

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION
CASE NO. 23-27

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REGULAR PUBLIC HEARING

+ + + + +

THURSDAY

DECEMBER 12, 2024

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
GWEN WRIGHT, Commissioner
TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary
PAUL YOUNG, Zoning Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

DENNIS LIU, ESQUIRE

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
JENNIFER STEINGASSER
JOEL LAWSON

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ALSO PRESENT:

CAROL ATEN, Committee of 100

The transcript constitutes the minutes from the
Regular Public Hearing held on December 12, 2024.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

Case No. 23-27
Text and Map Amendments to Create Navy Yard East
(NYE) Zone (Squares 955, 979, 979S, and portions
of 1001S, portion of land south of Squares 955 and
979 to the Anacostia River pierhead lines,
and the southeast portion of Reservation 14
containing Navy Yard Building 70, and the south
portion of Reservation 14 containing the public
pathway adjacent closed streets to Anacostia
River)

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Office of Planning - Karen Thomas 7

Committee of 100 - Carol Aten 38

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. Joining me this evening are Commissioner Wright and Commissioner Stidham. We are also joined by Office of Zoning staff, Ms. Sharon Schellin, as well as Mr. Paul Young, who will be handling all of our virtual operations, as well as our Office of Zoning Legal Division, Mr. Dennis Liu. We will ask all others to introduce themselves at the appropriate time.

Copies of today's virtual public hearing notice are available on the Office of Zoning's website. Please be advised that this proceeding is being recorded by a court reporter and is also webcast live -- webcast live via Webex or YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have signed up to participate or testify will be unmuted at the appropriate time.

Please state your name and home address before providing oral testimony on your presentation. Oral presentations should be limited to a summary of your most important points. When you are finished speaking, please mute your audio so that your microphone is no longer picking up sound or background noise.

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2 telephone call-in, then please call our OZ Hotline number at 202-
3 727-0789 to sign up or to receive Webex log-in or call-in
4 instructions. All persons planning to testify either in favor,
5 opposition, or undeclared must sign up in advance and will be
6 called by name. If you wish to file written testimony or
7 additional supporting documents during the hearing, then please
8 be prepared to describe and request it at the time of your
9 testimony.

10 The subject of this evening's case is Zoning Commission
11 Case Number 23-27. This is an Office of -- this is an Office of
12 Planning text amendment to create the Navy Yard Zone at Squares
13 955, 979, and 979S and portions of Square 1001S and portions of
14 the land extending south of Squares 955 and 975 to the Anacostia
15 River pierhead lines, and the southeast portion of Reservation
16 14 containing Navy Yard Building 70 and the south portion of
17 Reservation 14 containing the public pathway adjacent closed
18 streets to the Anacostia River. That's quite a bit.

19 So the hearing will be conducted in accordance with the
20 provisions of 11Z DCMR, Chapter 5, as follows: Preliminary
21 matters; then we'll have the presentations -- in this case this
22 evening it will be a presentation by the Office of Planning --
23 report of other government agencies; the report the ANC -- I
24 believe this is citywide -- testimony -- I think -- testimony of
25 organizations and individuals each have five and three minutes,

1 respectively and we'll hear in the order from those who are in
2 support, opposition, and undeclared. While the Commission
3 reserves the right to change the time limits for presentations,
4 if necessary, it intends to adhere to the time limits as strictly
5 as possible and at no time shall be ceded.

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

9 MS. SCHELLIN: No real preliminary matters, just to say
10 that Karen Thomas, Jennifer Steingasser, and Joel Lawson are here
11 for the Office of Planning for the presentation on this case.
12 And this case, as you know, was first set down by the Commission
13 back in December 2023, but after working with the Navy, OP came
14 back with what I think they think is a resolution after working
15 with them, or at least a partial resolution anyway, with some
16 revised text. So that's what you have before you this evening,
17 and I am ready to turn it over back over to the Commission. Thank
18 you.

19 CHAIRPERSON HOOD: Thank you, Ms. Schellin. And, also,
20 I misspoke. It's ANC 8F and 6B. I usually (indiscernible)
21 rulemaking, but I usually always just consider it citywide, but
22 in this case it's ANC 8F and 6B. All right. Let's bring up Ms.
23 Thomas and Ms. Steingasser and -- you all are going to let me
24 know about how much time -- I'm not going to rush anybody, 'cause
25 I can -- I'm flexible. I am, but I just want to know about how

1 much time you need to present.

2 MS. THOMAS: Yeah. Good afternoon, Mr. Chair. Thank
3 you. I'll try to be brief, but there's some things I'd like to
4 make sure that you understand, you know.

5 CHAIRPERSON HOOD: Okay. Thirty minutes? Let's put
6 30 minutes on the clock. Is that --

7 MS. THOMAS: Yeah. That's a bit much, but that's okay.
8 Thank you.

9 CHAIRPERSON HOOD: Okay. All right. Thank you.

10 MS. THOMAS: Thank you. Did you bring the slides up?

11 CHAIRPERSON HOOD: I'm ready to begin whenever you are.
12 Okay. Thank you.

13 (Whereupon, the PowerPoint presentation was shared on
14 the screen.)

15 MS. THOMAS: Okay. Thank you. Thank you, Mr. Chairman
16 and Commissioners. Tonight, the Office of Planning proposed the
17 Navy Yard East text and map amendment for the 15-acre southeast
18 portion of the Washington Navy Yard, also known as the O Parcels,
19 as set down by the Commission in September. And tonight at this
20 public hearing we are asking the Commission for approval of this
21 proposal.

22 Next slide. As a brief overview, 2019 Congress
23 authorized the Department of Navy to convey real property under
24 its jurisdiction, including portions of the Washington Navy Yard
25 in exchange for certain parcels in the Southeast Federal Center

1 adjacent to the Washington Navy Yard. And, pursuant to this
2 authority, the Navy entered into a land exchange agreement with
3 Redbrick whereby the Navy assumed ownership of land just outside
4 the northeast corner of the Navy Yard, which it intends to develop
5 with a new National Museum of the U.S. Navy. The developer,
6 Redbrick, then acquired through ground leases the southeast
7 corner or the O Parcels for new mixed-use development, and the
8 subject parcels would remain owned by the federal government.

9 Next slide. Because the property is owned by the
10 government, the National Capital Planning Commission, the federal
11 government's planning agency for the National Capital, reviewed
12 and approved a Master Plan for the O Parcels, which, among other
13 things, establishes the basic parameters, including the use,
14 height, density, setbacks, and parking for the development.
15 NCPC's approval of the Master Plan followed thorough historic
16 preservation evaluations and environmental evaluations as well,
17 led by the federal government through the NEPA and Section 106
18 processes, both of which included extensive public engagement.
19 And to facilitate the efficient permitted and predictable
20 redevelopment of the O Parcels, the Navy, NCPC, and the District
21 entered into this Memorandum of Understanding, whereby the
22 District's zoning will be used to guide the private mixed-use
23 development on the federally-owned land. So under this MOU, OP
24 is tasked with bringing forward zoning consistent with the MOU
25 and the guiding principles of the Master Plan, including to

1 | revitalize and activate --

2 | (Whereupon, Ms. Thomas lost her audio and video
3 | connection.)

4 | CHAIRPERSON HOOD: Did I go out or did she -- Ms. Thomas
5 | go out?

6 | MS. SCHELLIN: Ms. Thomas went out. I was going to say
7 | I lost her too.

8 | CHAIRPERSON HOOD: Ms. Steingasser, can you hear us?

9 | MS. STEINGASSER: Yes, sir.

10 | CHAIRPERSON HOOD: Okay. I just want to make sure
11 | somebody from OP hears, 'cause I would hate -- I would hate to
12 | have to do the OP report myself. It might not get approved, if
13 | I do it. We'll wait for her to come back.

14 | MS. STEINGASSER: We've changed -- we had a new server
15 | activated last night, and we've had a little bit of glitch
16 | throughout the day.

17 | COMMISSIONER STIDHAM: It must be catching, because
18 | we've had glitches on my end throughout the day too.

19 | MS. STEINGASSER: It's the holiday.

20 | COMMISSIONER STIDHAM: It's ready for a break.

21 | MS. SCHELLIN: Karen, if you can hear us, you might
22 | need to log off and try to come back in. If you can't get back
23 | on.

24 | (Whereupon, Karen Thomas's audio and video were
25 | reconnected.)

1 MS. THOMAS: -- on the planning priorities and policy
2 guidance provided in the Comp Plan.

3 MS. STEINGASSER: Oh, Karen --

4 MS. THOMAS: Yeah.

5 CHAIRPERSON HOOD: Ms. Thomas, we probably missed most
6 of your -- for the last five minutes, we missed all of it, because
7 you went away and now you're back, so I don't know -- can you
8 just go back maybe -- I think -- are still on slide 3?

9 MS. THOMAS: I was on five.

10 CHAIRPERSON HOOD: Okay. Can you go back to -- we're
11 still on three, 'cause you disappeared, so --

12 MS. THOMAS: I disappeared? Oh, wow. Sorry.

13 CHAIRPERSON HOOD: Yeah. Can you come back to three?

14 MS. THOMAS: Okay.

15 CHAIRPERSON HOOD: Okay.

16 MS. THOMAS: Okay. So I'll go back to three.

17 CHAIRPERSON HOOD: Okay.

18 MS. THOMAS: Okay. So because the property is owned
19 by the government, the National Capital Planning Commission, the
20 federal government's planning agency for the National Capital
21 Region, reviewed and approved the Master Plan for the O Parcels,
22 which, among other things, establishes the basic parameters,
23 including the use, height, density, setbacks, and parking for the
24 development. NCPC's approval of the Master Plan followed
25 thorough environmental and historic preservation evaluations led

1 by the federal government through the NEPA and Section 106
2 processes, both of which included extensive public engagement.
3 And to facilitate that efficient -- the efficient permitting and
4 predictable redevelopment of the O Parcels, the Navy, NCPC, and
5 the District entered into a Memorandum of Understanding, whereby
6 District zoning will be used to guide the private mixed-use
7 development on federally-owned land.

8 So under the MOU, OP is tasked with bringing forward
9 zoning consistent with the MOU and the guiding principles of the
10 Master Plan, including to revitalize and activate historic
11 buildings and spaces, honor the Navy Yard's history and site
12 character, reinforce the urban context while contributing to a
13 vibrant Anacostia Waterfront.

14 Next slide. So while agency outreach discussions
15 started in 2021, this slide focuses on the timing of the zoning
16 processes, specifically from 2023 to date, as shown here. And
17 of particular note, this slide shows the District's coordination
18 with the feds, MOU agreement signed in April, and the Washington
19 Navy Yard's plan approval by NCPC in May. OP initiated an initial
20 report to the Zoning Commission. It was amended and set down in
21 September to reflect corrections based on the MOU, and we
22 continued community meetings in the fall prior to this public
23 hearing. Next slide. So the Office of Planning initiated the
24 zoning, as required under the MOU, and followed the directives
25 of the Comp Plan.

1 Next Slide. The OP report is based on the Comprehensive
2 Plan, and this is a snapshot of the planning considerations given
3 to the -- to compiling this text and map. The framework element
4 provides that the zoning of any given area be guided by the Future
5 Land Use Map and interpreted in conjunction with the text of the
6 Comp Plan, as well as approved Small Area Plan. The height and
7 density permitted in the proposed zone are informed by the
8 planning priorities and policy guidance provided by the Comp
9 Plan. The framework element guides the FLUM and states that in
10 the event federal interest in any given federal site terminates,
11 zoning for these areas should be established in a manner that is
12 consistent with the Comp Plan policies.

13 So in this case, while the Navy will retain fee
14 ownership interest of the O Parcels, it has determined that the
15 O Parcels can be realigned through a joint development agreement
16 with a private developer that will assist the Navy in addressing
17 mission requirements elsewhere in the Navy Yard. Mixed-use,
18 high-density, commercial, and residential development envisioned
19 for the area in the Master Plan would be consistent with the
20 abutting Yard's development to the west, together with parks and
21 open spaces along the Anacostia River Walk. This proposal is not
22 inconsistent with the policy guidance in the land use element
23 about when federal sites in the central employment area shift
24 from federal to private or local use, that planning and zoning
25 approaches should be employed to, among other things, integrate

1 into the surrounding fabric and encourage mixed-use, mixed-income
2 development with residential, retail, and cultural uses.

3 The lower Anacostia Waterfront, near southwest element,
4 supports increased density along the Waterfront, specifically
5 high-density. For example, the -- and I quote, "The planning and
6 development priorities section of the element states that
7 additional density along the Waterfront is one of the best
8 examples of smart growth. It can curb urban sprawl in channeling
9 more housing demand back towards the District Center. More
10 density near the Waterfront can also be used to leverage the
11 creation of additional Waterfront parks and open spaces."

12 And this same element contains specific policies
13 encouraging high-density, mixed-use development, specifically
14 stating that new land uses that maximize public activity near the
15 Waterfront should encourage resilient shoreline design that is
16 adapted to flooding from storm surges and sea level rise and
17 implement natural shoreline where possible. In addition, the
18 Anacostia Waterfront Initiative, which was adopted by Council in
19 2003, is still relevant and important, as it provided the
20 guidelines for existing development on the Waterfront and it
21 continues to do so in this case, based on the five teams noted
22 in our report. And the text and related map amendment would
23 support the additional of new -- of a new neighborhood along the
24 Waterfront, guided by these Comp Plan policies that stick to the
25 planning and shaping of the Waterfront that has emerged and what

1 is envisioned to be continued through this text. Those policies
2 are indicated extensively in our OP hearing report before you
3 tonight.

4 Next slide. The Navy is anticipating up to two million
5 square feet of mixed-use development, including approximately
6 1,700 residential units, 100,000 square feet of commercial space,
7 supported by no more than 1,550 parking spaces throughout the
8 site. The site currently has a 1,200-plus parking garage and a
9 significant amount of surface parking. The 1,550 spaces would
10 result in a net reduction of approximately 300 parking spaces to
11 what is currently there, and all development would be subject to
12 design review by the Zoning Commission.

13 Next slide. To -- in order to realize the Navy's vision
14 for development of this site, the new zone will be placed within
15 Subtitle K, which is the special purpose zones of the 2016
16 regulations. And the primary goal is to insure that development
17 is carried out in a similar -- in a manner compatible with the
18 historic context of the Navy Yard and meets a high level of
19 environmental performance, sustainability, and climate
20 resilience. Specifically, the proposed Navy Yard East zone will
21 permit maximum densities up to 8.0 FAR; maximum building heights
22 of 130 feet, with lower heights and/or setbacks imposed in certain
23 areas to respond to historic resources; the maximum residential
24 lot occupancy of 80 percent; and, again, ground floor use and
25 design requirements. And everything will be subject to a

1 mandatory design review, pursuant to existing standards under
2 Subtitle X, Section 604, by the Zoning Commission. And this is
3 a public process involving further engagement with the ANC and
4 the community, which culminates in a public hearing.

5 We also included inclusionary zoning, and this has a
6 setaside of eight percent for rental housing for households
7 earning no more than 60 percent of median family income for the
8 Washington area, with an eight percent setaside for disabled
9 veterans for for-sale units outside of the IZ program, and there
10 will be an additional seven percent affordable housing set aside
11 through the low-income housing tax credits and the Affordable
12 Housing Production Trust Fund.

13 And I'd just like to say a little bit to address the
14 concerns for affordable housing within the Navy Yard East a bit
15 further here, and just highlight that affordable housing
16 requirements were established in the MOU between the District,
17 NCPC, and the Navy. The OP proposal has exempted the proposed
18 Navy Yard East zone from IZ Plus by hardcoding the proposed zone
19 into the IZ Plus provision that lists zones that are expressly
20 exempt from IZ, and such an exemption is common for other zones
21 since during the adoption of IZ Plus other zones were expressly
22 carved out from IZ Plus. And in response to a Commission inquiry
23 about that, OP stated prior that these zones are exempt because
24 certain special purpose zones are proposed to be exempt from
25 expanded IZ because they have a deeper affordable housing

1 requirement than the IZ requirements of Subtitle C, Chapter 10.
2 Per the MOU, the future developer is required to seek like
3 (indiscernible) funding to provide an additional seven percent
4 affordable housing, while we have the eight percent IZ on the
5 rental units. And the Navy has imposed this additional
6 affordability requirement of seven percent. And this would lead
7 to potentially resulting in an overall setaside of 15 percent.

8 The Commission -- the Committee of 100's letter
9 mentions an equity issue, however, but the true equity issue I
10 would state here would be if the affordable housing and the
11 market-rate housing is not produced by this development. So
12 notwithstanding the foregoing and although not required for the
13 Zoning Commission to approve the Navy Yard East zone being exempt
14 from IZ Plus, the Navy Yard East zone possesses several mitigating
15 circumstances that warrants the Commission exempting residential
16 development in the Navy Yard -- in the NYE zone from IZ Plus.

17 I would also like to stress the need for certainty in
18 long-term multiphase redevelopment projects. The redevelopment
19 of the Navy Yard East zone will involve a long-term multiphase
20 public/private partnership between the Navy and Redbrick, and
21 like other similar projects of this scale and complexity, even
22 along the Waterfront, it often takes, you know, a significant
23 amount of time, sometimes five to ten years to conceive,
24 structure, and negotiate these projects before anything can be
25 constructed, and then they may take another decade to construct.

1 So all of this to attract long-term capital commitments
2 needed to pursue these transformative projects, a developer needs
3 a strong degree of clarity around the regulatory framework in
4 which it is operating many years in advance. So I would just
5 like to frame that in this way.

6 Next slide. These schematic drawings, the Navy Yard's
7 Southeast Master Plan, shows that on the western edge of the
8 parcel, for example, building one may have a maximum height of
9 110 feet with an 80-foot right-of-way, which would be Parsons
10 Avenue, and this is an effective separation between the historic
11 and future development respectful of the historic district.

12 Along the Waterfront, building massing would step down
13 to create a more accessible scale and buildings would have a
14 maximum 15-feet projection depth into the 75-foot Waterfront
15 setback. And at the eastern edge, buildings would be a maximum
16 of 130 feet to allow the projected development program necessary
17 to facilitate the land -- the Navy's land exchange and to address
18 the height concerns noted in the Commission (sic) of -- Committee
19 of 100's letter.

20 I would point out that the building height proposed by
21 the Navy Yard East zone is in accordance with the Height Act,
22 and the and the Zoning Administrator is the arbiter of the Height
23 Act. The Zoning Commission has acknowledged the zoning
24 authority -- Zoning Administrator's authority to interpret the
25 Height Act. And for commercial streets, the height under the

1 Height Act is determined by the width of the street, avenue, or
2 highway in its front, increased by 20 feet. The frontage of the
3 adjacent public right-of-way, which forms the basis of height
4 under the Height Act, is 11th Street Southeast. O Street, which
5 is referenced in the letter, is a private street controlled by
6 the government and cannot be used to determine building height
7 under the Height Act. 11th Street, where it is joined to the I-
8 695, has a width greater than 110 feet or close to, plus 400
9 feet, and permitting the height of the buildings to be capped at
10 130 feet. So the property proposed for the Navy Yard East zone
11 is immediately adjacent to the 11th Street/I-695 right-of-way,
12 which includes landscaped areas.

13 Next slide. So to visualize, we can see that this
14 southeast corner will bookend the development of the Anacostia
15 Waterfront between the bridges, the Frederick Douglass Bridge to
16 the southwest and the 11th Street Bridge to the east, and that
17 building heights within the southeast corner would be consistent
18 with building heights of Waterfront properties where the blue
19 shows existing and future buildings as 130 feet and shown in
20 brown, buildings at 110 feet when adjacent to historic resources.
21 And this study highlights the proposed height is not unusual on
22 existing Waterfront properties.

23 I'd just like to introduce here a little bit about the
24 environmental impact statement information concerning building
25 heights, as this was extensively studied in the Master Plan

1 process, the Section 106 review process, that building heights
2 in the Navy Yard East zone and the relationship between potential
3 buildings surrounding historic resources was considered in depth
4 and as part of that process, and further the property is subject
5 a programmatic agreement resulting from that Section 106 process
6 that will include review relating to historic preservation and
7 sensitivity. That draft EIS that was done contemplated up to two
8 million square feet of density to be built within the southeast
9 corner, and, through the course of the NEPA and Section 106
10 consultation process, the Navy modified the development plan to
11 reflect feedback from consulting parties, which included SHPO,
12 NCPC, CFA, DC Preservation League, DDOT, and the National Park
13 Service. And that process resulted in a loss of 300,000 square
14 feet of density through this -- throughout the site and limited
15 building heights that face the National Historic Landmarks to 110
16 feet.

17 So Navy and the Redbrick will submit individual
18 business designs to the consulting parties for review as designs
19 are further developed, in accordance with the programmatic
20 agreement. And, again, just as a reminder, this -- we are
21 proposing a design review process in the text amendment, which
22 will be outside of the programmatic agreement, that will further
23 insure sensitivity to the historic context.

24 Next slide. We applied the Commission's racial equity
25 tool as a guide and reviewed demographic data disaggregated by

1 race, and we found that there are disparities by race in economic
2 and other indicators within the planning area, but, to summarize,
3 the findings from OP's report related to the impacts to racial
4 equity within the planning area, we can generally state that
5 residents of color are a majority of lower-income households in
6 the District and in the planning area and, therefore, face a
7 disproportionate share of the problems caused by housing
8 insecurity and displacement.

9 The data reflects a direct correlation to unemployment
10 and poverty, as shown in our table on page 24 of our report, and,
11 given the unemployment and income levels, it can be inferred that
12 additional housing -- affordable housing would help further
13 equitable outcomes. Therefore, the Mayor's housing goal becomes
14 important in attempting to level the disparity.

15 The racial equity tool also asks if the planning area
16 is on track to meet the Mayor's affordable housing goal, and we
17 see that the planning area was well over the Mayor's goal, but
18 it is expected to reach 161 percent of that goal by 2025. So
19 this text amendment, with the application of IZ and other
20 affordable housing requirements imposed by the Navy, would be
21 important in realizing the affordable housing production goals
22 and even exceeding it, which would be better.

23 And the next slide, the last slide. So the Commission's
24 racial equity tool also places a heavy emphasis on community
25 outreach and engagement and at the inception of any proposed

1 zoning action. And, to that end, we can note that discussions
2 about the site development options have been ongoing since 2021,
3 and prior to the Navy's decision to redevelop the property, the
4 Navy concluded -- conducted, rather, a substantial amount of
5 community outreach as part of the NEPA and Section 106 process,
6 which I referenced prior. The community input gained through
7 these processes provided the foundation of the NCPC's Master Plan
8 approved in May of 2024, and, in developing that plan, NCPC also
9 conducted its own engagement and chronicled the community's input
10 regarding the site's future development.

11 Our report, on page 17, provides a listing of all
12 community engagement, including about nine meetings to date,
13 along with two virtual meetings, mailings to community
14 organizations and residential apartments, all within a quarter
15 mile radius, which is well beyond the required 200-foot radius
16 for Commission action. Information about the proposal was also
17 published in the Hill Rag in July of this year, and we support a
18 dedicated Web page and e-mail, and also requested mail-in
19 comments.

20 Lastly, along with the Navy and Redbrick staff, we'll
21 be hosting two walking tours of the O Parcels area to solicit
22 comments and discussion about the site and proposed text and map
23 in relation to existing and future development. And, all in all,
24 the community outreach for this undertaking was significant and
25 OP intentionally went above and beyond what would be required for

1 a typical map or text amendment. We did hear some concerns about
2 the need for affordable and workforce housing. Questions were
3 asked whether commercial investment in the area will attract new
4 neighborhood-serving retail and service uses, and there is also
5 interest in the inclusion of for-sale housing opportunities for
6 housing security and wealth generation that home ownership
7 provides.

8 In addition, residents living near the property may
9 experience some construction-related activity during the
10 multiphase redevelopment of the property. Following future
11 redevelopment, nearby residents may experience increased traffic
12 to and from the neighborhood and increased noise from the site.
13 But overall, based on our analysis, on balance, the benefits
14 would outweigh the inconveniences and impacts, and, Mr. Chair and
15 Commissioners, we believe that, through this inclusive process,
16 the proposed zoning that would promote growth and development in
17 the Navy Yard East area will have a positive and lasting impact
18 for the Waterfront and its existing neighborhood.

19 So, in conclusion, we are asking the Commission to
20 consider approval of the proposed text and map amendment that's
21 being brought forward, consistent with the Southeast Corner Navy
22 Master Plan, which was approved by NCPC and consistent with the
23 Memorandum of Understanding among the U.S. Department of the
24 Navy, the NCPC, and the District. And thank you for listening.

25 CHAIRPERSON HOOD: Okay. Thank you, Ms. Thomas. I

1 think that was very well done and shows that a lot of people have
2 put a lot of time and effort and work into what we have in the
3 NYE zone. It's funny it says the "NYE zone", which I think New
4 Year's Eve, but anyway -- but I think it's very important that I
5 hear this and that the Commission hears this, and especially --
6 and I know that there was some questions that may have been
7 mentioned by Committee of 100, but I do want to -- I'm going to
8 expound, when it comes to my turn to ask some questions -- I
9 think you touched on all those points with Committee of 100 --
10 with some of their concerns. Let me start off -- let me go to
11 Commissioner Stidham. Any questions or comments of the Office
12 of Planning?

13 COMMISSIONER STIDHAM: Yes, two. I'll go with what I
14 think might be the easiest one first. So I saw the incorporation
15 of the 75-foot setback along the Waterfront, which is consistent
16 with what is applied across the Waterfront. Maybe I'll just fold
17 the two questions together, actually, 'cause I think they do kind
18 of fold together.

19 In looking at not only your report -- and thank you for
20 that; that was very thorough and helpful -- and the other
21 materials in the record, I would like to understand the height a
22 little bit better. You know, this is Waterfront, and the existing
23 facilities there are pretty low-level facilities, as is most of
24 what has been developed thus far. And I think you had a slide
25 maybe that showed heights across the area, either planned

1 development that has been approved or existing -- I can't
2 remember what slide it was -- but could you walk me back through
3 the height again? I know it's capped at 110. If you can walk
4 me back through where that height is coming from, and I guess
5 it's capped at 130 feet?

6 CHAIRPERSON HOOD: You're on mute, Ms. Thomas.

7 MS. THOMAS: Could you -- Mr. Young, could you pull
8 up slide nine -- eight or nine or ten is what you probably might
9 be looking at. I don't --

10 (Whereupon, the requested slide was shown on the
11 screen, as requested.)

12 MS. THOMAS: Is it this one or --

13 COMMISSIONER STIDHAM: Yes. Yes.

14 MS. THOMAS: This one?

15 COMMISSIONER STIDHAM: Yes.

16 MS. THOMAS: Okay. So the -- through the Section 106
17 process and the processes that went before, including the
18 agreement -- the programmatic agreement that resulted from those
19 processes in NEPA and Section 106 process, they did height
20 studies -- a height study of existing and future development
21 along the Waterfront, and where they have historic structures the
22 height recedes to respect those historic structures, along with
23 the separations that the streets provide. Those heights are
24 limited at 110. And in this section, if you would -- if you
25 would go to slide nine -- slide nine -- number nine, you can see

1 a little better. Mr. Young, could you put slide number nine,
2 the slide before?

3 (Whereupon, slide was shared on the screen, as
4 requested.)

5 MS. THOMAS: Thanks. If you -- if you look at the
6 height that is being proposed at where the National Historic
7 Landmarks, you have a separation of 80 feet, but effectively that
8 separation is 80 feet plus the width of the marine railway, which
9 is between the -- looking at the western edge, that portion there.
10 That effective separation is about 200 feet. So, again, this is
11 the maximum height that would be permitted. It's not to say that
12 there is some plan existing that development will take place at
13 110 feet, but it would be the maximum height. And when the --
14 as the designs are proposed in the future, we would have, again,
15 historic preservation and the different agencies looking at the
16 historic context with respect to future plans, but maximum height
17 is not a given, especially since the maximum height of 130 feet
18 would be subjected to the eastern edge of the parcels which front
19 along the 11th Street and I-695 corridor. So I don't know if
20 that's helpful, but --

21 COMMISSIONER STIDHAM: It is. Thank you.

22 MS. THOMAS: -- the studies were all done prior and
23 this informed the Master Plan, and so we just had to translate
24 what was done prior into the text.

25 COMMISSIONER STIDHAM: Thank you for walking through

1 that. I think it's helpful to understand what the Height Act
2 provides for and understanding that the -- what is being proposed
3 is consistent with that application of the Height Act. I think
4 that's a really important point. It doesn't make me like it any
5 better, frankly. I think that it's too tall, even -- I know that
6 through good design and architecture, that hopefully they will
7 build a building respectful of the Waterfront, but being that
8 close to the Waterfront and having the ability to that -- go that
9 high is a concern, but I really do appreciate you walking me
10 through that again. Thank you very much for your report and
11 answering my questions. Back to you, Chair Hood.

12 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
13 Wright, any questions or comments?

14 COMMISSIONER WRIGHT: Yes. Thank you. First, I wanted
15 to make sure that I clearly understand the affordable housing
16 provisions. I do understand that the base IZ requirement of
17 eight percent of the rental property is being required for the
18 IZ program. Is that correct?

19 MS. THOMAS: Yes, that's correct.

20 COMMISSIONER WRIGHT: Okay. Then, in addition to that,
21 I understand that there is hoped to be some for-sale product on
22 this property as well, and that if there is for-sale product --
23 either condominium, townhouse, you know, whatever it ends up
24 being -- that there would be an additional eight percent of the
25 for-sale set aside for disabled veterans. Is that correct?

1 MS. THOMAS: That's correct. Eight percent would be set
2 aside for veterans for sale, and this is apart from -- this is
3 apart from the IZ program. This does not have anything to do
4 with IZ.

5 COMMISSIONER WRIGHT: Right. So that is in addition
6 to the eight percent through the IZ Program.

7 MS. THOMAS: Yes.

8 COMMISSIONER WRIGHT: And then, in addition to that,
9 there would potentially be seven percent of additional affordable
10 units if the project is awarded a low interest housing tax credit
11 and/or a grant through the Housing Trust Fund. Is that correct?

12 MS. THOMAS: That's correct.

13 COMMISSIONER WRIGHT: So, again, it is not guaranteed
14 that there would be -- they would be successful in getting a low
15 interest housing tax credit, 'cause that is an application
16 process, but assuming they are, that would mean that we would be
17 seeing 15 percent affordable rental and potentially eight percent
18 for sale assigned to disabled veterans, and we don't know whether
19 the disabled veterans meet the same income guidelines as IZ, but
20 I think there's certainly a strong possibility that they -- that
21 they might. Is that correct?

22 MS. THOMAS: I -- the -- with respect to the disabled
23 veterans, the Navy has a different qualification criteria I
24 believe to accept -- for that affordable housing eight percent,
25 and I'm not sure exactly what that is, but -- they have different

1 criteria, but it would be -- I'm not sure if it's -- if it
2 complies -- if it is the same area median income. I think it's
3 based on a disability -- their level of disability. I'm not
4 sure, so I don't want to -- I can find out.

5 COMMISSIONER WRIGHT: Yeah. It would be interesting
6 to get that information to be aware of.

7 MS. THOMAS: Let me see if I can find it, yes.

8 COMMISSIONER WRIGHT: Because, you know, if that is the
9 case and assuming they do move forward with for-sale units and
10 that they get a low income housing tax credit successfully, then
11 we'd be really talking about potentially 23 percent of the
12 property being of some sort of specialized income restricted
13 affordability. And I think that's something that I think should
14 be -- if this is correct, and that's why I'm trying to make sure
15 that I'm understanding it correctly, that's actually really
16 great. That's something I think to speak of in support of this
17 project. But I think that, you know, I would love to find out,
18 particularly for the eight percent for the disabled veterans, if
19 it is an income restriction that's in the same ballpark as IZ.

20 MS. THOMAS: I'd be happy to find that out.

21 COMMISSIONER WRIGHT: That would be -- that would be
22 helpful. So that's -- you know, that's one question. The second
23 is sort of in line with what Commissioner Stidham was talking
24 about, which was the heights, and I think that the map that you
25 included showing which either approved or existing buildings have

1 | been approved at a 110, which have been approved at 130, is very
2 | helpful. I was looking at Google maps of some of the existing
3 | new buildings in Navy Yard, and although they may be approved at
4 | 110, I'm not sure that they've all been built up to 110. Some
5 | of them look more like a hundred, but -- or, you know, 95, but I
6 | think that also relates to the point that you made, which is 110
7 | is the max. It may be that the buildings end up being a slightly
8 | different height. We don't have a project before us. We just
9 | have a sort of zoning envelope that we're talking about.

10 | The other thing that I noticed in the zoning text is
11 | that there's a whole Section 1310.3 which deals with the Zoning
12 | Commission's design review of future projects. And I thought
13 | that it was a very helpful section, and I think that it's
14 | something that certainly can address some of the concerns about
15 | compatibility. Although, you know, we have great trust in, you
16 | know, our colleagues at NCPC and, you know, the whole Section 106
17 | process and, you know, there's a great number of checks and
18 | balances to make sure that the compatibility with the historic
19 | buildings is going to be addressed, but, you know, what I noticed
20 | in the language of the zoning text amendment is, although it
21 | talked about certain elements that the Zoning Commission should
22 | look at during its design review, such as viewsheds, it didn't
23 | talk specifically about minimizing detrimental impacts to the
24 | Waterfront or the adjacent historic structures. And I wondered
25 | if there was a reason that that particular element was left out

1 as a bullet point in 1310.3.

2 MS. THOMAS: Do you mean -- are you specifically
3 referring to the viewsheds?

4 COMMISSIONER WRIGHT: No. I'm saying that in 1310.3,
5 there's a Subsection A, a B, a C, a D, an E, and they cover many
6 different things. They cover viewsheds. They cover, you know,
7 environmental goals for the buildings. They cover a whole variety
8 of topics, but one topic that isn't in that laundry list is
9 compatibility with adjacent historic structures

10 Is there a reason that that was left out or did you all
11 feel that that would be handled by the Section 106 process? Would
12 it make sense to add an element I. You know, I think it goes
13 all the way A through H. Would it make sense to add an element
14 I that would talk about one of the things that the Zoning
15 Commission is, you know, supposed to look at in its design review
16 is minimizing detrimental impact to adjacent historic structures,
17 and that could be through design elements, such as setbacks,
18 modulation of massing, articulation of materials. There could
19 be, you know, a variety of ways, even 100-foot building, through
20 a very strong architectural design with a base, middle, and top,
21 can really relate well to a historic building that's nearby. So
22 I guess I just -- was that an intentional omission from the zoning
23 text or was it just something that wasn't thought of?

24 MS. THOMAS: I'm not sure if this was intentional or
25 not, but I'd just like to point out that any type of design that

1 will be put -- brought forward would go through CFA review,
2 historic preservation, the Master Plan. It would all -- which
3 the whole basis of -- as I mentioned in my presentation, one of
4 the main keys to this in the Master Plan is the historic context
5 and the historic sensitivity to the National Historic Landmark,
6 and that is -- that was really a heavy emphasis in the Master
7 Planning process, so I don't think that that would be ignored and
8 that -- and, I mean, if -- I think that would be part of the --
9 that's the whole basis for the text and the plan and having these
10 setbacks and the stepbacks and the lower massing around the
11 National Historic Landmarks on the site, but I can see your point.

12 MS. STEINGASSER: Commissioner Wright, maybe I could
13 add a little bit here. It was left out from the Zoning
14 Commission's purview, because it is covered by these other
15 agencies that are focused solely on preservation. And as you'll
16 note in 1310.4, there is a referral to the State Historic
17 Preservation Office, the SHPO, and he will provide a summary of
18 that context and provide it back to the Zoning Commission, but
19 the administration -- the authority of the historic review
20 actually rests with these other agencies, as explained, so it's
21 more of a -- to avoid a conflicting or duplicitous review.

22 COMMISSIONER WRIGHT: Okay. I can understand that. I
23 just -- I think that, you know, when the zoning text enumerates
24 all the things that the Zoning Commission should be thinking
25 about and it lists, you know, everything from environmental

1 concerns to viewsheds to, you know, whatever -- all the things
2 that are in A through H, it just seemed like a sort of surprising
3 omission that compatibility with the nearby historic properties
4 was not included as one of the things that the Zoning Commission
5 should be looking at.

6 MS. THOMAS: Yes. Hi, Commissioner Wright. I just
7 wanted to respond to a previous question you asked about the
8 level of affordability and what was the criteria for the veterans.
9 I was just informed that the -- to qualify for military disability
10 benefits, a veteran would have to have a physical and mental
11 impairment, and the discount for them in that regard would be up
12 to 30 percent, depending on the level of disability, so that
13 would be up to 30 percent for the veterans.

14 COMMISSIONER WRIGHT: A 30 percent discount, meaning
15 it would be, like, 70 percent of the normal rent?

16 MS. THOMAS: Yeah.

17 COMMISSIONER WRIGHT: Okay.

18 MS. THOMAS: For sale.

19 COMMISSIONER WRIGHT: Oh, I'm sorry, of the normal
20 for-sale. I'm sorry.

21 MS. THOMAS: Yes.

22 COMMISSIONER WRIGHT: Okay. I think that answers my
23 question. I mean, again, I am a little perplexed that the --
24 'cause I think the compatibility with the historic structures,
25 as pointed out by the Committee of 100, is very important, and I

1 do understand that there are a number of agencies tasked with
2 looking at that, and -- but, you know, ultimately, the Zoning
3 Commission will also be asked to do design review and look at
4 it, and it seems, again, a little just surprising for that not
5 to be mentioned as one of the things that should be at least a
6 consideration. Those are my questions and comments.

7 CHAIRPERSON HOOD: Okay. Thank you. I don't
8 necessarily have a lot of comments, not as detailed as
9 Commissioner Stidham and Commissioner Wright, but I do -- I have
10 been around awhile for some of this. I do think about how we
11 did the Department of Transportation site, and even doing that
12 we grappled with federal property and making sure it's still
13 accessible to District residents, and I think why you see now,
14 Third Street is open -- when you go down Third Street to be able
15 to see the water. But I was listening to Commissioner Stidham's
16 comments about the height, and I thought the Commission at that
17 time -- and I'm not sure where we are with the planning now;
18 that's been some years ago -- we were pushing for height versus
19 the massing, because we wanted to see the -- as you all mentioned,
20 the view lines and the viewshed lines to the water. We wanted
21 to be able to look -- stand on M Street and be able to see the
22 water. So I'm not sure if this is going to happen here, 'cause,
23 again, we're going to talk about a project, but one thing I
24 appreciate is the -- being able to have that other bite -- another
25 bite of the apple -- even though we have the text amendment before

1 us, another bite of the apple, especially with design review.
2 And I'm not always particularly, because we get a narrow scope,
3 able to get into some of the things we want to get into with
4 design review, but I think this is fine. As far as I'm concerned,
5 this text amendment I think has been flushed out. I was looking
6 at some of the concerns of the Committee of 100, and I believe
7 they're -- they may be here, but they (indiscernible).

8 Can you comment, Ms. Thomas or Ms. Steingasser, did the
9 Committee -- 'cause when I listened to your presentation, I
10 thought you -- you obviously had reviewed the Committee of 100's
11 submission, and I thought you answered them -- for me, you
12 answered them adequately, the way I understand them, but I'm just
13 curious, did they also attend some of your presentations? Because
14 I know -- well, did the Committee of 100 -- any members of the
15 Committee of 100 ever attend your presentations that you did with
16 the community?

17 MS. THOMAS: I'm not aware that they did.

18 CHAIRPERSON HOOD: You're not aware. Okay. Well, I'll
19 ask them. All right. I don't necessarily have anything. And I
20 appreciate the mix-up of how -- who's going to do what, because
21 I remember years ago, who's going to do this, who's going to do
22 that, and sometimes that does cause confusion, and I hoping going
23 with all these -- all these reviewers -- sometimes I think we
24 review to review to review, but with all these reviewers, we need
25 to make sure everybody stays in their swim lane, so I think that's

1 | what I heard Ms. Steingasser mention, because we don't want to
2 | do one thing and then we have to sit there and think, okay, well,
3 | what if CFA -- well, CFA has their part, the Zoning Commissioner,
4 | as Commissioner Wright mentioned, has their part, and I think it
5 | would be -- it should be a smoother transition. And I'll just
6 | say, I appreciate all the work that's been put into this, because
7 | when we first got this, there were some discrepancies and issues,
8 | and it looks like we've finally come to a happy medium to be able
9 | to move this thing forward, even though I'm sure that there will
10 | be additional issues that will need to be addressed. I don't
11 | have any other questions. I appreciate all the time and attention
12 | that's been put into this. Do my colleagues have any follow-
13 | ups?

14 | (Commissioners Wright and Stidham shake head no.)

15 | CHAIRPERSON HOOD: Okay. All right. Ms. Schellin, do
16 | we have -- I think you said we have two or three people here to
17 | testify?

18 | MS. SCHELLIN: Yes, sir. There are no other government
19 | agencies other than the DDOT report, which is in the record.

20 | CHAIRPERSON HOOD: Okay.

21 | MS. SCHELLIN: And did you want to speak to that first?

22 | CHAIRPERSON HOOD: Yeah, let me speak to that. Let
23 | me -- let me speak to that. Do we -- do you know whether we have
24 | somebody from ANC 6B here?

25 | MS. SCHELLIN: I don't see anyone signed on from 6B.

1 CHAIRPERSON HOOD: Well, 6B has voted unanimously to
2 support this proposed text amendment, and that's our Exhibit 20.
3 Give me one second. Let me speak to the DDOT --

4 MS. SCHELLIN: Who is the -- does it have the name of
5 the person on there? I'm sorry.

6 CHAIRPERSON HOOD: Oh, the chair. Okay. Hold on one
7 second. I closed it out. Give me one second. Let me open it.

8 MS. SCHELLIN: Sorry.

9 CHAIRPERSON HOOD: That's all right. The name is --
10 the Chair's name is -- hold on one second. My mouse is acting
11 up. He has -- and it's making myself act up. Okay. Hold on a
12 second. Does anybody have the DDOT report opened up right quick
13 and you can give me that name, because mine's -- give me one
14 moment. Okay. I got it. I got it.

15 MS. SCHELLIN: Okay.

16 CHAIRPERSON HOOD: It is -- oh, wait a minute. We're
17 looking for the ANC. We're not looking for the DDOT report.
18 Okay. Hold on.

19 MS. SCHELLIN: It's okay. I'm looking. I got it.
20 Okay. The person that's on is not the Chairperson or one of
21 their members.

22 CHAIRPERSON HOOD: Ryder, Edward?

23 MS. SCHELLIN: I wanted to make sure there was one
24 person on. So, no, we do not have a rep for the ANC.

25 CHAIRPERSON HOOD: And that chairperson is Edward

1 | Ryder.

2 | MS. SCHELLIN: Right. No, sir.

3 | CHAIRPERSON HOOD: It finally opened up. Okay. All
4 | right. Let me go -- let me speak to the DDOT report. Let me open
5 | that up. Give me one moment. And that's our Exhibit 12. And
6 | DDOT basically talks about the subject property -- "is committed
7 | to achieving exceptional quality of life by encouraging
8 | sustainable travel"; it goes into that. Let me see their
9 | conclusion -- was they support and will continue to work as this
10 | progresses forward. All right. And that's the DDOT report,
11 | which is our Exhibit -- DDOT encourages the development -- they
12 | do have some encouragement in design stuff, and I'll read it.
13 | "DDOT" -- the last part -- "DDOT encourages the Developer to
14 | participate in a Preliminary Design Review Meeting" -- I guess
15 | PDRM" -- with the Office of Planning and DDOT to discuss the
16 | public space design", which is (indiscernible) normal standard
17 | language, and they are in support of moving forward. All right.
18 | And that's our Exhibit 12 -- one second, my mouse is not acting
19 | the best today -- that's our Exhibit 12, as I mentioned. All
20 | right. Ms. Schellin, can we bring up the other two or three
21 | people you said that are here to testify?

22 | MS. SCHELLIN: So we only had two.

23 | CHAIRPERSON HOOD: Okay.

24 | MS. SCHELLIN: And one is Carol Aten from the Committee
25 | of 100 -- representing the Committee of 100. And the other person

1 was Greta Fuller, and she was signed up to represent the Historic
2 Anacostia Preservation Society; however, she is not on. So we
3 just have the one witness. She gets five minutes and that's
4 the -- and they are both -- they were both listed as opposition.
5 We have no one in support, no one undeclared, so this will close
6 out the witnesses.

7 CHAIRPERSON HOOD: Okay. Before the Committee starts,
8 let me just mention, we do have letters, Pastor Richard W. Payne,
9 Emeka Moneme, Kalli Krumpas -- and if you watch this and I
10 mispronounce your name, forgive me -- and Scott Kratz, and D.J.
11 Faehnle, and you have some letters of support and we also have
12 the letter from Department of Navy withdrawing their previous
13 opposition, but not their concern, but their previous opposition.
14 All right. Let's go to Ms. Aten.

15 MS. ATEN: Aten. That's right. Thank you.

16 CHAIRPERSON HOOD: Yes. You may begin.

17 MS. ATEN: So good evening, Commissioner -- Chairman
18 Hood and members of the Commission. I am Carol Aten. I'm
19 representing the Committee of 100 for the city. As you noted,
20 our comments are in opposition to the amendments to zone the
21 currently unzoned parcel of federal land in the Navy Yard for
22 private development. We have two significant objections. First
23 is the exception to the zoning regulations that would allow the
24 developer to provide only the bare minimum amount of affordable
25 housing. The second is the misapplication of the Height Act in

1 the zoning regulations, resulting in inappropriately tall
2 buildings within the Navy Yard National Historic Landmark
3 District. Both of these issues can be remedied by the Zoning
4 Commission and these text amendments.

5 First, affordable housing. The zoning regulations
6 specify that unzoned land being zoned for a variety of zone types,
7 including residential, is to include 20 percent inclusionary
8 zoning, which is actually what OP proposed in the original setdown
9 report in December 2023. It's not an IZ Plus issue; it is -- it
10 is the zoned -- zoning of unzoned land.

11 The new report proposes the revised amendments with the
12 exception for eight percent. Apparently, the Navy and the
13 developer decided to trade off the city's critical need for
14 affordable housing to get a new Navy Museum, which the developers
15 committed to build, and other property improvements across the
16 Navy Yard and along the Waterfront. Yes, the MOU does require
17 the developer to seek support for LIHTC and Housing Production
18 Trust Fund and, if successful, to build another seven percent
19 affordable housing, but they intend to concentrate it into one
20 building.

21 Also, it's a hollow promise, given the funding
22 constraints, but also problematic for at least three additional
23 reasons. First of all, that the total would be 15 percent, rather
24 than 20; the for-sale veterans' housing is not means tested. The
25 second is that concentrating the whole site's affordable housing

1 in a single building is objectionable and in accordance with city
2 policies for mixed-income housing. And the whole point of IZ is
3 to create affordable housing without additional government
4 support, not to ask for more government support to put in more
5 affordable housing. That sort of defeats the purpose.

6 On the proposed building heights, the Navy Yard, as has
7 been noted, is mostly low-rise buildings. And, actually, the
8 tallest buildings that are adjacent to the proposed new 110-foot
9 building is 35 feet and the others are 25, and the Marine Railway
10 is between those low buildings and the next buildings over, so
11 they are not -- the Marine Railway is not immediately adjacent
12 to the 110-foot building, so there is not that 200-foot space.
13 There's some other small buildings right along there.

14 In order to build the 110 and 130-foot buildings, the
15 developer has created a single record lot and describes it on
16 front of 11th Street. However, there's a wide right-of-way
17 between the property and 11th Street, which at that point is an
18 elevated ramp leading up to the bridge and freeway. And the
19 diagram grossly understates the width of that grassy right-of-
20 way and the path down to the Waterfront. It's more like 70 feet.
21 It says 35 I think on the diagram. It was paved. It has never
22 a street. The 1936 zoning map shows that it was not intended to
23 be a street. The 11th Street piece that is adjacent to the
24 development is an elevated ramp that is at least 70 feet away
25 and is not an access point. In fact, O Street is the only logical

1 access road and the only road from which you will be able to look
2 down through the buildings to see the water. And as I understand
3 the memorandum, that this new arrangement will allow O Street and
4 Parsons and 10th Street to all continue to be city street, and
5 the right-of-way that is shown between the buildings on Parsons
6 Avenue that says 80 feet is a building-to-building measurement;
7 it is not the street width. So I think that's really important
8 to note.

9 So the previous Zoning Administrator confirmed to the
10 developer that they can create a single record lot and use the
11 frontage on 11th Street as the measuring point, and the
12 determination was relied on by the NCPC in approving the Master
13 Plan, although it had not been made public and we just recently
14 were able to see it, so there was no opportunity to sort of
15 challenge it along the way, although we did bring it up at the
16 NCPC meeting.

17 O Street's the most logical frontage; it's the only
18 real access point into the property; and it's 30 feet wide. So
19 our view is that the Navy has really sort of pressed everybody
20 by various means into agreeing to this and is forcing the Zoning
21 Commission to agree to it, because if it doesn't agree to it,
22 they can terminate the agreement and then go back to claiming it
23 shouldn't be zoned. Anyway, we urge the Zoning Commission to
24 apply your own judgment and make this right. It's just not there
25 yet. We don't -- you know, we don't underestimate the reason why

1 the developer wants to maximize their building space, but, you
2 know, this is a National Historic Landmark District and it's just
3 not there. Happy to answer any questions. In fact, I was hoping
4 this would be more of a discussion than a testimony, after hearing
5 it back and forth.

6 CHAIRPERSON HOOD: Well, thank you, Ms. Aten. Let's
7 see if we have any comments. Commissioner Stidham, any comments
8 or questions?

9 COMMISSIONER STIDHAM: Thank you for your testimony,
10 and I'm probably stealing Chairman Hood's question, but I have
11 the same question. So what was your participation in either the
12 106 process or any of the planning --

13 MS. ATEN: We were -- as far as I know, we were never
14 invited to participate, and so we did not. And we actually
15 learned about it because the 11th Street Bridge project was
16 concerned about the fact that there was going to be -- that the
17 building would block the view of the Capitol Overlook piece of
18 the 11th Street Bridge, and that's when we first looked at it,
19 because, as far as we were aware, it was internal to the Navy
20 Yard and we hadn't been aware that it was a private developer.
21 And then when we looked at it, it was like, oh, my gosh, it's
22 being built in a flood zone and it's being -- you know, all these
23 tall buildings and the historic preservation is the worst ever;
24 it's a little facade preservation thing on one building that's
25 three stories with six stories to be built on top flush with the

1 façade. So it's just -- it's kind of a terrible project actually,
2 but we're focusing on the things you can fix, so -- I would also
3 point out that the DC Preservation League did not sign the
4 consulting party's agreement and testified against the historic
5 preservation aspect of it at the NCPC meeting and the CFA.

6 COMMISSIONER STIDHAM: Thank you. Nothing further,
7 Chairman Hood.

8 CHAIRPERSON HOOD: Okay. Thank you. Commissioner
9 Wright, any questions or comments?

10 COMMISSIONER WRIGHT: Well, your testimony is giving
11 me even more pause. You know, again, it's very hard, 'cause it's
12 clear that this has been a carefully constructed negotiation and
13 that, you know, we're here sort of at the tail end of that
14 negotiation with quite a few agencies having already signed off,
15 and I really don't like being in this situation. What do you
16 think -- again, from the map we were shown, there are buildings
17 that have 110 feet of height in the Navy Yard to the north of
18 the sort of historic core buildings.

19 MS. ATEN: I don't recall that. I'm not sure that's
20 right. Do you recall what slide that was? Maybe we could --
21 somebody could bring it up?

22 COMMISSIONER WRIGHT: It was slide nine -- it was -- I
23 think it was slide nine or ten. I'm sorry. Maybe it was ten
24 that had the orange and blue blocks --

25 MS. ATEN: Those are not being showed.

1 COMMISSIONER WRIGHT: So -- yes. SO the orange blocks

2 MS. ATEN: Those are on the other side. On the Navy
3 Yard parcel, there aren't any built buildings that are on it.

4 COMMISSIONER WRIGHT: Right. But what I'm saying is
5 the -- so you're saying that the orange buildings in the Capitol
6 Riverfront -- I thought there were a couple of historic buildings
7 still retained in the Capitol Riverfront area, but maybe I'm
8 mistaken on that, but you're saying you feel those buildings --
9 well, I guess, let me ask a question. Do you think those
10 buildings are too tall?

11 MS. ATEN: Well, I don't know. I'm not as familiar
12 with the immediate area around that, but the Navy is doing this
13 parcel switch because the developer owned a piece of property
14 next to the Navy Yard and was going to build these tall buildings
15 there, like maybe the 100-foot ones that are mentioned, and the
16 Navy thought it was a security risk, because it would be
17 overlooking their property. I don't know why 130 feet overlooking
18 their property wouldn't be also, but whatever. So they said, we
19 will -- would not like to have it on that side -- maybe there's
20 some special communication stuff on that side or something -- and
21 they said we'll trade you this property for the piece that's
22 under discussion now.

23 So I don't know that the question of the height of
24 those other buildings that around the Navy Yard has come up,
25 although most of the adjacent buildings to the Navy Yard across

1 the streets and things like that are much lower and up the
2 streets, and the neighborhood is basically completely buffered.
3 I mean, the ANC -- I can see why they didn't have any problem
4 with it, because they are completely buffered by the existing
5 Navy Yard. I mean, you won't -- the only way to get into it
6 would be to come down to O Street and walk into this, so they're
7 not going to be next to any of these tall buildings. Although
8 there was some testimony from people -- a woman across the river
9 who said building all these tall buildings across the river from
10 Anacostia is yet another barrier, you know, from east to west,
11 and that it's really kind of offensive, which I thought was kind
12 of a persuasive argument actually, so another equity thought.

13 COMMISSIONER WRIGHT: Yeah. I'm not troubled by, you
14 know, having a few tall landmark buildings next to water and the
15 11th Street Bridge. I think there's an opportunity to do
16 something that really becomes a sort of, you know, new --
17 architecturally becomes a landmark for the area, and I -- so I'm
18 not troubled by that. What I'm still wrapping my head around in
19 this drawing is the little bar of the orange, which is I think
20 what you're also expressing about, that's right below the word
21 "southeast corner" on this drawing. And, you know, if there --
22 you know, I believe there are ways -- you know, even if 110 feet
23 is what's shown, there are ways to modulate the architecture to
24 make it compatible with even 25 to 35-foot tall historic
25 buildings. I just -- you know, and I guess again being told,

1 well, that's going to be handled by someone other than you, you
2 know, we're going to turn that over to, you know, other agencies,
3 which, you know -- who are very skillful and experts in their
4 field, and I'm not disputing that, but it does make me a little
5 nervous.

6 MS. ATEN: We had a conversation with new -- the now
7 Zoning Administrator -- this determination was the previous
8 one -- and she suggested that the zoning was the right place to
9 take care of the height issues. So they're kind of loath I think
10 to overturning the previous determination, but, frankly, I think,
11 if it stands, we're going to have to challenge it, 'cause it is
12 abominable. But, yeah, it's -- we're just as concerned about 130
13 feet. It's basically, you know, off a 30-foot wide street, so
14 it's just not right. It's a residential neighborhood, basically,
15 that they're building, and it's all these tall buildings. And I
16 wouldn't say -- I know you're optimistic about the design, but
17 when you look around to all the buildings in the Navy Yard area
18 and the, you know, ballpark area and everything, I haven't seen
19 a lot that I thought were like landmark designs next to the
20 freeway, so I'm not as optimistic about the development quality,
21 I guess, as maybe you are.

22 COMMISSIONER WRIGHT: Okay. I don't have any other
23 questions.

24 CHAIRPERSON HOOD: Okay. Thank you, Ms. Aten. We
25 appreciate you coming in. I don't have any questions for you.

1 I've heard your comments. I appreciate them, and, you know, we
2 all -- I'm looking at something you cited -- the Committee cited,
3 and there's a lot that went into the cite, Durant v. Zoning
4 Commission. The developer -- I will tell you, when I read that
5 and people cite that back to me, I think, you know, basically,
6 the developer -- the city gave up and we didn't respond, so that's
7 how that was overturned and never -- because it was never
8 finished. But I will tell you that while I -- we hear your
9 concerns, what gives me a level of comfort, Ms. Aten -- and you
10 can let the Committee know -- what gives me a level of comfort
11 is the design review. Now, if I didn't have another bite of the
12 apple, and I heard my colleague being nervous -- I'm always
13 nervous when I do a text amendment and a rezoning. And the reason
14 I have a problem with a rezoning, and I've had this since I've
15 been here, is that we're basically giving it, and then I have to
16 trust the system -- I have to trust the system. And you may
17 not -- let me finish --

18 MS. ATEN: Okay.

19 CHAIRPERSON HOOD: Yeah, I didn't cut you off. So I
20 have to trust the system, and sometimes you have to trust the
21 system, because I think at the end of the day, while we may
22 disagree, I think everyone's trying to do the same thing and make
23 what's best -- in the best interest of the city. And I look at
24 the ANC -- as you mentioned, while they might not see it, some
25 of us live blocks and miles away from this and so, you know, I

1 have to yield. The ANC gets great weight in this city, and those
2 are the first elected officials, and I can tell you this was --
3 if I don't listen to that ANC, they're not going to come and say
4 anything to the Committee of 100; they're going to blast Anthony
5 Hood -- probably Anthony Hood more, but they're going to blast
6 this Commission. So I'm going to let you say something, since
7 I've said what I had to say.

8 MS. ATEN: Well, just one comment. The text amendments
9 specifically allow buildings to the maximum height of the Height
10 Act, so design review, you've just kind of given it away, so you
11 can't shorten it at that point.

12 CHAIRPERSON HOOD: I have not always seen it done that
13 way. I'll just leave it at that. But I've seen it -- I have
14 not always -- what your statement -- I have not always seen it
15 done that way. Okay. It's allowable, yes, you're right. Now,
16 you and I can agree that it's allowable, but it doesn't mean that
17 that's -- because I can build to this doesn't mean it's always
18 done. Can we agree on that?

19 MS. ATEN: I don't know. I thought that's what created
20 matter of right.

21 CHAIRPERSON HOOD: No, no, no. I've seen it. I've
22 seen it. And I've always -- I've said this in the past, just
23 because -- and I've even encouraged the developer, just because
24 you're able to do it doesn't mean you're going to do it.

25 MS. ATEN: I'm glad to hear that.

1 CHAIRPERSON HOOD: Well, I'm not -- and that's going
2 back to my other -- I'm going to contradict myself, Ms. Aten --
3 and that goes back to that uncertainty that I have when I do --
4 when we do a rezoning, so I'll just leave it at that for now.

5 MS. ATEN: Okay. Thank you very much.

6 CHAIRPERSON HOOD: All right. Thank you. And thank
7 you. We appreciate your testimony, and, again, stay tuned. We
8 always appreciate what the Committee does and giving us other
9 perspectives, but let me just -- and I couldn't remember the
10 answer that you gave Commissioner Stidham. Did you all attend
11 any of the conversations --

12 MS. ATEN: No, we were asked -- the question was, were
13 we involved in consultation? No, we were not invited to
14 participate in the consultation, and we did not -- were not aware
15 of any of the other meetings. I guess we're not in that -- you
16 know, that radius physically, and we became aware of it, as I
17 said, when it was going to come before NCPC and there was that
18 issue about the viewshed from the 11th Street Bridge, so that's
19 when we got involved.

20 CHAIRPERSON HOOD: Okay. Well, Thank you very much.
21 I appreciate -- we appreciate you taking the time to come down
22 and give us the Committee's report and your views as well.

23 MS. ATEN: Thank you very much. Appreciate your time.

24 CHAIRPERSON HOOD: All right. Ms. Schellin, do we have
25 anybody else?

1 MS. SCHELLIN: No, sir.

2 CHAIRPERSON HOOD: Okay. I'm going to look to my
3 colleagues. We have a lot of things moving. Do we need to have
4 all five. I know -- I think Commissioner Wright, you expressed
5 some uncertainty. Do we need to -- because, you know, again, I
6 have a comfort level. I believe with all these approvals -- and
7 you're right, sometimes we are the last and the -- the last and --
8 I'm not going to say the least, but we are the last to have to
9 deal with certain things, and it puts us in sometimes a very
10 peculiar situation, but that's parts of this -- part of the job
11 I guess.

12 COMMISSIONER WRIGHT: Well, one thought. And I agree
13 with everything you said, Chair Hood, is that, you know, even if
14 you're creating a zoning envelope, it doesn't mean that
15 everything has to be built to max out that envelope. And what's
16 really important is, you know, how the building is modulated; are
17 there some, you know, variations in the massing; are there things
18 that can be done to make sure that, even if it is a relatively
19 tall building -- and I -- you know, I don't see 110 feet as an
20 extremely tall building. I think that there are ways to modulate
21 110 feet to make it compatible with lower buildings, so I think
22 that can be done.

23 I do have concern about, again, you know, looking at
24 the text amendment we're being asked to vote on in this Section
25 1310.3, that there is a whole bunch of things that are being

1 listed. It's subcategory A, B, C, D, E, F, G, H of things we're
2 supposed to look at, but none of them talk about, you know, sort
3 of the building massing or design. So, again, looking at -- I
4 have it pulled up finally -- it basically says, you know, what
5 we're supposed to be looking at are achieving the objectives of
6 the Navy Yard East, defined in Subtitle K-1300.1; helping achieve
7 the desired use mix -- I'm just going to go through it quickly --
8 provide publicly-accessible open space and amenities; provide for
9 the safe and convenient movement to and through the site; minimize
10 unarticulated blank walls adjacent to public spaces through
11 facade articulation -- do here we are -- that one specifically
12 deals with architectural review -- minimize detrimental impact
13 on the environment; promote safe and active streetscapes through
14 building articulation, landscaping, and the provision of active
15 level ground uses. Again, building articulation is mentioned and
16 the view analysis about views along and toward the Waterfront.

17 And, again, I am just a little concerned, and I guess
18 I would like to open up for discussion, if we're going to
19 completely -- I don't want to collapse this negotiation, but I
20 do feel the omission -- I mean, I see right under that 1310.4,
21 it says, "Each application for design review will be referred to
22 the Office Planning, the DC State Historic Preservation Office,
23 the Department of Transportation, the Department of Energy and
24 Environment, and other District agencies for review and comment",
25 but we're the ones who ultimately vote on it. And so I wonder

1 | if there should be, under 1310.3, a subsection I that says, you
2 | know, "minimize detrimental impact to adjacent historic
3 | structures through design elements", and that -- you know, again,
4 | that could be setbacks, modulation of massing, articulation of
5 | materials. And, you know, it would just give me a little greater
6 | confidence that, you know, this is something that we could discuss
7 | in a meaningful way during the design review process, that we
8 | aren't, you know, completely absolving all responsibility of it,
9 | 'cause the other elements, that A through H, already talk about
10 | some architectural elements like building articulation and active
11 | ground floors and, you know, that kind of thing. It just seems
12 | like a sort of, for me, uncomfortable omission of not giving us
13 | at least some directive to be looking at compatibility.

14 | CHAIRPERSON HOOD: Well, let me ask this. And we're
15 | just having a discussion; we're not disagreeing, but it's fine
16 | if we disagree, but let me just ask you this. Isn't that our
17 | job to do that? We do that anyway. Whatever comes in front of
18 | us, we're going to do that anyway. And I would tell -- I'll be
19 | frankly honest, I had the same conversation with one of our
20 | previous lawyers, who's now retired, about character. You know,
21 | he and I would go back and forth about character. The zoning
22 | code, it says it's not in the regulations, but it's in the code --
23 | it's in the code about character. So, to me, you know, I agree
24 | with what you're saying; it may not be that outline, but I know --
25 | as a Zoning Commissioner in the District of Columbia, I know what

1 my job is, and my job is to do exactly what you said, but I think
2 you may feel comfortable with it being in there, and I don't have
3 a problem with that either, but I already know we would -- I
4 would -- if there's a design review for me, I'm going to do that
5 anyway.

6 COMMISSIONER WRIGHT: Uh-huh.

7 CHAIRPERSON HOOD: And Commissioner Stidham, how do you
8 feel? We can hold it up and ask him to put a line in there. I
9 don't know what all we got to do but --

10 COMMISSIONER STIDHAM: So a couple of thoughts, and
11 this may sound kind of random, and I thought -- and I was trying
12 to go back through OP's report as you both were talking -- I
13 mean, I thought this was in a character area or defining a
14 character area, and maybe I'm confusing that with another case.
15 I think there is a character of this area that needs to be
16 consistent, whether it's explicitly called out in zoning or if
17 it's, you know, alluded to in what is being considered.

18 You know, I have discomfort with the building height,
19 even with the callback for the one-to-one setback, and I don't --
20 my experience is clear with design and development and with CFA
21 and NCPC's review that will happen as part of this. That gives
22 me a little bit more comfort in knowing that they will -- when
23 we come -- when we see this as a project, that they will have
24 spent a considerable amount of time insuring that they are meeting
25 the requirements and they are doing justice to the neighborhood

1 and to the setback from the Waterfront that I'm hoping that they
2 will respect ultimately. That's putting a lot of faith in other
3 people to do what is the right thing here, so I have a little
4 bit of discomfort in where we are right now and I feel like I
5 need to think about what -- the text amendment more and what is
6 being added here before I can be sure if this is the way to go.

7 CHAIRPERSON HOOD: Okay. Ms. Schellin -- and then I'm
8 going to go to Mr. Liu. I want to ask you a question, Mr. Liu.
9 Ms. Schellin, you've heard the concerns of my colleagues and
10 you've heard our discussion. I'm going to ask you to ask
11 Commissioner Imamura, as well as Vice Chair Miller to read the
12 record. I know they might not like me for this, but I'm going
13 to ask them to read the record, so we can have a full complement.
14 But, Mr. Liu, let me ask you, to give a confidence -- and I've
15 been there, Commissioner Wright, trust me; I'm there quite a
16 bit -- but to give us -- the Zoning Commission a little more
17 confidence. You've heard the discussions of both of my
18 colleagues, Commissioner Wright and Commissioner Stidham. How
19 do we go about -- I'm not sure. Do we send it back and tell
20 the -- and let the Office of Planning come up with the -- what
21 is it, H, I, or J -- how do we do that? How does that work?

22 MR. LIU: Yeah. I think maybe you could have the Office
23 of Planning -- whether they can think of any language that
24 addresses Commissioner -- what Commissioner Wright's looking for
25 and just leave the record open for that one submission, and then

1 consider taking proposed at a future -- at a next meeting date.

2 CHAIRPERSON HOOD: Okay. And also -- that's good. And
3 then let me ask you, what about Commissioner Stidham; how do we
4 address -- I guess the same thing, pretty similar.

5 COMMISSIONER STIDHAM: I think the only thing I would
6 add is, could OP look at an additional setback. I know that 75
7 is the minimum and it was required, but if you're going for this
8 level of height in this area of the city where there's a lower
9 level height, I would expect to see a greater setback maybe from
10 the water.

11 CHAIRPERSON HOOD: And, see, here it is. Commissioner
12 Stidham, you're saying it here in this forum, and you can actually
13 probably -- even if we -- say the Zoning Commissioner didn't do
14 it, you lost out on that. You can do it in another forum. I
15 think --

16 COMMISSIONER STIDHAM: That is true. That is true.

17 CHAIRPERSON HOOD: No, but we want to do it here. I
18 want you to be comfortable when you go there too. All right.
19 Let's bring up the Office of Planning. Ms. Steingasser, you've
20 heard the conversation. How can you help us?

21 MS. STEINGASSER: I think we can add a section into the
22 text that specifically references approvals or comments from
23 other reviewing agencies, so that you can at least consider what
24 the -- you know, the CFA or NCPC have said about the projects
25 that are before them. I think if -- I can't say I recommend

1 establishing new setbacks or new heights.

2 I mean, the Master Plan has been approved by NCPC, and
3 this is a really unusual site, and it's a really unusual situation
4 when we've got a federal property that's both being regulated by
5 the federal agencies and the local agencies. And this issue of
6 when something is subject to zoning is something we've worked out
7 with NCPC over the years, because there is this dual jurisdiction
8 and there is this rub of who has what authority to do what
9 reviews. And so I would not -- I would not be comfortable
10 establishing things that actually altered the Master Plan,
11 because that was worked out through a series -- a series of
12 federal processes and approved by NCPC with great care.

13 The programmatic agreement from the Section 106
14 indicates that Committee of 100 had been invited. I'm not sure
15 how the result -- you know, what that was all about, but we could
16 certainly add a section that says, you know, in consideration of
17 all the above, the Zoning Commission can also consider the review
18 comments of these other agencies, if that gives you a little bit
19 more in.

20 There's also I think something in Section 604 of
21 Subtitle X that has to do with design review that may get to some
22 of the issues. There's a lot of texts going on back and forth
23 right now, as you can imagine. But this is not like a normal
24 zone where the property is solely under the jurisdiction of DC.
25 It has that hybrid -- and it's being asked -- it's also one of

1 | those properties that's being asked to do a lot, so it's -- you
2 | know, the Navy has security issues from the parcels on the west
3 | side that they need to take care of through this land transfer,
4 | so there's a lot that is being asked of this property.

5 | COMMISSIONER WRIGHT: And I want to be clear, from my
6 | perspective, I am not suggesting -- and, again, it may be
7 | different than what Commissioner Stidham was saying -- I'm not
8 | suggesting we actually change any of the heights or setbacks.
9 | Again, I do understand this is a very carefully negotiated and
10 | difficult set of parameters. What I was really hoping was to
11 | clarify that the Zoning Commission -- although this is going to
12 | be reviewed in a number of different -- by a number of different
13 | agencies, that the Zoning Commissioner, through its design review
14 | process, has the important role of assuring compatibility and I
15 | think is -- I mean, I understand it overlaps with some of the
16 | mandates of the other agencies who will be reviewing this, just
17 | as the environmental mandate. You know, there are -- there's the
18 | Department of the Environment and Energy that's going to be
19 | looking at the energy efficiency of the buildings that get built
20 | on this site, and that's actually mentioned as subcategory D or
21 | E. I don't remember what it is -- exactly which it was and, you
22 | know, that -- and that is called out for something for the Zoning
23 | Commission to look at and to make sure that, you know, they're
24 | comfortable with. I'm just saying the compatibility with the
25 | historic structures should be treated the same way.

1 MR. LIU: Could I also point out just one thing, which
2 is that under the proposed text in 1300.2, you have there the
3 purposes of the zone. And if you go to Subsection E, one of the
4 purposes is insuring historic compatibility with the historic
5 context of the zone. And so the purpose of the zone, that'll
6 all get folded into sort of the design review when you guys do --
7 when you look at a design review application, so maybe that's --
8 maybe that might give you a little comfort.

9 COMMISSIONER WRIGHT: Can you tell me the exact
10 citation, 'cause I'm looking at it now, but I'm not seeing it.
11 Could you tell me the exact citation?

12 MR. LIU: Yeah, it's 1300.2(e), which is on page 31 of
13 the OP report.

14 COMMISSIONER WRIGHT: Right. So those are all basic
15 overarching elements of this zone that need to be considered.
16 And you're saying that because they are part of the overarching
17 purposes of the zone, that it is essentially in the Zoning
18 Commission's purview to look at all of these things.

19 MR. LIU: Right, right, because a design review is
20 essentially a special exception and part of the test for a special
21 exception, sort of is it in harmony with the general purpose of
22 the zoning regulations.

23 COMMISSIONER WRIGHT: Well, that actually does give me
24 greater comfort. I see what you're saying, is "ensure the design
25 and development of properties in a manner that is compatible with

1 and appropriate for the historic context of which the NYE zone
2 is a part and immediately adjacent to", so I think that does give
3 me a -- I hadn't focused on that, and that does give me a greater
4 level of comfort.

5 CHAIRPERSON HOOD: Okay. Thank you, Mr. Liu. I didn't
6 say it as eloquently as you did or didn't point it out, but thank
7 you for helping us on that one. So, Commissioner Wright, you're
8 fine now, right -- ready? If we were to move forward, you're
9 okay?

10 COMMISSIONER WRIGHT: I would be -- I would be ready
11 to move forward.

12 CHAIRPERSON HOOD: Okay. Now, Commissioner Stidham,
13 you heard what Ms. Steingasser said about the Master Plan. And
14 does that give you a comfort level or you still going to hold to
15 your point? I mean, which is fine, and then I'll just have to
16 have the other guys read it and then we'll go do that -- do it
17 that way. It's -- how do you feel? I want everybody to be
18 comfortable.

19 COMMISSIONER STIDHAM: As Ms. Steingasser was speaking,
20 I was listening to what she was saying and going back over the
21 item in the record from -- oh, I forget what exhibit it was --
22 but from NCPC that walked through -- yeah, Exhibit 6 -- that
23 walked through the Master Planning elements and the approach and
24 the thinking about not only the height, but the setbacks, and I
25 had -- you know, I had reviewed NCPC and I had looked at this

1 earlier in the week. You know, I think that I could be
2 comfortable and trust the process that happens after us to insure
3 that this is developed in such a way as its consistent with the
4 purpose and needs that are stated in the text amendment, the
5 character of the area, and, you know, what was committed to in
6 the Master Planning, so I'm going to be comfortable and trust the
7 process moving forward gets us to the right place.

8 CHAIRPERSON HOOD: Okay. All right. So let me ask, do
9 we have -- does anybody have any more uncertainty or uncomfort?

10 COMMISSIONER WRIGHT: I'm ready to make a motion. The
11 one thing I would ask is that as this moves forward and it gets
12 scheduled for reviews by other agencies, you know, for example,
13 CFA or whoever, it would be great to notify the members of the
14 Zoning Commission that that conversation or that review or that
15 public meeting is going to happen, because, at least for me, I
16 would love to be able to actually, you know, listen to that review
17 and listen to that conversation. I mean, I would attend a CFA
18 meeting, if this was being discussed, not to participate, but
19 just to listen.

20 And I think, again, a lot of times these things happen
21 and we are sort of presented with it, and it would be great to --
22 on a very big project like this, to know when some of these things
23 are moving through these other processes, because I would love
24 to be able to, you know, listen in and make sure that I understand
25 exactly what the processes are that are being discussed, but

1 anyway -- so --

2 CHAIRPERSON HOOD: Before you go on, let me just say
3 this, Commissioner Wright. I want to -- you know, we're here to
4 help each other. I have been in more trouble doing things like
5 that in this city than anybody probably -- any other Commission
6 I've served on, and I've served on many of them. I have gotten
7 in more trouble -- I have been very careful not to do that,
8 because what I've always been advised is what we're having here --
9 I have walked out of meetings that talked about zoning, because
10 it's coming in front of us, so I would caution that. And I'm
11 not saying it -- just talk to our legal folks, 'cause we need
12 you on our cases, and I don't want you to have to recuse yourself.

13 COMMISSIONER WRIGHT: Yeah. No, I will, but, you know,
14 again, I think that part of being well educated about the cases
15 that come before us is really understanding all of the steps that
16 lead the case to us and --

17 CHAIRPERSON HOOD: So there's a thing -- there's a
18 thing that says I can -- we can only deal with the case in the
19 hearing room. I can't go to other meetings. I can't talk --
20 well, I'll let them tell you about it. We can talk offline and
21 try to narrow that down, so we don't make any missteps.

22 COMMISSIONER WRIGHT: Okay. Well, I definitely don't
23 want to misstep, so I appreciate that.

24 CHAIRPERSON HOOD: Okay.

25 COMMISSIONER WRIGHT: So I'll go ahead and make a motion

1 that we approve Zoning Commission Case Number 23-27, which is
2 submitted by the Office of Planning. It's a text and map
3 amendment to create the Navy Yard East zone at Squares 955, 979,
4 and 979S, and portions of Square 1001S and the portion of land
5 extending south of Squares 955 and 979 to the Anacostia River
6 pierhead lines and the southeast portion of Reservation 14
7 containing Navy Yard Building 70 and the south portion of
8 Reservation 14 containing the public pathway adjacent closed
9 streets to the Anacostia River. And that is my motion.

10 CHAIRPERSON HOOD: Can we get a second?

11 COMMISSIONER STIDHAM: Second.

12 CHAIRPERSON HOOD: Okay. It's been moved and properly
13 seconded. Thank you, both. Any further discussion?

14 (No response.)

15 CHAIRPERSON HOOD: Not hearing any, Ms. Schellin, would
16 you do a roll call vote please?

17 MS. SCHELLIN: Yes, sir. Commissioner Wright.

18 COMMISSIONER WRIGHT: Yes.

19 MS. SCHELLIN: Commissioner Stidham.

20 COMMISSIONER STIDHAM: Yes.

21 MS. SCHELLIN: Commissioner Hood.

22 CHAIRPERSON HOOD: Yes.

23 MS. SCHELLIN: Staff records the vote three to zero to
24 two to approve proposed action on Zoning Commission Case Number
25 23-27, the minus two being Commissioners Imamura and Miller, who

1 are not present and not voting, and once this is --

2 CHAIRPERSON HOOD: So, Ms. Schellin, can they
3 participate -- hold on. Let me ask this. Can they participate
4 in final, if they want to?

5 MS. SCHELLIN: Oh, absolutely; if they review the
6 record, absolutely. Are you asking them to?

7 CHAIRPERSON HOOD: If they -- now if they want to,
8 'cause we --

9 MS. SCHELLIN: If they want to. Okay. Sure.

10 CHAIRPERSON HOOD: I'm sorry, Ms. Schellin. I cut you
11 off. You can keep going.

12 MS. SCHELLIN: I was just going to say as soon as we
13 can get the proposed rulemaking published, once that 30 days is
14 up, we will put this on for final action.

15 CHAIRPERSON HOOD: Okay. Let's sure that we follow up
16 with Commissioner Wright on her request, what she asked.

17 MS. SCHELLIN: About participating in the --

18 CHAIRPERSON HOOD: Yeah. Just make sure somebody in
19 the office follows up.

20 COMMISSIONER WRIGHT: About attending of the public
21 meetings.

22 MS. SCHELLIN: Yeah. Yeah.

23 CHAIRPERSON HOOD: And when you get the answer,
24 Commissioner Wright, call me and let me know, so I can make --

25 COMMISSIONER WRIGHT: Yeah.

1 MS. SCHELLIN: I don't think that we know the answer,
2 but, yeah, okay.

3 CHAIRPERSON HOOD: Okay. So the Zoning Commission will
4 meet again on December the 16th -- is it -- yeah, December the
5 16th on these same platforms. It's Howard University, Zoning
6 Commission Case Number 24-01. I want to thank my colleagues and
7 everyone who's done all that they've done in this case and our
8 staff, the Office of Planning, all the people who submitted
9 something. I don't want to start calling names. I'll leave
10 somebody out. And, with that, this hearing is adjourned. Good
11 night, everyone.

12 (Whereupon, the above-entitled matter went off the
13 record at 5:46 p.m.)

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C E R T I F I C A T I O N

This is to certify that the foregoing transcript

In the matter of: Public Hearing on Case No. 23-27

Before: DC Zoning Commission

Date: 12-12-24

Place: Webex Videoconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Deborah B. Gauthier