

GOVERNMENT OF THE DISTRICT OF COLUMBIA

ZONING COMMISSION

VIRTUAL PUBLIC MEETING

VIA WEBEX

Monday, July 1, 2024

The Public Meeting 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 July 1, 2024.

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C O N T E N T S

Case No. 03-05A
NRP Properties, LLC - Modification of Significance
to an Approved Planned Unit Development at Square
770, Lot 804

P R O C E E D I N G S

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. Today's date is July the 1st, 2024. We are convening and broadcasting this public hearing by video conferencing.

My name is Anthony Hood, and I'm joined by the Vice Chair Miller and Commissioner Stidham and Imamura. We're also joined by the Office of Zoning -- Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Paul Young who will be handling all of our virtual operations. Also our Office of Zoning Legal Division, Mr. Jacob Ritting.

I'll ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter. The platforms used are Webex and YouTube Live.

The video will be available on the Office of Zoning's website after the hearing. All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of sign up, all petitioners will complete the oath or affirmation required by Subtitle Z 48.7.

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

1 at Square 770, lot 80 -- 804, intersection of New Jersey
2 Avenue, Southeast, and Tingey Street, Southeast, July 1,
3 2024.

4 Okay. Again, the OZ hotline number is 202-727 for
5 any concerns during this proceeding. At this time, the
6 Commission will send any preliminary matters, does the staff
7 have any preliminary matters?

8 MS. SCHELLIN: Just a couple things. The
9 applicant is being represented Meridith Moldenhauer and Eric
10 DeBear of Cozen O'Connor. The 8F is being represented by
11 Chairperson Edward Daniels. The applicant has one proffered
12 expert who has been accepted by an expert in transportation
13 by the Commission before, so we just ask the Commission to
14 accept Daniel VanPelt as an expert in this case.

15 CHAIRPERSON HOOD: Unless I hear -- unless I hear
16 an objection, we'll continue that status.

17 MS. SCHELLIN: Okay.

18 CHAIRPERSON HOOD: No objections? Okay.

19 MS. SCHELLIN: And so, as of right now, I have not
20 seen a report from the ANC, but I believe they did meet and
21 vote in support, but I'll leave that for the applicant to
22 address or the ANC, once they show up. I know that Mr.
23 Daniels registered to testify.

24 OP filed a report at Exhibit 23 in support, and
25 DDOT filed a report at Exhibit -- that also says 23, so one

1 of those is incorrect. But -- so they filed a report, and
2 DOEE, pages 18 and 19 of the OP report, they have submitted
3 a report.

4 The Office of the Attorney General submitted a
5 report in support, or letter in support rather, at Exhibit
6 22 and 22A for the Commission to consider. So that's all
7 staff has as preliminary matters, and the applicant is
8 prepared to take about 15 minutes. Thank you.

9 CHAIRPERSON HOOD: Okay, thank you Ms. Schellin.
10 Can we bring everyone up, and everybody give me 30 seconds
11 and I'll be right back.

12 (Pause.)

13 CHAIRPERSON HOOD: Okay, I'm sorry about that.
14 Ms. Moldenhauer, whenever you're ready, you all may begin.

15 MS. MOLDENHAUER: Thank you very much,
16 Commissioner Hood, and if we can have our slide deck brought
17 up, that would be wonderful. Good afternoon, Commissioners,
18 my name is Meridith Moldenhauer, Land Use Counsel from Cozen
19 O'Connor, on behalf of the applicant.

20 We are pleased to present this application for a
21 Modification of Significance to a planned unit development
22 and a related map amendment approved in Zoning Commission
23 case 03-05 at lot 84 in square 770 with support of the ANC
24 8F, the Office of Planning, and the Department of
25 Transportation.

1 As you'll hear today, the applicant and the
2 architectural team have worked hard to develop an exciting,
3 mixed-use building featuring 127 all-affordable units and
4 ground level commercial space located in the heart of the
5 Navy Yard.

6 The project proposes benefits and amenities that
7 are commensurate with zoning respect -- zoning requirements,
8 including flexibility from vehicular parking, loading, and
9 side-yard standards. Notwithstanding their substantial
10 community outreach, the applicant has also been engaged in
11 the project and looks forward to presenting it.

12 Next Slide. In support of this application, we
13 will hear testimony from Chris Marshall from the NRP Group,
14 Babatunde Oloyede from the applicant's team at Marshall
15 Heights Community Development Organization, Sean Pichon from
16 Michael Graves architects, Dan VanPelt from Grove Slade, as
17 indicated, Mr. VanPelt has been identified as an expert.

18 We also know that Sean Pichon is also an expert
19 in-house -- you have his information in your record. Next
20 slide, at this point, I'll turn it over to Mr. Marshall to
21 introduce the NRP Group.

22 MR. MARSHALL: Thank you, Meridith. Good
23 afternoon, Commissioners, my name is Chris Marshall, I lead
24 affordable housing development for the NRP Group. We are a
25 nationwide multifamily developer, builder, and operator,

1 both affordable and market grade multifamily developments.

2 I am based in Washington D.C. and bringing now
3 what is our third case in front of the Zoning Commission, in
4 addition to previously approved cases at 301 Florida Avenue,
5 Northeast, and 4401 Benning Road Northeast.

6 Our mission, as shown here on the slide, is to
7 create exceptional rental opportunities for individuals and
8 families regardless of income. That is embodied by the work
9 that we do in this region by the exceptional occasions that
10 we pursue poor, lacking developments, this obviously being
11 one of them. We are located, or I should say work in 15
12 states, and as I said previously, myself, focused on working
13 here in D.C.

14 Next slide, please. This project, as I mentioned
15 earlier, is -- is a continuation of the types of projects
16 that we seek to develop in this city and throughout the
17 region. Highly quality, supremely well designed, affordable
18 housing development neighborhood like this, the Navy Yard.
19 This being a 127-unit, all-affordable development, including
20 a very large concentration of three-bedroom units.

21 We are very focused on creating family sized
22 affordable housing as well. This will have ground floor
23 retail, commensurate with the mixed-use neighborhood in
24 which we're building. A business center, gym, a children's
25 playroom for the residents, creating loading zones as well

1 as a pick-up and drop-off zone for ease of access to and
2 from the building, and perhaps most importantly since
3 location provides opportunity but so do our resident
4 services. We're joined in this project by the Marshall
5 Heights Community Development Organization, who provides
6 even greater local level expertise and in the case of this
7 project and others, wrap around services. With that -- I'll
8 introduce Babatunde from MHCDO.

9 MR. OLOYEDE: Good afternoon, Commissioners. My
10 name is Babatunde Oloyede. I'm the president and CEO of
11 Marshall Heights Community Development organization.

12 Marshall Heights Community Development
13 Organization has been providing affordable housing projects
14 and providing other resident services for over 45 years. We
15 focus on real estate development, housing counseling, small
16 business development, work force development, and health
17 education wellness. And the programming that we envision
18 for this site is going to be truly holistic.

19 We view all of our projects, our real estate
20 development projects, as opportunities for the organization
21 to provide services outside of its main headquarters. So
22 we're looking to provide housing counseling services, which
23 include financial literacy training, budget management. We
24 will also provide small business development training, which
25 will help the residents to develop or expand their existing

1 businesses, and we will probably have some soft skills
2 workforce development training as well.

3 So we're really excited about this opportunity to
4 partner once again with the NRP Group, and with that, I'm
5 going to pass it on to Meridith.

6 MS. MOLDENHAUER: Thank you so much. If you could
7 go to the next slide. This is a summary of what was just
8 reviewed regarding Marshall Heights Community Development
9 Organization.

10 Next slide. Next slide, please. Pursuant to
11 Subtitle Z section 703, modification of significance is
12 proposed through the changing use and additional flexibility
13 requested for this portion of the approved PUD.

14 As requested by the Zoning Commission at the March
15 14, 2024, set down meeting, the applicant did supplement the
16 record and outline in detail the original PUD case featured
17 here, case 03-05, which permitted the construction of the
18 DOT building, and we provided a comparison of the approved
19 plans under 03-05 with the proposed changes to this
20 modification.

21 Next slide. We feature here the images that were
22 proven, 03-05, next slide. We've also identified and
23 summarized the notable public benefits that were provided in
24 the original PUD and provided comparison. Next slide.

25 Between the original PUD benefits and the

1 modification requested today and the standards and the
2 modification records of each of the specific sections for
3 lot occupancy GFA.

4 Next slide. In addition to the chart, we also
5 provided additional diagrammatic comparisons of the two.
6 Next slide.

7 The main aspects of the applicant's public
8 benefits and amenities package is the provision of new
9 housing and new affordable housing. The building will
10 provide 127 all-affordable units with 40 being three
11 bedrooms, 16 being two bedrooms, and 59 will be one bedroom
12 with 12 studio units.

13 Addition -- additionally, the project benefits
14 include a vibrant superior design, streetscape improvement,
15 and the Marshall Heights Community Development
16 Organization's wrap-around services that were just
17 described. These public benefits enhance the original PUD's
18 benefits. Next slide. As shown here, which compare and
19 identify those benefits that have already been completed
20 under the original PUD and the modification.

21 Next slide. We are asking for minor changes to
22 the following three conditions as proposed in order to
23 accommodate the new use on the site, modified retail space,
24 and to still accommodate outdoor public space, but to have
25 that reduced from the original PUD. With that next slide, I

1 will turn it over to Mr. Sean Pichon to walk through the
2 project. Thank you.

3 CHAIRPERSON HOOD: Ms. Moldenhauer, before we go
4 to Mr. Pichon, you mentioned expert status, I know we've
5 done that previously. Are you asking for him to be an
6 expert as well in this situation?

7 MS. MOLDENHAUER: Yes, I think that if the -- I
8 know the Commission has previously accepted him and you have
9 his resume in your book.

10 CHAIRPERSON HOOD: Okay, we previously -- we don't
11 do exactly like the BZA. We previously accepted Mr.
12 VanPelt, but we still have to consider it. So let's --
13 let's consider that. Do we have his resume?

14 MS. MOLDENHAUER: Yes, you do.

15 CHAIRPERSON HOOD: Okay. All right. I -- I don't
16 have any objections, but I just want to make sure. It's
17 always been customary that you always ask the Commission,
18 the BZA might, if they have a book, that's fine, but just
19 like Mr. VanPelt, we -- we've had him as well. All right,
20 so any objections?

21 MR. VANPELT: No objections.

22 CHAIRPERSON HOOD: Okay. Thank you. All right,
23 Mr. Pichon, you may begin.

24 MR. PICHON: Thank you, Commissioners. Thank you,
25 Meridith. Next slide we'll go right into it. This slide is

1 showing some of the easements that we are adhering to on the
2 site.

3 There is a 14-foot D.C. water easement and a 44-
4 and-a-half-foot easement of public space along New Jersey
5 Avenue. Next slide. We are proposing to maintain,
6 obviously, the streetscape that exists along New Jersey
7 Avenue while incorporating an additional public plaza to the
8 -- between the existing historic building and our new
9 structure while upgrading the streetscape along Tingey
10 Street.

11 Next slide. The ground floor, as Meridith
12 mentioned, will house retail along Tingey Street. The main
13 entry lobby will be along Tingey Street as well. We are
14 proposing a series of amenity spaces along the ground floor
15 facing out to New Jersey Avenue, and then facing against the
16 existing DOT.

17 We will have direct access to our bike room
18 towards the rear of the building and then the services along
19 the -- the rear facade facing the existing building. Next
20 slide. As mentioned, we have a mix of ones, twos, and
21 three-bedroom units throughout the project.

22 The second floor does house an additional
23 amenities space playroom for some of the smaller tenants of
24 our building, but there will be a spread of three-bedrooms,
25 two-bedrooms, and one-bedrooms throughout the development.

1 Next slide. You can run through these pretty quick.

2 These are just showing you the -- the typical
3 floor plans as you go through. Next slide. I would note as
4 we're going through this that we are providing balconies
5 throughout for each of the residential units, either a full
6 balcony or a Juliet balcony. Next slide.

7 Again, the floors repeat. There are several of
8 them because we do have some -- some small iterations as we
9 go up the building for facade treatments. Next slide. And
10 then at the rooftop, we have a green roof with solar panels
11 facing some penthouse level units, and the next slide.

12 Then the final rooftop will house all the
13 mechanical equipment as well as an additional green roof and
14 solar panel arrays. Next slide. This is just the details
15 showing the extent of the bike room, which we're providing
16 more than the minimum requirement. We're providing 56 long-
17 term bike parking spaces including electric bike hookups as
18 well as cargo bike sizes.

19 Next slide. The facade treatment, we are blending
20 in with a -- the contemporary facade treatments of the
21 neighboring buildings as well as the historic buildings that
22 we're taking from the base of the speckled black brick,
23 which lends to the contemporary and upscale appearance of
24 the structure. The street level will have storefronts
25 facing along Tingey Street and along New Jersey Avenue.

1 As we go up the building, we're mixing in a metal
2 panel which acts a backdrop for the warmer textured brick
3 facade, which will have a series of details as you go up the
4 building broken up into various floors, two -- two floors at
5 a time, and then three, and three and two, creating a base,
6 middle, and top to the building. Next slide.

7 As mentioned before, you can see the extent of
8 balconies throughout the facade creating the -- enhancing
9 the residential look of the building. The metal panel
10 backdrop continues around the Tingey Street side. Next
11 slide. And around the -- considered the rear of the
12 building, but this is facing the existing historic building,
13 you can see the -- the texture of the brick is carried
14 around to that side with the speckled black base.

15 Next slide. And then facing the adjacent DOT
16 building, this is where the wrap of the brick blends in with
17 the metal panel, the grey backdrop with the recessed
18 balconies along this facade as well. Next slide.

19 This just gives you a little bit more detail of
20 the -- the undulation of the facade as it goes up the
21 building, there are some bay projections, or considered bay
22 projections, projections of the facade that go out beyond
23 the base of the building. So at the base, you have the --
24 the speckled brick, black brick, and then the tan colored
25 brick, all utility style brick, some utility sized brick,

1 and then the -- the metal panel above that, what Nichiha you
2 have, at the very top.

3 Next slide, sorry. Again, these are just blowups
4 of streetscapes that show the extent of the public space and
5 enhancements that are already existing and what will be
6 added to that. Next slide. This is facing Tingey Street,
7 you'll notice that we are providing short-term bike spaces
8 as well as the long-term bike spaces that are interior to
9 the building.

10 And here, you can see a little bit more of the
11 detail of the -- the storefront where we're proposing a -- a
12 unique sort of angled storefront facade. The piers of the
13 masonry will be angled into the actual storefront material.
14 Next slide.

15 And this is the plaza between the existing
16 historic building and our new proposed building. The public
17 plaza that connects through to the DDOT -- existing DOT
18 passageway. Next slide. And here, we'll just run through a
19 couple of iterations of visuals, so this is looking towards
20 Tingey Street facade from towards the water. Next slide.

21 This is a facade of New Jersey Avenue, adjacent to
22 the DOT Building. Next slide. And this gives you a zoomed
23 in vision of the -- the entryway, the residential entry and
24 the New Jersey Avenue perspective looking towards the
25 capital. Next slide.

1 And this gives you a visual of the Tingey Street
2 commercial -- this is where the -- the retail base will
3 exist on the building and the recesses above to the
4 residential. Next slide. And lastly, the facade of the --
5 facing the existing historic building that's under
6 construction right now, which you can see the DOT in the
7 background as well as some of the other new construct --
8 newly constructed buildings in the neighborhood. Next
9 slide.

10 This is a repeat of the -- the original slide. So
11 with that, I'm going to pass it back to Meridith or to Dan.
12 I think it's Dan. Thank you.

13 MR. VANPELT: Thank you. Good afternoon,
14 Commissioners, Dan VanPelt with Gorove Slade. So next
15 slide, please. There we go.

16 I think we're all probably pretty well -- in the
17 interest of time, I'm trying going to move -- trying to move
18 rather quickly. I think we're all probably pretty familiar
19 with where the site is located. We're in Navy Yard.

20 This site is located along the east side of Jersey
21 Avenue, it's bordered on north and south by Tingey Street,
22 and the transportation walk, USDOT, respectively, and we're
23 very close, just a walk away from the Navy Yard-Ballpark
24 Metrorail Station, and there's several bus stops and bike
25 facilities in the neighborhood in the vicinity. Next slide,

1 please.

2 So now we're zooming into the site. Due to the
3 size of the parcel, the existing easements along the west
4 side of the property and the lack of existing curb cuts, the
5 site will be riding no onsite parking or loading facilities.
6 Those 21 parking spaces are required, but the applicant is
7 working with DDOT on a robust transportation management plan
8 that we're going to touch on just a little bit later.

9 The plan will ameliorate the impacts and reduce
10 the use of single occupancy vehicles. In add -- in
11 addition, there are 12 publicly accessible parking garages
12 and lots that provide over 1600 daily and/or monthly permit
13 vehicular parking spaces that are located within a quarter
14 mile of walkshed of the site.

15 So, a number of off-site parking opportunities for
16 residents if they choose to own a car and live here. DDOT
17 is supportive of the no parking being provided by this
18 development. The loading and pick-up activity will take
19 place curbside, and those are shown in the purple and blue
20 rectangles on this slide, and I think Sean talked about the
21 bicycle circulation a little bit, accessing the site, but
22 you can also see some of the bicycle circulation that is
23 around the site, shown on this slide.

24 And there will be 56 long-term and 10 short-term
25 bike spaces that exceeds the zoning requirement here and

1 then provisions for the cargo tandem bikes and electrical --
2 at least 10 percent of the spaces will have outlets for E-
3 bikes. And let's move to the next slide, please.

4 So loading is not proposed onsite due to the size
5 and accessibility constraints. The commercial loading to
6 pick-up, drop-off activity are proposed to occur on a 60-
7 foot loading zone on Tingey Street, and then there will be a
8 48-foot loading zone, and a 40-foot pick-up, drop-off zone
9 on New Jersey Avenue.

10 Those -- now, these zones will be public, and they
11 won't be exclusive to the development, but they will be
12 there for the use of the project. In corporation (sic) --
13 in coordination with DDOT, the applicant has agreed to
14 incorporate a loading management plan.

15 It will include a provision for enhanced signage
16 and striping to further enforce the intended use of those
17 areas, and furthermore, the existing on-street bicycle lane
18 that's on New Jersey Avenue, it's going to be relocated to a
19 sidewalk level bicycle lane to accommodate the proposed
20 loading, pick-up, drop-off zone, and that's so that loading
21 and pick-up, drop-off zones don't conflict with the bike
22 lane.

23 The concept plan for that is what is shown here on
24 the -- on the slide here. DDOT has reviewed this concept
25 and is in general agreement with it. There will be

1 additional coordination as we go through the public space
2 approval process.

3 The New Jersey Avenue loading, pick-up, drop-off
4 zone and -- and relocated by single lane will be compliment
5 -- will be complimented with pedestrian enhancements such as
6 curb extensions, that they're going to narrow the pedestrian
7 crossing distance, improving safety and visibility. Next
8 slide, please.

9 So I'm not going to go through all of this, but
10 here are the elements of the loading management plan that we
11 worked on, and it has been reviewed by DDOT and they're in
12 agreement with it. Next slide, please.

13 And then here are the elements of the
14 transportation manage -- management plan that we've worked
15 out for this project, and DDOT has agreed that this is
16 robust and sufficient, and I'm happy to go through this or
17 the loading management plan in more detail with you during
18 questions and discussion. Next slide, please.

19 So we did perform a comprehensive transportation
20 review for this project, and our study concluded that
21 developmental sight will not have a detrimental impact on
22 this running transportation network, and it minimized the
23 impacts by exceeding the amount of short-term and long-term
24 bicycle parking that's required. It doesn't -- by not
25 providing vehicular parking, lessens vehicular impacts, it

1 accommodates the loading curbside while maintaining existing
2 bike connectivity and provides a robust TDM plan and a
3 loading management plan.

4 And -- and we have coordinated extensively with
5 DDOT during the review, we're pleased to have their support
6 in the form of a no objection -- a no objection staff
7 report. And DDOT's report did include two conditions, they
8 want us to -- want the applicant to implement the TDM plan
9 and the loading management plans, and that we've agreed to
10 those conditions.

11 So with that, I'll conclude, and I think it will
12 pass it over to Meridith. I'm happy to answer your
13 questions.

14 MS. MOLDENHAUER: Thank you very much, Mr.
15 VanPelt. So, next slide please. I'll review the zoning and
16 comprehensive plan analysis briefly but believe that the
17 record speaks for itself. We are, as indicated, by all of
18 the individuals speaking tonight have -- are requesting
19 flexibility from vehicle parking, loading, and side yard.
20 Next slide.

21 The applicant meets the racial equity goals and
22 the comprehensive plan, these points can be found in the
23 applicant's filing as well as the Office of Planning report
24 in the record. Next slide. Next slide.

25 The applicant noted earlier we have worked with

1 the ANC on this application including multiple meetings with
2 the ANC, as listed here. The applicant's primary issue
3 concerning the project has been discussions regarding the
4 PUDO areas, parking, and loading.

5 We're happy to report that the ANC did vote on
6 their June 18th meeting to support the project. We have
7 been in communication with the ANC representative today and
8 believe that they were submitting a resolution with comments
9 into the record and that they are here tonight and will
10 obviously testify and provide those comments.

11 The applicant acknowledges and will continue to
12 work with the ANC during the public space process and during
13 the operation of the building. Next slide.

14 It's part of the racial equity goals and the
15 comprehensive plan. We have analyzed the district's
16 affordable housing goals for the lower Anacostia waterfront
17 and new set west -- new southwest area, and this project
18 will help the city meet this target. Next slide.

19 Finally, five of the indicators that are evaluated
20 as part of the comprehensive racial equity analysis reveal a
21 positive outcome as a result of approving this project given
22 the project will deliver 127 dedicated affordable homes in
23 an area that is increasingly affluent and rail serviced by
24 amenities and has close proximity to public transit. Next
25 slide.

1 We'd like to thank you for your time and
2 consideration of this application. That completes our
3 presentation, and we'll be available to the Commission to
4 answer any questions. Thank you.

5 CHAIRPERSON HOOD: Thank you, Ms. Moldenhauer, and
6 the team. I'm just going to say this really quick before I
7 go up to Commissioner Imamura to get us started.

8 Mr. VanPelt, I really appreciate your
9 presentation. With the way I interpret it, we're not going
10 to have any traffic problems in this area, so thank you for
11 that. Also, Mr. Oloyede -- hopefully, I pronounced your
12 name correctly, I always get it messed up. Did I pronounce
13 it correctly that time or are you just going to be nice to
14 me?

15 MR. OLOYEDE: No, you -- you hit it right on the
16 head. You got it right that time.

17 CHAIRPERSON HOOD: One of the things -- thank you.
18 One of the things I saw very interesting in this, and I want
19 to get this out before I forget. One of the things I saw
20 very interesting in this project was the -- the unit mix.
21 And I notice in the location, we really are stressing and
22 pressing three units.

23 Was that one of the main sells to the community?
24 Because a lot of times, that's what communities push for is
25 three units. Is it -- was that one of the main sells and

1 did you all collaborate on that or just -- how you all -- I
2 guess I'm trying to figure out how did we get there?

3 Normally, we have to push for that, but we didn't
4 even have to -- we didn't even have to do anything. So I
5 just wanted to -- I'm just curious how that -- how that got
6 to that point.

7 MR. OLOYEDE: So, that wasn't our original plan.
8 One of the things that we have been doing with the NRP Group
9 is to make sure that our development projects are inclusive
10 of family size units, just because we realize the importance
11 of having them in our project. So I -- I think it just
12 follows with our -- what our strategy is for meeting the
13 demands for the city and really for the residents of the
14 District of Columbia. We know that that need exists, and
15 we're just trying to fill that need.

16 CHAIRPERSON HOOD: Thank you, and I appreciate
17 that. I think to -- to me, that was a big selling point, at
18 least from my review. Mr. VanPelt, you can stop sweating, I
19 was just joking. I know there's going to be traffic issues.
20 Mr. Imamura, do you have any questions or comments?

21 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
22 Yes, I do. I have a couple questions, have a couple
23 comments building off of what you've already stated, Mr.
24 Chairman.

25 Mr. VanPelt, I'm not a transportation engineer,

1 but what I do know from my peers is that traffic will always
2 resolve itself. At least that's what I've been told is the
3 hidden secret, so.

4 And to the applicant, I echo the chairman's
5 comments about the variety of unit sizes and number of units
6 that you have. Quite an impressive project, 127 units of
7 which over 30 percent are three-bedroom, 40 three-bedroom
8 units, so, at deep affordability too. So, certainly
9 appreciate that.

10 And I think to Mr. Pichon's comment, not only are
11 we thinking about family size, but also the smaller tenants,
12 I think is the term that Mr. Pichon used, so. I thought
13 that was a rather creative term, so to think about the
14 smaller tenants too and their play space, that's important.

15 As Mr. Pichon knows too, I've always looked at the
16 architecture with a critical eye, and you know, I think your
17 selection of materials, the architectural vocabulary, none
18 of which I have any concerns about, but what I am interested
19 in and I don't have any particular concerns about approving
20 the requested side yard, parking and loading relief as
21 requested. So I think that's certainly within reason.

22 And I guess one other thing before I get to the
23 questions about the architecture, I will say though that it
24 -- because of the mix here, and I know that you asked for --
25 the applicants asked for some flexibility too with the

1 number of units, I'm a little reluctant because you -- it
2 seems that you've hit the sweet spot, if you will, and
3 clearly, the chairman has commented on it, I've commented on
4 it, that the three-bedroom units, the number of three-
5 bedroom units I think is important in the mix.

6 So I think there's probably some -- I'd like to
7 get to yes, and I think there's some flexibility in there,
8 but certainly want to make sure that we keep those three-
9 bedroom units and as many two-bedroom units as we can. So,
10 that's kind of where I stand on that. And Mr. Pichon, as
11 I've said, I've got some easy questions for you, but I am
12 interested in a couple things.

13 Renderings or -- from slides 34 and 35 were great
14 of the building. I would have liked to see a little more
15 from the urban streetscape. 36 and 37 almost did it, almost
16 provided the feel of what that streetscape might be, but in
17 the future, I hope that you include a few more.

18 I'm interested in asking you about the
19 architectural vocabulary. What informed your decision and
20 your design iterations in the surrounding area, and
21 especially, how did the historic building, I guess to the
22 east, the historic warehouse, inform some of your design
23 decisions as well as, you know, the Department of
24 Transportation's headquarters there immediately adjacent.

25 MR. PICHON: I have to unmute. Yes, thank you for

1 the -- the question. I know we were going through the
2 presentation a little quickly, so I did not state some of
3 the things that we were focused on, but our overall rhythm
4 of windows, sizing of windows, was -- was really drawn from
5 the existing historic warehouse adjacent to the -- to the
6 site.

7 So you -- you get an elongated, taller window
8 narrower in profile, so we have a lot more, you know, of
9 that imagery on the building. As well as from the DOT, you
10 can see from our elevations that we -- we were drawing on
11 some of the -- some of the lines that were horizontal bands
12 that were created as part of DOT, sort of -- sort of
13 undulation of their facade.

14 And we carried some of those lines across as -- as
15 keys to where we broke up our facade, so with the -- with
16 the warehouse window orientation and then the lines of
17 horizontal brake lines from the DOT, those were two of the
18 main draws. And then from -- from that point forward, we
19 looked to the surrounding buildings, some of the newer
20 structures for some inspiration on materiality and how to
21 blend the historic context with the contemporary buildings
22 that are -- are going up around.

23 So we looked to blend some of the colors and
24 textures of the existing buildings into our composition.

25 COMMISSIONER IMAMURA: All right, thank you Mr.

1 Pichon for that answer, that response. Again, I think your
2 selection of material there, the speckled black brick, the
3 Nichiha materials I think all work really well together in
4 its composition.

5 Also want to just mention the Enterprise Green
6 Communities plus certification too that you all are aiming
7 to achieve as well, so I think that's really terrific. In
8 terms of -- just got a couple notes here, so if my comments
9 are a little jumbled, it's because my notes are a little
10 jumbled.

11 The only comments that I would make about the
12 architecture, especially I guess because I was really
13 surprised Mr. Pichon the level of detail in terms of you
14 brick work, especially the angled brick in the storefronts
15 and -- I think is really interesting but could be incredibly
16 complicated, so but there is a variety that applied
17 throughout -- patterns throughout the building there, which
18 I think will add to the aesthetic interest of it, but
19 something that just caught my eye a bit.

20 A little complicated, but otherwise, I -- I guess
21 the only other comment I'd like to make, Mr. Chairman, too
22 is that I'd just like to note that number of long-term and
23 short-term park -- bicycle parking exceeds the requirements,
24 so appreciate the thoughtfulness behind that as well.

25 All in all, I think, Mr. Chairman, I'm pleased

1 with the overall presentation and design thought behind this
2 and prepared to vote in support.

3 CHAIRPERSON HOOD: Thank you, Commissioner
4 Imamura. And I've been thinking about this, let me just
5 interrupt before I go to Commissioner Stidham.

6 Mr. VanPelt, explain to me how the long-term,
7 short-term bicycle -- I hear it all the time, and I wonder
8 if I look at my job and how we park all day bicycles, and
9 I'm not saying anything negative, I'm just curious how it
10 works. So I've -- I've often thought about maybe riding a
11 bike.

12 The short-term part, is there like a -- like it is
13 with cars, is it -- is it like a two-hour limit and who
14 enforces it? Maybe I don't understand the short-term, long-
15 term bicycle parking. Hope you understand that.

16 MR. VANPELT: Chairman Hood, I'm hopeful we're
17 going to get you on a bike one of these days and get to use
18 -- use it. So what's really the difference between short-
19 term and long-term -- the long-term spaces are the spaces
20 that are in the building, so those are really going to be
21 the spaces that are used by the -- the tenants, the
22 residents, and any staff, so those are in a room in the
23 building.

24 They'll be able to roll right in in this building
25 off the backside, so a very secure facility. And if I have

1 an E-bike, I'll be able to plug my E-bike in, and if I have
2 one of these long, nontraditional, larger bikes, if you
3 will, I'll have a space to park it inside the building
4 secure. That's the long-term bike parking.

5 The short-term bike parking are essentially, most
6 of the time, what you see are the U-racks that are outside
7 in the public realm. And so, if you're just coming to visit
8 somebody at this building or you are coming as a patron to
9 go to the retail that's here, then you can pull up to one of
10 those U-racks outside the building in the public space, and
11 then you can secure your bike at one of those -- those U-
12 racks out -- outside, and those are the short-term spaces.

13 So we talk about long-term inside the building,
14 short-term outside in the public realm where it's accessible
15 to anybody to use them.

16 CHAIRPERSON HOOD: So -- and I probably should
17 wait, but short-term, say if I park my bike there. There's
18 no enforcement, I could park it there for two days, nobody
19 is really going to say anything. There's --

20 MR. VANPELT: At this point -- at this point in
21 time, there is really -- yeah, no, there's nothing that
22 really says not -- it's not like vehicular parking where or
23 the curbside where you're -- there's a time limit that's put
24 on it. And if maybe at some point in the future it gets to
25 that point where DDOT has to actually regulate it, but to --

1 at this point in time, no. It's pretty much, yeah -- it's
2 pretty much just kind of used as it's -- as it needs to be
3 used.

4 CHAIRPERSON HOOD: Okay. And let me just, for the
5 record, I was just asking that for informational purposes.
6 Thank you, Mr. VanPelt, for educating me on that.

7 Commissioner Stidham, do you have any questions or comments?

8 COMMISSIONER STIDHAM: If I can get off mute --
9 mute, I do. So I -- I echo the three-bedroom spaces and
10 thinking about families, and that's really important. And a
11 lot of times, we don't see that, so that fact that in this
12 development, you all are thinking about spaces for family
13 are really important and you should be commended for that.

14 I do sort of -- I'm struggling with a couple
15 things, maybe you can help me understand. Is there -- the
16 open space that was committed to, can you walk me through
17 that again, I don't think I'm quite understanding. It seems
18 to be a reduction in open space or a shifting of those
19 locations, so if you could walk me through what that is.

20 MS. MOLDENHAUER: Sure. As part of the original
21 PUD when it was applied for, there was additional open space
22 that was proffered as part of the public benefits package.
23 Some of that, not all of that open space was going to be
24 located on the current lot that we are proposing for this
25 development.

1 In order to build the structure, we obviously need
2 to reduce that open space, right now it's a paved plaza
3 that, you know, is available through the public, but we will
4 be obviously maintaining a portion of that open space in the
5 front portion of the property, as well as a portion of the
6 space in the rear of the property that will still be able to
7 be used, but we will be reducing that as part of this
8 requested modification of significance in order to allow for
9 the construction of this building.

10 COMMISSIONER STIDHAM: So what is it being reduced
11 to? I believe it was -- was it 35,000 square feet? And I
12 can't seem to find exactly how much it is being reduced to
13 and is it still located in the front, but I saw it was
14 located over the easement for D.C. water, so it's not clear
15 to me.

16 MS. MOLDENHAUER: Sure, so it's going to be
17 located -- there's both going to be open space on the front
18 portion of our lot as well as open space on the rear portion
19 of our lot, and the total -- and we have the total number is
20 actually -- I'm just pulling up which slide it is. If you
21 wanted to pull up, Mr. Young, slide 13 in our PowerPoint
22 presentation, it does show that the project will maintain
23 approximately 10,175 square feet of open space on the
24 property, plus 12,000 square feet on lot 803.

25 So if you -- if you see, that's the -- the first

1 most detailed information on the right-hand side, but that
2 gives you the total number there.

3 COMMISSIONER STIDHAM: Was there a slide in your
4 presentation that actually showed this open space? I'm
5 sorry, I -- I didn't seem to see it when I was going
6 through --

7 MS. MOLDENHAUER: So if you go to slide number 11
8 -- so on the top, you can see diagrammatically the red would
9 have been the open space that was part of the original PUD,
10 and then on the bottom, you can see the red that is now the
11 open space that's part of this modification of significance.

12 And that's just showing the portion that's on lot
13 804. As I said, there's also an additional aspect of open
14 space that you can see in the green that are part of the
15 original PUD that will not be changed. We're only talking
16 about changing, obviously, the open space on lot 804.

17 COMMISSIONER STIDHAM: So in thinking about the
18 fact that you have three-bedroom units here and spaces where
19 families would be and thinking about them -- this being a
20 livable space for families, where would they go?

21 MS. MOLDENHAUER: So that's one of the amazing
22 amenities of this neighborhood. There is a lot of public
23 rec space that is associated with portions of the Navy Yard
24 as well as space that is associated with the park, which is
25 off of M street three blocks away. And Mr. Marshall can

1 also maybe speak a little bit more about some of the great
2 opportunities that are available to his future residents.

3 MR. MARSHALL: Yeah, absolutely. So Canal Park,
4 Yard's park, the Anacostia River trail on this side of the
5 river are the three elements that we have always hung our
6 hat on with respect to immediately accessible outdoor
7 amenity spaces for families in this building.

8 COMMISSIONER STIDHAM: Okay. It's really nice to
9 have space where you live. Families have limited time, so
10 their ability to get out and be together needs to be close,
11 right? They can't hike down the street just because they
12 have a few minutes of time together, so not a great place to
13 cut when you need to make space for other things.

14 So just laying that out there for you. The other
15 things -- so one of -- part of the relief you're looking for
16 in the design relief is related to the IZ's units and
17 shifting the distribution and location of those units. Can
18 you expand on that a bit to help us understand? So the
19 number of units are staying the same, what is changing?

20 MS. MOLDENHAUER: Mr. Marshall, would you like to
21 address the question, or would you like me to?

22 MR. MARSHALL: Sorry, if you could start. My
23 apologies.

24 MS. MOLDENHAUER: Sure. So we -- we are asking
25 for flexibility here. So we are obviously proffering 127

1 units and the level of affordability but given the fact that
2 the project does have and will need D.C. housing funding, we
3 are asking for some levels of flexibility.

4 We believe that that flexibility will only be
5 modified based on the needs of the city and that, you know,
6 that flexibility will be based on the request of, you know,
7 D.C. housing and so, we think that whatever flexibility will
8 eventually occur will be something obviously is a policy
9 goal of the city in that regard. Again, Mr. Marshall, I
10 don't know if you want to elaborate on that.

11 MR. MARSHALL: Yeah.

12 MS. MOLDENHAUER: All right.

13 MR. MARSHALL: Nothing to add, thank you.

14 COMMISSIONER STIDHAM: How will it affect the --
15 the dist -- How are you envisioning it will affect the
16 distribution of the types of units, specifically the number
17 of three-bedroom units that you're proffering?

18 MR. MARSHALL: I can just jump in on that. To be
19 clear, we are intending to maintain the number of three-
20 bedroom units within the level of flexibility that Ms.
21 Moldenhauer specified. It is I think -- and I don't have
22 the flexibility language in front of me right now, my
23 apologies, but I do just want to emphasize the flexibility
24 as it pertains to the administrative requirements of IZ
25 because of the DHC funding that Ms. Moldenhauer referenced.

1 COMMISSIONER STIDHAM: So the number of three-
2 bedroom units is -- will remain at the number that you're --

3 MR. MARSHALL: We intend -- we intend to keep them
4 at that number.

5 COMMISSIONER STIDHAM: Are you aware of the two
6 conditions that OP has requested?

7 MR. MARSHALL: Meridith, could you please recap
8 the conditions specified by OP?

9 COMMISSIONER STIDHAM: So I'm assuming it means
10 you're aware of the two conditions. If you know what they
11 are, you just can say yes. I know what they are --

12 MR. MARSHALL: Yes.

13 COMMISSIONER STIDHAM: I'm asking if you know they
14 are.

15 MS MOLDENHAUER: I know what they are, and we are
16 trying to pull -- I was trying to pull -- I was pulling up
17 the OP report so I could actually speak to them
18 specifically. We are aware of the OP conditions, yes.

19 COMMISSIONER STIDHAM: And where do you stand on
20 those conditions?

21 MS. MOLDENHAUER: We obviously are still
22 requesting the flexibility and would obviously look to work
23 with Office of Zoning on some language.

24 COMMISSIONER STIDHAM: So you're not yet in
25 agreement with the conditions that OP has requested?

1 MS. MOLDENHAUER: I want to pull up their language
2 if you give me one moment.

3 COMMISSIONER STIDHAM: Sorry.

4 MS. MOLDENHAUER: If you have other questions, I'm
5 happy to pull this up and get back with you on this once I
6 pull it up.

7 COMMISSIONER STIDHAM: Nope, that's -- that's my
8 last one.

9 CHAIRPERSON HOOD: Ms. Moldenhauer, if you need
10 some time, we can move on, and we'll come back to
11 Commissioner Stidham's question. We'll give you some time.

12 MR. RITTING: Can I make a suggestion? This is
13 Jacob Ritting. Maybe you could just hold that question off
14 until after OP submits their report. If -- is there --
15 there is a planner here who's planning to testify, I assume.

16 CHAIRPERSON HOOD: Yeah, we'll -- I got it, Jake.
17 We're going to come back to it (crosstalk) --

18 MR. RITTING: Okay.

19 CHAIRPERSON HOOD: I got it. We're going to go
20 the way I said. I got it. Vice Chair Miller, you have any
21 questions or comments while Ms. Moldenhauer looking that up?
22 Commissioner Stidham, we'll come back to your question when
23 Vice Chair Miller finishes.

24 VICE CHAIR MILLER: Okay. Thank you, Mr.
25 Chairman, and thank you to the NRP applicants' team for your

1 work on this case and your presentation today and for the
2 community engagement that has garnered the support as you
3 testified of ANC 8F, although I don't think we have that
4 letter of support in the record yet.

5 But if you have it, if you happen to have it,
6 maybe you could just file it -- do you happen to have it,
7 the ANC letter of support?

8 MS. MOLDENHAUER: The applicant does not have it,
9 but --

10 VICE CHAIR MILLER: Okay, okay.

11 MS. MOLDENHAUER: -- but I do believe that you can
12 see the Chair, Edward Daniels, is on, and I think --

13 VICE CHAIR MILLER: Okay.

14 MS. MOLDENHAUER: -- he can address that directly.

15 VICE CHAIR MILLER: Right, great. I missed that,
16 thank you. So I think it's a great project, I mean, all-
17 affordable 127 units in this amenity rich, high cost, and
18 thriving -- now thriving neighborhood, new neighborhood with
19 much deeper affordability levels, in addition to the all
20 afford -- all affordable way beyond our minimum, set aside
21 it -- the deeper affordability level of 50 -- I think it's
22 50 at 30 percent median family income and 77 at -- at 50
23 percent or less median family income.

24 And then the -- as noted by you and by the -- and
25 my colleagues, the 40 three-bedroom units comprising 30

1 percent of the total, that's all very commendable and will
2 be strongly supportive of the comprehensive plan city-wide.
3 And specific polices for this planning area and the land use
4 element and the housing element of the comprehensive plan,
5 so that's all.

6 Great. And I look forward to hearing -- I think I
7 heard that you were committed to not reducing the three-
8 bedroom units, but I look forward to hearing more about that
9 at the appropriate point and working on that flexibility
10 language to get it as close to what Office of Planning was
11 recommending as possible.

12 And the arch -- the design is very, very
13 attractive. The materials, the colors, the balconies, the
14 articulation and the uses, the child -- the children's
15 playroom that you have in there. How many square feet is
16 the children's playroom? Do you happen to know that Mr.
17 Pichon or somebody -- and the gym and the business center --

18 MR. PICHON: The playroom is just under 700 square
19 feet and the gym is similar, 655, and the business center is
20 825 square feet.

21 VICE CHAIR MILLER: Thank you. So I'm very -- I'm
22 very supportive of this -- of this project on 40 and you --
23 I appreciate the partnership with Marshall Heights and the
24 supportive services that they are going to bring with their
25 partners to do the -- the lower income residents who need --

1 who need that support, whether it's housing counseling,
2 small business training, or work force training.

3 That's all very commendable, so. I don't think I
4 have any questions -- well, just to clarify, you do -- you
5 are agreeing, Mr. VanPelt, to the -- the TDM and loading the
6 -- the transportation management and the loading management
7 plan that DDOT has recommended?

8 MR. VANPELT: Yes, we've agreed to those
9 conditions.

10 VICE CHAIR MILLER: Okay. Just wanted to clarify
11 that for the record. So I look forward to the clarification
12 on the -- the residential unit -- the residential
13 flexibility and that's about it. Thank you. Thank you for
14 your presentation, thank you, Mr. Chairman.

15 CHAIRPERSON HOOD: Okay. Thank you, vice chair.
16 I think that I probably can answer that for Ms. Moldenhauer,
17 because I won't, Ms. Stidham's question, looking at the
18 second -- so, Commissioner Stidham, we already got the
19 answer. The vice chair just reiterated that they accepted
20 with the first condition.

21 And I believe what they heard from the comments
22 from you and from Commissioner Imamura and myself and also,
23 vice chair, I'm pretty sure they're going to go along with
24 the second one, so we don't have to push for it, but let me
25 let Ms. Moldenhauer tell us that so we can move on. I

1 wanted to get to that before I got to Office of Planning, so
2 that's why we went in the order we did. Ms. Moldenhauer, do
3 you want to tell us your answer now or do you want to wait?

4 MS. MOLDENHAUER: I'm happy to tell you, yes.
5 Sorry, I wanted make sure that I understood, I think there
6 was a little bit of confusion on the levels of
7 affordability, flexibility, as well as the condition that's
8 in the OP report, which goes specifically to design
9 flexibility and discusses the number of units that can be
10 amended plus or minus five percent. And we are agreeable to
11 that, and we are agreeable to confirm that we would not
12 reduce the proffered number of three bedrooms.

13 COMMISSIONER STIDHAM: Great, thank you very much.

14 MS. MOLDENHAUER: And I would just note that
15 obviously to Commissioner Miller that our levels of
16 affordability are as noted in our application, but then you.

17 CHAIRPERSON HOOD: Okay, so Commissioner Stidham
18 and others, we didn't have to push for that before we got
19 the OP, because we had already made our oppositions known.
20 So thank you, Ms. Moldenhauer, for agreeing to yes and
21 already agreeing to yes before we even got there.

22 Commissioner Stidham, did that satisfy your
23 inquiries?

24 COMMISSIONER STIDHAM: It did, thank you.

25 CHAIRPERSON HOOD: Any follow-up questions or

1 comments, anybody? Okay. Ms. Schellin, do we have a -- and
2 thank the team, Ms. Moldenhauer, and your team for the work
3 that you all have done and getting us to this point. Let's
4 see if we have any questions of ANC.

5 Ms. Schellin, is Chair Daniels available or does
6 he have any questions?

7 MS. SCHELLIN: Let me see if he has come on
8 (crosstalk) --

9 CHAIRPERSON HOOD: I see him. Yeah, I see him. I
10 see him on.

11 MR. DANIELS: I'm here, yes.

12 MS. SCHELLIN: Oh, there he is.

13 CHAIRPERSON HOOD: Do you have any questions or
14 comments at this time?

15 MR. DANIELS: No comments just yet, we'll get
16 through our testimony and then we'll -- may ask a few
17 questions.

18 CHAIRPERSON HOOD: Do you have any questions on
19 what they've presented now?

20 MR. DANIELS: No.

21 CHAIRPERSON HOOD: Okay, good, good. All right.
22 Now, Ms. Schellin, I think that we go to other government
23 agencies. I'm going off the top of head, which may be --

24 MS. SCHELLIN: Yes, and that would be -- so you
25 know that you have the report of DOEE attached to OP's

1 report, and then we have OAG Alexandra Cain is here to
2 represent them to testify in person.

3 CHAIRPERSON HOOD: Okay. Let's bring Ms. Cain up.
4 Good afternoon. We're still in the afternoon, Ms. Cain.
5 You may begin. Identify yourself, you may begin.

6 MS. CAIN: All right, thank you so much, Chairman
7 Hood, members of the Commission. Alexandra Cain testifying
8 this afternoon on behalf of the Office of the Attorney
9 General. Our filings are in the record at Exhibits 22A and
10 22B. Go to the next slide, Mr. Young.

11 So OAG is pleased to be here this evening in
12 support of Zoning Commission case 03-05A. OAG's support is
13 based on the PUD's significant affordable housing proffer.
14 Next slide, please.

15 We believe that this affordable housing proffer is
16 significant for the combination of affordable housing
17 benefits that the PUD will provide. We believe that this
18 combination will actively advance multiple comprehensive
19 plan policies. Next slide, please.

20 So the comprehensive plan is focused on the
21 creation of affordable housing and identifies affordable
22 housing as the only high priority PUD benefit in residential
23 PUDs. This prioritization responds to the comprehensive
24 plan's goals of making 15 percent of each planning area
25 affordable by 2050 and a third of all new housing units

1 affordable.

2 Comprehensive Plan recognizes that to meet these
3 goals, PUDs provide a critical way of the district to play
4 catch up because matter of right projects only have to
5 provide, at most, ten percent IZ. So with every matter of
6 right project providing the bare minimum, the district is
7 only going to continue to fall farther behind its affordable
8 housing goals. PUDs, on the other hand, helped to make up
9 the district's affordable housing shortfall because they can
10 and must provide more affordable housing in order to satisfy
11 the PUD balancing test. Next slide, please.

12 This comprehensive plan prioritizes affordable
13 housing in order to respond to the district's ongoing crisis
14 of housing affordability. Approximately 35 percent of
15 district households are housing cost burdened, that means
16 that more than a third of district residents are paying 30
17 percent or more of their income on housing. Now, obviously,
18 this housing burden most profoundly affects the district's
19 lowest income residents. Next slide, please.

20 So the comprehensive plan views housing as
21 fundamental to the district's continued growth and
22 stability. As the comprehensive plan notes, housing is
23 foundational to many of the comprehensive plan's other
24 elements and policies as where people can and do live
25 impacts everything from transportation demand to

1 infrastructure needs to environmental concerns.

2 On an individual level, where someone lives and
3 the opportunities and services they have access to
4 determines many of their personal outcomes in terms of
5 health, financial, and social stability. As such, and to
6 ensure that the district grows equitably and inclusively,
7 all residents should have access to safe and affordable
8 housing, regardless of their household types, size, or
9 income level. Next slide, please.

10 So these principles of equitable and inclusive
11 housing serve a number of more specific plan goals. They
12 help to advance the equity and inclusion of high-cost areas;
13 these are areas that often have high concentration of
14 amenities, such as grocery stores, retail options, access to
15 public facilities and transit, and provide greater access to
16 opportunities, such as jobs and education. As such, it's
17 critical that a diverse mix of residents be able to live in
18 these areas.

19 More affordable housing also advances racial
20 equity goals. The district suffers from a racial income
21 gap, and this gap and the resulting disparities of housing
22 tenure is the result of historic and systemic patterns of
23 exclusion. As a result, based on the latest data from the
24 Office of Planning, the median white household income is
25 roughly three times the black median household income.

1 Providing more affordable housing options will
2 allow more households of color to live in opportunity and
3 amenity rich areas, which will have long-term benefits for
4 residents' personal outcomes.

5 Finally, the comprehensive plan notes that to
6 ensure long-term stable growth of the district, more family-
7 sized units are needed to ensure that families of all income
8 levels can continue to live in the district. And this need
9 for family-sized units is disproportionately felt by lower
10 income families, which require units that are both larger
11 and affordable at deeper levels affordability. Next slide,
12 please.

13 So turning now to the PUDs planning area. The
14 lower Anacostia waterfront planning area specifically calls
15 for the creation of more affordable housing. This area of
16 the district has been one of the fastest growing planning
17 areas, and this growth has been spurred by the construction
18 of the Nationals' Ballpark and has been supported by the
19 area's proximity to major transit lines.

20 The result has been rapid development of the
21 neighborhood with multiple amenities, including parks,
22 grocery stores, and other retail and commercial uses all
23 surrounding the ballpark. Now, this growth was anticipated
24 by the comprehensive plan's area element, which called for
25 the creation of new, mixed use, mixed income neighborhoods

1 along the waterfront.

2 And to keep pace with development and to support
3 this dynamic mix of uses, the comprehensive plan calls for
4 these new neighborhoods to include a substantial amount of
5 new housing that reaches households of all incomes, types,
6 sizes, and needs. Next slide, please.

7 So despite this clear directive from the
8 comprehensive plan's area element, the planning area is
9 falling behind in its production of affordable housing. It
10 is not keeping up with the rapid pace of development. As
11 you can see in the top line of the bar graph at the center
12 of this slide, the planning area has added the most units,
13 900, 192 -- sorry, 9,192 of any planning area in the
14 district.

15 However, only ten percent of these units are
16 affordable. Presumably reflecting the by-right affordable
17 housing requirements. As such, though the only planning
18 area appears to meet the interim affordable housing goal
19 established by the 2019 housing report, this hides the fact
20 that it is not in fact on track to meet the comprehensive
21 plan's ultimate goals for 2050 of 15 percent affordable in
22 the planning area out of one third of all the units be
23 affordable.

24 Unless it adds significant amounts of new
25 affordable housing, the planning area will continue to fall

1 behind. Next slide, please. So, to facilitate this high
2 concentration of housing and affordable housing in an area
3 approximate to transit options, the comprehensive plan
4 identifies this specific PUD site, which you can see here
5 outlined in green, as appropriate for high density mix of
6 residential and commercial uses.

7 To reflect the site's central location in the
8 high-density, mixed-use yard's neighborhood, a regional
9 center that not only supports a high concentration of
10 residents, but also attracts visitors and patrons across the
11 city and region. Next slide, please.

12 The PUD's incentives are really fairly limited.
13 While they are using the maximum PUD heights, the building
14 matches the scale of the surrounding buildings, and the PUD
15 is only using roughly half of the maximum committed density
16 for PUD, and less than half of the permitted lot density.
17 The end result is a project that provides more light and air
18 to the surrounding buildings as well as open space on the
19 ground floor at street level. Next slide, please.

20 And the -- furthermore, the PUD's limited relief
21 is clearly outweighed by the PUD's substantial affordable
22 housing proffer. Again, that proffer is going to provide
23 127 units that are affordable. It's going to provide deeper
24 levels of affordability. The project is going to have an
25 average MFI of 60 percent with some units deeply affordable,

1 at 30 percent.

2 It will also have the wrap-around services that
3 were discussed earlier. And the PUD, as we all have heard,
4 is going to provide a truly significant amount of those
5 three-bedroom, family-sized units. 40, which is a very rare
6 proffer to see. Now, the PUD is providing other benefits,
7 which are all admirable, but we believe that just purely on
8 the basis of the affordable housing proffer alone, the PUD
9 is sufficient to justify approval. Next slide, please.

10 PUD is also providing significantly more
11 affordable housing than could be provided in a Matter of
12 Right project, as you can see here. I'm not going to spend
13 too much time on this because these slides are on the
14 record. Next slide, please.

15 And furthermore, the PUD's location enhances the
16 value of the affordable housing proffer due to its proximity
17 to numerous amenities. These include the Navy Yard and
18 Ballpark metro station, which is, you know, roughly a block,
19 I think less than a quarter mile away. There are also
20 multiple bus lines along M Street.

21 There are also multiple parks nearby, there's the
22 Washington Canal Park, roughly sort of a block and change
23 directly north, the Yards park along the waterfront directly
24 to the south, as well as recreation facilities King
25 Greenleaf and the Arthur Capper to the west and east,

1 respectively. It's also surrounded by a number of retail
2 options, including grocery stores and pharmacies, such as
3 the Harris Teeter that you see roughly two blocks to the
4 east, as well as easy access to the Anacostia waterfront and
5 the trails there.

6 Next slide, please. So as a result, we believe
7 that the PUD easily satisfies the PUD balancing test. Next
8 slide, please.

9 And to conclude, OAG is happy to support his
10 project on the basis of its significant affordable housing
11 proffer. The quantity of the units as well as the other
12 aspects of the affordability package, and we believe that
13 this will actively advance multiple comprehensive plan
14 policies focused on creating affordable housing in these
15 high opportunity, high amenity areas.

16 With that, I will conclude my testimony. Next
17 slide, Mr. Young. This is our contact information, and I am
18 happy to answer any questions that the Commission may have.
19 Thank you.

20 CHAIRPERSON HOOD: Thank you, Ms. Cain. I
21 personally appreciate the report and was able to analyze
22 that with some of my thinking, and others I'm sure as well.
23 But let's see if we have any questions and comments. I do
24 at the end. Commissioner Imamura, questions, or comments?
25 You're on mute I think --

1 COMMISSIONER IMAMURA: All right, thank you, Mr.
2 Chairman. No questions, just the only comment that I have
3 is it's nice to see that, Ms. Cain, that we're in alignment
4 here with this particular project.

5 CHAIRPERSON HOOD: Okay, and Commissioner Stidham,
6 any questions or comments?

7 COMMISSIONER STIDHAM: No, thank -- but thank you
8 for being here tonight.

9 CHAIRPERSON HOOD: And Vice Chair Miller?

10 VICE CHAIR MILLER: Thank you, Mr. Chairman.
11 Thank you, Ms. Cain. I have no -- I have no questions.
12 Yes, I too am happy to agree with everything that you've
13 testified to today. Thank you.

14 CHAIRPERSON HOOD: I do have a question, Ms. Cain,
15 and I know it's not necessarily the OAG's role to keep track
16 of this, because some of the things you said I think are
17 very important. And I was just wondering, do we have
18 anybody in the system, I guess it would be OP or maybe the
19 Zoning Administration -- I'm not sure.

20 Do we have anybody that keeps track -- and I'm --
21 I believe the applicant's going to do this -- but I'm
22 talking about all the applicants. Do we have a way or
23 mechanism, and maybe you're not -- maybe -- might not be the
24 right person to ask this question, but is there a mechanism
25 to track all of this to make sure people are actually doing

1 -- ten years from now so we can look at the track record and
2 see some of the things that OAG put in or the Office of
3 Planning put in for and these things are actually getting
4 done, and they're getting to the people that need it.

5 Do you know any -- any agency that kind of does
6 the checks and balances?

7 MS. CAIN: So, the Office of the Zoning
8 administrator, at DOB, is responsible for PUD enforcement
9 and enforcement of the conditions that are applied to PUDs.
10 That comes closest to what you're talking about, Chairman
11 Hood.

12 CHAIRPERSON HOOD: Yeah, probably, because I know
13 some years ago, one of the things the city grappled with,
14 this was some years ago, and I've never -- I just thought of
15 this when you were doing your presentation.

16 There weren't any inspectors, and I've been
17 hearing that for a while, so I'm -- I'm hoping, and I'm
18 probably going to ask the Office of Planning of this too --
19 I'm hoping that all that stuff that we've heard for the past
20 ten years that we know where we are, that somebody has been
21 doing these checks and balances because while I appreciate
22 the reports now and hearing about it, we need to make sure
23 this stuff is really meeting -- really meeting the role and
24 it's actually getting done, so thank you, Ms. Cain, for your
25 report.

1 I think it was well done, but some of this stuff I
2 think would get us to exactly where OAG -- and even where we
3 differ, would get us to where we're trying to -- where the
4 city needs to go. And I think we -- I think we're on the
5 same page with that, we're just trying to get there, and I
6 want to make sure that there's a mechanism that's tracking
7 to make sure we're doing that.

8 All right. Let's see if we have any other
9 questions or comments. Ms. Moldenhauer? Well, cross --

10 MS. MOLDENHAUER: The applicant -- applicant has
11 no questions, thank you.

12 CHAIRPERSON HOOD: All right. And Chair Daniels,
13 any cross with OAG?

14 MR. DANIELS: No, Chair, no questions.

15 CHAIRPERSON HOOD: Hold on, do they normally cross
16 OAG -- no, they don't -- I don't know. But anyway, nobody
17 had any questions. Thank you, Ms. Cain.

18 MS. CAIN: Thank you.

19 CHAIRPERSON HOOD: All right. All right, so --
20 oh, before I go to that, we have gotten the -- Chair
21 Daniels, we do have your report, came in I believe
22 yesterday, so we do have it in front of us. I glanced at it
23 while my colleagues were commenting.

24 I'm going to ask Ms. Moldenhauer, they have
25 four -- I believe four conditions. Did the applicant accept

1 or is the applicant willing to work with those conditions,
2 or did you all accept them or if not, just be prepared when
3 we get to the end of it. I'm going to let Commissioner
4 Daniels do his report first.

5 And my colleagues, look in your emails. So we do
6 have it. And I want to hear what you have to say about each
7 one of those four -- four conditions that they also have
8 proffered, offered.

9 Okay. Let's go to DDOT. Can we bring the DDOT
10 representative up?

11 MS. SCHELLIN: Yes. And to answer your question,
12 yes, everybody gets crossed, even OAG. (Crosstalk) --

13 CHAIRPERSON HOOD: Oh, okay. I get confused.
14 Even though I've done it, do it all the time, I get
15 confused. Okay.

16 MS. SCHELLIN: I think they just haven't been here
17 in a while and so --

18 CHAIRPERSON HOOD: Yeah.

19 MS. SCHELLIN: -- it throws you off guard.

20 MR. JUTTE: Hey, there. Good evening, Chairman
21 Hood, and members of the Commission. For the record, I'm
22 Preston Jutte with the District Department of
23 Transportation.

24 DDOT is supportive of the applicant's proposal to
25 modify the previously approved PUD and develop lot 804 of

1 the plaza with 127 all-affordable units and 2,653 square
2 feet of retail space. In our June 21, 2024, report, which
3 is in the record as Exhibit 21, we recommended approval with
4 one condition, implementation of a transportation demand
5 management plan and the loading management plan.

6 As you heard in the applicant's presentation, they
7 have agreed to our requested condition. With that included
8 in the zoning order, DDOT has no objection to the approval
9 of this PUD modification of significance application. We
10 look forward to continuing to work with the applicant on the
11 design of the streetscape and the curbside management plan
12 as they go through public space permitting.

13 Thank you, and I would be happy to answer any
14 questions.

15 CHAIRPERSON HOOD: Thank you, Mr. Jutte. Mr.
16 Jutte, this is not your first time here, I've seen you
17 before.

18 MR. JUTTE: No sir, on Hill East not too long ago.

19 CHAIRPERSON HOOD: But you were here in front of
20 the Zoning Commission?

21 MR. JUTTE: Yes, sir.

22 CHAIRPERSON HOOD: Okay, so I won't welcome you.
23 Let me ask you this -- sir, I'm just messing with you. Let
24 me ask you this, in the -- have you seen the ANC's report?

25 MR. JUTTE: I have not. I've looked through it, I

1 don't have it at the top of -- available to me right now, I
2 can pull it up.

3 CHAIRPERSON HOOD: Okay. One of the things they
4 mentioned I believe, and I may not be covering everything,
5 that DDOT -- one of the things that they requested is DDOT
6 remove the current bike lane at Tingey Square in order to
7 accommodate development. Have you all been apprised of that
8 request?

9 MR. JUTTE: I have seen that, yes.

10 CHAIRPERSON HOOD: So where -- where do we stand
11 with that?

12 MR. JUTTE: That's not something we would support.

13 CHAIRPERSON HOOD: Okay, I'm going to come back to
14 that. All right, thank you, Jutte. Let's see if we have
15 any questions, comments. Commissioner Imamura?

16 COMMISSIONER IMAMURA: No questions or comments,
17 thank you.

18 CHAIRPERSON HOOD: Commissioner Stidham?

19 COMMISSIONER STIDHAM: None from me either, thank
20 you.

21 CHAIRPERSON HOOD: Vice Chair Miller?

22 VICE CHAIR MILLER: No -- no questions. Thank
23 you, Mr. Jutte, for your report.

24 CHAIRPERSON HOOD: Ms. Moldenhauer?

25 MS. MOLDENHAUER: I would just ask Mr. Jutte if,

1 you know, you did go back and forth with our project,
2 consulted from Gorove Slade and -- and worked with the
3 loading management plan?

4 MR. JUTTE: Yes, that's correct.

5 MS. MOLDENHAUER: And you feel as though the
6 current design is something that DDOT supports and is going
7 to mitigate the concern on the site?

8 MR. JUTTE: Yes.

9 MS. MOLDENHAUER: Thank you, no other questions.

10 CHAIRPERSON HOOD: Okay, thank you. I want to
11 follow back up that but I think I want to hear from Chair
12 Daniels first because I know, you know, we live it, we can
13 talk about it all we want here, but sometimes we live it,
14 it's a whole different experience, so let me just see what
15 he has to say on that.

16 But let's go to Office of Planning first. Ms.
17 Schellin? Mr. Jutte, thank you -- thank you very much, we
18 appreciate it. Thank you. But don't go nowhere, we may
19 have to come back and ask you a question.

20 MR. BEAMON: Good afternoon, Commissioners. This
21 is Shepherd Beamon with the Office of Planning.

22 CHAIRPERSON HOOD: Good afternoon, Mr. Beamon.

23 MR. BEAMON: All right. So we've reviewed the
24 zoning case for 03-05A, a modification of significance, to a
25 PUD application to construct the proposed mixed-use building

1 with a -- with 127 affordable apartment units and ground
2 floor retail.

3 We recommend the Zoning Commission approve the
4 request of modification with the conditions as stated in
5 OP's report, and we support the requested relief from the
6 side yard parking and loading requirements given the site
7 constraints. We are also in support of most of the
8 requested design flexibility, however, we do not support the
9 requested flexibility for the number of residential units to
10 allow a ten percent increase or decrease in units, but we've
11 instead recommended, as discussed previously, that the
12 flexibility be reduced to plus or minus five percent and not
13 including a reduction in the number of three-bedroom units,
14 just to ensure that there is a significant reduction in
15 family sized units.

16 We find that the requested modification is
17 consistent with the comprehensive plan maps. When viewed
18 the racial equity lens, it would not be inconsistent with
19 the comprehensive plan and uphold several relevant policies.
20 As stated in our report, the project offers several benefits
21 including the all-affordable housing units, three-bedroom
22 units, the business and employment opportunities, Enterprise
23 Green Community plan certification, and superior urban
24 design and landscaping that preserves some open space, as
25 originally approved by the PUD.

1 The proposed housing units further advance the
2 target affordable housing unit goal for the lower Anacostia
3 waterfront and near southwest area and for the city whole.
4 And currently, the site contains no developments, so there
5 would be no direct displacement of existing residents or
6 businesses. And with that, I will conclude, and I'm happy
7 to take any questions.

8 CHAIRPERSON HOOD: Thank you very much, Mr.
9 Beamon, for I think an excellent, well-done report. Let's
10 see if we have any questions or comments. Commissioner
11 Imamura?

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
13 agree with you, Mr. Beamon. Thank you for your report.
14 Well done.

15 CHAIRPERSON HOOD: Commissioner Stidham?

16 COMMISSIONER STIDHAM: I also agree, thank you.

17 CHAIRPERSON HOOD: And Vice Chair Miller?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman.
19 Thank you, Mr. Beamon, for all your work on this case.

20 CHAIRPERSON HOOD: Okay. Ms. Moldenhauer, do you
21 have any cross with OP?

22 MS. MOLDENHAUER: No cross. Thank you for working
23 with the applicant.

24 CHAIRPERSON HOOD: All right, and Mr. Daniels, do
25 you have any cross with OP?

1 MR. DANIELS: No, sir. No cross.

2 CHAIRPERSON HOOD: Mr. -- Mr. Daniels, did I ask
3 you if you had any cross with DDOT?

4 MR. DANIELS: I -- I actually do. I may -- you
5 may want to hear our testimony first. I do want to know if
6 this is the appropriate time to ask, because a number of --
7 my question would be how often does DDOT change their
8 support of a project I guess I should say, because we have a
9 number of projects where we sit in these zoning hearings and
10 they say they approve a certain plan, but then when the
11 project comes to fruition, DDOT's plan has changed, creating
12 issues that I'm going to speak to in the testimony.

13 CHAIRPERSON HOOD: So why don't -- why don't we
14 do this? Let me make sure I -- I'm going to make sure --
15 sometimes I think about what I may have not done. Ms. --
16 Ms. Moldenhauer, did I ask you, did you have any cross with
17 DDOT?

18 MS. MOLDENHAUER: You did, and I did ask a
19 question.

20 CHAIRPERSON HOOD: Okay. I'm making sure. So I
21 did not ask you, Chair Daniels, so I'm going to ask Mr.
22 Jutte to come back up. Mr. Jutte, I'm sorry. Come back up,
23 and if you don't mind, Chair Daniels, if you can ask your
24 cross now with DDOT at this time.

25 MR. DANIELS: Sure, and Mr. Jutte, thank you for

1 being here. So I just want to ask because our main concerns
2 are surrounding transportation a number -- a number of
3 significant transportation hazards the projects will be --
4 will present, and we keep hearing from the applicant that
5 DDOT signed off, DDOT has given us, you know, a stamp of
6 approval.

7 That stamp of approval here, in this meeting, is
8 does that guarantee that what you're approving today will be
9 the actual I guess existing condition -- yeah, conditions
10 when this project opens, when the project receives a
11 certificate of occupancy -- occupancy to open?

12 MR. JUTTE: There's the one actual specific
13 condition, which is the TDM plan and the loading management
14 plan, so when it goes to public space permitting, we would
15 look specifically for those and need those to be updated
16 through the public space permitting process in order to do
17 so, that is a specific condition.

18 There's also within our report like the
19 streetscape guidance and public space recommendations that,
20 again, that exact report we would look at when reviewing
21 those plans and want to make sure that what we've discussed
22 and reviewed as part of that report and what they've agreed
23 to would be incorporated into the design during public space
24 permitting.

25 MR. DANIELS: Okay. But I guess to be more

1 specific, does DDOT have the right to alter plans regardless
2 of what the ANC input is, all of these different agencies
3 that are making input, does DDOT have the right to alter
4 plans without further input once the project opens?

5 Once the project is -- once this building is
6 filled, can DDOT change the streets -- the streetscape for
7 whatever reason DDOT deems necessary?

8 MR. JUTTE: DDOT has control over the public right
9 away, I'm not sure I can answer specific to this question or
10 if I understand what you're asking fully.

11 MR. DANIELS: Okay, I'd rather -- let me give my
12 testimony first and I'll explain what other project we have
13 significant issues with that relates to this project.

14 CHAIRPERSON HOOD: Okay, and hopefully, Mr. Jutte,
15 you can -- but I do have a question on -- piggybacking on
16 what Chair Daniels just mentioned, if something changes, I
17 know DDOT, like the Zoning Administration, has a flexibility
18 issue or flexibility right to make -- make changes. If you
19 do make changes, Mr. Jutte, do you go back and let -- inform
20 the ANC and the community that you all have made this change
21 after -- after it's long -- it's long gone from us, it's
22 gone. Do you go back to the community and tell them you've
23 made this change?

24 MR. JUTTE: As I understand, the ANC could
25 actually provide input during public space permitting or

1 would have the ability to do that so, you know, when we're
2 back through public space permitting, I'd absolutely be
3 happy to work and make sure that direct comments can be
4 entered from the ANC.

5 CHAIRPERSON HOOD: So do they get notices? And
6 I'm not just talking about this ANC, I'm talking about
7 citywide now, because I'm hearing a lot of DDOT doing bike
8 lanes and everything and it's not in the realm of the Zoning
9 Commission, but we get credit for a lot of stuff.

10 Is there a mechanism where you notify not just
11 this ANC, but all ANCs if you're going to change something
12 that you may know of Mr. Jutte? And maybe -- maybe that's a
13 question for the director.

14 MR. JUTTE: Yeah, I'm definitely not an expert on
15 the notice of intent policy, but I know that it's in that
16 realm.

17 CHAIRPERSON HOOD: Okay, well --

18 MR. DANIELS: Chairman hood.

19 CHAIRMAN HOOD: Yes?

20 MR. DANIELS: I'm sorry, if I may -- if I may help
21 answer that, yeah, we do get notice. We do get a notice of
22 intent for any changes that DDOT makes. I also want to add
23 that I had a very good meeting with the director of DDOT
24 just a couple of weeks ago leading up to this meeting.

25 Unfortunately, as you just said, once these

1 projects are long gone from the Zoning Commission, some of
2 these changes -- the input from the ANC, I have to be
3 transparent and honest and say that we chime in, but we have
4 very little input, we have very little persuasion it seems,
5 and we have a number of projects in Navy Yard where
6 developers come back to us and say, hey, that wasn't the
7 plan. Zoning signed off on this, DDOT made a change, and
8 that's what you're stuck with. And we don't really get much
9 say once -- once it leaves you.

10 CHAIRPERSON HOOD: Okay. Well, I'm sure we have a
11 director now, as you said is -- and I'm sure all the
12 directors, but I'm sure that's something that probably needs
13 to be fixed. I'm going to stay in my lane, right, my own
14 lane, not a bike lane, I'm going to stay in my lane and
15 leave that alone for now, but I will be asking questions on
16 that throughout as we continue to move on.

17 So thank you, Chair Daniels. Let's see, did
18 everyone finish asking questions? Mr. Jutte, are you going
19 to be around a minute? Okay.

20 MR. JUTTE: I'll be here.

21 CHAIRPERSON HOOD: All right. I think we're
22 straight. Now where am I at, Ms. Schellin? Are we Fooce of
23 Planning -- oh, let's go to the ANC report, I think we're
24 ready for the ANC report. ANC 8F. Chair Daniels.

25 MR. DANIELS: Yes, and thank you, Chair, and I

1 appreciate it. I want to say Happy New Year to you and your
2 team because I used to see a lot of you with our projects
3 and this is my first time seeing you all, so thank you.

4 MS. SCHELLIN: If I could -- wait -- wait one
5 second. I believe Mr. Daniels wanted Mr. Murphree also to
6 come up. Is -- do you still want Mr. Murphree to come up or
7 is he going to do individual testimony? That was my email
8 to you.

9 MR. DANIELS: He will be -- yes, thank you, Ms.
10 Schellin. He will be doing individual testimony.

11 MS. SCHELLIN: Okay, so he's not going -- okay, so
12 we don't need to bring him up. I'm sorry, I just wanted to
13 clarify that email I had gotten, so okay. So he'll
14 individual, thank you.

15 MR. DANIELS: Yeah. Yeah, of course. So
16 normally, the ANC -- we are coming to you fighting for
17 affordable housing. This project, when it came to us from
18 the applicant, we were completely on board with the
19 affordable housing being that it's 100 percent affordable
20 housing.

21 I really thank the applicant and all the work that
22 the applicant and developer have put into this project
23 because our neighborhood desperately needs affordable
24 housing as well as the district, as you are very well aware.
25 There are significant concerns that our ANC has with the

1 project, and these are mostly transportation and pedestrian
2 safety issues regarding the location of the project.

3 At our June 18th meeting, we voted 500 to offer
4 conditional support for the project. I want to reiterate
5 conditional support for the project because we have a number
6 of concerns that we would like to have fleshed out and
7 solidified before the Zoning Commission takes a vote on
8 this.

9 There are transportation and pedestrian safety
10 hazards regarding this project. I also want to point out to
11 the Zoning Commission that the project sits right next to
12 Tingey Square, which Brookfield developed Tingey Square as
13 away to alleviate and make transportation, vehicular
14 traffic, pedestrian traffic flow easier in the midst of all
15 the development in the yards, and between yards and yards
16 west. So they created Tingey Square to help with that
17 transportation flow and safety.

18 We weren't anticipating that a development
19 project, a residential project would pop up in this
20 particular parcel, but we, of course, welcome it because of
21 the nature of the affordable housing component. The project
22 as it stands right now, we are not sold on the
23 transportation plan and the loading management plan of the
24 project.

25 Without any on-site parking coupled with existing

1 conditions that do not offer a pick-up and drop-off zone,
2 loading zone, or a curb cut, this project will certainly
3 exacerbate an already problematic intersection down at New
4 Jersey and Tingey. We currently have a resolution over to
5 DDOT regarding the Thompson Hotel, and there is significant
6 congestion at the Thompson Hotel that actually backs up
7 Tingey Square, directly across the street from this
8 particular parcel.

9 So our main concerns from day one when applicant
10 said that, hey, we will not have on-site parking or loading
11 on site, the first question began that -- that we posed was
12 how is this going to work out? The parcel currently lies
13 right next to a bike lane. The bike lane can not exist with
14 this property.

15 We found that no matter where loading zones go
16 with residential properties, deliveries to the property, and
17 we're speaking of everyday deliveries, like simple things
18 like postal carrier or UPS or FedEx driver, they deliver to
19 the front entrance of buildings. They don't use loading
20 zones -- they don't use loading docks; they use loading
21 zones if the loading zones is right at the front of the
22 building.

23 If it's not at the front of the building, they
24 will block the travel lane, they will block the bike lane,
25 they will block whatever lane it takes in order to make a

1 delivery at the entrance of the building. This particular
2 property's entrance is located at a bike lane and at an
3 intersection where there is no way to get out of the travel
4 lanes.

5 The applicant has put forth a transportation and a
6 loading plan that will also exacerbate the problem if they
7 don't offer a cut into the landscaping. So with the
8 creation of Tingey Square, what Brookfield did was add this
9 landscaping to create a shorter distance of pedestrians
10 crossing New Jersey Avenue.

11 Without cutting into that landscaping, there's no
12 way that the pick-up and drop-off plan or the loading plan
13 will actually work because the two loading areas, one that
14 the applicant -- or two that are on Tingey Street that they
15 have pointed out, those loading areas are completely blocked
16 every day. Our parking team tells us that those loading
17 areas are public spaces that they can not keep up with the
18 enforcement of.

19 So the ANC is asking the applicant to apply with
20 DDOT for a dedicated loading zone that is specific to their
21 building so that they can better manage that and so that
22 they can enforce that with their own staff and their own
23 towing to get those cars out of there.

24 I do have five photos to show exactly what those
25 loading zones that they keep pointing out and how those

1 loading zones are parked every single day, even on game day,
2 those loading zones are parked. And the parking team says,
3 hey, we can't keep up, we can't get them out, we can't
4 get -- we can't keep up with getting a tow truck and getting
5 the cars out of there.

6 If those spaces are in existence with this
7 project, there's not even going to be an easy way for people
8 for 127 units to move into the property without creating
9 loading zones that is a curb cut into the landscaping over
10 there on New Jersey Avenue. Again, the bike lane that sits
11 there that bike lane is not protected.

12 It could be protected if this project didn't come
13 about, but that bike lane has to be removed, there's no way
14 that bike lane can stay there. And if I'm able to share my
15 screen, I do have five photos to give you a visual of what
16 we're talking about when it comes to the congestion there.

17 CHAIRPERSON HOOD: So what I would like for you to
18 do is submit that to the record now --

19 MR. DANIELS: Sure.

20 CHAIRPERSON HOOD: -- so we can see those photos.
21 If you could send them to Ms. Schellin, she'll get them to
22 us right now. I would like to see them so I can -- I heard
23 everything you said, and I understand it and I want to make
24 sure that I really can grasp exactly what you're saying.
25 I'm sure that my colleagues will be helpful to all of us.

1 So with the amendment to go ahead and email those
2 to us --

3 MR. DANIELS: Sure.

4 CHAIRPERSON HOOD: -- and while you're doing that,
5 I do have a question. What I've learned from DDOT is those
6 white sticks are supposed to help separate. I see it often
7 times in Ward 1, which backs up the traffic, but you know, I
8 know we have to have different ways and choices of moving
9 around the city now.

10 Do you think those white sticks might be able to
11 help? And I haven't -- before I ask that question, let
12 me -- let me see the pictures first. Let me do that and
13 then we'll let you finish, and we will ask our questions.
14 Ms. Schellin, if you can put that in the record and you
15 could send that to us, please.

16 MR. DANIELS: Thank you, Ms. Schellin, the
17 pictures were just sent over.

18 CHAIRPERSON HOOD: And I think you have to serve
19 the -- Ms. Moldenhauer, do you have the pictures as well?
20 Do you have Ms. Moldenhauer's email? I'm sure you all can
21 (crosstalk) --

22 MR. DANIELS: Yes.

23 CHAIRPERSON HOOD: Okay.

24 MS. MOLDENHAUER: Thank you very much.

25 CHAIRPERSON HOOD: Does Mr. Jutte have the

1 pictures too? So we're all operating off (crosstalk) --

2 MS. SCHELLIN: Chairman Hood, I thought that Mr.
3 Daniels said five pictures, but I received eight.

4 MR. DANIELS: Yeah, just send over one, two three,
5 four, five -- six photos. Oh, I'm sorry, I'm sorry, eight
6 photos.

7 CHAIRPERSON HOOD: Oh, eight. Don't send us no
8 pictures you don't want us to have Mr. --

9 MR. DANIELS: No, no, no these are -- yeah, these
10 are eight photos regarding that intersection.

11 MS. SCHELLIN: Okay. It's going to take a minute
12 because I have to save each one of these separately and then
13 I'll merge them into one document into the record.

14 CHAIRPERSON HOOD: Okay.

15 MS. SCHELLIN: So if he wants to continue his
16 testimony, I guess --

17 CHAIRPERSON HOOD: Yeah, you want to go ahead and
18 finalize it, we'll come back once get the pictures in front
19 of us.

20 MR. DANIELS: Sure. And thank you, Chair. So
21 with the number of issues that are problematic regarding
22 loading, parking, pedestrian safety issues at that
23 particular intersection, what we're asking for is at ANC is
24 that the applicant seek private use of a loading zone that
25 they manage at the property and that the bike lane is

1 removed from Tingey Square in order to accommodate the
2 development, as well as creating some sort of pick-up and
3 drop-off plan and loading plan that is agreed upon between
4 DDOT, the ANC, and that DDOT, whatever they sign off on,
5 once Zoning approves this, that the plan not change.

6 And the reason that we're asking that the plan not
7 change is because there's very little wiggle room at the
8 corner of New Jersey and Tingey for anything else to happen.
9 I want to point out to the Chair here and the rest of the
10 Commission that we have a project at 880 New Jersey Avenue
11 where the plan from Zoning, it was signed off that the front
12 of the building would be a loading zone on New Jersey
13 Avenue, that the loading zone be at the front of the
14 building where all deliveries happen.

15 DDOT installed a bike lane from the capital on New
16 Jersey Avenue all the way down to D.C. Water's offices.
17 They installed a bike lane. The ANC reached out to say,
18 hey, what's the plan once this bike lane goes in because the
19 delivery drivers have nowhere to go.

20 The response from DDOT was we'll figure it out,
21 they'll use the side streets. So DDOT just produced a
22 transportation operations plan to the ANC before this --
23 this baseball season, all of the pain points they listed on
24 their map were regarding the bike lane on New Jersey and the
25 bike lane on I Street. All of their pain points was exactly

1 what we thought was going to happen where these deliveries
2 are suddenly blocking bike lanes, parking on sidewalks, et
3 cetera, because they altered the plan.

4 So we're asking that whatever the plan is, that in
5 three years, that is the plan and DDOT doesn't alter the
6 streetscape because there's no way to alleviate this or make
7 this work without right now setting us up -- ourselves up
8 for whatever that plan is, and that can't change.

9 So we're asking that there is a removal of some of
10 the vegetation and that the curb cut goes into some of that
11 vegetation in -- whatever you would call it, they have to
12 cut into the vegetation to make sure that the travel lanes
13 are not blocked and that that bike lane that's on New Jersey
14 isn't blocked as well. And Chair, that is the end of my
15 testimony.

16 CHAIRPERSON HOOD: Okay, thank you. We're going
17 to do -- we're going to push for everything that is within
18 our powers. I know that there's some other things the ANC,
19 you all will be dealing with with DDOT outside of us, but I
20 want to specifically make sure that this project is a not a
21 adverse impact. That's the goal, to try to lessen any
22 adverse impact or make sure we can mitigate it.

23 So Ms. Schellin, do we have the -- anybody have
24 the pictures yet? I don't have them.

25 MS. SCHELLIN: I'm on the last one and then I can

1 save it and send it to you, just give me a second.

2 CHAIRPERSON HOOD: Okay. All right. Just give
3 her a moment, okay? Let's see, before we get the pictures,
4 does anybody have any questions? Let me start with Vice
5 Chair Miller, any questions or you want to wait to see the
6 pictures?

7 VICE CHAIR MILLER: I'll wait, thank you.

8 CHAIRPERSON HOOD: Anybody have any questions they
9 want to ask now, or? Okay, all right. We'll wait.

10 MR. RITTING: Commissioner, this is Mr. Ritting
11 again. But I just did want to ask for some clarification
12 about something I didn't quite understand. The ANC report,
13 in order to get great weight, has to be submitted in writing
14 into the record, and I -- I didn't see a copy of the ANC
15 report in the record. Mr. Daniels --

16 MS. SCHELLIN: He submitted it on Sunday, and it
17 just didn't get put in Jake, it's -- it has been submitted.

18 MR. RITTER: Oh, okay. Thank you, that -- that's
19 my -- thank you very much.

20 MS. SCHELLIN: Our -- our staff person is out
21 today, and so there's a little bit of confusion, but it's
22 going to be put up.

23 CHAIRPERSON HOOD: They don't -- they don't work
24 on Sundays Ms. Schellin?

25 MS. SCHELLIN: Sometimes. I'm sorry, it's just

1 taking me a minute. One of the photos was not a PDF, so
2 I've got to convert it. Just give me a second.

3 CHAIRPERSON HOOD: Okay. Why don't we do this?
4 Let's take a two-minute break and come back in two minutes.

5 (Whereupon, a short recess was taken.)

6 CHAIRPERSON: Okay, we can come on back up.

7 MS. SCHELLIN: Exhibit 26.

8 CHAIRPERSON HOOD: Okay, Exhibit 26.

9 MS. SCHELLIN: It may still be twirling, so give
10 it a second to show up.

11 CHAIRPERSON HOOD: Okay, there we go. Everybody
12 has it? It's in DDOT --

13 MS. SCHELLIN: Yeah. It should be eight pages.
14 Sorry it took so long, it just was putting it all together.
15 Ms. Moldenhauer, you should be able to access it too. In
16 the record, Exhibit 26.

17 MS. MOLDENHAUER: Thank you very much, yes. And
18 Commissioner Daniels did send it to me as well, so.

19 MS. SCHELLIN: Oh, he did, okay. Okay, sorry
20 about that. (Crosstalk) --

21 MS. MOLDENHAUER: No, for public -- for public
22 notice that we were served it via email and our team has it.

23 MS. SCHELLIN: Okay. I'm going to go ahead and
24 put the ANC report up. I think our staff person may be off
25 now.

1 CHAIRPERSON HOOD: All right. Mr. Daniels, you
2 want to walk through -- walk us through these photos and
3 kind of what you were mentioning as well?

4 MR. DANIELS: Yes, sir. Yes, thank you. So these
5 photos, these are currently -- these are loading zones.
6 DDOT hasn't officially -- they're kind of open zones. On
7 game day, there's a sign that says no parking, stadium
8 traffic only. I believe they will be transformed into
9 loading zones, but the first photo here shows you what
10 parking enforcement deals with every day.

11 These cars are constantly parked there, they're
12 not going anywhere. So when the applicant says oh, this is
13 going to be a loading zone that's used for -- to help with
14 the building that's a few feet away, that's not exactly what
15 the reality is. Those cars are there, we can't get
16 deliveries in there, we can't get residents in there to
17 actually load because those cars are there basically 365
18 days a year.

19 So, I'm just showing that those loading zones are
20 sited as nearby loading zones. Those loading -- those zones
21 are blocked. Next photo.

22 This is the Thompson Hotel directly across the
23 street from the parcel where the applicant plans to build.
24 This is the bike lane right there in the center that's
25 always blocked. This is the state of the Thompson Hotel

1 every other day, not just during this season, but this is
2 the Thompson Hotel.

3 So our ANC submitted a resolution asking DDOT to
4 actually move this valet parking area to Tingey Street
5 because the hotel valet, they see that they can't keep up
6 with -- keep the circle open because of the number, the
7 volume of traffic that was coming to the hotel being
8 valeted. So we were asking to move it to Tingey Street
9 because the hotel said that would suit them better because
10 their bike lane that DDOT put in that was not part of the
11 original Tingey Square project is constantly blocked by the
12 traffic at Tingey Square. Next slide.

13 This shows the bike lane coming around towards the
14 intersection of Tingey and New Jersey Avenue, so that bike
15 lane there, which ideally, would be a protected bike lane as
16 turn conditions -- as it exists right now, when they build
17 this project, the front entrance will be right there in the
18 center of the bike lane. And our experience as a
19 neighborhood with deliveries is that deliveries happen at
20 the front door. The Postal Service, UPS, food service, all
21 deliveries happen at the front door.

22 That bike lane, if that remains there, that's
23 going to be constantly blocked. There's going to be
24 congestion right there if that lane stays there. Next
25 slide.

1 This is just another view of the bike lane and
2 also the pedestrian crosswalk that was built into the Tingey
3 Square project. And just a reminder, Tingey Square was
4 built because of transportation and congestion issues and
5 pedestrian issues, so they built that to make that area flow
6 better. With this project there just has to be some deep
7 thought as to how this is going to work with the front door
8 of the building essentially being where the crosswalk is,
9 how is that going to work? Next slide.

10 The grassy area here is what I'm suggesting, if
11 there's going to be any pick-up and drop-off lane and Ms.
12 Moldenhauer can -- can clarify for me here, we're asking
13 that that area be cut into to make a pick-up and drop-off
14 zone so that where that yellow truck is, that that doesn't
15 happen, where the trucks are blocking the travel lanes.
16 Next slide.

17 This just shows the bike lane on New Jersey Avenue
18 and the green space that we're asking, for clarification, if
19 that part could be cut into so that the traffic lanes are
20 always open. I want to point out to the Commission that
21 across the street is 1275, the brand new Chemonics building,
22 and we already have issues with folks parking in that
23 crosswalk because there's nowhere to stop there.

24 So we're just seeing a lot of projects go up and a
25 lot of planning and things are signed off by DDOT, and then

1 the reality when these buildings open is they're not
2 functioning the way that they should. Whenever the ANC goes
3 back to DDOT, the response is always, our curbside
4 management team is working on it.

5 Unfortunately, my six years as a Commissioner,
6 this has just been the constant response of, oh, we're
7 working on it, when I think we solve these problems right
8 from the get-go when it comes to zoning and the proper
9 planning of the project. And I believe that's all the
10 slides that I need to showcase the issues around the
11 intersection.

12 CHAIRPERSON HOOD: Okay. Thank you, Chair Edwards
13 (sic). I will let my colleagues know I do want to -- I want
14 DDOT to respond to some of these issues. Mr. Jutte, I'm not
15 going to ask you to do it now, I would need that so I can
16 review it and examine exactly what's going on, because even
17 though everything is not necessarily germane to this
18 project, a lot -- a number of things are going to be echoed
19 because of this project, which may exacerbate a problem that
20 already exists, and that's what I'm -- I don't want us to
21 have to do, so we need to come up with some mitigation
22 methods. At least that's where I'm at at this point.

23 And I'm using the word at twice, that's where I'm
24 at at this point. So what I would like to do is see if my
25 colleagues have any follow-up questions or comments on that

1 or any questions for Chair Daniels. Vice Chair Miller?

2 VICE CHAIR MILLER: Thank -- thank you, Mr.
3 Chairman. Yeah, I concur with your comments, Mr. Chairman.
4 I think Chair Daniels brings up some important concerns
5 about how the development is proceeding with the public
6 space and transportation plans that were approved for these
7 separate projects as they go forward.

8 So I think it -- it is an import -- I think it's
9 useful to take this opportunity with this case to get a
10 response from DDOT on -- on specific recommendations today
11 and see has made for this project and -- and general what's
12 happening in the Yards. So thank you, Mr. Daniels, for
13 bringing -- bringing all that forward.

14 CHAIRPERSON: Commissioner Stidham, any questions,
15 or comments?

16 COMMISSIONER STIDHAM: Just one question. During
17 the meeting, did you make the applicant aware of these
18 concerns? I'm just curious.

19 MR. DANIELS: Ms. Stidham, yes. We -- we did.
20 We've gone back and forth with the applicant on a number of
21 things. I did want to ask for clarity from Ms. Moldenhauer
22 regarding that -- that loading zone on New Jersey Avenue.
23 If I'm correct, we don't cut into the vegetation? But yeah,
24 we have gone back and forth with these concerns.

25 COMMISSIONER STIDHAM: Okay, thank you.

1 CHAIRPERSON HOOD: Ms. Moldenhauer, I know we're
2 doing our questions, but can you respond because I forgot to
3 come back to that. Can you respond to Chair Daniels?

4 MS. MOLDENHAUER: Sure, I'd be happy to. You
5 know, we will be working with DDOT and we do anticipate that
6 the proposed loading management plan will be cutting into a
7 portion of the vegetation in order to accommodate the
8 proposed plan that we show, and we're happy to kind of pull
9 back up one of our slides, slide 41, and kind of walk
10 through how.

11 You know, what you see today obviously will not be
12 what would be proposed and what is being proposed as part of
13 our loading management plan, there will be some
14 modifications to the existing public realm along New Jersey
15 Avenue in order to account for a lot of the factors that the
16 Commissioner did bring up and the applicant did work kind of
17 extensively with DDOT.

18 There was actually a change in the loading
19 management plan where it was located in one location, then
20 we actually went to the ANC and had discussions about the
21 fact that this was a real concern for them. We then were
22 able to work with DDOT and get both the loading zone that's
23 currently near the retail space, which is near the historic
24 building to be maintained, as well as these two new spaces,
25 both one for loading and one for PUDO based on a response

1 and trying to mitigate the concerns that were brought up by
2 the ANC.

3 CHAIRPERSON HOOD: Thank you for those comments.
4 Commissioner Imamura, do you have any questions or comments
5 for Chair Daniels?

6 COMMISSIONER IMAMURA: Thank you, Mr. Chairman.
7 No questions for Chair Daniels, just comment though. Just
8 to say that I know that the applicant is probably eager to
9 move forward here and, as Ms. Moldenhauer said, has worked
10 extensively with DDOT on this.

11 But I appreciate, Chair Daniels, your earnestness
12 and I think what's really -- I think just taking a step back
13 for everybody here is that we all want this to be a
14 successful project, right? And the worse thing is to have
15 this go under construction and development and then Chair
16 Daniels to come back and say, yeah, I told you so, this is
17 the way this is going to play out.

18 So I think just another effort to take one more
19 look at this, flesh out anything else might be helpful, but
20 I appreciate I think his earnestness and sincerity here to
21 resolve this, not only for the project, but for the
22 community too. So it's pretty -- at least from my point of
23 view, it's like an objective ask here so.

24 Thank you, Mr. Chairman. That's all that I have.
25 Thank you, Chair Daniels.

1 CHAIRPERSON HOOD: So, I will say that because of
2 what is being proposed here, the affordable part of it, I
3 will say this, I'm thinking, there's a sacrifice that has to
4 be made, but the sacrifice that Chair Daniels is showing is
5 not the sacrifice that has to be made. So I mean, it is
6 some give and take.

7 It -- it might not be, Chair Daniels, 100 percent,
8 but we got to do better than this, because I know that this
9 kind of goes on in other places of the city. I know Robert
10 Miller and others have talked about Pennsylvania Avenue,
11 others have talked about other avenues, South Dakota Avenue,
12 Connecticut Avenue, some of these things are coming up now,
13 and I do know you're right.

14 They have to load, a lot of them, in the front.
15 So DDOT -- and they had award winning DDOT, I say that all
16 the time after they've proven to me they're award winning.
17 Mr. Jutte and others. Sometimes I wonder if the whole goal
18 is for us to change our human way of doing things and stop
19 using as many cars, which I'm not, I have cars and I'm used
20 to driving cars, or -- I think it needs to be a way that it
21 can work with everything, and we can not exacerbate problems
22 with developments like this as -- as my colleagues have
23 already mentioned.

24 So I want DDOT to look back at it. I think that
25 we need to make sure, and I'm not just picking on this

1 project, because I think this project out of all of them
2 should go forward, especially with affordability.

3 So we just need to go back and as Commissioner
4 Imamura said, we look at some things, because the second
5 look, even with a fresh pair of eyes or a second time after
6 not looking at it so long, may come up with some resolutions
7 in which I think the community -- because the community is
8 going to have to deal with it.

9 And those of us who may come over there sometime
10 from time to time, we're going to have to deal with this, so
11 we want to make sure we try to do this right. Let me just
12 ask this, Chair Daniels, 880, was that a Zoning Commission
13 case? I hope it wasn't. If it was, I hope I wasn't on it.

14 MR. DANIELS: Wait, which case?

15 CHAIRMAN HOOD: The one you said you all were
16 having the all the problems; you gave the address I think --

17 MR. DANIELS: Yes, Chairman, I don't know how --
18 how much more I can reiterate to the Zoning Commission there
19 are so many -- I'm glad that you called DDOT an award-
20 winning agency. We've had -- I've personally had many, many
21 issues with DDOT when it comes to planning.

22 We keep getting from applicants, oh, DDOT signed
23 off on this or DDOT has given us the initial sign off. My
24 response every time, I'm always thinking who from DDOT is
25 signing off on these things? That other project I believe

1 that you were chairperson at that time.

2 We have a lot of projects down here where after it
3 leaves the zoning discussion, something else happens, and
4 then the response from DDOT is always well yeah, we can do
5 whatever we want in the public realm, which is true, but
6 some of the things just don't quite make sense. And I have
7 many friends that bike.

8 I bike sometimes. I run a business where I need
9 to drive more often than biking. I fear for bikers in the
10 city because of the issues that are caused by what's
11 happening with bike lanes right now, and poor planning of
12 these lanes is causing hazards and causing injury and
13 causing death.

14 I had a great meeting with Director Kershbaum a
15 couple of weeks ago and I was so thankful that she actually
16 -- she and her chief of staff and her curbside team
17 acknowledged some of what I was saying for the first time in
18 six years. I say that because the former director of DDOT
19 was not very receptive to ANC input, and I'll just leave it
20 at that.

21 CHAIRPERSON HOOD: So let me just say something to
22 you, Chair Daniels. The reason why I know they're award-
23 winning is because I was critical, just like -- you and I
24 are probably on the same page. And they informed me, and
25 they actually produced to me that they have won many awards.

1 So you let Ian know, the chief of staff, you let
2 him know that you've come to the Commission and you've
3 expounded to us too, and I'm sure that they can relook at it
4 or ask if we're going to send this back to look at it and
5 we're not picking on this applicant, because again,
6 sacrifice.

7 This is affordable -- maybe we should have looked
8 at 880 a little better. But this is affordable, all-
9 affordable project which is key. One of the things that we
10 wanted to make sure we did to D -- Department of
11 Transportation -- I mean, not the district, the DOT, the
12 federal DOT, we want to make sure that the view line, people
13 are able to see down to the water, and this -- and this
14 actually is putting them down close by the water.

15 So we want to make sure that this is -- hopefully,
16 we can mitigate it so. I don't know what else to do other
17 than sit back and look at another -- get another look at it
18 and see how we can maybe tackle some of these issues
19 pertaining to this project, but let me see if others, my
20 colleagues, have anything else, another direction they would
21 like to see us go, but that's what I'm looking for. Anybody
22 have anything else to offer?

23 Okay, I see everybody shaking their head. Ms.
24 Moldenhauer, you -- you heard them ask that they -- I know
25 you all are going to be involved, but Mr. -- where's Mr.

1 Jutte? Mr. Jutte, you still here? I don't see you.

2 MS. SCHELLIN: He's here.

3 CHAIRPERSON HOOD: Okay. Can you bring him up or
4 do I need to do something different? Mr. Jutte, you've
5 heard the conversation, correct?

6 MR. JUTTE: Yes, sir.

7 CHAIRPERSON HOOD: You may be myself I don't know
8 why he's asking me to do this, but we want you to go back
9 and maybe -- maybe reexamine, work with the ANC and the
10 applicant and see how we -- not that we're going to 100
11 percent there, we're not going to all holds hands, maybe if
12 it's in another realm doing public space, but the design
13 review is our responsibility and we want to make sure that
14 the design at least makes sense. And right now, I don't
15 think it makes sense.

16 MR. JUTTE: I did want to add a point of
17 clarification and it's in our report, DDOT is supportive of
18 the public space concept on New Jersey Avenue to add the --
19 I think to what the Chair was referring to, which -- so I
20 want to clarify, that is in our report that shows the New
21 Jersey Avenue one that he was referring to.

22 CHAIRPERSON HOOD: So we've made headway, and I'd
23 like for you all to reexamine the -- I know bike lanes is a
24 big issue, but let's reexamine some of the things that --
25 and maybe we -- you all can talk with these pictures in

1 front of you, I don't know if you've seen these yet Mr.
2 Jutte. Yeah?

3 MR. JUTTE: Yes, I have them.

4 CHAIRPERSON HOOD: Talk again because I think it
5 concerns all of my colleagues. Commissioner Imamura, you
6 have your hand?

7 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I
8 just wanted to underscore at the end of the day, this is
9 really about public safety, so I think for everybody here,
10 the applicant, the Zoning Commission, the ANC, DDOT, and OP
11 just take another look at this. And I think Mr. Pichon,
12 maybe Mr. VanPelt will agree with me that there is a design
13 solution somewhere in there. So I think design can solve
14 this. Then again (crosstalk) --

15 MS. SCHELLIN: The Chris Marshall guy, what's
16 the --

17 COMMISSIONER IMAMURA: -- it's about public safety,
18 so.

19 MS. SCHELLIN: The Walking Dead --

20 COMMISSIONER IMAMURA: Ms. Schellin, you're --

21 CHAIRPERSON HOOD: Ms. Schellin.

22 MS. SCHELLIN: Hmm?

23 COMMISSIONER IMAMURA: You have a hot mic. Ms.
24 Schellin --

25 MS. SCHELLIN: Yeah, I do. I got something --

1 CHAIRPERSON HOOD: We're talking about traffic,
2 she said The Walking Dead.

3 COMMISSIONER IMAMURA: We're talking about the
4 importance of public safety, here. So just remember
5 everybody, as we take another look, that's -- that's really
6 the issue.

7 CHAIRPERSON HOOD: Okay. And I -- Mr. -- Chair
8 Daniels, I'm sorry to hear that I cheered that other --
9 hopefully, we'll get that resolved too and get that
10 straightened out. All right, anything else? Commissioners
11 from the ANC?

12 Okay. All right, Mr. Jutte, thank you. Thank
13 you, you're a good sport so I'm sure you'll come back with
14 at least three out of the four, so thank you. At least I'm
15 putting -- I'm going out on limb, so thank you. We're
16 looking forward to seeing the response.

17 And Mr. -- Chair Daniels, thank you as well for
18 bringing that to our attention, and Ms. Moldenhauer and
19 others, I'm sure we'll work -- we're going to get a win-win
20 because again, sacrifice, this is an all-affordable project.

21 Ms. Schellin, do we have anybody here in support,
22 opposition, or undeclared?

23 MS. SCHELLIN: We only had one person sign up and
24 he is marked as undeclared and that is Mr. Murphree, Rick
25 Murphree. I believe he is also an ANC Commissioner, but he

1 is going to testify in his individual capacity per Mr.
2 Daniels.

3 CHAIRPERSON HOOD: Okay. Let's bring Commissioner
4 Murphree up now --

5 MS. SCHELLIN: So he'll have three minutes.

6 CHAIRPERSON HOOD: Three minutes and you may
7 begin.

8 MR. MURPHREE: Hello, Commissioner Hood.

9 CHAIRPERSON HOOD: Good evening, how are you?

10 MR. MURPHREE: Good evening, good evening. So I
11 am -- I am the Commissioner and this my SND here, and we
12 have done quite a bit of work with the developer on this and
13 trying to get something worked out. And I know it's easy to
14 get excited about affordable housing, especially affordable
15 housing with three bedrooms, but as you said, I think
16 there's solutions here we just -- we need to work through --
17 through these solutions.

18 This intersection, as Chair Daniels pointed out,
19 is already on overload. We have a resolution in already
20 with the hotel to -- with DDOT to try to fix one of these
21 problems. The building next to where this development is
22 going is currently empty, it's a historical building that
23 will eventually be two or three restaurants and retail
24 stores, something that will also then include more Uber Eat
25 drivers and more delivery drivers.

1 I think I'm with you, Chair Hood, when it comes to
2 -- when it comes to reducing the amount of vehicles. The
3 issue as a new NC that I -- ANC that I have seen in the
4 first year and a half at this is that what DDOT forgets is
5 delivery drivers. And I live down on Van Street by the
6 stadium, and I watch this all day long.

7 Specifically to Tingey, we also deal with
8 (inaudible) that have taken up space for delivery -- for
9 loading zones and PUDO zones, so we've reduced the amount of
10 PUDO zones and loading zones while we're increasing the
11 need for them. In this particular -- in this particular
12 instance, the management plan is great, but the problem in
13 that management plan is there's no way for them to manage an
14 area that is public property, and anybody can pull up.

15 As a matter of fact, ironically, one of the
16 pictures that Chair Daniels showed had this yellow moving
17 truck blocking traffic on the side where -- where the
18 loading and PUDO zone is going to go. And we're not even to
19 this development and that side already gets blocked with --
20 with loading and unloading.

21 So there's no way to manage that when it is public
22 property, so DDOT asking for a management plan is just going
23 to fall empty on actually being able to manage that --
24 manage that area. In addition to that, this affordable
25 housing, I just -- I feel like we're shorting the folks that

1 are going to have the opportunity to have this affordable
2 housing.

3 I mean, these loading zones are going to be used
4 for things like trash pick-up and mail pick-up, and if
5 somebody else is parked in those zones, they don't get trash
6 pick-up, and mail pick-up is going to be delayed or pushed
7 somewhere else. So I feel like we're shorting those
8 individuals that will be moving into this affordable --
9 affordable housing.

10 I think that there's ways to create solutions to
11 this, I just don't think we're at that point yet where we
12 have the solutions that we need in place. I'm 100 percent
13 in support and we're desperately in need of affordable
14 housing, I just don't think because the city is short on
15 their goal of affordable housing that we just need to push
16 through this and -- and short the residents the services
17 that they're going to deserve in their affordable housing
18 units at this point. That-- that ends my -- my testimony
19 there.

20 CHAIRPERSON HOOD: Okay, thank you, Commissioner
21 Murphree. Let me just ask this, and I'm sure you probably
22 speak for everyone you represent. Does your single member
23 district, did you all meet on this, and do they all align
24 with you, or is it just -- I'm just curious, did you have a
25 single number district meeting? No that it's required, I'm

1 just curious.

2 MR. MURPHREE: No, we did -- no, we just had a
3 full ANC meeting.

4 CHAIRPERSON HOOD: And that's kind of was the
5 consensus of -- of everyone that --

6 MR. MURPHREE: That's correct, yes sir.

7 CHAIRPERSON HOOD: Okay. A picture's worth a
8 thousand --

9 MR. MURPHREE: I mean, I get -- yeah, and the
10 pictures, again, we still have an empty building down there
11 that will eventually have two to three more restaurants with
12 delivery trucks, semi-trucks, coming through trying to
13 deliver to those restaurants, people picking up food for
14 food delivery, so that's not even in -- those things don't
15 get included in these plans of what's going to happen next
16 with the next development that's going to need these loading
17 zones.

18 But if you look at this particular plan, trash
19 pick-up -- there is no loading dock for trash pick-up. The
20 trash pick-up is the loading -- the loading zone. And so,
21 that is -- if the trash pick-up comes and that loading zone
22 is taken by a UPS truck or by somebody else at a different
23 location, the hotel across the street, there's nothing that
24 -- that trash truck doesn't pick up trash. They just --
25 they go without.

1 CHAIRPERSON HOOD: So, Commissioner Murphree, I'll
2 say this, and I actually was speaking to someone in Prince
3 George's County about some development out there. One of
4 the things that I'm learning, and I told this person the
5 same thing, it seems like some of this development takes a
6 life of its own, and I know we want it because I've been
7 here for a while, and I know years ago and the ANCs in world
8 six, and two at the time were coming out and pushing for it.

9 I remember going with Andy Altman (phonetic), and
10 I'm just saying how we got here. I remember going with Andy
11 Altman, I said man, by the time they fix all that up, the
12 stadium and everything, I said I'll be dead and gone. I
13 remember making that -- I never made that statement again
14 because guess what?

15 All of that is thriving, and a lot of the people,
16 a lot of the Commissioners, a lot of them are now deceased
17 who pushed for some of this stuff that's going on, but it --
18 it seems to me sometimes like it just -- and this is me
19 thinking out of line and talking out of line, I'm trying to
20 figure out some of the -- the remedies to the problem.

21 This took a -- it takes a life of its own, and
22 then it -- I don't know. That's me digressing a little.
23 Let me open up to see --

24 MR. MURPHREE: I agree. I mean, I think -- I
25 think in general, Chair Hood, I think a lot of times and I

1 do -- we just dealt with this with the top plan with DDOT.
2 The -- we come at these plans with things like how are we
3 going to get drivers from Virginia and Maryland to come into
4 the stadium?

5 Instead of starting with how are going to keep the
6 day-to-day operations moving in the neighborhood and then
7 work backwards from that. We forget about the mail delivery
8 service and the trash truck pick-up and we come at it from a
9 different direction to try to push and shove this in, and I
10 am all for this project of affordable housing, and I want it
11 to work, but I just -- I don't what the residents to be
12 shorted the services that they deserve in affordable
13 housing, and I don't want those traffic issues to get
14 worsened because I do know in the short one and a half years
15 as a Commissioner, DDOT does not go back and fix anything
16 that they broke to begin with. That is absolutely not what
17 happens.

18 CHAIRPERSON HOOD: Right. Well thank you,
19 Commissioner Murphree, I appreciate all the work that you
20 all are still -- continue to do that man, and I actually
21 agree with everything you just said. We just got to figure
22 out a way to get there. So let me see if my colleagues
23 have --

24 MR. MURPHREE: Appreciate it.

25 CHAIRPERSON HOOD: -- comments, Commissioner

1 Imamura?

2 COMMISSIONER IMAMURA: No questions or comments.

3 Thank you.

4 CHAIRPERSON HOOD: Commissioner Stidham?

5 COMMISSIONER STIDHAM: None from me either, thank
6 you.

7 CHAIRPERSON HOOD: And Vice Chair Miller?

8 VICE CHAIR MILLER: Thank you, Mr. Chairman, and
9 thank you, Commissioner Murphree for echoing Commissioner
10 Daniels comments and all your service in the community, and
11 yeah.

12 I mean, as Commissioner Imamura said, I -- there
13 has to be a design solution that -- that mitigates these
14 concerns and makes the project successful for everybody, so.
15 I think -- I think we can get there with putting -- if
16 there's a good faith effort made by DDOT and the applicant's
17 transportation team.

18 CHAIRPERSON HOOD: Okay. Ms. Moldenhauer, any
19 questions for Mr. Murphree? Mr. Murphree.

20 MS. MOLDENHAUER: No questions of Mr. Murphree,
21 thank you.

22 CHAIRPERSON HOOD: Okay, and Chair Daniels, any
23 questions of Commissioner Murphree?

24 MR. DANIELS: No, sir.

25 CHAIRPERSON HOOD: Okay. Thank you, Commissioner,

1 again. We appreciate all the work that you all do as well.
2 All right. Ms. Schellin, do we have anything else? Anybody
3 else?

4 MS. SCHELLIN: Nobody else to testify.

5 CHAIRPERSON HOOD: All right, let's do rebuttal.
6 The rebuttal will actually Ms. Moldenhauer be rebutting us,
7 so I don't know how much rebuttal you have, but I'm going
8 to give you time for rebuttal and closing.

9 MS. MOLDENHAUER: Thank you, Commissioner Hood. I
10 would just kind of like to point out a couple of things and
11 make sure that when we're looking at the loading management
12 plan, we kind of understand some of the evolution and some
13 of the discussion points that we've have DDOT in direct
14 response to the ANC on some of these points.

15 So, if Mr. Young could pull up image 41 on our
16 PowerPoint, I think it might be helpful to just kind of look
17 through it as we talk. I'll wait a moment. While that's
18 being pulled -- oh, perfect, thank you. So, slide 41.

19 If you want to -- maybe we can zoom in, we don't
20 need to see the words as much, maybe just the picture, but
21 if you can't that's okay.

22 CHAIRPERSON HOOD: Ms. Moldenhauer, which exhibit
23 is that? Is --

24 MS. MOLDENHAUER: It's PD -- sorry, PowerPoint
25 page 41.

1 CHAIRPERSON HOOD: Oh, PowerPoint, okay.

2 MS. MOLDENHAUER: Yeah.

3 CHAIRPERSON HOOD: All right, got it. Thank you.

4 MS. MOLDENHAUER: Sorry, and the exhibit is --
5 it's the PowerPoint at Exhibit 25. So it's page 41 of
6 Exhibit 25. So, I just -- I just want to and obviously, Mr.
7 VanPelt can also kind of walk through this in a moment, but
8 the far-right purple diagram here, which is a loading zone
9 on Tingey Street was our original location where -- and we
10 actually had a PUDO zone in front of that.

11 We presented this to the ANC and there were some
12 concerns about it not being sufficient enough and it being
13 farther away from the entrance, so we went back and we
14 worked with DDOT and we almost doubled the actual square
15 footage, and Mr. VanPelt can kind of provide some more
16 information there, where we then created and -- and had a
17 brand new concept where we cut in, to the Commissioner's
18 comment, we're actually going to cut in and reduce the
19 existing public green space that is there now and create,
20 which it not there now, by leaving the two vehicular traffic
21 lanes, I think that was one thing that was talked about by
22 ANC Commissioner Daniels, you will still have these two-
23 transit lanes and you'll have new -- a new loading and PUDO
24 space that will be specially marked, and then you'll have
25 the bike space protected.

1 If Mr. VanPelt could kind of walk through it in a
2 little more detail and talk a little bit as well about the
3 differences between the images that we saw today kind of
4 from the current condition of Tingey, and then how we're
5 going to make this more distinctive, that would be really
6 great.

7 MR. VANPELT: Okay. Would you like to me to also
8 touch on New Jersey a little bit too, or just on the --

9 MS. MOLDENHAUER: Sorry, I was talking about New
10 Jersey. That's what I was saying.

11 MR. VANPELT: Okay. Okay, yeah, so I think the
12 images we saw today showed New Jersey Avenue where there has
13 been a protected bike lane with -- so basically, there's a
14 buffer, there's a bike lane, and then there's a buffer
15 space, and when DDOT restriped New Jersey Avenue, they took
16 basically what was a parking lane and turned it into that
17 space. So you have a buffer, bike -- you have a buffer and
18 then you have a bike lane.

19 So what we're doing on this image, we have
20 maintained -- we've created -- essentially taken the real
21 estate that was where the buffer was and the bike lane to
22 create the loading zone and the pick-up, drop-off zone. So
23 the blue and the purple there on the New Jersey side. And
24 then we have moved the bike lane and kept it protected from
25 the traffic by putting it up at the sidewalk level, so

1 that's the green north, south line that you see is the bike
2 lane.

3 We have to do that. We have impacted the
4 landscaping a bit. I don't think we have our civils with
5 us, I know they've laid this out, so I don't have exact
6 dimensions of what that is, but there is some impact to the
7 landscaping on the New Jersey Avenue side in this change.

8 Did I cover all of that functionally? But I think
9 that's -- that is what we've done to create the pick-up,
10 drop-off, and the loading zones on New Jersey Avenue.

11 MS. MOLDENHAUER: Currently, the spaces that were
12 shown on Tingey, they're not striped, correct?

13 MR. VANPELT: This -- if you're referring to the
14 purple space that is on Tingey that's to the east there,
15 that is -- that's a parking lane, not striped as a loading
16 zone.

17 MS. MOLDENHAUER: And so, the proposal here would
18 be to work with DDOT to request that this be painted to kind
19 of show and make it distinctive for people to say this is
20 not a parking area.

21 MR. VANPELT: Yeah. So currently, that's --
22 that's correct. It's currently just street parking and then
23 what would happen is that as we move forward through the
24 public space permitting process, there will be a detailed
25 pavement marking and signage plan that will designate that

1 with the signage and -- and striping if that's -- if that's
2 something DDOT's agreeable to, to indicate that curb space
3 to be a loading zone, no longer street parking.

4 MS. MOLDENHAUER: Thank you very much. I think we
5 can take down the image unless any Commissioners have
6 questions while the image is up.

7 CHAIRPERSON HOOD: Let's -- let's see if we have
8 some questions. I do have one. Where the purple, the
9 loading zone, and the PU zone -- EO zone is, and then the
10 bike lane is in between that or where you got to take the
11 goods. Am I -- am I looking at this correctly? Because it
12 doesn't make sense to me.

13 MR. VANPELT: You will have to -- you will have to
14 take any -- any service activity that's happening in that
15 loading zone will have to cross over bike lane, which is not
16 an uncommon thing. That would -- that does happen in the --
17 in the city.

18 The most important thing is, is that we in -- on
19 New Jersey, we have separated the vehicular activity from
20 the bike activity. So we won't have any service vehicles or
21 any cars stopped on the bike lane, the bike space, because
22 it's up on the curb, so they won't actually be able to get
23 to it.

24 CHAIRPERSON HOOD: This -- this reminds me, Mr.
25 VanPelt, when I'm walking across Pennsylvania Avenue and I'm

1 looking for the cars and I might get hit by a bike because
2 I'm walking. This is what -- and I'm -- I'm not saying it's
3 -- it doesn't happen, but I'm also not saying that it's
4 right. I'm also not saying it's safe.

5 So I'm just trying to figure out maybe that's
6 where we're going then, you know, put pedestrians and
7 everybody at risk. But I think we need to, you know this --
8 what I'm saying is actually bigger than just this because
9 when you're crossing over some sites and people are riding
10 their bike, one may not be looking, the other one may just
11 go.

12 I -- I just think we're not exactly what
13 Commissioner Imamura said is looking out for safety. That's
14 part of our charge on the Zoning Commission, so that's my
15 view on that. I'm actually going to look more towards
16 coming up with another fix because I see that as being a
17 problem as well.

18 I don't know if my colleagues see that as well,
19 but we'll just leave it at that. So you all may continue
20 unless somebody else has something to say. All right, Ms.
21 Moldenhauer, you can continue.

22 MS. MOLDENHAUER: Sure. If we can take down those
23 images. It's the two other points. I also just want to
24 note that we have been working with some of the other
25 property owners, including Brookfield, in connection with

1 trying to come up with what is a good design and a kind of
2 practices here.

3 We have been in contact with them and are aware
4 that they did a letter into the record. I think, Ms.
5 Schellin, it might also be kind of part of the package that
6 was sent late and maybe filed late, but I know that Senior
7 Vice President Iman Lormic (phonetic) put a letter into the
8 record indicating that they were supportive of the
9 affordable project, as well as working with DDOT to come up
10 with a solution here.

11 I'd also just want to turn to Mr. Marshall to
12 maybe talk a little bit about the goals of this project as
13 well as NRP's understanding of the need to kind of continue
14 to work with the community and to just respond to a little
15 bit of what was being said here on the transportation
16 issues.

17 MR. MARSHALL: Thank you, Ms. Moldenhauer. I just
18 want to underscore our shared interests in ensuring that
19 this property operates as well as reasonably possible.

20 The comments that we heard from Commissioner
21 Murphree earlier are understandable comments and ones that,
22 again, we share. And I should note, and this is
23 particularly true for dedicated affordable housing
24 developments such as this, NRP in conjunction with Marshall
25 Heights Community Development Organization will be long-term

1 owners of this property.

2 So our interest in ensuring, again, as much as
3 reasonably possible, that this property operates from a
4 loading perspective is shared. We are very clearly
5 understanding the Commission, I should say the Advisory
6 Neighborhood Commission's support for the project and the
7 affordability of the project.

8 We're grateful for it. And so, we are going to
9 work with the ANC going forward both during the remaining
10 steps in the PUD process as well as the Public Space
11 Committee process to ensure that we can get as far as
12 reasonably possible to ensure that we can handle loading as
13 much as possible, and work with DDOT, I should say.

14 Because Commissioner Hood, you and others have
15 done a very good job of identifying how this is a fantastic
16 site for affordable housing. This is something that we need
17 in this neighborhood, we certainly believe that from the
18 development perspective.

19 So, for the lack of a better way of putting it,
20 we'll be threading the needle on this issue to ensure that
21 the fullest extent possible, we can -- we can bring
22 dedicated affordable housing developments to this high
23 opportunity neighborhood and manage the loading and other
24 matters as well as reasonably possible given the context.

25 So, in sum, we appreciate the ANC's comments. We

1 do genuinely look forward to working with them because we
2 will be their neighbors when this project is built.

3 CHAIRPERSON HOOD: Okay. Thank you, Mr. Marshall.
4 Ms. Moldenhauer, do you have anything else?

5 MS. MOLDENHAUER: No. We would ask that we --
6 obviously, we hear the Commission clear. We obviously will
7 look forward to working with DDOT and the ANC. We would ask
8 that if the Commission believes it's appropriate, that
9 potentially to take proposed action and allow us to take the
10 time between proposed action and final action to continue
11 to, as Mr. Marshall also keenly said, thread this needle and
12 come up with potential solutions that might -- may mitigate
13 the concerns of the ANC as well as be acceptable to DDOT.

14 CHAIRPERSON HOOD: Thank you, Ms. Moldenhauer.
15 I'll tell you, you took a very brave step asking me to go
16 that far, so I appreciate that. I'm not inclined to -- I
17 don't know what my colleagues are, but I'm not inclined to
18 move forward right now. I think that --

19 MS. SCHELLIN: Only one vote, Chairman Hood. Just
20 so it's (crosstalk) --

21 CHAIRPERSON HOOD: Okay. So -- so --

22 MS. SCHELLIN: So it makes it very easy moving --

23 CHAIRPERSON HOOD: Moving forward (crosstalk).

24 MS. SCHELLIN: -- forward, yeah.

25 CHAIRPERSON HOOD: So yeah, it's a one-vote case.

1 I did -- I did read that earlier. Okay, so it's a one-vote
2 case, Ms. Moldenhauer, and I appreciate Mr. Marshall
3 threading the needle, and I believe when the needle comes
4 back, it going -- it might not be perfectly sown, but we'll
5 be close to it. So thank you.

6 So we won't be able to do that because it's an
7 only a one-vote case. Thank you. And let me just thank the
8 team for this dialogue, and I want to thank Chair Edwards
9 (sic) and Commissioner Murphree for bringing this to our
10 attention, because I actually thought that I would have been
11 finished this case from what I was reviewing, and then I got
12 to ANC report while we're having the hearing. I thought I
13 would have been finished with it about five -- actually
14 about 430. So obviously, I was wrong.

15 All right, anybody have any closing comments?
16 Okay, Ms. Schellin --

17 MR. DANIELS: I do, Chair. If I may, I just want
18 to say thank you for listening and thank you. We look
19 forward to working with the applicant as well, because it's
20 a great project that we need. I just wanted to comment, if
21 I may, on what Mr. VanPelt just said about loading through
22 bike lanes.

23 We have a lot of that in our neighborhood and we
24 have a lot of bike lane problems that we keep bringing to
25 DDOT. We have a lot of injuries, and we've had two deaths

1 in the district, two deaths that have been caused after a
2 bike lane was put in and loading occurring through a bike
3 lane. So I really, really, am confused to hear a
4 transportation expert say nonchalantly that that happens
5 throughout the city.

6 It happens throughout the city, and that's what
7 we've been trying to make DDOT aware of, is that when the
8 mayor says, I want 30 miles of bike lanes put in and experts
9 say, sure, we'll lay them everywhere without proper
10 planning, that's what happens and that's what is happening.

11 So I hope that these discussions can continue, and
12 I really hope that curbside management at DDOT continues
13 open dialogue with the ANC and their current director.

14 CHAIRPERSON HOOD: Thank you for that, Chair
15 Daniels. Even though that's not just specific just to this
16 project, the case I was mentioning where I almost got hit by
17 a bike on Pennsylvania Avenue going back to work. So I
18 do -- I get it, I know that's what's going on, and I
19 appreciate your comments and we have to continue as
20 residents.

21 We all have to. At the end of the day, I don't
22 just sit on the Commission, I'm a resident too along with my
23 colleagues. We have to continue to advocate and work with
24 DDOT so we can get better again.

25 I know that there are no -- I always mention this

1 and I don't mean it sarcastic, but they have convinced me
2 they're award-winning, so I want to see some of those award-
3 winning steps which I know that they have to come in -- come
4 in place -- get rid of some of the issues that we're having,
5 like what you just mentioned. And I'm sure they can help us
6 do it, we just have to put a little more thought into it.

7 All right. Ms. Schellin, do we have anything --
8 Mr. Ritting, do you have anything?

9 MR. RITTING: Yeah, I just had a request. Since
10 it's a one-vote case, we can still get started on honing the
11 condition language and use the proffer and conditions
12 process that's set forth in Subtitle X, 308.

13 And if the applicant could submit the first step
14 in that next week, I can provide comments and we can move
15 that piece of it forward so when the Commission does take
16 the one-vote on the case, we can -- we can wrap everything
17 up in one piece.

18 CHAIRPERSON HOOD: Okay, that's good. It sounds
19 good. That's how we're going to -- need to move.

20 I'll let Ms. Schellin now -- thank you Mr. Ritting
21 -- Ms. Schellin, come over the scheduling. And we want to
22 allow time for -- for them to come back with a resolution
23 and a solution that has a resolution, I'll leave it at that.
24 Ms. Schellin?

25 MS. SCHELLIN: You mean the ANC or the applicant?

1 CHAIRPERSON HOOD: Everybody, DDOT especially.
2 DDOT, ANC, the applicant, everybody to come back with a
3 resolution.

4 MS. SCHELLIN: Okay. So are we aiming for July
5 25th meeting for final action? I'm looking to the
6 Commissioners. Or are you trying to put this off until
7 September?

8 VICE CHAIR MILLER: I think we could do it as soon
9 as we can do it.

10 CHAIRPERSON HOOD: Let's do it quicker. Because
11 we may have forgotten by September.

12 MS. SCHELLIN: Okay. Thanks, so we're going to
13 July 25th and working backwards from that meeting, so -- so
14 Jake, we're not -- we won't be doing the normal proffer and
15 conditions since this isn't a new PUD, but you guys can work
16 out the proffer language, your condition language.

17 MR. RITTER: Sure. I can do it, you know, in a
18 couple days after you submit something.

19 MS. SCHELLIN: Yeah, yeah. So okay, so -- and the
20 app -- the ANC can participate in those -- working with
21 those conditions if -- if they'd like to, so I'll just come
22 up with something.

23 So, working backwards then from the July 25th
24 date, let me get you some dates very quickly. So if we
25 could have the applicant submit what they've been asked to

1 submit by July 8th, and I'm just talking about right now,
2 the stuff that the Commission asked for.

3 And then the ANC, DDOT, OP has an opportunity to
4 respond by the 15th at 3:00 p.m. Draft order by 3:00 p.m.
5 on the 18th, and then we can put this on for the 25th. And
6 then as far as the conditions process, if you could provide
7 those conditions that Jake has asked for, Ms. Moldenhauer,
8 by the 8th, then I think that Jake would turn those around
9 by the 10th.

10 Where is Mr. Ritting? I'm looking for him.

11 MR. RITTING: That works.

12 MS. SCHELLIN: Two days by the 10th?

13 MR. RITTING: Yeah, I can do it.

14 MS. SCHELLIN: And then if Ms. Moldenhauer could
15 then send her final by the 12th, I'm just trying to make
16 this 25th date work. Then we can have the ANC, if they
17 would like to respond to the final conditions, they would be
18 able to do that by the 19th at 3:00 p.m., and we still have
19 this on for the 25th. Does everyone got that?

20 MS. MOLDENHAUER: Thank you.

21 CHAIRPERSON HOOD: Thank you, Ms. Schellin. Are
22 we all on the same page?

23 MS. SCHELLIN: I think so, I have one more -- two
24 more things if we're done with dates.

25 CHAIRPERSON HOOD: Okay, go right ahead.

1 MS. SCHELLIN: Okay. First, I want to apologize
2 to Mr. Marshall. I didn't mean to say that you look like
3 The Walking Dead, I was trying to explain to my husband that
4 my laptop coloring went out. I had either dead people or
5 black silhouettes, I'm sorry. So I didn't mean to offend
6 you by saying Chris Marshall looks like The Walking Dead,
7 you were the only person up on my screen and there -- and so
8 I was saying, look at this, and so I apologize, I did not
9 mean to offend you in any way.

10 MR. MARSHALL: Your apology is accepted, so long
11 as I can hold on to that nickname for all future Zoning
12 Commission hearings.

13 MS. SCHELLIN: Zombie Chris, there you go.

14 CHAIRPERSON HOOD: I think you -- I think
15 (crosstalk) --

16 MS. SCHELLIN: And so I apologize for that.
17 Although I think I'm -- I got some color back, it's not
18 completely fixed, but he fixed it enough to get through the
19 hearing And -- and the other thing is happy anniversary,
20 Chairman Hood, to you and my friend Camille. I wish you the
21 best.

22 CHAIRPERSON HOOD: Thank you.

23 MS. SCHELLIN: I think it's what, 37 -- 37 this
24 year?

25 CHAIRPERSON HOOD: 36 (crosstalk). It won't be

1 (crosstalk) --

2 MS SCHELLIN: 36, okay. So I gave you one to grow
3 on, so don't mess it up.

4 CHAIRPERSON HOOD: Okay, I appreciate it. Thank
5 you.

6 MS. SCHELLIN: So I hope you have a happy
7 anniversary and you did well over the weekend since you had
8 to be here with us.

9 CHAIRPERSON HOOD: I did. I will tell you this --

10 MS. SCHELLIN: And now I'm done.

11 CHAIRPERSON HOOD: Thank you. I will tell you
12 this though, Chair Daniels is going to make think about 880
13 New Jersey Avenue the rest of the evening. So I want you to
14 know we -- we don't just come one time.

15 We think about these things long after we've got
16 through them, and I will tell you, now that's not in front
17 of us, I'm going to drive down and see for myself.

18 MR. DANIELS: Chair, I appreciate that.
19 Definitely visit the neighborhood. You'll be -- you'll be
20 surprised with -- once you see some of these projects and
21 how they are actually operating.

22 CHAIRPERSON: I don't -- I live here, so I know
23 some of the issues, I'm in some of the traffic. I tell Mr.
24 VanPelt, you know, I say it laughingly, I think about them
25 all the time when I'm sitting in some of these situations,

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In the matter of: Public Meeting

Before: D.C. Zoning Commission

Date: 07-1-2024

Place: Teleconference

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