRPERSON HOOD: Mr. Hanlon, that's a question
5 for you or your team.

6 MR. HANLON: Oh, I'm sorry. I did not know who
7 Ms. Akel was asking. She wasn't asking -- she was asking
8 one of the witnesses, I assume.

9 MS. AKEL: Yeah. If Ms. Bray is still on, maybe
10 she would be the one to answer. I don't know.

11 MS. BRAY: I am not aware to what degree the
12 vacancy of commercial square footage, what impact that has
13 on current residency rates, but that's something that should
14 be considered by the Office of Planning.

15 MS. AKEL: Yeah. I'm just trying to look at this
16 wholistically and figure out, are we factoring in the
17 office-to-housing conversions that we're undertaking? Are
18 we factoring in all the people who have left because of work
19 from home? That doesn't seem to be coming back. You know,
20 I guess maybe it's a little bit broader question than Ms.
21 Bray can answer. But I was just trying to understand the
22 population data that you're using to evaluate this proposal,
23 how it's affected by what's happening downtown and what's
24 happening with workers who are no longer needed to live
25 here.

1 MS. BRAY: Yeah. That's outside of the scope of
2 my analysis.

3 MS. AKEL: Okay. All right. Thank you. That's
4 it.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 And, Ms. Feskanich, any questions of Mr. Hanlon
7 and his team?

8 MS. FESKANICH: Yes. I have a question for Ms.
9 Bray. I may have missed this, but what is the difference in
10 OP's household and population projections compared to COG's
11 projections by total number of individuals?

12 MS. BRAY: One moment. You'll have to refer to my
13 written report for that information. I don't have it
14 available right now. Okay.

15 MS. FESKANICH: But that is in your written --

16 MS. BRAY: It's in my written report, yes.

17 MS. FESKANICH: Okay. Because I think that seems
18 to me -- or I seem to remember it's a large number. And I
19 think that is quite significant.

20 And let me ask you, how often should long-term
21 population and household projections be reevaluated in your
22 experience?

23 MS. BRAY: In my experience, it's been every five
24 years.

25 MS. FESKANICH: Every five years. Okay.

1 And one last question. Is it necessary to update
2 the population and household projections using the 2020
3 census in your expertise?

4 MS. BRAY: Yes. That should be used as the base
5 year data.

6 MS. FESKANICH: Okay. No further questions.
7 Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you, all. I think
9 that concludes everything. Mr. Hanlon, thank you and your
10 team for all the work that you all have done, as I stated,
11 all the work you all will continue to do. So thank you.

12 MR. HANLON: May I ask one question, Chair Hood,
13 of the Commission?

14 CHAIRPERSON HOOD: Sure.

15 MR. HANLON: I was uncertain about written closing
16 statement. Were you going to give us a couple of days to do
17 that or how did -- and were you going to limit the length or
18 what were you going to do?

19 CHAIRPERSON HOOD: You know, sound bites are
20 better, especially when I have over 688 exhibits that I need
21 to review, but sound bites are better.

22 I'm going to ask Mr. Ritting and Ms. Schellin to
23 come up. I know our legal counsel has asked for some
24 options. And I would ask that everybody would -- after
25 three and a half, I'm a little tired mentally. So I don't

1 want to mess anything up. So I'm going to ask them, too, to
2 try to see what they've asked for.

3 Mr. Ritting, if you could take over and just
4 explain to the parties how we are going to do this in OP?
5 Thank you.

6 MR. HANLON: We can't hear you.

7 MS. SCHELLIN: We actually talked earlier. And I
8 have the dates, the schedule.

9 MR. HANLON: Sorry.

10 MS. SCHELLIN: Mr. Ritting and I talked about this
11 earlier.

12 MR. RITTING: I was going to begin by stating to
13 assure Mr. Hanlon that the practice of the Commission is
14 they're going to close the hearing now. And then they're
15 going to deliberate on those issues and talk about what the
16 dates are going to be and what limits they're going to be
17 and what is going to be required in terms of post-hearing
18 submissions. So it's going to take a few minutes for us to
19 work through all of that. And there's going to be --

20 CHAIRPERSON HOOD: I'm not going to do that
21 tonight. After three and a half hours of going back and
22 forth, I'm not going to do that tonight. What I want you to
23 do -- what I want to do is tell them, in fairness to myself,
24 I want to make sure that I have a fresh mind when I'm
25 dealing with all of this data and information. I don't

1 think that's fair to me or my colleagues, and especially me
2 -- to have a fresh mind so I could do my due diligence to
3 the residents of this city. So I'm not going to do it while
4 I'm tired.

5 MS. SCHELLIN: Yeah. So I'll go --

6 MR. RITTING: I'll turn it over to Ms. Schellin.
7 We did work --

8 MS. SCHELLIN: Yeah.

9 MR. RITTING: -- out some preliminary dates.

10 MS. SCHELLIN: So I'll go over that. So, Mr.
11 Hanlon, to your question, so in one week, all of the parties
12 -- even though typically, only OP, the applicant provides a
13 closing statement, our attorney has asked for closing
14 statements from all of the parties. So OP and all of the
15 parties who choose to do so -- if you don't want to do a
16 closing statement, you're not obligated to provide one. But
17 if you choose to do one, it's due one week from today, which
18 would be March 25th, by 3 o'clock p.m. And you serve that
19 on, of course, all the parties, other parties, and upload
20 that into Isis or send it to ZCSubmissions@dc.gov. Okay.
21 So you got that.

22 And, then, April 8th by 3 o'clock p.m. is when OP
23 should upload their supplemental report, which includes the
24 submissions that have been asked for. And, also, by 3
25 o'clock p.m. on that same date is when Mr. Adams -- I hope

1 he's still on -- provides the answers to the four questions
2 that were asked: two from, I believe it was, Ms. Feskanich,
3 one from Chairman Hood, and one from Mr. Hanlon. And he can
4 always -- this recording will be available later this
5 evening. So if he's wondering what those four questions
6 are, he can always listen again to the recording.

7 Then one week from then, by 3 o'clock p.m., April
8 15th, the parties have an opportunity to respond to what was
9 filed on the 8th of April which would be the responses to
10 the Black Neighbors' answers and OP's supplemental report.
11 Again, that's due by 4/15 3 o'clock p.m. And the parties
12 have an opportunity to provide draft findings, facts,
13 conclusions of law by 3 p.m. on April 15th. And, then, this
14 will go on the Commission's agenda for consideration of
15 proposed action on May 9th.

16 MR. HANLON: I have a question. If you give me
17 the last date again, Ms. Schellin? Was that for OP to
18 submit proposed findings fact and conclusions of law?

19 MS. SCHELLIN: That's for all parties that choose
20 to do so. It's not a requirement, but if you choose to do
21 so, you can.

22 MR. HANLON: The other thing I would say -- and
23 I'll say it on the record now and I'll probably say it by
24 motion -- likely, depending on what OP submits as a
25 supplemental, I may ask to reopen the hearing to cross-

1 examine based on what the new submission is. So I don't
2 know what the new submission is. So I can't form an opinion
3 right now. But I would suggest if they can put new evidence
4 into the record after today, then the parties would have the
5 right under the APA to --

6 CHAIRPERSON HOOD: That's fair, Mr. Hanlon. We
7 don't want to spend a lot of time on that. We're going to
8 make sure that things are done. We're not going to violate
9 anything. Okay? So that's fair. I get it. We get it.

10 MR. HANLON: All right. I appreciate that.

11 If I have any other questions or the parties do,
12 maybe we can direct them to Ms. Schellin and she can direct
13 them to you, Chair Hood, or to Mr. Ritting depending on what
14 the question is for clarification.

15 CHAIRPERSON HOOD: Thank you. I know Ms. Schellin
16 and Mr. Ritting have been working very diligently through
17 this case, and I'm sure they will handle it. If something
18 needs to come to the Commission, they will let us know. So
19 thank you on that.

20 MR. HANLON: Could Ms. Schellin put that in -- is
21 Ms. Schellin going to put that in an email to all of the
22 parties? I wrote down all the dates on my piece of paper,
23 but I wouldn't want to get them wrong.

24 MS. SCHELLIN: I can if you would prefer, sure.

25 MR. HANLON: Thank you.

1 CHAIRPERSON HOOD: Okay. Again let me thank
2 everybody for their patience. This has only been --

3 VICE CHAIR MILLER: Mr. Chairman?

4 CHAIRPERSON HOOD: Yes?

5 VICE CHAIR MILLER: I don't know if this is the
6 appropriate time, but I wanted to reiterate what I had asked
7 for at about 34 hearing hours ago, in the first hearing,
8 January 8, 2024, what I had asked for in a written
9 supplemental report. I asked some of these questions after
10 OP's testimony and got verbal responses, but I asked at that
11 time and OP agreed to provide written responses to these
12 questions. And I wanted to put them on the record. It's
13 reiteration of what I had asked for. There may be other
14 things that my colleagues would want in the supplemental
15 report. And if it's appropriate, I would like to just
16 reiterate what I had asked for.

17 CHAIRPERSON HOOD: Yeah. That's fine. I was
18 going to deliberate on all this later, what you asked for,
19 because I don't see us taking action because here's my
20 thing.

21 VICE CHAIR MILLER: I'm not talking about taking
22 any action tonight.

23 CHAIRPERSON HOOD: Let me just say this. Here's
24 my thing for this evening. I've heard a lot of I think
25 persuasive arguments from the parties in opposition. I have

1 to digest that. I didn't just -- I could have -- I'm not
2 going to willy-nilly and just start making decisions.

3 I get what you asked for. You asked for MU-8
4 analysis. I get all of that. But I think when we have our
5 deliberations, we need to put it all on the table. And then
6 things that we have not gotten, we can come back and if we
7 have to have a limited-scope hearing. And that's what I was
8 going to do. That was my plan going forward.

9 But Vice Chair, if you want to ask for something
10 now or anybody else, go right ahead and do it.

11 VICE CHAIR MILLER: Okay. Well, we already did
12 ask for supplemental. And they promised to provide one.
13 And I'm going to reiterate what I had asked for. The most
14 important one from my perspective was -- and, again, they
15 verbally responded. I want to see it in writing. The
16 appropriateness -- first was the appropriateness and perhaps
17 greater compatibility of a less intensive proposed zone in
18 terms of height and density than the proposed MU-10 zone,
19 such as the MU-8 zone, for the site and why such a less
20 intensive zone would also not be not inconsistent with the
21 comprehensive plan and what potential amount of housing,
22 both market rate and affordable, would be potentially lost
23 due to such a less intensive zone. That was one.

24 Second was whether split zoning this site with a
25 less intensive zoning map designation for the northern part

1 of the site along V and Seaton than the proposed zone along
2 U Street because the policy map designates that northern
3 part as neighborhood conservation and where there would be
4 more compatibility with the existing lower height and
5 density of the two-story rowhouses across V and Seaton
6 Streets from the site, whether split zoning would be
7 appropriate. They gave a verbal response. And I think it
8 made a lot of sense. But I think I want to see it in
9 writing.

10 Why this proposal -- and I think this has come up
11 in another case, and I think this is easy to answer but why
12 this proposal is not illegal spot zoning, as some opposition
13 testimony has asserted, not all opposition but some.

14 And, four, which I mentioned earlier in this
15 hearing, how this proposed zoning map amendment will not
16 contribute to indirect displacement of nearby lower-income
17 residents, which is primarily a racial-equity and economic
18 analysis, required by the comprehensive plan for both the
19 Office of Planning and for Zoning Commission in zoning
20 consistency cases.

21 Those were the things I had asked for at the first
22 hearing. OP promised, did provide some responses at that
23 time and said they would provide a written response to those
24 questions at the time of the supplemental report.

25 There might be other things that other members,

1 other colleagues might want, and I'll leave it to them. But
2 that's what I had asked for. And I wanted to reiterate that
3 for the record.

4 CHAIRPERSON HOOD: Okay. Thank you. I will just
5 say that I don't want anybody to think this is the last bite
6 for my colleagues to answer -- I mean, get what they need.
7 I'm anticipating that this will happen again. I'm not sure
8 if I'm going to need some additional things. But if you
9 know what you need now, you can go ahead and ask. But I
10 want you to know that there will be another bite, if needed,
11 for us to be able to do exactly what we are doing here now.

12 So, Commissioner Stidham, do you have anything you
13 would like to see?

14 COMMISSIONER STIDHAM: No, sir, nothing
15 additional.

16 CHAIRPERSON HOOD: Okay. Commissioner Imamura,
17 anything you would like to see? Again, if you don't think
18 of it now, as we get into this and start deliberating, it
19 may come up. So, Commissioner Imamura?

20 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
21 also appreciate the opportunity to get another bite at the
22 apple, but I don't think I'll need one.

23 I'm in agreement with Vice Chair Miller and his
24 request and would echo the same as Vice Chair Miller. So
25 I'm interested to see those responses in writing that

1 provide the comparison that we're looking for.

2 CHAIRPERSON HOOD: Okay. And I will just say this
3 for the record already that if there's another zone
4 prepared, I'm not prepared to have another hearing like I
5 had previously. I'm not prepared for that. You know, we
6 have got to figure it out. I'm talking to the legal folks
7 now. I do not want to have another hearing on an MU-6 or
8 MU-4 or MU-8, not like I had just now. None of us do. I
9 think six hearings or five -- I don't even know, I lost
10 count -- and all the hours that's been put in and all the
11 back and forth and the banter of trying to keep people in
12 line with the regulations which we have to go by. I'm
13 hoping that we don't get to that point. And I'm putting it
14 out there. Let's try to see if we can work together and
15 make this thing either work or not work. But to go through
16 that again, I don't think I want to put the residents
17 through that. I don't think I want to go through that. And
18 I'm sure my colleagues don't want to go through that as
19 well. So there's got to be a better way. And I'll leave it
20 at that.

21 Ms. Schellin, do you have anything else?

22 MS. SCHELLIN: Just to say that other than the
23 submissions from the parties, the record is closed.

24 CHAIRPERSON HOOD: Okay. Now, what are the dates?
25 When are we going to talk about this again?

1 MS. SCHELLIN: It will be at the first meeting in
2 May.

3 CHAIRPERSON HOOD: Oh, okay. Yeah. That works.
4 All right.

5 So does anybody have anything else? Everybody all
6 on the same page? If the parties have an issue, please call
7 Ms. Schellin or Mr. Ritting. They are very capable and able
8 and accomplished to be able to help with the questions. And
9 if not, they will pass them on to me, as they have already
10 done in the past. My colleagues have anything else?

11 VICE CHAIR MILLER: Mr. Chairman, I just wanted to
12 thank you for your patience and diligence in the way you've
13 conducted the hearing. It really was a difficult process,
14 but I think despite the frustrations that everybody feels, I
15 think you did navigate it very well. And we're fortunate to
16 have you at the chairmanship of this.

17 CHAIRPERSON HOOD: Okay. Thank you. I appreciate
18 that. And I appreciate everybody's patience. Whether
19 you're pro, con, or whatever the issue is, I think with all
20 what I've heard -- and I've said this before -- all of what
21 we've heard from the residents, from the Office of Planning,
22 from DMPED, from whoever, the ANCs, all of what we heard, I
23 think we cannot do nothing but come out with a better
24 outcome. So let's just see where we go. All right.

25 So, with that, unless there's something else in

1 this case, Ms. Schellin, the Zoning Commission will meet
2 again on Zoning Commission case 23-26. That is coming
3 Thursday, correct?

4 MS. SCHELLIN: That is correct. And the --

5 CHAIRPERSON HOOD: Is that --

6 MS. SCHELLIN: A postponement. That case has been
7 approved by the Commission, by the chairman. However, we do
8 have to open it. So you and I will have to be there. The
9 other commissioners do not need to appear on Thursday since
10 the postponement has been approved. And that case has been
11 postponed to May 13th. So we can go ahead and make that
12 announcement, but it will not occur on Thursday. But since
13 it's so close, we have to open it and publicly announce it.

14 CHAIRPERSON HOOD: We're going to open it, and
15 we're going to postpone it. So no one needs to show up.
16 Won't nothing happen.

17 So the Zoning Commission will meet again -- Ms.
18 Schellin, help me -- on March the 28th?

19 MS. SCHELLIN: Let's see. You guys will meet
20 March 28th, which will be our public meeting.

21 CHAIRPERSON HOOD: All right. It's only four
22 things on the agenda.

23 MS. SCHELLIN: Yep.

24 CHAIRPERSON HOOD: All right. So, with that, I
25 want to thank everyone for their participation. I know it's

1 been many nights. I appreciate everyone else's patience as
2 well in working through this. And we'll see where we land.
3 So thanks, everybody.

4 With that, this hearing is adjourned. Good night.

5 (Whereupon, the meeting was adjourned at 7:41
6 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DC Zoning Commission

Date: 3-18-2024

Place: Teleconference

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Lee Ann Tardieu

Lee Ann Tardieu