

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING
CASE NO. 24-11

+ + + + +

MONDAY

OCTOBER 20, 2025

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:38 p.m. EDT, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT E. MILLER, Vice Chair
GWEN WRIGHT, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, ESQUIRE
BRIAN LAMPERT, ESQUIRE

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ALSO PRESENT:

LEILA BATTIES, ESQUIRE, Holland and Knight
MADELINE WILLIAMS, ESQUIRE, Holland and Knight
BRANDICE ELLIOTT, Holland and Knight
DANIEL SOLOMON, Gorove Slade
PAUL MILLSTEIN, Douglas Development Corporation
PHILLIP GARDINER, Douglas Development Corporation
REINALDO VENANCIO, Powers Brown Architecture
MICHAEL SZYNAL, Wiles Mensch
SEBRENA RHODES, Commissioner, ANC 5D
SHAWN NELSON, Commissioner, ANC 5C04
KATHY HENDERSON, 5D Court Watch (Proponent)
JACQUELINE MANNING, ANC 5C04 (Proponent)
NOAH HAGEN, DC Department of Transportation
CRYSTAL MYERS, DC Office of Planning
JENNIFER STEINGASSER, DC Office of Planning
CHAR MCCRAY, Commissioner, ANC 5D06 (In Opposition)
BIANCA FORDE (In Opposition)
KONYKA DUNSON, Commissioner, ANC 5C01 (In Opposition)
VJ KAPUR, Vice Chair, ANC 5C (In Opposition)
TEQUIA HICKS DELGADO, Chair, ANC 5C (In Opposition)

The transcript constitutes the minutes from the
Regular Public Hearing held on October 20, 2025.

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Jemal's Schaeffer, LLC and Jemal's Bumper George, LLC

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(4:38 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller and Commissioner Wright, as well as Ms. Sharon Schellin and Mr. Paul Young, who will be handling all of our virtual operations; also, our Office of Zoning Legal Division, Mr. Brian Lampert and Mr. Jacob Ritting. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and is also webcast live via Webex and 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 testify will be unmuted at the appropriate time. When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty accessing Webex or with your telephone call-in, then please call our OZ Hotline number at 202-727-0789 to receive Webex log-in or call-in instructions.

All persons planning to testify must have signed up in advance and will be called by name at the appropriate time. At the time of signup, all participants will complete the oath or

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1 affirmation required by Subtitle Z-408.7. If you wish to file
2 written testimony or additional supporting documents during the
3 hearing, then please be prepared to describe and discuss it at
4 the time of your request when submitting.

5 The subject -- again, this was postponed due to the
6 lack of quorum and was supposed to be October 16th. We are
7 convening this now for October 20th, which was properly
8 announced. Tonight is Jemal's Schaeffer, LLC and Jemal's Bumper
9 George, LLC, consolidated PUD and related map amendment at Square
10 4268, Lots 6, 12, 14, 801, 804, 819; Parcel 153, Lots 0113, 0152,
11 0153. Again, today's date is October the 20th, 2025, the
12 continuation date. If you are experiencing Webex -- on your
13 telephone call-in -- if you are experiencing difficulty accessing
14 Webex or with your telephone call-in, then please call our OZ
15 Hotline number, as I mentioned, 202-727-0789.

16 The hearing will be conducted in accordance with the
17 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary
18 matters; the applicant's case; we will have the report of
19 government agencies; then we'll have the report of the Department
20 of Transportation; and then we'll have the report of the Office
21 of Planning; report of the ANC -- the ANC in this case is ANC
22 5C -- and then we will have testimony of organizations and
23 individuals, each with -- organizations, five minutes, and
24 individuals, three minutes -- and then we'll have rebuttal and
25 closing by the applicant.

1 At this time, the Commission will consider any
2 preliminary matters. I will say that we have a few things we're
3 going to go through, preliminary matters, and then we will
4 proceed. Does the staff have any preliminary matters?

5 MS. SCHELLIN: As you said, we do have several
6 preliminary matters -- or a few, not several. Do you want me to
7 go ahead and go through those now before doing your vote on the
8 closed meeting? Do you want to do those first?

9 CHAIRMAN HOOD: Yeah, let me -- let me -- hold on. Let
10 me do the closed meeting first. Let me --

11 MS. SCHELLIN: Okay. Sure. That might be less
12 complicated.

13 CHAIRMAN HOOD: Nothing's easy. Okay. Let me do the
14 closed meeting. Ms. Schellin, do you have the agenda with the
15 cases on it, because I have to cite the cases?

16 MS. SCHELLIN: Yes, sir. I will e-mail them very
17 quickly, yes.

18 CHAIRMAN HOOD: Okay. Just indulge us for one moment
19 please.

20 (Brief pause.)

21 CHAIRMAN HOOD: All right. Give me one moment. I'm
22 sorry. I don't want to get in trouble with BEGA, so I want to
23 make sure I read the right one

24 (Brief pause.)

25 CHAIRMAN HOOD: Okay. I got it. All right. Give me

1 one moment. I'm sorry. I don't want to get in trouble with
2 BEGA, so I want to make sure I read the right one. Ms. Schellin,
3 do you have that handy? I don't know what I did. I read it once
4 and now I can't remember --

5 MS. SCHELLIN: For the closed meeting? Sure. I'll
6 find that for you. Sure. Hold on.

7 CHAIRMAN HOOD: The one that I -- the one that I'm
8 supposed to read. Let me know when you send it. Sorry, but I
9 thought I was organized. I had it out here the last time I read
10 it, and I don't know what happened to my files. Maybe it's the
11 operator's problem.

12 (Brief pause.)

13 MS. SCHELLIN: I'm looking. Sorry. I've got a ton of
14 e-mails, because I was out last week. I'm getting there.

15 CHAIRMAN HOOD: I'm looking too. I'm looking too.
16 Hold on one second, because I know it was sent to me. Okay.
17 That's the other thing. I'm in the area, so I may find it. Give
18 me a second.

19 (Brief pause.)

20 CHAIRMAN HOOD: You know what? I'm going to go ahead --
21 I've been doing this long enough, I can do it off the cuff, Ms.
22 Schellin. And then what I will do is -- let's see --

23 MS. SCHELLIN: I think I got something for you.

24 CHAIRMAN HOOD: You got something? Okay. I wanted to
25 read exactly what they gave me.

1 (Brief pause.)

2 MS. SCHELLIN: This is the one you have to wing, because
3 it's set up to be done before the meeting, but you're doing it
4 the hearing before, so you have to change the wording a little
5 bit. They never did provide a different one. We'll have to
6 change it a little bit.

7 CHAIRMAN HOOD: I read one the last time we did this,
8 and I just --

9 MS. SCHELLIN: Yeah.

10 CHAIRMAN HOOD: -- I got so many files, I don't know
11 where it is.

12 MS. SCHELLIN: I know. I know. I can't either.

13 CHAIRMAN HOOD: All right. Well, whatever you send me,
14 that's what I'm going to read, and I'll wing it.

15 MS. SCHELLIN: Yeah. We'll -- this is close.

16 CHAIRMAN HOOD: Okay. Yeah, I'm going to wing it. I
17 see -- I see -- I have that one. I'm going to wing it. Let me
18 pull it up.

19 MS. SCHELLIN: Yeah.

20 CHAIRMAN HOOD: Let me pull back up the agenda. Give
21 me one second. Okay. Today's date is October the 20th, 2025.
22 My name is Anthony Hood, Chairman of the Zoning Commission, and
23 we have a quorum. What we're doing, I am going to announce that
24 we will be having a closed meeting on October the 23rd at 3:15
25 p.m. to seek legal advice from our counsel and deliberate upon

1 the contested cases on our meeting agenda. And the meeting agenda
2 cases are Zoning Commission Case Number 24-15, 901 Monroe Street;
3 Zoning Commission Case Number 25-01, Ward Memorial AME; Zoning
4 Commission Case 15-20E, TBSC Master Owner, LLC; Zoning Commission
5 Case 78-17A, Judiciary Plaza, LLC; Zoning Commission Case Number
6 09-03I, Skyland Holdings, LLC. We will have a closed meeting to
7 seek legal advice from our counsel and to deliberate upon these
8 cases. Is there a motion to do that? I make a motion that we
9 do that. Is there a second?

10 COMMISSIONER WRIGHT: Second.

11 CHAIRMAN HOOD: It's been moved and properly seconded.
12 Any further discussion?

13 (No response.)

14 CHAIRMAN HOOD: Ms. Schellin, could you do a roll call
15 vote please?

16 MS. SCHELLIN: Commissioner Hood.

17 CHAIRMAN HOOD: Yes.

18 MS. SCHELLIN: Commissioner Wright.

19 COMMISSIONER WRIGHT: Yes.

20 MS. SCHELLIN: Commissioner Miller.

21 VICE CHAIR MILLER: Yes.

22 MS. SCHELLIN: The vote is three to zero to two to hold
23 a closed meeting on Thursday, October 23rd at 3:15 p.m., the
24 minus two being Commissioners Imamura and Stidham, not present,
25 not voting.

1 CHAIRMAN HOOD: Thank you, Ms. Schellin, if you
2 can -- we can do all the required notices, as required by
3 the -- by the regulations -- by the BEGA Act.

4 MS. SCHELLIN: Correct.

5 CHAIRMAN HOOD: Okay. Thank you. All right. And we
6 will get that -- I have it somewhere. I'll probably find it as
7 soon as the hearing is over.

8 MS. SCHELLIN: Exactly.

9 CHAIRMAN HOOD: Okay. All right. So let's go to --
10 let's get to our case tonight. Let me close all this stuff up.

11 MS. SCHELLIN: Okay. Preliminary matters. So the
12 first one is -- I think that there -- - well, I'll do the
13 proffered expert witnesses. They've both been accepted by this
14 Commission before, if you would just accept them in this case.
15 That's Erwin Andres in transportation planning and engineering,
16 and Daniel Solomon, also from Gorove Slade. I'm not sure which
17 one of them is going to be here this evening, but whichever one --
18 I was going to look and see -- but, anyway, they both have been
19 here before as experts, if the Commission would accept them as
20 proffered expert witnesses.

21 CHAIRMAN HOOD: I'm looking at my colleagues. Any
22 objections to continuing our status as experts?

23 VICE CHAIR MILLER: No objection.

24 CHAIRMAN HOOD: All right. We'll keep moving. Ms.
25 Schellin, anything else?

1 MS. SCHELLIN: And I believe there may be -- I have to
2 find the architect to find out -- I have to check with Ms.
3 Batties. I believe Reinaldo Venacio (phonetic) -- Venancio.

4 CHAIRMAN HOOD: Let's bring -- let's bring Ms. Batties
5 up, so we can get all that hashed out.

6 MS. SCHELLIN: I don't believe -- were you proffering
7 him in LEED or architecture? Is he your architect or just --

8 MS. BATTIES: Hi. Good afternoon. Can you guys hear
9 me?

10 CHAIRMAN HOOD: Yes, we can.

11 MS. BATTIES: All right. I'm sorry. We didn't have
12 an opportunity to do a technical run-through with --

13 CHAIRMAN HOOD: So we'll do (indiscernible) -- so
14 you'll do the technical review with us. Okay.

15 MS. BATTIES: Well, we didn't -- we -- yeah. Do we
16 have a video? So -- and let me just say, while we're trying to
17 pull up the video, we are proffering just two experts today;
18 that's Daniel Solomon with Gorove Slade and Brandice Elliott, the
19 Director of Planning Services for Holland and Knight. Our
20 architect is here, but he's not being proffered as an expert.

21 MS. SCHELLIN: Okay. So Brandice Elliott has also been
22 previously accepted, so if the Commission would accept those two
23 in this case, the consensus.

24 CHAIRMAN HOOD: Okay. Any objections? I'm getting the
25 thumbs up. We're good to go. All right. Thank you.

1 MS. SCHELLIN: Okay. And then the next thing -- easy
2 one to get over -- out of the way would be a motion from the
3 applicant, who submitted their LEED scorecard less than 20 days
4 prior to the hearing, but in response to a request from the Office
5 of Planning. That's at Exhibit 51. And so we'd ask that --
6 he's -- they're asking the Commission allow them that waiver
7 under Subtitle Z-101.9.

8 CHAIRMAN HOOD: Any objections to admitting the
9 scorecard?

10 (No response.)

11 CHAIRMAN HOOD: No objections. So ordered.

12 MS. SCHELLIN: All right. And then --

13 CHAIRMAN HOOD: We'll accept that as well.

14 MS. SCHELLIN: Okay. And moving along, ANC 5C is the
15 ANC in which the property is located, and they are being
16 represented by Shawn Nelson. And ANC 5D, there's a question of
17 whether they are an affected ANC or not, and if the Commission
18 decides -- once the Commission makes the decision on that, if
19 they -- the Commission decides they are not an affected ANC, then
20 they have a party status request in opposition for you to
21 consider, if you decide they are not an affected ANC. So that
22 would be my next preliminary matter, would be for you to move
23 forward on the ANC issue.

24 CHAIRMAN HOOD: Thank you, Ms. Schellin. Colleagues,
25 let me just say that I have looked this over. I do not believe

1 | they are an affected ANC, due to our statute -- I mean, our
2 | regulations and our statute. That's a stretch, from what I saw,
3 | so this will not -- I think this does not come up under our
4 | regulations, and I will not -- I will not be voting in favor of
5 | them becoming an affected ANC. Now, the other issue we can take
6 | up later. I want to do the affected piece first. Let me go with
7 | Commissioner Wright.

8 | COMMISSIONER WRIGHT: I will agree with the Chair. I
9 | really don't have a lot of experience in these types of decisions,
10 | and I know that he does have many, many years of looking at these
11 | kinds of issues, so I will agree with you. I have -- you know,
12 | I tend to sort of go for being more inclusive and letting folks
13 | be considered affected parties, but I hear what the Chair is
14 | saying, so I will -- I will agree with him.

15 | CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

16 | VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
17 | agree with you that ANC 5D is not an affected ANC under our zoning
18 | regulations. The property has to be either within -- located
19 | within the boundaries of the ANC or directly across the street,
20 | and ANC 5D is neither of those, although they're close by,
21 | depending on how you subjectively define "close", but I agree
22 | with you. They're not an affected ANC, and I -- so --

23 | CHAIRMAN HOOD: And I would say this, to Commissioner
24 | Wright's point on being inclusive. The courts have taught me to
25 | follow the rules, so they've taught me over the years that you

1 better follow the rules. I've always -- we're going to be
2 inclusive. I've always been inclusive, whether -- regardless,
3 but I have to make sure I follow the regulations and statute,
4 because that comes back to haunt us each time. Now, Ms. Schellin,
5 do we want to deal with the party status request? Ms. Schellin?

6 MR. RITTING: I'll take that one. Yes.

7 MS. SCHELLIN: Yes.

8 MR. RITTING: You have to consider whether 5D should
9 be considered a party. They did file a party status request
10 application, and this is decided under a different standard than
11 the regulation about an affected ANC, and you know what that is
12 and how to do it, so I'll let you discuss that issue.

13 CHAIRMAN HOOD: Okay. Let me go -- let me come to you,
14 Commissioner Wright. I'll let you start off with the party issue,
15 whether we want to make 5D a party or not. Commissioner Wright.-

16 COMMISSIONER WRIGHT: My tendency, yes, would be to say
17 that they should be allowed as a party. Even though they didn't
18 meet the definition of an affected ANC, I do think that this
19 project will definitely have an impact on the ANC area of 5D, so
20 I would say yes.

21 CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

22 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I
23 agree with Commissioner Wright. I think that the -- although
24 they are not -- ANC 5D is not an affected ANC under our
25 regulations, I think they do meet the standard of being more

1 significantly, distinctively, or uniquely impacted than the
2 general public, given their proximity, even though it isn't
3 directly across the street and it may be -- I think I saw
4 somewhere, it may be up to a mile away, even though -- or six
5 blocks away or -- it's a very big, complicated circle there that
6 separates the two ANCs. So I would be -- I would err on the side
7 of including them as a party, and I don't have an objection,
8 despite the applicant's -- I think the applicant did object to
9 them being considered a party, even under this standard.

10 CHAIRMAN HOOD: I, too, don't have an objection. While
11 I think that sometimes it could be a stretch, I just like to
12 always be very cautious, but whether they're a party or not, I'm
13 going to hear from them, and I think the courts have quoted me
14 saying that. So that's just what I do -- what we do, but we --
15 I don't have any issues with them being a party. I think, even
16 though I think it's a stretch, but we're going to go ahead and
17 do it, because we want to hear from the community. So anyway --
18 all right. Any other -- any other things we need to -- I'm going
19 to ask Mr. Ritting, could you go through those issues -- other
20 preliminary issues I need to go through or we need to go through?

21 MS. SCHELLIN: Yeah. And I just checked to make sure
22 that the person representing the request for party status is
23 present, and they are, so that part of the regs has been met
24 also, so they are here.

25 CHAIRMAN HOOD: All right.

1 MR. RITTING: That's it for preliminary matters.

2 MS. SCHELLIN: Yep, other than to say

3 CHAIRMAN HOOD: It seems like, when you were reading,
4 there was a whole lot more than that.

5 MS. SCHELLIN: Yeah, there's -- I didn't go over the
6 reports. So ANC 5C submitted initially a report at Exhibit 15
7 in support; but then, at Exhibit 20, they submitted a letter --
8 I'm sorry -- superseding -- rescinding that report. And then,
9 at Exhibit 48, they submitted another report opposing their
10 original vote. OP's hearing report is at Exhibit 55 to approve.
11 The DDOT report at Exhibit 56 has no objection, with some
12 conditions. Other government agency reports, DOEE at pages 22
13 and 23 of the OP report, they made some recommendations for the
14 applicant. And I will turn it back over to you, Chairman.

15 CHAIRMAN HOOD: Thank you, Ms. Schellin. Let me just
16 say this. I did read the ANC report, and we've had issues where
17 ANCs change. I'm not going to discount -- you know
18 (indiscernible), but I'm not going to discount anybody's work,
19 especially when you're volunteering. We have -- I have never
20 seen in my 28 years a new ANC come and ask to get rid of an old
21 ANC's work. If somebody came and asked to get rid of this ANC --
22 the current ANC's work, I would be -- I would have a problem with
23 that as well. I think volunteers' work should stand for what it
24 is, and we can deal with that, but I'm not going to discount
25 anybody's work, because they're all volunteers of ANCs, and I

1 | respect ANCs in this city and civic groups, because I, took was
2 | a civic association president. So we spent a lot of volunteer
3 | time, and we want to make sure we hear from everybody. The new
4 | ANC came; the situation stayed the same to a certain degree,
5 | because I think that changed too. You have a new ANC. We're
6 | not going to -- I don't support discounting anybody's work,
7 | especially when it comes to community and volunteering. Do my
8 | other colleagues have any comments on that?

9 | VICE CHAIR MILLER: (Shakes head no.)

10 | COMMISSIONER WRIGHT: (Shakes head no.)

11 | CHAIRMAN HOOD: Okay. So we're all in agreeance on
12 | that one or -- I'm seeing if we -- do we all agree on that, of
13 | not discounting anybody's work? At least I'm not.

14 | COMMISSIONER WRIGHT: No, I think we want to hear from
15 | everyone in the community about this and all of the different
16 | viewpoints, and I'm not discounting anyone who wants to
17 | participate and offer their viewpoint on this project, so --

18 | CHAIRMAN HOOD: Well, let me -- let me be specific, and
19 | think you all are -- we already know there's a new ANC. They
20 | wanted to get rid of the old ANC -- I mean, get rid of their
21 | comments in the record. We've had that done plenty of times,
22 | and we have never done that, and as long as I'm here, we're not
23 | going to start doing that. We're going to -- I think we're going
24 | to listen to whoever's in position, we're going to respect those
25 | who came before us, because they put the work in prior to this

1 ANC, and we're going to respect this ANC. So enough said on
2 that, unless I hear any opposition.

3 VICE CHAIR MILLER: No opposition. I agree that we
4 should always keep in the record comments that have been made
5 almost by anybody, but particularly an ANC, whether they've been
6 replaced or not.

7 CHAIRMAN HOOD: Right. Okay. All right. Ms. Schellin,
8 do we have any other preliminary matters or that's it?

9 MS. SCHELLIN: That is it.

10 CHAIRMAN HOOD: Okay. Good. All right. So we got
11 that off the table. Let's go ahead and proceed. Let's bring up
12 the applicant. And I'm going to ask the applicant -- well, I
13 have a few -- before you get started -- get started -- I'm hearing
14 myself. Must be --

15 VICE CHAIR MILLER: We're hearing you too.

16 CHAIRMAN HOOD: Testing, testing.

17 MS. BATTIES: Give us -- give us a moment.

18 (Brief pause.)

19 MS. BATTIES: Are you guys getting an echo now, okay,
20 and you can hear me?

21 CHAIRMAN HOOD: It's only when I talk. Okay. We're
22 good now. Okay. I won't say anything --

23 MS. BATTIES: They're saying they can hear me and
24 there's no echo.

25 CHAIRMAN HOOD: Okay. But what I'm asking, Ms. Batties,

1 | if you --

2 | MS. BATTIES: All right. Great.

3 | CHAIRMAN HOOD: Can you hear me, Ms. Batties?

4 | MS. BATTIES: But we can't hear you. Hold on a second.

5 | CHAIRMAN HOOD: Here we go.

6 | MS. BATTIES: Okay. Can you set it up --

7 | (Brief pause.)

8 | CHAIRMAN HOOD: While I have a little time, I'm going
9 | to seize the moment, Commissioner Wright. I met my --

10 | MS. BATTIES: Can you guys hear me now?

11 | CHAIRMAN HOOD: Okay. I'll come back to that,
12 | Commissioner. Yes, we can hear you.

13 | MS. BATTIES: We can't hear -- you can hear me; I cannot
14 | hear you. Hold on a second.

15 | CHAIRMAN HOOD: Again, Commissioner Wright --

16 | MS. BATTIES: Okay. Now we can hear you and you can
17 | hear me.

18 | CHAIRMAN HOOD: Okay.

19 | MS. BATTIES: And there is no echo, correct?

20 | CHAIRMAN HOOD: I don't think -- I don't hear an echo.
21 | Does anybody hear an echo?

22 | (No response.)

23 | CHAIRMAN HOOD: Okay. We're good.

24 | MS. BATTIES: All right. Good. Okay. Thank you. I
25 | apologize for that. It's only five years after COVID.

1 MS. SCHELLIN: Leila, the Chairman and the other
2 Commissioners do not know that you are running solo because Mr.
3 Cohen and his wife had their first baby Friday night and he left
4 suddenly in the middle of preparing stuff.

5 MS. BATTIES: Yes, so I apologize.

6 MS. SCHELLIN: So she's panicking -- in that panic mode
7 of preparing, so they didn't know. I forgot to send them the
8 notice too.

9 CHAIRMAN HOOD: Well, tell Mr. Cohen -- Mr. Cohen used
10 to represent us years ago. Tell him we said congratulations.

11 MS. BATTIES: He might be watching, but I will make
12 sure to tell him that.

13 CHAIRMAN HOOD: Well, congratulations, Mr. Cohen, to
14 you and the family. Congratulations.

15 MS. BATTIES: Okay. So good afternoon. Thank you for
16 your opportunity to present today. For the record, my name is
17 Leila Batties, and I'm joined by my colleague, Madeline Williams
18 with Holland and Knight on behalf of the applicants, Jemal's
19 Schaeffer, LLC and Jemal's Bumper George, LLC, which are
20 affiliates of Douglas Corporation -- Douglas Development
21 Corporation. Douglas is represented here today by Paul Millstein
22 and Phil Gardener. We're all in the same space. The other
23 members of the applicant's team are Reinaldo Venancio of Powers
24 Brown Architecture; Daniel Solomon of Gorove Slade; Brandice
25 Elliott, the Director of Planning Services at Holland and Knight;

1 and the civil engineer for the project, Wiles Mensch, is on,
2 represented by Michael Szynal. He is on separately so if you
3 can, Mr. Young, please elevate him to a panelist, and, also, pull
4 up the slide -- the PowerPoint please.

5 MR. YOUNG: Sorry. Can you repeat the name one more
6 time?

7 MS. BATTIES: Michael Szynal.

8 (PowerPoint presentation shared on the screen.)

9 MS. BATTIES: Okay. Great. Thank you. You can go to
10 the next slide please. So the application before the Commission
11 is a PUD and related zoning map amendment for -- the zoning map
12 amendment for only a portion of the PUD site. The PUD site,
13 itself, is a triangular parcel that consists of approximately
14 nine acres and is situated on the south side of New York Avenue
15 Northeast, between Montana Avenue and Bladensburg Road.

16 Next slide please. So the application proposes to
17 rezone approximately 4.2 acres that fronts on New York Avenue,
18 and the 4.2 acres is designated mixed-use high-density
19 commercial, high-density residential, and PDR on the
20 Comprehensive Plan Future Land Use Map. The remaining portion
21 of the property will stay MU-5B.

22 Okay. Next slide please. And this is just an image
23 of the subject property as it relates to Montana Triangle overall.
24 The site is mostly vacant, but does have a few buildings on that
25 northeast section -- on the -- what's shown as northeast on this

1 image here.

2 So just quickly, as a way of overview of our
3 presentation, Paul Millstein will give some background on the
4 property, Douglas's efforts to redevelop the property, and the
5 community engagement. And then the architect will go over the
6 project design and site plan. Daniel Solomon of Gorove Slade
7 will testify to the traffic circulation, in response to the
8 community concerns, specifically to confirm that truck -- the
9 truck traffic does not -- will not have to go through residential
10 neighborhoods, and then the other conditions listed in the DDOT
11 report, as well as the TDM Plan.

12 Brandice Elliott will testify on the zoning and
13 Comprehensive Plan analysis. And then I will conclude the
14 applicant's presentation with a discussion on the use provisions
15 and restrictions, because that, as you know from the record, has
16 been a major concern for some community stakeholders. And so,
17 with that, I will now turn the presentation over to Paul
18 Millstein, who is the Vice President and head of development for
19 Douglas Development. Next slide please, Paul. Thank you.

20 MR. MILLSTEIN: Great. Good evening. Thank you. Thank
21 you, Leila. Good evening, Commissioners, Chairman Hood, and
22 others. Nice to see you. It's been quite a while. It's nice
23 to be back. We're here before you tonight not for the first
24 time. We've been here several times for this site. In fact, we
25 took control of this site in 2014 with a very grand vision to

1 create almost a new city in homage to the old city where we should
2 really build a 24-hour environment within itself where we had
3 mixed uses of residential, retail, office, hotel, everything you
4 could possibly think of, some flex uses, some manufacturing as
5 well. It's been a challenge over the years for several reasons.

6 The project we brought forward shortly after 2014 was
7 this large mixed-use development that required some help. As you
8 know, because you see it all the time, it's very hard to do a
9 mixed-use development without some form of financial assistance.
10 The Wharf had financial assistance; you know, Chinatown and the
11 hockey stadium is going to get a big boost; the football
12 stadium -- it's just these large developments require some
13 assistance. We immediately engaged with the District of Columbia
14 after we landed on a plan with the Office of Planning and the
15 community that everybody could really get excited about, which
16 we were. At that time, it was determined that a TIF would be
17 appropriate for this site and the TIF we worked for a couple
18 years with the District of Columbia's Economic Development --
19 Mayor of Economic Development, went through full underwriting,
20 full analysis, and it was about a hundred million dollar TIF to
21 get this project fully developed, which was about 1,500 homes, a
22 couple hundred thousand feet of retail. It was a substantial
23 development that most of you have seen. Unfortunately, by the
24 time we got through all the process and all the underwriting, the
25 city wasn't in a position to go forward with the TIF. For their

1 | bond ratings and their debt cap and all these other reasons, they
2 | couldn't do it any longer. And that was about a two-year effort
3 | on all of our parts. So we had to go back to the drawing board.

4 | We didn't want to give up on the plan of a mixed-use
5 | development at the time, so we looked for other solutions, with
6 | the city's help. At that time, the city was open to another
7 | vehicle with some financial assistance, which was HUD 108 loan.
8 | The HUD 108 loan is debt, but it's a very low-interest debt with
9 | very favorable terms on payback, but it was enough to get us over
10 | the hump to get the project developed. That was about a 75-
11 | million-dollar loan from the federal government that was debt
12 | we'd repay over time, but, again, it was favorable.

13 | Again, we went through a lengthy process of
14 | underwriting and legal documents. At the time, the city was in
15 | violation with the HUD for a nonpayment of a previous 108 loan
16 | years ago, dating back 20 years, that put them in the penalty
17 | box. So we actually worked for several months and our consultants
18 | to help bring the city out of the penalty box so they could move
19 | forward on the 108. We got all of that cleared over several
20 | months' time, and by the time we were ready to go to loan
21 | documents, the city determined that those proceeds for the 108
22 | needed to be used for some affordable housing and to improve some
23 | existing affordable housing, so they were no longer able to commit
24 | the HUD proceeds -- the HUD loan to us of about 75 million
25 | dollars. So, again, we did nothing wrong. We went through all

1 the process, everything was ready to go. After another year-
2 and-a-half of going down that road, we got stopped. So now we're
3 trying to figure out what to do, and then we -- the economy and
4 the pandemic and everything you're very well versed in.

5 The reality is now is we have this front piece of land
6 that we think we can do what we call a flex building and get the
7 site energized, get something going, because it's just been
8 sitting. We've had it since 2014, and it's been sitting long
9 before that, as you know. It's got to get going. It needs a
10 catalyst, right? So the use here that we're proposing fits under
11 the MU-5, with the exception of a few I think very important
12 distinctions that we wanted to add in, and the PDR allows us to
13 add those in. And those uses are what we would consider flex
14 light manufacturing uses.

15 So, right now, we have success with a coffee
16 manufacturer, which we did in Ivy City at our Hecht's development.
17 We did a brewery, Other Half Brewery, brought them out of
18 Brooklyn. If they couldn't make their beer there, they wouldn't
19 be there. If Compass Coffee couldn't make their coffee there,
20 they wouldn't be there. And then, more recently, we did a
21 large -- a commissary for Tatte Bakery. Now, we asked Tatte to
22 do a café as well. They were unwilling at the time, because the
23 numbers didn't support it, but, yet, that commissary provides a
24 support to all the other Tatte's downtown, and, without that,
25 they wouldn't be in the District of Columbia, because they're not

1 going to ship it from Philadelphia. It needs to be in close
2 proximity. It also provides jobs and security and additional
3 residents that live there, that work there. So there's positive
4 benefits to all these uses. The MU-5 doesn't provide for that,
5 and that was an important distinction.

6 So we immediately did what we have typically done.
7 I've been here for 38 years. I've been in front of this
8 Commission many, many times. We engage the community first; then
9 we go to the Office of Planning; then we bring in a counsel; then
10 we go to the community and we figure out what makes sense on this
11 particular site today. And what we have before you we feel makes
12 great sense. This is a flex-use building that I can do a
13 trampoline park; I can do any kind of light manufacturing that
14 makes sense; we could still do retail; we could do some
15 combination of warehousing and retail showroom; anything along
16 those lines, and that's the building we've brought before you.

17 We believe that we are consistent, and I'll let Leila
18 go through -- Ms. Batiste (phonetic) go through -- Batties,
19 sorry -- go through all the zoning reasons why it's consistent.
20 We're surrounded by zoning PDR-1 uses, and she'll go through all
21 that. I don't need to. But the point is, we started Hecht
22 Company in 2010. We have invested hundreds of millions of dollars
23 in the New York Avenue Corridor. My grandchildren live two miles
24 away. We are heavily invested in this corridor. Our objective
25 is not to desecrate this corridor, but to uplift. We have tried

1 and tried and tried. We've had many quality tenants; T.J. Maxx,
2 Ulta Cosmetics, Nike. Now, we went to great effort and invested
3 a lot of money to bring them here, and they couldn't make it,
4 because they weren't supported by the community. It happens.
5 But we continue to try and we continue to swing to bring quality
6 development to this community, and we feel that this will be the
7 catalyst to get this site going. So, with that, I think I'll
8 step down. We'll go through the presentation and, of course, be
9 available for questions. Thank you.

10 MS. BATTIES: I just want -- on the screen it shows all
11 of the community engagement. There was a substantial amount of
12 community engagement that Douglas and Phil, who's here, entered
13 into prior to even filing. And then, after we filed, we continued
14 to engage with the community. The benefits and amenities package
15 that was included in the application from the beginning was a
16 result of their discussions with the community.

17 Next slide please. And the last thing I will point out
18 before the architect comes, right, is that one of the big things
19 that came out of this community engagement process is that the
20 building evolved into a much nicer design, a design, again, that
21 reflects feedback from the community. So they went from a very
22 traditional warehouse building to one that has, you know, more
23 modern appeal, different facades, different colors, and so these
24 are the kind of things that resulted from the community
25 discussions. And so, with that, I will now turn the presentation

1 over to Reinaldo.

2 MR. VENANCIO: Good evening. My name is Reinaldo
3 Venancio with Powers Brown Architecture. Next slide please.
4 Yeah. The building is sitting at the corner of Montana Avenue
5 and New York Avenue, with the front facing New York Avenue. The
6 building we are proposing is 180,000 square feet in two levels,
7 with parking on both sides of the building.

8 Next slide please. The ground level we're proposing
9 20,000 square feet of office/showrooms/retail with normally 126
10 parking spaces right to the right of the office we're proposing
11 there.

12 Next slide. The first floor is roughly 164,000 square
13 feet, also with parking on the left side. In case this building
14 were to be multitenant, we have the option to break the space
15 into three or four tenants with them having access from left and
16 right side of the site for parking.

17 Next slide. The elevations of this building,
18 basically, the front facing New York. We tried to break down
19 the massing of the building into different -- more scalable
20 spaces or facades that relate more to the volume of the massing
21 of the buildings around our site. The elevation or the height
22 of the building, as we can see on this slide, is 48 feet with a
23 36 clear height inside the building that allows multiple uses for
24 this space. We are trying to articulate the building horizontal
25 and vertically, keeping the ground level with kind of a retail

1 | look that can attract different types of tenants for this
2 | building.

3 | Next slide please. The Montana Avenue elevation is
4 | also articulated in a way that looks more like a retail type of
5 | building, where the back of the building, that's where the
6 | function or the truck port is, is more simple and less refined,
7 | as opposed to the front of the building.

8 | Next slide please. As you can see, what we are
9 | proposing here is a very modern building with different textures,
10 | with different experience from the pedestrian level, with
11 | landscape in front that helps to break the massing of this
12 | building, that helps to create scale that is more human and more
13 | pedestrian-friendly.

14 | Next slide please. The intersection of Montana and New
15 | York Avenue, we're proposing to have a step down there to create
16 | more articulation to get the illusion that we're talking about
17 | different buildings and different size buildings that are more
18 | adequate scale for this part of the city.

19 | Next slide please. Again, the front of the building
20 | facing New York is broken down into four pieces with a more
21 | scalable facade with a good amount of glass, brick or masonry
22 | type of materials, metal panels, but all kind of related to each
23 | other by having that ground level that connects them all together.

24 | Next slide. These are some of the samples of materials
25 | we're proposing for this building. We're using metal panels;

1 we're using masonry; we're using metal canopies; we're using
2 mural art in some locations of the building to try to break down
3 the mass, and these are some of the samples that we're trying
4 to -- or materials we're trying to use on this building.

5 Next slide please. From the landscape point of view,
6 we are planting trees all the way around the building. We have
7 a bike trail that goes around the building. We have -- on the
8 truck port side, we have asphalt and concrete, and then we have
9 all the green area around the building, per -- as needed, per
10 code.

11 Next slide please. On New York Avenue, we're proposing
12 a bike trail; we're proposing a double sidewalk, ten feet wide,
13 and we're proposing a buffer area between the bike trail and the
14 sidewalk.

15 Next slide please. On Montana Avenue, very similar.
16 In this particular case, we're proposing a six-foot sidewalk, a
17 ten-foot bike trail, and, like I said, trees all the way around
18 the building.

19 Next please. Sorry, I was referring to New York Avenue
20 on the other slide. So Montana Avenue, as I said before, the
21 sidewalk there is going to be six feet and the bike trail is
22 going to be ten feet on this street. And that will conclude the
23 architecture presentation.

24 MS. BATTIES: Thank you.

25 MR. SOLOMON: Good afternoon, Commissioners. For the

1 record, I'm Daniel Solomon, a Transportation Planner and
2 Principal with Gorove Slade. We've been working with Douglas
3 Development, the project team, and DDOT, related to the
4 transportation aspects of the new city PUD. I'm going to touch
5 on the highlights of our review, in coordination with DDOT.

6 The site is well served by major roadways and transit,
7 including multiple 24/7 bus lines, notably on Bladensburg Road
8 Northeast. There are also a number of planned roadway
9 improvements surrounding the site, which are expected to improve
10 mobility and safety for all users, including the Bladensburg
11 multimodal safety and access Project and the New York Avenue,
12 Northeast street scale -- streetscape -- excuse me -- and trail
13 project.

14 Next slide please. Vehicular and loading access will
15 be from an existing public alley off of New York Avenue and two
16 new curb cuts at the intersection of Montana Avenue and 17th
17 Street, as well as Bladensburg and T Street Northeast, with both
18 proposed to be signalized. The Bladensburg and T Street Northeast
19 intersection is planned to be signalized as part of DDOT's
20 Bladensburg improvement project, and the applicant has proposed
21 to signalize the Montana Avenue and 17th Street intersection.
22 The existing 16 curb cuts along the perimeter of the site will
23 be eliminated. All loading will be head-in/head-out, in line
24 with DDOT standards. It is expected that all trucks will come
25 to and from the site using DDOT-designated truck routes, which

1 are New York Avenue, West Virginia Avenue, and Bladensburg Road
2 near the site. It is not expected that trucks will use
3 residential streets to access the site near the site itself.
4 Primary pedestrian access is planned to be on New York Avenue and
5 a dual sidewalk and shared-use path will be provided on the site's
6 frontage.

7 Next slide please. For this project, we performed a
8 Comprehensive Transportation Review, which was scoped and
9 reviewed by DDOT. As part of this project, signalization and
10 shared-use path improvements are being proposed to address DDOT,
11 ANC, and neighborhood concerns about safety, vehicle speeds, and
12 lack of quality pedestrian facilities. Per conversations with
13 DDOT, the dual sidewalk and shared-use path that is proposed
14 along the site's frontage, which is shown on this slide in purple,
15 will be extended down from PUD site to the intersection of Montana
16 Avenue and Bladensburg Road. An example of the cross-section and
17 sidewalk and trail is shown on this slide, but we will further
18 coordinate the design with DDOT during the public space process.
19 The applicant has also agreed to upgrade the sidewalk along the
20 site's Bladensburg Road frontage, which is shown in green, to
21 DDOT width and buffered standards where it does not already meet
22 those standards, again, to be coordinated with DDOT during the
23 public space process.

24 Next slide please. Here I've listed the highlights of
25 the TDM Plan. It includes many of the typical components expected

1 of such a package. We believe this TDM Plan is appropriate for
2 this type of project to help encourage non-single-occupancy
3 vehicles and non-auto trips. DDOT finds this TDM Plan to be
4 appropriate.

5 Next slide please. Our study concluded that the site
6 will not have a detrimental impact on the surrounding
7 transportation network. The project minimizes impacts by
8 improving long -- by providing long-term bicycle parking,
9 eliminating multiple curb cuts, upgrading sidewalks around the
10 site, providing a shared-use path around the site, installing
11 traffic signals to improve safety, and implementing a robust TDM
12 Plan. We have coordinated extensively with DDOT during their
13 review. We're pleased to have their support in the form of a
14 no-objection staff report. DDOT's report did include a condition
15 that the applicant install various pedestrian, bicycle, and
16 traffic-calming improvements adjacent to the site, which I
17 covered, subject to DDOT approval during the public space
18 permitting process. The applicant has agreed to those
19 conditions, and we have submitted a memo to DDOT capturing that
20 agreement. At this time, we believe we have addressed all of
21 DDOT's concerns. That concludes my testimony, and I'll be
22 available to answer any questions, and I will pass it to Brandice.
23 Thank you very much.

24 MS. ELLIOTT: Hi there. Good afternoon, Ms. -- excuse
25 me -- Chair Hood and members of the Commission. Before I dig

1 too deep into the Comprehensive Plan policy, I just want to take
2 a moment to thank OZ staff for their assistance in helping me to
3 upload our presentation. I just want to point out that Ms.
4 Cochran and Ms. Ackerman, in particular, were very helpful, and
5 I appreciate them very much.

6 So let's go ahead and start with the PUD standard of
7 review. Under Subtitle X-304.3, the Commission must find three
8 things: first, that the project is not inconsistent with the
9 Comprehensive Plan; second, that it does not result in
10 unacceptable project impacts; and, third, that it includes
11 specific public benefits and project amenities. And then the
12 second part of this review is to insure that the Commission
13 judges, balances, and reconciles the relative value of those
14 benefits, the degree of incentives requested, and any potential
15 adverse effects, based on the case's circumstance.

16 So, in our case, the incentives are minimal. We're not
17 seeking added height or FAR, and the benefits and mitigations are
18 substantial, so the balance weighs in favor of approval. In the
19 slides that follow, we'll go ahead and walk through these
20 standards and show why, on balance, the application meets the
21 standard of review.

22 Next slide please. All right. So the Zoning
23 Commission's racial equity tool is used to evaluate the PUD as
24 part of the overall Comprehensive Plan analysis. Part one
25 considers Comprehensive Plan guidance. That's where we're going

1 to start, and that is the majority of our presentation today.
2 Part two emphasizes meaningful community outreach and engagement,
3 and that has already been discussed, so that is not something
4 that I'm going to cover, as, you know, it was -- it was already
5 discussed at the beginning of our presentation. Part three calls
6 for disaggregated data to understand who benefits and who bears
7 the burden, and that is an analysis that the Office of Planning
8 will provide. And, finally, part four asks the Commission to
9 evaluate the PUD through an equity lens, considering things like
10 displacement risk, physical improvements, like, to the open space
11 and the environment, and access to opportunity, which would
12 include transit accessibility, job creation, and neighborhood
13 livability.

14 Next slide please. So we'll go ahead and start with
15 what the property is currently zoned. This map shows the New
16 York Avenue corridor as being predominantly zoned PDR, and the
17 subject property's frontage sits within this pattern. As you can
18 see, it's sort of tucked into the PDR right off the corridor,
19 and it is surrounded by PDR on three sides, you can see, to the
20 north, the east, and the west. The proposed PUD would bring the
21 frontage into alignment with the corridor's prevailing industrial
22 designation.

23 Next slide please. The next slide shows the Future
24 Land Use Map changes that were adopted in 2021 for the New York
25 Avenue Northeast corridor. On the top, you can see the pre-2021

1 FLUM, and what you see along the corridor is predominantly just
2 PDR, and on the bottom is the updated 2021 version. The revisions
3 along this corridor introduce new areas of mixed-use high-density
4 commercial, high-density residential, and PDR designations, and
5 you can see that in that, you know, striped strip along the --
6 along the corridor, and you can also probably see it in the yellow
7 outline there of the Montana Triangle, because that is located
8 along the frontage of the property. So the New York Avenue
9 frontage of our site, which is highlighted there, is in an area
10 with the PDR stripe, which is consistent with the District's
11 intent to retain industrial capacity along the corridor, while
12 allowing for a little more flexibility in achieving those uses.

13 Next slide please. So now let's talk about the Future
14 Land Use Map. As shown here, this site has a mixed-use
15 designation along the New York Avenue corridor for a depth of
16 approximately 200 feet that includes high-density commercial,
17 high-density residential, and PDR. This signals both a desire
18 for higher intensity and the expectation to retain or include
19 industrial space at the corridor's edge.

20 Behind the frontage, the property includes an area of
21 mixed-use moderate-density commercial and medium-density
22 residential, which creates flexibility for how the site can
23 evolve over time. So, overall, the designation along the New
24 York Avenue corridor supports a mix of employment for commercial,
25 for residential opportunities, while maintaining space for

1 industrial functions within the corridor.

2 Next slide please. All right. Further -- in further
3 assessment, this slide translates the Future Land Use Map
4 guidance for the site. Within a depth of about 200 feet, as was
5 pointed out on the previous slide, the PDR designation is defined
6 by the Framework Element of the Comp Plan specific -- excuse me.
7 Let me reread that, so that it can be understood. The PDR
8 designation, as defined by the Framework Element of the
9 Comprehensive Plan, specifically states that PDR space is
10 expected to be included and substantially preserved along the
11 corridor's edge, and that's been highlighted on the slide here.
12 South of that frontage, the Future Land Use Map shifts to the
13 moderate-density commercial and medium-density residential and
14 is generally suited to midrise mixed-use, and that would be about
15 two-and-a-half to four FAR for commercial, one-and-a-half -- I'm
16 sorry -- 1.8 to four FAR for residential. So, in short, the
17 Future Land Use Map anticipates a PDR-inclusive corridor edge
18 with mixed-use behind it.

19 Next slide please. So here's a comparison of what is
20 permitted as a matter of right and what is being proposed by the
21 PUD. Under the MU-5B zone, matter-of-right density is 3.5 FAR,
22 and with a PUD and IZ you can go up to 5.04. The permitted height
23 is 75 to 90 feet. PDR-1 allows also a 3.5 FAR with up to 4.2
24 FAR for a PUD and up to 50 to 60 feet of height. And so, in
25 contrast, when you compare what is being proposed, you see that

1 the proposed FAR is .47 and the height is 48 feet. Both are well
2 below what is permitted in the MU-5B and the PDR-1 zones. So
3 this case isn't about adding bulk; it's about aligning permitted
4 uses within the FLUM stripe and locking in design operations and
5 public realm conditions with the -- with the benefits that have
6 already been discussed for this project. So while the FLUM
7 contemplates high density along the New York Avenue edge, this
8 proposal remains modest in scale with benefits and mitigations
9 that have already been discussed and delivered with the PUD.

10 Next slide please. All right. So now we have the
11 Generalized Policy Map, and what you can see here is that it is
12 located in a Land Use Change Area, as well as a Future Planning
13 Analysis Area.

14 Next slide please. So the PUD aligns with the Land Use
15 Change Area designation, because it proposes a land use change
16 that is consistent with the Future Land Use Map and provides
17 benefits that are consistent with the Comp Plan. And the PDR-1
18 zone does allow a mix of uses, which might include office, retail,
19 restaurant service space, and that could be located here and
20 would create a well-designed element through the PUD process.
21 Because the property is also in a Future Planning Analysis Area,
22 the New York Avenue Northeast Vision Framework completed by the
23 Office of Planning in 2023 provides the analysis needed to move
24 this map and map amendment forward. Next slide please. Oh, I'm
25 sorry. I have one more statement on the last slide. So, overall,

1 the rezoning is supported by the General -- Generalized Plan map
2 designations and will revitalize the corridor with development
3 that includes new jobs, businesses, and investment in New York
4 Avenue.

5 Next slide please. Let me make sure -- it should say
6 "District Elements, Upper Northeast", so I think the next slide
7 please. There we go. Thank you. The property is located in
8 the Upper Northeast Area Element. The corridor-focused guidance
9 in this Area Element asks us to grow jobs and business activity
10 on New York Avenue, while making that growth compatible with
11 nearby neighborhoods. This Area Element emphasizes things like
12 high-quality design, landscaping, buffering, stronger
13 streetscapes, and solutions that manage truck activity and
14 support environmental performance, things that are actually being
15 addressed by this PUD.

16 There are a few policies that are specific to this area
17 that I just wanted to highlight that are on this slide. First,
18 you have UNE-2.3.1 for the New York Avenue corridor, which calls
19 for improvement the appearance of New York Avenue as a gateway
20 to Washington, DC, which this certainly would contribute to, and
21 also enhancing the road's operation as a multimodal corridor that
22 meets both regional and local needs, and that certainly is a
23 benefit of this project as well. A second -- a second policy
24 is UNE-2.3.2, concerning production, distribution, and repair
25 land uses. That encourages the retention of concentration of

1 PDR land uses along the New York Avenue corridor and suggests
2 that mixed-use redevelopment should complement those PDR uses.
3 And then, finally, we have a policy concerning infill
4 development, which is UNE-2.3.3, which calls for supporting
5 infill development and redevelopment on underused commercial
6 property along New York Avenue. And so we have a lot of policies
7 in this focus area that actually support this PUD.

8 So next slide please. All right. So here we have
9 organized the Citywide elements that we're asked to balance under
10 Subtitle X-304.4, and -- all right. So, to summarize, under land
11 use, this PUD advances several goals related to retaining and
12 supporting PDR uses and mitigating industrial impacts. It would
13 advance equitable access and multimodal connections in the
14 Transportation Element; a resilient green infrastructure and
15 landscaping under the Environmental Protection Element; support
16 for PDR areas and workforce development under Economic
17 Development Element; and, finally, complete and human-scaled
18 streetscapes under the Urban Design Element. That is just a very
19 brief summary of policies that would be furthered by this project.
20 A complete analysis has been provided in Exhibit 3G of the case
21 record.

22 Next slide please. There are also a couple of specific
23 policies to PDR that we wanted to call out here. On the left,
24 you have LU-3.2.1, concerning the retention of areas for
25 industrial uses. This policy tells us to retain enough industrial

1 land to meet citywide needs, which would include public works,
2 warehousing, transportation support, construction staging, or
3 back office services. It calls for the impact reduction and
4 mitigation, the provision of services and amenities, and for the
5 Future Land Use Map's supply of PDR not to drop. It also directs
6 zoning and land use decisions to preserve active, viable PDR,
7 while allowing compatible uses.

8 And then on the right is another policy which
9 specifically addresses the striped areas for PDR, and it suggests
10 that industrial space should be included for the life of the
11 project; that existing PDR square footage should be substantially
12 preserved; and the mix and site design should support long-term
13 retention and minimize conflicts; and, finally, in striped areas,
14 the Future Land Use Map favors lower-impact PDR. So, together,
15 these policies set a clear expectation, which is to keep PDR
16 along the corridor, while mitigating the impacts that it would
17 cause.

18 Next slide please. All right. And here we have the
19 New York Avenue Vision Framework. I believe that -- excuse me --
20 that this is the first project that you all have reviewed that
21 falls within this Vision Framework. So this slide summarizes the
22 general area and it aims to accomplish. The corridor, itself,
23 runs about three miles between Florida Avenue Northeast to South
24 Dakota Avenue Northeast. It's shown here with a broader study
25 area around it in blue, but you can see the corridor, itself, is

1 defined by that red color. The PUD helps carry out the
2 Framework -- excuse me -- the Framework's goals by activating
3 this stretch of New York Avenue and advancing action items in the
4 Vision Framework that include improving connectivity, which is
5 achieved here with the installation of multimobility
6 infrastructure. We spent a lot of time talking about sidewalks
7 and bike lanes and, you know, other improvements to the property
8 that would improve connectivity. It also would improve
9 resilience, which would be achieved here through various
10 landscaping efforts and bioretention basins. And it would also
11 celebrate the corridor's long-standing industrial character, as
12 has already been discussed through the architectural design of
13 the building. And those are action items that are specifically
14 found in the Vision Framework.

15 Next slide please. All right. So now I'm going to
16 take all of that information and bundle it onto one slide for a
17 summary. So, first, the map amendment is narrowly tailored. It
18 applies only to roughly 200 feet of depth along the New York
19 Avenue frontage, and it implements the Future Land Use Map's PDR
20 stripe. There are no mixed-use zones that allow PDR alongside
21 residential or commercial use. The Comprehensive Plan directs
22 the District to preserve viable industrial land, especially along
23 freight corridors like New York Avenue and for properties striped
24 with the PDR designation, to include industrial space for the
25 life of the project. So, on balance, the PUD and map amendment

1 are not inconsistent with the Comp Plan.

2 Second, this proposal does not preclude future housing.
3 Outside the PUD footprint, the balance of Montana Triangle
4 remains MU-5B, which is appropriate for mixed use with
5 residential. By modernizing the PDR at the edge of New York
6 Avenue corridor and delivering streetscapes, buffering, and
7 mobility upgrades, the project improves the environmental
8 conditions and helps set the stage for feasible residential in
9 the future on the remainder of the property, which is consistent
10 with the Vision Framework.

11 And, third, the public benefits justify the flexibility
12 requested. We are not seeking added height or density. The
13 project is about 48 feet high and .47 FAR, which is well below
14 matter of right for both MU-5B and PDR-1. The PUD locks in
15 enforceable design and operations and secures tangible benefits
16 that include corridor-facing transportation infrastructure,
17 environmental performance, and roughly 100 permanent jobs, and
18 high-quality architecture.

19 And, finally, the PUD addresses environmental and
20 health concerns. All operations are indoors, and there is no
21 outdoor loading. There are 250-plus-foot buffers to residences.
22 Truck routing is confined, where appropriate. The PUD provides
23 EV-ready parking, stormwater compliance, and a continuous
24 sidewalk and protected bike connection that close a major gap on
25 New York Avenue. The result is accessible transit-served

1 employment without displacement and with impacts mitigated
2 through these benefits that have already been discussed.

3 Okay. So let's go to the next slide please, and we'll
4 acknowledge some of the potential Comprehensive Plan
5 inconsistencies. There are a few potential inconsistencies that
6 we've noted on the left side of the table; for instance, policies
7 that discourage auto-oriented uses, placemaking street design,
8 and citywide goals for mixed-use development and housing
9 production.

10 However, on the other side of the ledger, the PDR use
11 is not inconsistent with the Future Land Use Map designation or
12 the Generalized Policy Map designation. Both of these are
13 advanced by the PUD. And the proposal furthers the Upper
14 Northeast Area Element and Citywide Elements, including the land
15 use, transportation, environmental protection, and others.

16 And so the bottom line is, when you judge this PUD
17 under Subtitle X-304.4, for the balancing test, the policies that
18 implement the FLUM and the GPM outweigh the potential
19 inconsistencies. And so, with the proposed mitigations and the
20 public benefits, this application is, on balance, not
21 inconsistent with the Comprehensive Plan.

22 Next slide please. Okay. So, as part of the PUD, we
23 also have to evaluate the potential impacts. I think our
24 evaluation here is pretty straightforward. All of these -- all
25 of the planning considerations but two would be -- would result

1 in a favorable outcome. In terms of housing and historic
2 preservation, we've noted that there's no impact.

3 Next slide please. All right. And so the Zoning
4 Commission evaluation is part four of the racial equity tool, and
5 so what I would just like to note here is that this PUD would
6 not cause any displacement, whether direct or indirect. The
7 design that has been previously discussed by our architect
8 references corridor's industrial heritage, which deters cultural
9 displacement.

10 In terms of the physical environment, the project would
11 deliver public space upgrades, new sidewalks, a tree-buffered
12 bike facility on New York Avenue, the bioretention basins, and a
13 variety of landscaping around the site. It also results in
14 improvements to the Arboretum Recreation Center and would provide
15 industrial-inspired architecture, which is consistent with the
16 heritage of the corridor.

17 In terms of access to opportunity, the site is already
18 transit-served. The streetscape creates safer direct walking and
19 biking connections. All of these would support broader corridor
20 activation, which is one of the primary goals of this project.
21 And, finally, the community assisted with the tailoring of the
22 benefits package that has been offered.

23 Next slide please. So here's the balancing test. This
24 also takes us back to Subtitle X-304.4, which is the PUD standard
25 of review. And, on balance, this application is not inconsistent

1 with the Comprehensive Plan. It aligns with the racial equity
2 lens, the FLUM stripe that includes PDR on the New York Avenue
3 edge, the Generalized Policy Map designations for land use change
4 and future planning analysis, and the relevant citywide and Upper
5 Northeast Area policies. It is, likewise, not inconsistent with
6 the New York Avenue Vision Framework, because it advances action
7 items that are related to connectivity, resiliency, and
8 preserving the industrial character. And, as discussed on
9 previous slides, the impacts are either favorable, capable of
10 being mitigated, or acceptable, given the benefits. And those
11 public benefits and amenities are substantial and enforceable.

12 The only technical flexibility in this case is the PUD-
13 related map amendment from MU-5B to PDR-1, which is along that
14 limited frontage and does not result in additional height or
15 density, when compared to matter-of-right development standards.
16 So we're asking the Commission to weigh these benefits and
17 mitigations against the limited relief and find that, on balance,
18 the standards have been met.

19 Next slide please. So we come to the Zoning Act here.
20 And just to briefly summarize, I wanted to point out that there
21 is an error on the congestion part of the table here. I -- we
22 did not update some of the numbers that needed to be updated, so
23 it should read that it is a 48-foot building -- 48-foot-high
24 building with .4 FAR on 9.13 acres. And so my apologies for
25 that. It's noted correctly elsewhere in our presentation. We

1 just -- we just missed this one. But in combining our two slides,
2 this slide and the next one, we can summarize that the project
3 is consistent with the Zoning Act. It lessens street congestion,
4 provides adequate light and air, and promotes health, safety, and
5 general welfare. The low-intensity program that is proposed with
6 this PUD, with the binding TDM Plan, keeps trips modest. Generous
7 setbacks in the centered building preserve daylight and air flow.
8 Safety and environmental quality would be improved through the
9 proposed sidewalk and protected bike lane, separated loading,
10 street trees (sic) -- excuse me -- street trees, and bioretention
11 basins, and the large yards, layered buffers, and distributed
12 parking prevent overcrowding, while delivering corridor-serving
13 PDR jobs and public realm upgrades.

14 Next slide please. Next slide please. All right. So,
15 in closing, this application is not inconsistent with the
16 Comprehensive Plan, including when viewed through the
17 Commission's racial equity lens. Where individual policies point
18 in different directions, the FLUM and GPM guidance, Vision
19 Framework, and mitigations and benefits outweigh any potential
20 inconsistencies. There are no unacceptable impacts. Impacts are
21 either favorable, capable of being mitigated, or acceptable,
22 given the quality of public benefits. Those public benefits were
23 shaped with community input and are commensurate with the limited
24 incentive that has been requested, which, in this case, it's a
25 map amendment that rezones the property from MU-5B to PDR-1.

1 And, finally, this project is consistent with the Zoning Act,
2 creating conditions that are favorable to public health, safety
3 and convenience. So, with that, I appreciate all of your time,
4 and we respectfully request the Commission's approval of the PUD
5 and related map amendment. I will go ahead and pass this back
6 over to Ms. Batties. Thank you.

7 MS. BATTIES: Thank you, Brandice. - I'm just going to
8 conclude the applicant's presentation with a brief discussion on
9 the use provisions and proposed use restrictions.

10 Next slide please. So one of the primary concerns
11 expressed by the ANC and the community stakeholders is that the
12 PDR-1 zone would invite industrial uses that would generate
13 harmful fumes, odors, or excessive noise. So, at the request of
14 the ANC, we provided them with a list of the industrial uses that
15 the zoning regulations already prohibit on this site, and those
16 uses are up on the screen. We then provided a list that showed
17 the uses that are permitted in both the MU-5B zone and the
18 proposed PDR 1 zone as a matter of right, and then identified
19 the uses that are permitted in just the PDR-1 zone as a matter
20 of right.

21 So if you can go to the next slide please, and here
22 you'll see that there are actually 24 uses that overlap between
23 the PDR and MU-5B zone as a matter of right. And then on very
24 far right are the PDR uses that -- so the additional uses that
25 are available for the building under the -- through the rezoning.

1 Then at the -- we looked at specifically -- let's see -- Number
2 7 under the PDR exclusive uses and Number 11, we looked at those
3 uses that could be permitted as a matter of right, based on how
4 PDR uses and the waste-related service uses are defined in
5 Subtitle B of the regulations, and we identified those uses that
6 the applicant would voluntarily prohibit from the PUD.

7 So if you can go to the next slide please. So these
8 are the additional restrictions that the applicant has agreed to
9 put on the PUD, if the Commission approves the application. So
10 we understand there's angst from the community stakeholders
11 because the applicant is proposing a flex building without a
12 tenant, and so that has created a little bit of angst, but I will
13 direct you back to the slide, and you don't have to move it, but,
14 again, there are a bunch of PDR-1 and MU-5B matter-of-right uses
15 that overlap. And so when it comes to permitted uses, commercial
16 and retail uses, those uses are also acceptable in this zone
17 under the PDR-1 zoning and in the building that has been designed.
18 And, for example, in Ivy City and Union Market, there are
19 entertainment uses, restaurants, and industrial buildings and on
20 property that's zoned PDR. Also in those neighborhoods you'll
21 see residential uses in proximity to PDR or industrial uses and
22 industrial zone sites. So the architect has designed a building
23 that gives the most flexibility for a tenant that desires to be
24 on this segment of the New York Avenue corridor.

25 If it turns out that the commercial or entertainment

1 or retail use requires a change in the site plan or a change in
2 the building configuration, the applicant will come back to
3 modify the approved plan, comes back to the Zoning Commission.
4 So the most important thing, as Paul has mentioned, is that to
5 have a chance of activating the Montana Triangle, of activating
6 the site, you have to secure a redevelopment -- entitlements for
7 the redevelopment of the property. Without the approval, the
8 applicant cannot secure financing, cannot make -- market the
9 property, and cannot pursue any tenant for the site, so the
10 entitlement is very important and critical to activating the
11 site.

12 So I'll just close with saying the applicant engaged
13 the Office of Planning and the community prior to filing the PUD
14 application. In response to the feedback they received, they
15 redesigned the building. They included very specific
16 neighborhood benefits as part of the PUD application. The ANC
17 and the Arboretum Civic Association voted to support the
18 application.

19 The Comprehensive Plan was amended in 2021 to add
20 industrial, to add PDR to this property, which is -- and the
21 proposed rezoning is consistent with the Comprehensive Plan.
22 Also, it also should be noted that it's actually PDR zoning that
23 dominates this corridor -- this New York Avenue corridor. And
24 so, on balance, again, as Ms. Elliott mentioned, the PUD is not
25 inconsistent with the Comprehensive Plan; the PUD benefits and

1 amenities are commensurate with the development flexibility
2 achieved through the PUD; and, in fact, the height and density
3 proposed are below what could be -- what would be permitted on
4 these properties as a matter of right. The applicant has agreed
5 to limit the industrial uses that occupy the PUD to insure that
6 there are no uses that would generate harmful effects or
7 compromise the future redevelopment of the Montana Triangle,
8 consistent with the spirit of the New York Avenue Northeast Vision
9 Framework. Reiterate, the PDR-1 zoning and warehouse does not
10 preclude the potential for commercial and retail uses that are
11 desired by the community, and it does not preclude residential
12 uses on the balance of the Montana Triangle.

13 And, with that, we would respectfully request the
14 Zoning Commission's favorable review of the application with the
15 restrictions on the industrial uses proposed by the applicant and
16 the DDOT-related conditions that were included in Daniel
17 Solomon's testimony. We thank you for your time, and, of course,
18 we'll be happy to answer any follow-up questions you have. Thank
19 you.

20 CHAIRMAN HOOD: Thank you, Ms. Batties. I'm getting
21 some feedback. Thank you, Ms. Batties and to the team for their
22 presentation. Before I go to Commissioner Wright, as I'm thinking
23 through some of the things, if I'm hashing through this whole
24 process and some of the letters that we've -- that we have
25 received, how many renditions -- do you know how many renditions

1 that we have seen? I think I've seen four or five different
2 renditions of what's going on down there or what -- or let me --
3 let me phrase it like this -- or what has not happened down there.
4 And I particularly think about the bowling alley, which I know
5 is a hard use of the area, but I remember there was -- that's
6 where the gas -- the old gas station -- I can't think of where
7 the gas station was, but there was supposed to be a bowling alley,
8 and this may have been in the 90's. But how many renditions have
9 we seen on this property?

10 MS. BATTIES: Since Douglas acquired the property, they
11 did file a Large Tract Review application with the Office of
12 Planning in 2016, and that was modified in 2018. So those are
13 the two formal development plans that have been submitted by
14 Douglas on this.

15 CHAIRMAN HOOD: So I guess I'm going back to the mid-
16 90's. Maybe I shouldn't go back that far. And we're still in
17 the same place; 1995, and we're still here doing the same thing.
18 And one of the things that I do want to ask Mr. Millstein is that
19 the -- he doesn't have to answer now. I'm going to come back.
20 I'm just curious -- I want to talk a little bit about the
21 development, but what I'm going to do is I'm going to come back --
22 I'm going to let Commissioner Wright go first and the Vice Chair
23 go second, and then I usually follow up last, and we go in that
24 order. I have a number of questions of how we're still in the
25 same place we were since 1995. I'm just curious. And I

1 understand the concerns about industrial use, because that
2 corridor does have a lot of industrial uses. That's actually how
3 I got on the Zoning Commission, trash transfer stations. But I'm
4 just curious -- and you all have probably heard this story a
5 thousand times, but I'm just curious of -- and I appreciate the
6 last slide that you had about clean -- you know, some clean stuff,
7 as opposed to a prison, the concrete plant, which I think the
8 concrete plant is still there. Waste Management's probably going
9 to outlive me. So those are some issues that I have, but I'll
10 get to it at that point. Commissioner Wright, you have any
11 questions or comments?

12 COMMISSIONER WRIGHT: I'm very interested in hearing
13 the rest of the testimony. I will say I have very, very -- I'm
14 very, very skeptical of this proposal. I, at this point in time,
15 have a lot of concerns.

16 I do understand there is frustration, because it's a
17 large tract of land that has great potential, but that potential
18 hasn't been realized. Sometimes, however -- you know, that old
19 saying, you know, the wine is ready before its time, those old
20 commercials -- I think that it may be that this piece of land
21 just isn't at a point where major redevelopment is the right
22 thing to do. And the thing that concerns me is if you put large
23 warehouse building in this location, that is what will be there
24 for the next 30 or 40 or longer years. The bigger the building,
25 the harder it would be to ever change it to something else. There

1 is a desire I understand in the plan to, you know, retain some
2 industrial uses along this corridor. In fact, it was suggested
3 that, you know, the industrial uses should not increase in square
4 footage, and I would say, having looked at the very modest
5 industrial buildings that are on this tract of land now, the
6 current building probably multiplies those industrial uses by
7 four or five times, in terms of square footage. It doesn't simply
8 preserve the quantity of industrial uses that is there along the
9 corridor in this location today. It increases it by at least
10 four or five or even more times.

11 I also worry about really the likelihood of the
12 remainder of the site being available for development, because
13 what you have turned on this building, the back of the building
14 faces what would be the developable land, and it's a giant loading
15 dock and parking lot, and that is what is at the back of this
16 building. There are very, very -- residential development in
17 this neighborhood is challenging. We all understand that and
18 know that. Residential development facing a giant loading dock
19 and parking lot is going to be even more challenging than the
20 empty land that you have there today.

21 So I do worry that the -- this project, if it was to
22 go forward, really would not encourage -- would not revitalize
23 the area and give it a kickstart; it would, in fact, lead it to
24 be destined to be a very large blank-wall industrial building
25 along a corridor that would be a -- you know, certainly not

1 encourage pedestrian activity. It may put in -- it may put in a
2 sidewalk -- that's great -- but just a sidewalk is not what makes
3 people want to walk along an area. People want to walk along an
4 area if there are doorways and things to look at and things to
5 do. And I do understand you're trying to perhaps have one section
6 of this building have a lobby or a display area that might, you
7 know, have a glass façade, but that's one small area on a very,
8 very long facade.

9 You know, I -- you know, I think that I have a lot
10 of -- I have a lot of skepticism. Let me just put it that way.
11 And, you know -- but I'm -- I listened very carefully to the
12 applicant's presentation. I listened very carefully to the
13 concerns of the owner about, you know, not having been able to
14 move forward with a mixed-use project and their attempts to get
15 financing and all of the efforts that they have made. And I
16 understand that frustration, but I think that there is great
17 difference between saying we can't do a massive mixed-use
18 project, so let us build a massive warehouse instead.

19 I think that, you know, this is actually a situation
20 where there probably should be, you know, perhaps a warehouse
21 building on the New York Avenue frontage of this site with some
22 smaller-scale residential, not necessarily the megaproject that
23 was discussed and described. But be that as it may, I'm still
24 listening. I haven't said, you know, I'm determined one way or
25 another. I will just say, I do have a lot of skepticism. I've

1 | seen large warehouse buildings along New York Avenue that have --
2 | are pre-existing, and existing large warehouse buildings struggle
3 | to find tenants, to find daycare centers, to do food places, to
4 | have uses that will enliven the corridor, and they haven't been
5 | very successful. And that's in an existing set of old warehouse
6 | buildings. I think a new warehouse building may end up with some
7 | industrial uses, but I'm doubting that they would be the kinds
8 | of industrial uses that we -- that we hope would enliven the area
9 | and that would be compatible with residential development. So
10 | I -- I'm skeptical, and I'll leave it at that. And, again, I'm
11 | interested in hearing all the rest of the testimony.

12 | CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

13 | VICE CHAIR MILLER: Thank you, Mr. Chairman. - and
14 | thank you for the -- to Leila Batties and Paul Millstein and the
15 | others who were part of the applicant's team in this presentation.
16 | I share Commissioner Wright's skepticism. I appreciate the
17 | applicant trying for many years to try to do something with this
18 | site, something that would actually be more of a revitalization
19 | project for this area that deserves such revitalization. And so
20 | you've stuck to it and you've faced a lot of challenges. But I
21 | can see how the community -- well, the Chairman can speak to this
22 | more than I can, with speaking for the community -- can see part
23 | of the community -- surrounding community -- but I can see how
24 | the promise -- the vision that was provided previously, which
25 | people were excited about, they wrote into various Vision

1 Frameworks that the Office of Planning developed with you and the
2 community, are disappointed with this industrial use along
3 the -- that's being proposed here. So I share the -- I share --
4 I align myself with all of the comments that Commissioner Wright
5 did make, but I am open to listening to all of the future
6 testimony by the Office of Planning and DDOT and the community
7 and others about the project.

8 So we don't really have a project before us. We have
9 this flex space building. Are the -- the architectural plans for
10 that building are before us. Is that what we are actually
11 approving, this flex space that could be any one of a number of
12 PDR uses? I realize and I appreciate that you have carved out,
13 in response to community concerns, some of the more adverse
14 impactful PDR uses that are -- that would be otherwise permitted,
15 and that's part of this PU -- that's part of this application.
16 But, yeah, do you have a response to my question about the
17 architectural plans that we have before us is what we're
18 considering, and you're going to come back with a modification
19 if you have a different tenant that is -- that would do different
20 things?

21 MS. BATTIES: I think it's really no different,
22 Commissioner Miller, as when we come in with a project and it's
23 retail on the ground floor and there are no tenants identified
24 for that retail space, right? So we just identify it as retail
25 and as tenants come in, and that's what this project would be

1 | analogous to. And so, if the plan has to be modified to
2 | accommodate a specific tenant, we would come back to the
3 | Commission. But you see it all the time in your PUD applications;
4 | it just retail -- ground floor retail and no specific tenant.

5 | VICE CHAIR MILLER: And the -- and the examples that
6 | Mr. Millstein gave of the type of usage you were trying to
7 | attract, that PD -- only PDR-1 would allow, the Compass Coffee
8 | manufacturer, the beer brewery, or the Tatte manufacturing that
9 | allowed those cafes to be located throughout the city that people
10 | enjoy, I mean, I can see how that's attractive and you can have
11 | the retail component with each of them, but if it were limited
12 | to maybe just that, I could see how some of the community's
13 | concerns might be alleviated, but there's a lot more PDR uses
14 | that would be permitted, even with your restrictive prohibitions.
15 | Would a homeless shelter or a jail be permitted under the PDR?

16 | MS. BATTIES: There is -- rehabilitative housing is one
17 | of the PDR uses. So a youth adult rehabilitation home, an adult
18 | rehabilitation home is a use that's permitted in PDR-1, but,
19 | obviously, the building that's proposed is not -- would not be
20 | suitable for accommodating that type of use and --

21 | VICE CHAIR MILLER: Automotive repair would be a
22 | permitted use as well; that's one of the --

23 | MS. BATTIES: Motor-vehicle-related repair, yes. And,
24 | again, we're not -- the building, itself, wouldn't accommodate,
25 | like, a typical car repair shop, but with a lot of the kind of

1 green technologies and scooters and kind of the -- Daniel, what's
2 the work where you have like -- micromobility, right, so smaller
3 use of transportation-type uses that could be either housed here
4 or repaired here, but not necessarily automobile uses.

5 VICE CHAIR MILLER: Okay. Let me ask you about -- I
6 realize that the Council and the Mayor enacted changes in 2021
7 that added a PDR strip that was not previously there; is that
8 correct?

9 MS. BATTIES: That's correct.

10 VICE CHAIR MILLER: Is the 200 -- the 200 feet that you
11 say that this warehouse would occupy, the 200 feet depth, it
12 seems to me it goes -- it may go beyond the -- I don't -- I don't
13 have a GPS system or application on my own, but it seems that it
14 goes beyond the -- but maybe it doesn't, so correct me if I'm
15 wrong. And it's -- but it is -- so that PDR designation would
16 occupy more than half of the -- of the site.

17 MS. BATTIES: So it's a little bit less than half. So
18 the PDR zone -- the PDR stripe on the Future Land Use Map extends
19 200 feet south of -- starting from New York Avenue, is 200 feet
20 south. We worked very closely with the Office of Planning and
21 our civil engineer to make sure that the rezoning is limited only
22 to that 200 feet that is designated PDR on the Future Land Use
23 Map. The PUD site is larger. The PUD site is nine acres, but
24 the PDR zoning is limited to approximately 4.2 acres. And if I
25 can just -- I want to note two things, Commissioner Miller. The

1 Vision Framework was adopted after the Comprehensive Plan, and
2 it is the Comprehensive Plan, as you already know, that governs
3 the entitlement process for the property. So the Vision Framework
4 came out three years after the Comprehensive Plan. And if I
5 could just take the liberty, I really want to say this, to
6 Commissioner Wright's comments about the residential use to the
7 south. The residential use can be designed in way -- so
8 there's -- this is nine of sixteen acres, so seven acres can
9 be designed in a way that the residential use does not face the
10 industrial area. There is a lot of land left. And I will note
11 again, Ivy City and Union Market are two neighborhoods where you
12 have in close proximity industrial -- true industrial uses and
13 commercial uses and residential uses, so it has been done in --
14 on the New York Avenue Corridor and that Florida Avenue Northeast
15 corridor, so that is not unusual to -- this wouldn't be the first
16 time it's been done in the city. So I just wanted to point those
17 two things out right now.

18 COMMISSIONER WRIGHT: Could I just clarify something
19 that Vice Chair Miller was asking? So the footprint of the
20 building, itself, is within the 200-foot boundary.

21 MS. BATTIES: Yes.

22 COMMISSIONER WRIGHT: But the rest of the PDU (sic)
23 area, which is still going to be a residential zone, correct, if
24 I understand it.

25 MS. BATTIES: Uh-huh. MU-5B, not residential, MU-5B.

1 COMMISSIONER WRIGHT: Okay. That is the loading dock
2 and parking area; is that correct?

3 MS. BATTIES: Yes, that's correct.

4 COMMISSIONER WRIGHT: So the rest of the PUD land not
5 within the 200 is the necessary land for the loading and parking
6 function of this new building.

7 MS. BATTIES: Which are uses that are permitted in the
8 MU-5B zone, like the parking is a use that's permitted, so --

9 COMMISSIONER WRIGHT: (Nodding head affirmatively.)

10 VICE CHAIR MILLER: So why do you need to change that
11 to PDR?

12 MS. BATTIES: So we're not changing that PDR; we're
13 only changing --

14 VICE CHAIR MILLER: The parking lot is going to remain
15 MU-5B?

16 MS. BATTIES: Right. It's only where the warehouse or
17 flex building is located that we're changing the zoning.

18 COMMISSIONER WRIGHT: Yeah, that was the clarification
19 I was wondering.

20 VICE CHAIR MILLER: Let me ask anyone, Daniel Solomon
21 or whoever, why do you need 198 -- and I'll ask DDOT about this --
22 198 parking spaces, which I -- one of the community testimonies
23 said was three times the minimum requirement for this type of
24 use -- for this PDR use and is twice the -- what is twice the --
25 twice the maximum that DDOT, they say, recommends for a warehouse

1 use? What are the 198 uses related to this warehouse -- parking
2 spaces related to this warehouse, or is it going to be serving
3 the residential development that you're promising to the further
4 south?

5 MR. SOLOMON: So I can definitely speak to the DDOT
6 preferred number and to the zoning requirement, but DDOT's
7 preferred rate for this use is actually 150 percent of what zoning
8 would be. The zoning requirement for this land use is 183 parking
9 spaces, so, actually, DDOT's preferred minimum -- or preferred
10 maximum, as they presented, would be 275 or fewer parking spaces,
11 and 198 are being proposed.

12 VICE CHAIR MILLER: Well, their own report says it's
13 significantly in excess of the parking that they would recommend,
14 so I'll talk to them about that, but -- so there seems to be some
15 kind of -- maybe I'm just not understanding what's being -- what
16 do you need the 198 spaces for; a Compass Coffee manufacturer or
17 a Tattle manufacturer or a --

18 MS. BATTIES: Correct. Well --

19 VICE CHAIR MILLER: -- beer brewery manufacturer? Why
20 do you need 198 spaces?

21 MS. BATTIES: Yeah. I think what Daniel was trying to
22 say is that they're really just complying with the zoning
23 requirements, but go -- I'm going let Paul address the type of
24 uses.

25 MR. MILLSTEIN: Yes, Commissioner, so candidly, there

1 was never any specific amount of parking that we requested, as
2 associated with this building; it's just whatever makes sense.
3 So we typically follow the DDOT guidelines.

4 Excess parking is nice to have, if it, in fact, is
5 excess. I don't know that yet, but we'll see how the reports
6 drill down on those, but for certain uses it is helpful. One
7 use that we're looking at very carefully is an indoor athletic
8 facility where you could have pickleball courts and different
9 things like that. And those, you know, health clubs and fitness-
10 type uses and sport venues and things like that could drive
11 parking up, but, again, if it's not a requirement for that amount
12 of parking, it's not necessary, then we'd be glad to discuss, you
13 know, bringing that down. That's not a break point for us.

14 VICE CHAIR MILLER: And you keep -- and, Mr. Millstein,
15 I appreciate your response, but -- and you -- but you're bringing
16 up examples that are all attractive -- would be attractive to the
17 surrounding community and to the larger public and -- but would
18 those -- would those uses be allowed in a R-5 -- in an MU-5B
19 zone, the athletic -- the indoor athletic facility?

20 MR. MILLSTEIN: Well, yeah, I don't know the answer to
21 that, but the point is, there's a lot of uses that are allowed
22 in MU-5B. We still have all those uses, as a matter of right.
23 There's 24 overlapping uses, as we testified earlier, so we don't
24 want to preclude those. We're not saying this is a hundred
25 percent going PDR-1. That -- we just don't know for sure. We're

1 | trying to build flexibility. But we do know, from our track
2 | record, right down the street we've been very successful in the
3 | light-manufacturing-type uses, and there seems to be a desire to
4 | make things locally and not have the distribution expense of
5 | being from out of town, that people want to manufacture locally.
6 | So we're just trying to set ourselves up in the best position,
7 | but there's no -- there's no guarantee it's going industrial
8 | whatsoever. We just want to build -- we're just building
9 | flexibility, which is why we were willing to preclude a concrete
10 | thing and some other things, because that's not our intent.

11 | We have a track record. I'm here 38 years. We have
12 | other warehouse buildings in Ivy City that we've developed with
13 | loading docks. There's residential above with very high-quality
14 | units. We've done retail across from it. This is what we do.
15 | If we had, you know, large buildings there, we could have moved
16 | the ball forward sooner, but we don't. So that's why, you know,
17 | we're trying to build as much flexibility as possible, but still,
18 | we are -- we still have -- this is a sixteen-acre site. This
19 | building is four of the sixteen, or this particular site is nine
20 | of the sixteen. We've got a long way to go, so we are certainly
21 | not looking to hurt our future efforts any further than we've
22 | already been handcuffed. We know what it takes to develop, you
23 | know, in stages, as we did at the Hecht Company warehouse that
24 | got its first CFO in 2014 for a garage and a MOM's grocery store,
25 | and then it evolved to the residential; then we did the Papps

1 Tomato Factory, which is an industrial building, and that evolved
2 into what it is today and the multiple uses. And then we did,
3 you know, City Winery, and all these kind of creative uses. This
4 is really what we do. And we're just trying to design a building
5 that makes sense within that and give us the flexibility.

6 MS. BATTIES: And if I could just add to that, again,
7 the Comprehensive Plan guides the entitlement process for this
8 property, and the Comprehensive Plan clearly says that in an area
9 striped to include PDR development, the development must include
10 the PDR use on the site, and there is no mixed-use zone that
11 permits PDR. And, in fact, in its report, the Office of Planning
12 says specifically that the proposed zoning, PDR-1, for this
13 section is actually more consistent with the Comprehensive Plan
14 than the current MU-5B zone, which does not allow PDR. So
15 strictly from what is the guiding governance -- the documents
16 that govern the entitlement process, which is the Comprehensive
17 Plan, the Comprehensive Plan supports rezoning this section of
18 the property to PDR-1.

19 VICE CHAIR MILLER: Right. I appreciate that response,
20 Ms. Batties, and I appreciate, Mr. Millstein, your response. And
21 we're -- I'm very aware of your track record and what you've --
22 all that you -- your company has done to revitalize the city, and
23 we appreciate that. Let me ask, you -- why do we have this PUD
24 before us? You're meeting the development standards of the --
25 of the --

1 MR. MILLSTEIN: That's a great question.

2 VICE CHAIR MILLER: You're meeting the height and
3 density. You could have done a map amendment. I guess you get --
4 you subject yourself to us now and community engagement in a much
5 more intensive way with the PUD. You say that the New York Avenue
6 Vision Framework satisfied the requirement for a future planning
7 analysis that the 2021 Comprehensive Plan said was necessary for
8 this and many other sites. I thought I -- and I thought I saw
9 in the Office of Planning report that the PUD is the planning
10 analysis that's required. I think I saw in your presentation
11 that the -- or -- in your presentation that the Vision Framework
12 satisfied the requirement. Why are you here, instead of just a
13 map amendment to go make it not inconsistent with the
14 Comprehensive Plan, with the PDR-1 zoning? Not that I want you
15 to -- would want you to do that --

16 MS. BATTIES: Well, you know, I'm looking at Paul,
17 because I'm really just, like, trying to figure out who's best
18 to answer this question. They are -- we're here presenting a PUD
19 because, in doing their due diligence, the developer met with the
20 Office of Planning, and the Office of Planning, I think wanting --
21 because it's on the New York Avenue corridor and because they
22 wanted to see the project that would be so significant on this
23 section of the corridor, really directed the applicant to go the
24 PUD process instead of doing a straight rezoning, and that would
25 give them the opportunity -- Office of Planning and the community

1 stakeholders -- to see the building design and talk about the
2 benefits and amenities.

3 MR. MILLSTEIN: Yeah, and I think that's exactly what
4 happened. I mean, like I said, we go very early and there was a
5 desire in the Office of Planning to have input onto the
6 architecture of this building and to run it through the full
7 community process. As we have done for the last several years,
8 we try to accommodate where we can and we pick and choose our
9 battles very carefully. And since that was the desire of the
10 Office of Planning, I respected it and said, "No problem; we'll
11 go through the PUD process." Be careful what you ask for, for
12 them as well, as we all know, but, okay, because I'm not afraid
13 of the project. I think it makes sense. I'm actually excited
14 about it. I'm very proud of what we've done. We've had some
15 stumbles in the New York Avenue corridor, but we've regrouped and
16 they weren't our -- you know, we -- it wasn't for lack of effort.
17 So we agreed to comply with the Office of Planning's request and
18 go through the PUD process, because we felt comfortable.

19 VICE CHAIR MILLER: Okay. Well, thank you for those
20 responses. Mr. Chairman, I've taken up too much time already and
21 I want to get to -- I know there are a lot of people here, and
22 you haven't gotten to your specific questions, so I'm done for
23 now, so thank you all very much for being here.

24 MS. BATTIES: Mr. -- Chair -- Commissioner Miller,
25 Daniel Solomon does have a clarification to you.

1 MR. SOLOMON: Apologies for that. Yeah, I just wanted
2 to clarify. So the parking requirement for a PDR use is 1 per
3 1,000, except for if it's a warehouse; then it is 1 per 3. Given
4 the fact that this is a flexible space that just sits with a PDR
5 use, that's where the 1 per 1,000 requirement came from that we
6 presented in our CTR. There's a chance that DDOT looked at the
7 second part of that use requirement at 1 per 3,000, and that is
8 where their definition came. So I think that -- I just wanted
9 to clarify that for you, following up to your question.

10 VICE CHAIR MILLER: Appreciate the clarification.
11 Thank you.

12 MR. SOLOMON: Thank you.

13 CHAIRMAN HOOD: So, Ms. Batties and to the team, I
14 appreciate all of my colleagues' comments. One of the things
15 that I'm familiar with is how this Commission does stuff in other
16 areas, and I've said this previously before. We've been tasked
17 with other jobs and -- I mean, other projects in other areas that
18 have been dormant, but we don't let them stay dormant. As far
19 as I'm concerned, this project has been dormant for over 30 years,
20 probably longer. But one of the things I will say is that I
21 do -- I've always shared concerns about Ward 5 having all the
22 industrial or all the PDR zones. For years, when we tried to
23 put the prison -- a lot of people don't remember the prison that
24 was going to go back on Adams Street or the trash transfer
25 station, the prison that was going to go down there, similar to

1 | this -- near this area now. But, anyway, I'm not going to rehash
2 | all that. What I do want to ask Mr. Millstein is, let's talk
3 | about -- I want to talk about Ivy city for a minute, because this
4 | Commission was very excited about Ivy City, and I just heard you
5 | mention that Ivy City was flourishing. Was it flourishing?
6 | Because I know we've made some changes, and I know at one of the
7 | hearings that -- when we did Ivy City, my next-door neighbor was
8 | upset with us about Nike leaving. Is Nike back? I'm just saying,
9 | those are the kind of concerns I have, because I work with my
10 | colleagues on other neighborhoods and other communities, and
11 | there's always a strain it seems, when it comes to the
12 | neighborhoods where I'm more familiar with and where I reside,
13 | it's always a strain, and it's always -- and not just a strain
14 | from the applicant, but from the community and us keeping somebody
15 | there. It's always a strain. So I want to ask you, Mr. Millstein,
16 | is the -- is Ivy City going as great as what I just heard you
17 | say or are we having some challenges?

18 | MR. MILLSTEIN: Oh, we are absolutely having
19 | challenges, but we are far better than we were the day we came.
20 | The day we came, the neighborhood was incredibly blighted; it was
21 | dangerous; it was decrepit; it was a blight on the city visually;
22 | everything. Since then we've come a long way. We, unfortunately,
23 | took some steps back because the tenants that we were able to
24 | bring, you know, some of them -- not all of them, but some --
25 | struggled and left, and Nike is a perfect example. That one

1 | really hurt to lose Nike. I mean, that hurt us. T.J. Maxx --
2 | losing T.J. Maxx; it was a brand new store that left Bladensburg
3 | Road to come to us, and within a very short amount of time they
4 | decided that they'd rather pay rent and be empty than be in
5 | business, it was so bad, and they left. It's still sitting
6 | vacant, that space on the second floor. So these are -- Ulta
7 | was a great tenant to have. We lost Ulta.

8 | Now, we have brought in some others and we continue to
9 | try to regroup, re-lease, retool our machine, because we don't
10 | want to sit there with vacant space. The Tattle Commissary,
11 | listen, that space was supposed to be retail all along New York
12 | Avenue, and that was the first tenant we actually booked for that
13 | space in five, ten years. You know, just that's who we got.
14 | Now, we like the use and it was very important complimentary use.

15 | So, again, we just try and manage our expectations of
16 | where the world is today, but we try to push the envelope as hard
17 | as we can. And we did -- we do have Compass Coffee, and we do
18 | have the brewery, and we do have some great tenants that we're
19 | very proud of, but, at the same time, it's a fight every day,
20 | and that neighborhood does not make it easier. We still have
21 | the challenges from the shelter, the crime, and everything else.

22 | CHAIRMAN HOOD: So with the change in the FLUM, which
23 | the Council did, the change in the FLUM, because I've been looking
24 | at this and trying to figure this out, they actually require us
25 | to have PDR on that property. It's not nothing -- we're required

1 | to make sure -- not us, but we're required not to be inconsistent
2 | with the Comp Plan, and when they changed the FLUM in the Comp
3 | Plan, they required us to have it on there. It's no ifs, ands,
4 | or buts. There's no "Well, we can do this and we can do that."
5 | We're required to do that, so we're not inconsistent -- so we
6 | stay not inconsistent with the Comp Plan. One of the other issues
7 | that I have is what was messaged to the community. I understand
8 | the community's frustration. Believe me, I know it firsthand.
9 | That's how -- again, that's how I ended up here. But was the
10 | FLUM -- the adjustment to the FLUM -- I'm not sure. When was
11 | the last time you talked to -- I know you had that sheet up, but
12 | I can't remember all that, but when was the last time you had a
13 | conversation with the community? Were they aware of the new
14 | changes which was in the Comp Plan and the FLUM?

15 | MS. BATTIES: I will say this. When we started this
16 | process -- the application process and the outreach to the
17 | community, they asked OP to come to the community and explain why
18 | there was PDR on the property. So we didn't even file the
19 | application, because at the time the ANC really was not -- they
20 | weren't -- they wanted -- they had additional questions that they
21 | did not want the applicant to address; they wanted the Office of
22 | Planning to address. And at that time they were opposed to the
23 | application. After the Office of Planning -- I think it was
24 | either Joel or Jennifer -- Joel came to the ANC, explained how
25 | the Comp Plan was amended, and after that and some of the other

1 | changes to the project design, it was only after then did the
2 | ANC vote to support this application. So there was a long -- it
3 | was a long process before the application was filed and supported
4 | by the ANC.

5 | CHAIRMAN HOOD: And then the ANC changed, and now we
6 | have a letter asking -- and I dealt with that earlier -- about
7 | changing and discounting -- I'm not going to do that -- but now
8 | we have a new ANC -- people have changed, not the situation --
9 | and now I think they are in opposition.

10 | MS. BATTIES: That's correct.

11 | CHAIRMAN HOOD: So one of the things I said under Andy
12 | Altman -- y'all know I'm going way back now -- and we -- one of
13 | the things the city needs to do is be predictable. If we operate
14 | on something -- and I'm looking forward to hearing, because I see
15 | the form letters, I see what's going to -- that's why I want to
16 | know, was everybody operating on the same sheet of music? I'm
17 | not -- I don't disagree with the community, what I've read.
18 | Matter of fact, that's -- again, I started dealing with some of
19 | those same issues, why can't I get this here in my neighborhood,
20 | when I see stuff in other areas -- I'm not going to call any
21 | Wards -- when I see stuff going on in other parts of the city.
22 | So I get where they're coming from, but I also get what change
23 | was made in 2021, when the FLUM was changed by the Council. Mr.
24 | Millstein, let me just ask you point blank, is this going to get
25 | done? If we approve it and this -- is this going to get done?

1 | Because I'm on my fifth iteration of something going on down
2 | there -- five.

3 | MR. MILLSTEIN: Fifteen years. It's time. It's time.
4 | This is a building we can get done. There's a lot of uses out
5 | there that we think are doing well. We will get this done, and
6 | we feel good about it, and that's why we're here. We've spent
7 | time and years of our lives. All of us have. We all have a lot
8 | invested in this; time, effort, energy. It's time. And this is
9 | a good building, and it will act as a catalyst to the balance of
10 | the site.

11 | CHAIRMAN HOOD: So let me ask you this -- let me ask
12 | you this. If this piece gets done --

13 | MR. MILLSTEIN: Yeah.

14 | CHAIRMAN HOOD: -- and I'm looking at the design of the
15 | building and I heard what my colleague said, Commissioner Wright,
16 | it's not time. When is it time? That's my question. We can
17 | deliberate upon that when we have our discussions, if we get to
18 | that point. My issue is, can that building -- because it's a
19 | very nice design, but can we have a re-adaptive use? Nobody puts
20 | in an industrial area that type of design. I've seen it. I've
21 | seen what goes in industrial areas. Can we do a -- at some point
22 | in time, when it's right, as Commissioner Wright says, or when
23 | we can get somebody, a better tenant or a different tenant, could
24 | it be an adaptive use?

25 | MR. MILLSTEIN: Well, absolutely. It won't be

1 residential, because it's not allowed in that zone, right? But
2 other -- but the balance of the site can be residential. We
3 still have a lot of acres behind us, which is the intention to
4 do residential. Could this be? Yeah, but, I mean, we're hoping
5 to get a good tenant now. We have Target. We have hundreds of
6 apartments in that corridor. We have other real estate. This
7 is not hope for 20 years something better comes along.

8 We want to build a high-quality building, do a
9 beautiful public space, get the access right, get New York Avenue
10 cleaned up, and we want to hit -- we want to get a good tenant,
11 like Target, like Mom's Grocery Store, like the Compass Coffee
12 factory, 20,000 feet, fully automated. You know, we're not
13 looking to bring junk to the neighborhood. That's not what we
14 do. And, by the way, we had a transitional housing facility or
15 halfway house deal signed and we killed it, because we were
16 unaware that it happened in another part of our company; it was
17 Core DC, and they were bringing -- you know what they were
18 bringing to the neighborhood, and we killed the deal, and we took
19 a lot of heat for that, because we do not want to desecrate that
20 corridor, not for this building or any others.

21 CHAIRMAN HOOD: So I hear you, and I understand, and I
22 also understand about the people. So when I looked at the use
23 sheet that Ms. Batties showed at the end of her presentation, I
24 think, for me -- for me, that's been a major concern for me for
25 years, the different allowable uses. It looks like, if this goes

1 forward or whatever the Commission decides to do, and we may have
2 to rely on our other two members -- I'm not sure yet -- if we're
3 going to move forward having a discussion. I'm not sure. But
4 it looks like you're trying to put clean uses. Even though it
5 may be industrial uses, it looks like you're trying to put clean
6 uses in this community. Is that a fair assessment, from my
7 evaluation?

8 MS. BATTIES: Yes, and I'm going to give you an easy
9 example. So PDR use -- PDR-1 allows for waste-related services.
10 We have said that we would not permit that use, other than --
11 what is it -- low-intensity recycling.

12 MR. MILLSTEIN: Recycling, yeah.

13 MS. BATTIES: -- again, things that would be
14 consistent with sustainable design, environmentally encouraged
15 uses.

16 CHAIRMAN HOOD: Okay. So the low-intensity recycling,
17 that's what we had to deal with in the 90's -- late 90's. That
18 was the biggest mess that you -- anybody can deal with, low --
19 they called it recycling, but, basically, what it was, it was
20 trash. So -- and I think -- I think, for me, the protections
21 that the community -- and I get what they're saying it. I get
22 it, but I think they need some predictability and some assertions
23 that they won't get duped. They're not going -- hold on, let me
24 finish. Let me finish, Ms. Batties -- they won't get duped. And
25 I know that firsthand. So what I'm trying to figure out is, how

1 do we get there, but I agree with my colleagues. I want to hear
2 from them. I do know there's a lot to it, and here we are with
3 our fifth rendition of trying to get something. And I know some
4 of this predates you all. You all didn't own the property. I
5 get that. But I've seen a number of -- this Commission I know
6 has seen at least three or four, and I think I've seen a total
7 of five. But at some point I'm hoping that we can get to something
8 being down on that land, as opposed to waiting another 30 years
9 that -- when it's ready.

10 So, you know, that's going to be a discussion we're
11 going to have to have. I'm looking forward to hearing from my --
12 from the community and my colleagues, as we deliberate and move
13 forward with this, however we're going to do -- whatever we're
14 going to do with this, but I do not -- I do understand the
15 communities' issues. I know it firsthand. All right. Thank
16 you all. I think I'm good. I think I'm good for now. Colleagues,
17 any follow-up questions or comments?

18 (No response.)

19 CHAIRMAN HOOD: All right. Now I'm thinking --

20 COMMISSIONER WRIGHT: One quick question.

21 CHAIRMAN HOOD: Yes, go right ahead.

22 COMMISSIONER WRIGHT: Quick question. Does the zone
23 you're requesting allow for public storage?

24 MS. BATTIES: Only with certain conditions. So public
25 storage is self-storage. I think there are certain conditions

1 | that are tied to that use. It's not permitted as a matter of
2 | right, without certain conditions that are set forth in the
3 | regulations.

4 | CHAIRMAN HOOD: All right. And I'm not trying -- but
5 | I'm glad you brought that up, Commissioner Wright, because I
6 | think there's about four or five of them right there in the
7 | neighborhood already, right?

8 | COMMISSIONER WRIGHT: (Nods head affirmatively.)

9 | CHAIRMAN HOOD: Okay. All right. All right. Let's
10 | plow through this. Anything else, colleagues?

11 | (No response.)

12 | CHAIRMAN HOOD: Nothing. Okay. Let me see where I'm
13 | at. Let's see, ANC 5C is a party -- well, automatic party, and
14 | I think we gave 5D party status. What I'm going to do now is
15 | call on the ANC to do their cross-exam, not their testimony, so
16 | let's stay focused on what you've heard or what's in the record,
17 | cross-examination. Ms. Schellin, who's representing ANC 5C?
18 | Let's bring them up, and 5D. Bring both of them up please. And
19 | this is cross-examination only, not testifying.

20 | MS. SCHELLIN: Right. 5C is I believe VJ Kapur. Make
21 | sure I pronounce that correctly.

22 | CHAIRMAN HOOD: Okay. Commissioner Kapur I think is
23 | 5D.

24 | MS. SCHELLIN: And then Sebreana Rhodes for 5D.

25 | CHAIRMAN HOOD: Okay. We're going to start with 5C,

1 and then we're going to go -- cross-examination only, not
2 testimony, and let's give a question. All right.

3 COMMISSIONER KAPUR: Sorry. I have to make a
4 correction. Commissioner Nelson is representing 5C, specifically
5 on 24-11.

6 CHAIRMAN HOOD: Okay. Let's bring Commissioner Nelson
7 up, let's take Commissioner Kapur down, and let's bring
8 Commissioner Rhodes up. Commissioner Nelson, you may begin.
9 Cross-examination only.

10 (No response.)

11 CHAIRMAN HOOD: Commissioner Nelson?

12 (No response.)

13 CHAIRMAN HOOD: All right. While you're getting
14 yourself together -- we'll come back -- Commissioner Rhodes.

15 COMMISSIONER RHODES: Thank you. Yes. First, I want
16 to ask about the Compass Coffee and -- which we found out owes
17 millions of dollars in rent. Are they going to stay? We do know
18 that -- what about The Lane -- The Lain claimed that they --
19 their rent was \$35,000 a month, and Douglas was not going to help
20 them out with the rent. So why did The Lane leave; why did T.J.
21 Maxx leave; why did the Nike store leave, which is now Goodwill?
22 And the other half is still doing well. They're very community-
23 oriented. Compass Coffee isn't. So I want to ask first, why
24 those businesses that were so good for I guess the people that
25 you all were saying they were good for, why did they leave? And

1 I also want to -- I did approve Tattle to be at the Hecht building,
2 and we had some issues with the odors that was emitting from
3 the -- them baking soup and baked goods, and there was an issue
4 with the carbon monoxide. So can we talk about those issues?
5 And me -- I'm for Ivy City, so I appreciate this Commission for
6 giving us party status, but I want to ask about these specific
7 companies or stores.

8 MR. MILLSTEIN: Sure. Hi, Commissioner Rhodes. So
9 I'll answer what I can, because I wasn't prepared to speak to
10 those specific companies, Ms. Rhodes, but, in any event, the ones
11 that I do know about, the ones that left, they left because they
12 were losing money on a regular basis and couldn't figure it out
13 and felt that it was more financially productive for them to
14 leave. They are not -- you know, so, you know, the rents that
15 everybody was paying is what they agreed to pay in advance and
16 that their business models provided for it and, you know, we
17 borrowed money according to that, and, you know, it's a very
18 complicated model. But The Lane wasn't supported. They were a
19 terrific use, and we were very sad to see them not succeed, as
20 we were with Ulta and Nike and then whoever else has left. Those
21 stores were built out. We paid for all of that. They had
22 provisions in their lease that if they didn't do certain sales,
23 they had the right to leave, and they left, and we took the shot
24 financially and, also, developmentally we took the shot.

25 Compass Coffee was a booming, thriving company. All I

1 can tell you, because I don't know their current financial
2 situation in detail, but I do know the owners, they got really
3 hurt during the pandemic. All their DC stores that were in office
4 buildings or in near proximity to office buildings basically did
5 no business for several years. It set them way back. They went
6 to the District to get some financial assistance to try to save
7 it and have been unsuccessful. So they're trying to reorganize,
8 and I'm not sure how that's going to work out. Again, a huge
9 effort went to them, but they were a result of the pandemic I'd
10 say.

11 City Winery left. Again, great tenant, live
12 entertainment. My son's wedding was there. It was great, but
13 they weren't supported. They lost money every single month. We
14 still have to pay the mortgage and taxes. They have to pay us
15 the rent so we can pay the mortgage and taxes and utilities just
16 like anybody else. They couldn't make the numbers work, and the
17 hey left. So we continue to try to find tenants.

18 Ari's Diner. Ari's Diner was terrific. It was the
19 only place you could get breakfast in Ivy City. He's a friend
20 of ours. We worked him very hard to come to Ivy City and helped
21 him try to be -- build a successful business, and then, of course,
22 he couldn't make it. Literally, there were gunshots coming
23 through his glass. That's when he said, "You know what? I'm
24 done. I can't take this. This is not how I want to run my life
25 and my business," when there was shooting on the street that came

1 through his windows. So --

2 COMMISSIONER RHODES: Well, the shooting -- Paul, the
3 shooting was in the Ivy City Smokehouse Market. They were doing
4 a video and whatever groups met there to do a video, they were
5 the ones in that shooting. It didn't have nothing to do with
6 what was on the street of Ivy City.

7 MR. MILLSTEIN: Yeah, I'm just --

8 CHAIRMAN HOOD: Let me interrupt. Let me interrupt.
9 I started this offsite. Typically, we stay onsite of the project
10 before us. The reason I started that, because I was trying to
11 do a correlation -- a nexus of what was going on in that other
12 corridor versus this one. So, Commissioner Rhodes, I'm going to
13 ask you to ask this last question, since I started it, but let's
14 get back to the case in progress. Okay? Thank you.

15 COMMISSIONER RHODES: Okay. All right. Also, you --
16 thank you -- thank you, Chair Hood -- you all talked about the
17 truck traffic coming up West Virginia Avenue. West Virginia
18 Avenue is a residential area. We have DPW trucks coming through
19 the community that's up the ground, shaking the homes. So are
20 we going to have another group of truck traffic coming from this
21 warehouse, coming up West Virginia Avenue and potentially through
22 the -- through Ivy City?

23 MS. BATTIES: I'm going to ask Daniel Solomon to come
24 and speak to that. The answer to your question is no, but I
25 would like him to show how the truck traffic would access this

1 site. Do you need them to pull up your slide?

2 MR. SOLOMON: No. So the majority of the truck traffic
3 is going to be focused on New York Avenue, Bladensburg Road, and
4 Montana. West Virginia is a designated truck route, according
5 to DDOT's policies, so trucks will use it. I understand that
6 the DPW area does bring a lot of heavy vehicles as well, but
7 trucks are going to stick to the designated routes -- excuse
8 me -- that DDOT has identified, and that does include West
9 Virginia, but also does include New York Avenue and Bladensburg.

10 MS. BATTIES: But they can access this site and leave
11 this site without going --

12 MR. SOLOMON: Correct. Correct.

13 MS. BATTIES: -- on West Virginia.

14 MR. SOLOMON: Correct. Most of it can be done off of
15 New York Avenue, Bladensburg, or Montana. West Virginia is one
16 of the routes at their -- at their disposal, but we expect most
17 of it will be the other routes. Thank you.

18 CHAIRMAN HOOD: Commissioner Rhodes, are you complete?

19 COMMISSIONER RHODES: I'm not. I apologize. I just
20 wanted to address that Ivy City is a very -- is one of the highest
21 polluted communities in the District, because of the industrial
22 uses, because of the truck idling, because of the trash transfer
23 station, because of the school buses. How is this going to --
24 going to -- I know you -- Leila, you explained that it will be
25 more like green jobs, but how will this warehouse impact

1 | Brentwood, 5C, and 5D in a positive way, when we're already
2 | polluted and dealing with industrial land uses and toxic-
3 | polluting industries?

4 | MS. BATTIES: Commissioner Rhodes, the intended use at
5 | this site is not industrial use, as you envision, like heavy
6 | industrial use, right? So, ideally, they will get -- I mean, I
7 | shouldn't say "ideally" -- the use -- the tenants that can come
8 | into this property can be retail or commercial use that activates
9 | the site and serves the community; it can be uses that creates
10 | jobs; but it's not industrial use, as you envision, with the
11 | odors and the fumes and kind of heavy manufacturing. That's not
12 | the intent here. So when we talk about kind of the green uses,
13 | we talk about like the micromobility or composting, things that
14 | now are considered kind of like environmentally-friendly --
15 | environmentally-friendly activities, and not the traditional uses
16 | that would be -- generate harmful -- have harmful effects to the
17 | surrounding area. Yeah, I'm sorry. You can come. I'm going
18 | to -- the architect wanted to speak.

19 | COMMISSIONER RHODES: Thank you.

20 | MR. VENANCIO: Yeah. So the truck port we're proposing
21 | for this building is probably half of what we typically will do
22 | for a warehouse, so -- because the set mind here is to basically
23 | be flexible enough to attract different types of clients, not
24 | necessarily warehouse only, so that's why we're only proposing
25 | half size of the length of the building as a truck port.

1 MS. BATTIES: So I'm -- I just make sure you heard all
2 of that. So they're -- they've designed the building to kind
3 of -- he's saying the truck port, itself, is not even designed
4 to accommodate like a heavy industrial use. That's not the
5 intended user perspective.

6 COMMISSIONER RHODES: I'm sorry. I didn't understand
7 that.

8 MS. BATTIES: He said they're --

9 COMMISSIONER RHODES: You're breaking up.

10 MS. BATTIES: Oh, I'm sorry. He's saying the building
11 is not designed to accommodate a traditional industrial use or a
12 heavy industrial use. It's really more intended as flex space,
13 so that a number of light -- as a light industrial, meaning the
14 ones that don't generate the harmful effects, in terms of odor
15 and fumes and toxins and generate excessive noise or trash.
16 That's not -- the building's not designed to accommodate those
17 type of industrial uses.

18 COMMISSIONER RHODES: And is that in your presentation?
19 And, also, we know that New York Avenue will be -- the vision of
20 New York Avenue will have housing. So this warehouse is going
21 to be next to homes and high-rises and whatever is developed for
22 residential use. How is that going to impact the future residents
23 that's coming up to the New York Avenue corridor?

24 MS. BATTIES: So, Commissioner Rhodes, this entire
25 section of New York Avenue is actually designated with a PDR

1 stripe, so there has to be a PDR use on any parcel of New York
2 Avenue within this corridor. So what we're saying -- and I say
3 this with all due respect -- it is the Comprehensive Plan and not
4 that Vision Framework that governs the entitlement process for
5 this property. And so, that being the case, I would say the
6 proposed activation of the site along New York Avenue does not
7 prohibit other types of uses on Montana -- the Montana Triangle,
8 right? So you can still have other commercial uses; you can
9 still have residential uses. And that is reflective of the spirit
10 of that Framework, so it was really that Montana -- the Montana
11 Triangle would be redeveloped with a number of uses, and you can
12 still have that, even if the frontage along New York Avenue is
13 designated PDR-1.

14 COMMISSIONER RHODES: Okay. I will pass it to my
15 colleague, Commissioner Nelson. Commissioner Nelson.

16 CHAIRMAN HOOD: Thank you, Commissioner Rhodes. I'm
17 going to pass it to him. So Commissioner Nelson.

18 COMMISSIONER RHODES: Sorry.

19 CHAIRMAN HOOD: That's all right. It's good. It's all
20 good, but I'm -- you and I are friends. Commissioner Nelson, any
21 cross-examination questions?

22 COMMISSIONER NELSON: Yes, sir. Thank you, Mr.
23 Chairman. First question. How many docking stations -- truck
24 docking ports will be at this proposed warehouse?

25 MS. BATTIES: Nineteen.

1 COMMISSIONER NELSON: Nineteen. Okay. So in doing
2 this proposed building, have you all thought about the redesign
3 of Bladensburg Road which is to come, and how will the redesign
4 of Bladensburg Road going to impact trucks coming into 5C04, when
5 we know that the redesign for Bladensburg Road is going to call
6 for more narrow streets?

7 MS. BATTIES: I am going to ask our traffic engineer
8 to answer that question. I don't have the answer to that off
9 the top of my head.

10 MR. SOLOMON: Hi, Commissioner. Yes, we've been
11 coordinating with DDOT on how this site functions with the
12 redesign of Bladensburg Road and the safety improvements
13 associated with that.

14 COMMISSIONER NELSON: But what does that mean? What
15 have you guys discussed with DDOT? I mean, we're not -- you
16 mentioned earlier in your presentation that there would be a
17 traffic light put in that T Street and Bladensburg Road, which
18 is something that we do want. We want that traffic light there,
19 but we also know that the bus stop is going to be moved at that
20 location to accommodate passengers. We also know that the
21 redesign is going to call for bike lanes on Bladensburg Road.
22 Okay. So if you're going to have trucks coming in and off of
23 New York Avenue to Bladensburg Road, how is that going to work
24 when you have 19 docking stations? That's a lot.

25 MR. SOLOMON: Those are good points. So, yeah, we've --

1 the exact details of the design will be figured out during public
2 space. That being said, as part of DDOT's review, we included
3 in the transportation report limits on which specific directions
4 trucks of a certain size can or cannot access the site. So, for
5 example, I think it was the larger port, the 73-foot trucks,
6 WB67's, those, for example, need to make a right turn from Montana
7 onto Bladensburg. If they want to go south, they can't make that
8 turn at the intersection of T, for example. So DDOT's design
9 for Bladensburg Road is still at the conceptual level. My
10 assumption is we work through public space, and as they refine
11 their design, some additional details on where exactly the -- you
12 know, the exact location of that left stop needs to be, so it
13 operates in a safe manner for people who take the bus, but, as
14 well, allows that intersection to function, as intended, as well
15 as for cyclists and all those things in the areas surrounding the
16 site. The applicant has committed to extending the shared-use
17 path and sidewalk all the way down Montana to Bladensburg, so how
18 that ties in with the future bike facility, all of that has to
19 be figured out and the design progressed once we get to public
20 space.

21 COMMISSIONER NELSON: Okay. It sounds like you guys
22 have a lot of work still to do, because you cannot access West
23 Virginia Avenue, to your point, in terms of bringing in trucks.
24 Basically, there would be no way to get into this property off
25 of New York Avenue, unless you turn right -- turn left onto

1 Bladensburg Road. And Montana Avenue --

2 CHAIRMAN HOOD: So, Mr. Nelson, I'm going to help you.
3 I'm going to help you, Mr. Nelson.

4 COMMISSIONER NELSON: Uh-huh.

5 CHAIRMAN HOOD: You ask questions.

6 COMMISSIONER NELSON: Okay. Thank you.

7 CHAIRMAN HOOD: Actually, what you want to do is, you
8 was questions, and once you finish asking questions, the things
9 you may disagree with, when you do your presentation to us, then
10 you mention what you're doing now.

11 COMMISSIONER NELSON: Okay. Thank you, sir.

12 CHAIRMAN HOOD: This is cross-examination. Okay.

13 COMMISSIONER NELSON: Okay. I apologize. Okay. Can
14 you further explain, in laymen's terms, for those that are
15 watching, the scale of this warehouse and the land mass that it
16 will take up, especially given that you say that the future use
17 in the back of this property will allow for housing? Can you
18 explain to people what the true size is versus giving them just
19 acreage?

20 MS. BATTIES: Sure. The building, itself, -- I'm
21 sorry. I'm looking up the -- where's the square footage of --

22 MR. VENANCIO: 183,000 square feet.

23 MS. BATTIES: Okay. The building, itself, will be
24 approximately 183,000 square feet. Of that, 20,000 or more --
25 about 20,000 is set aside for showroom or office space.

1 COMMISSIONER NELSON: Okay. I mean, I understand that,
2 but I just want people to understand something in reference --
3 in terms of the size of this. Can you give people an example of
4 how large this would be? I mean, I know that -- the Chairman
5 mentioned that Ivy City (indiscernible) --that's small by
6 comparison. Can you give them something that's more realistic
7 to the size?

8 MR. VENANCIO: The building is 832 feet lengthwise; 200
9 feet deep.

10 MS. BATTIES: Yeah.

11 MR. MILLSTEIN: How long is Target?

12 COMMISSIONER NELSON: Okay. Then I have one final
13 question, and I'll leave it at that. Okay. You all mentioned
14 that there would be a number of parking spaces. Okay. Will
15 those parking spaces be accessible 24 hours a day or would it be
16 limited?

17 MS. BATTIES: There -- right now there would be
18 nothing -- nobody -- nothing that precludes people from parking
19 there 24 hours a day. That's not in the design.

20 COMMISSIONER NELSON: Okay. All right. I'll save that
21 part for my testimony.

22 MS. BATTIES: Okay.

23 COMMISSIONER NELSON: Thank you, Mr. Chairman.

24 CHAIRMAN HOOD: Thank you. Thank you. We appreciate
25 both questions from both Commissioners. Ms. Schellin, do we

1 have -- maybe I need to pull this up -- do we have anyone from
2 the Office of Attorney General?

3 MS. SCHELLIN: We do not. And I don't believe they
4 weighed in on this case, did they? I don't think --

5 CHAIRMAN HOOD: I didn't see anything, but I'm going
6 to always ask, because I know --

7 MS. SCHELLIN: Yeah. I don't believe they weighed in
8 on this case.

9 CHAIRMAN HOOD: Okay. All right. Let's go to Mr.
10 Hagen. I think I saw Mr. Hagen.

11 MS. SCHELLIN: Yes.

12 CHAIRMAN HOOD: Yes. Mr. Hagen.

13 MS. SCHELLIN: Yes, Noah, yes, Hagen.

14 MR. HAGEN: Hey, good evening, Chairman Hood and
15 members of the Commission. Can you all hear okay?

16 CHAIRMAN HOOD: Yes, we can.

17 MR. HAGEN: Great. For the record, I'm Noah Hagen with
18 the District Department of Transportation. DDOT is supportive
19 of the applicant's PUD application to develop this property at
20 New York Avenue and Montana Avenue Northeast. In our October
21 16th report, which is in the record as Exhibit Number 56, we
22 recommended approval with two conditions; the implementation of
23 the applicant's Transportation Demand Management Plan, TDM Plan,
24 as well as the following infrastructure improvements in public
25 space: a new sidewalk and multi-use trail; upgraded sidewalk

1 along Bladensburg Road; easements for all sidewalks and trails
2 on public -- excuse me on private property; and signalization at
3 the site's driveway intersections, as necessary. As you heard
4 in the applicant's presentation, they've agreed to the -- agreed
5 to these conditions and, with those included in the zoning order,
6 DDOT has- no objection to the approval of this PUD application.

7 And I also wanted to clarify an issue that was raised
8 earlier about the parking levels. Daniel Solomon from the
9 applicant's team was correct in that the reason that our -- DDOT's
10 parking assessment was different from the applicant's is that we
11 were looking at it as a warehouse versus the applicant's
12 assessment was looking at the requirement as general PDR, and I
13 think that's where the discrepancy was between the parking
14 levels. And we look forward to continuing to work with the
15 applicant on the potential need for a signal at Montana Avenue
16 and 17th Street, as well as the design of the streetscape, as
17 they go through public space permitting. Thank you, and I'd be
18 happy to answer any questions.

19 CHAIRMAN HOOD: Thank you, Mr. Hagen. Before we ask
20 our questions of Mr. Hagen -- I'm looking at my colleagues --
21 we've been going for three hours -- three hours and ten minutes.
22 Before we start our questions, do we want to take a five or ten-
23 minute break? I'm looking to see. Okay. Next time, y'all got
24 to remind me. because I know we've been on here since four --
25 well, been in the hearing. So let's take a -- let's come back

1 at 7:20. And, Mr. Hagen, if you can indulge us, we'll come back
2 and we'll ask you questions then, because I just thought about
3 it. It's three-some hours and we haven't had a break.-- Let's
4 come back at 7:20. Thank you.

5 (Whereupon, there was a brief recess.)

6 CHAIRMAN HOOD: All right. We're going to go back into
7 session. Let's see if we have any questions for Mr. Hagen from
8 DDOT, and thank everybody for letting us take a break. Okay.
9 Commissioner Wright, you have any questions of DDOT?

10 COMMISSIONER WRIGHT: A warehouse with 19 loading bays,
11 would you consider that to be a very, very large operation?

12 MR. HAGEN: I consider that to be a large operation.
13 I mean, yes, that's more -- probably the most loading bays of any
14 project I've reviewed.

15 COMMISSIONER WRIGHT: And in terms of the number of
16 parking spaces, at this point you're essentially agreeing with
17 the number of parking spaces they're providing. And tell me
18 again what your formula is for agreeing with that number of
19 spaces.

20 MR. HAGEN: Sure. So, initially in our report, we
21 looked at the site as a -- as a warehouse, when it comes to the
22 parking requirements. So, as Daniel Solomon said earlier, for a
23 warehouse, the parking requirement is one space per 1,000 square
24 feet; for a just general PDR, it's one per 3,000. And when we
25 looked at it as a warehouse, the parking requirement is much,

1 much lower, and, in that sense, the site has a very -- like, a
2 much higher amount of parking than we would prefer. Our guideline
3 is for sites -- this site is about, like, over a mile from the
4 Metro, so we would say our preferred maximum is 150 percent of
5 what zoning requires. And if we're looking at the site as a
6 warehouse, it exceeds that; but if we're looking at the site as
7 general PDR, then it's about in line with our guidelines. In
8 our -- in my report, we treated it as a warehouse.

9 COMMISSIONER WRIGHT: So just very -- just round
10 numbers, it's around 180,000 square feet. If it was one per
11 thousand, that would be about 180 parking spaces, right?

12 MR. HAGEN: (Nods head affirmatively.)

13 COMMISSIONER WRIGHT: If it was one per 3,000, it would
14 be more like -- what would that be -- 60 parking spaces, right?

15 MR. HAGEN: (Nods head affirmatively.)

16 COMMISSIONER WRIGHT: So if you treat it as a PDR, it
17 would be 60 spaces. And would it be 50 percent above the 60
18 spaces, which would be 90 spaces?

19 MR. HAGEN: Right. Exactly.

20 COMMISSIONER WRIGHT: So right now --

21 MS. BATTIES: No, I want to clarify. They have the
22 numbers reversed. The warehouse use requires fewer parking
23 spaces than the general PDR use. You have the uses reversed.

24 COMMISSIONER WRIGHT: Oh, okay. So the warehouse use
25 is one per 3,000, and this is going to be a warehouse. So the

1 question is, why are you not doing 90 spaces?

2 MS. BATTIES: This is not -- it's a building --
3 warehouse building, but that is not the use that's being -- the
4 building type is a warehouse, but the use is anything that can
5 be accommodated in PDR 1 and MU-5B, so it's the -- it's the
6 general PDR.

7 COMMISSIONER WRIGHT: And so that's one per thousand,
8 which is about 180 spaces, and you're just a little over that.

9 MS. BATTIES: Correct.

10 COMMISSIONER WRIGHT: Okay. Got it. No, that was my
11 question. Thank you.

12 CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

13 VICE CHAIR MILLER: Thank you, Mr. Chairman. Thank you
14 Mr. Hagen, for the DDOT report and all your work -- all the
15 agency's work on this case and your future work on this project.
16 So you've never seen a project that has so many large -- that
17 has such a large number of loading docks. In answer to
18 Commissioner Wright's question, you said that.

19 MR. HAGEN: That's correct.

20 VICE CHAIR MILLER: Is there anything that comes close
21 to it that we -- you can point to, that we can visualize in the
22 city? If you can provide that -- you don't have to think about
23 that off the top of your head, but I want to understand the scope
24 of that, and seeing another example in the city or hearing about
25 another example in the city might help me visualize that. So if

1 | you're able to provide that at some point, not -- you don't have
2 | to do it off the top of your head -- and what that number -- and
3 | what that number would be from another project that exists
4 | currently, it might be useful to have that for comparison's sake.

5 | MR. HAGEN: Sure. In my two-and-a-half years working
6 | at DDOT, I have not seen a lot of industrial or PDR projects of
7 | this scale, but I can do some research and ask my colleagues if
8 | they know of anything of a similar scale and what the loading
9 | setup was.

10 | VICE CHAIR MILLER: Thank you. Appreciate that. I
11 | have no other questions, Mr. Chairman. Commissioner Wright
12 | covered the parking clarification that I was also seeking.

13 | CHAIRMAN HOOD: Okay. Thank you, Mr. Hagen. I don't
14 | have any questions at this time. I may come back later on, but
15 | not right now. I'm good. Let's see what others have. And thank
16 | you for your report, Mr. Hagen. Ms. Batties, does the applicant
17 | have any cross or questions of Mr. Hagen?

18 | MS. BATTIES: No, but I did have some -- I had a
19 | correction to --

20 | CHAIRMAN HOOD: Ms. Batties, my question was, does the
21 | applicant have any questions of Mr. Hagen?

22 | MS. BATTIES: No.

23 | CHAIRMAN HOOD: Okay. Save your questions for rebuttal
24 | or later on so you can answer whatever questions you want to ask
25 | at the appropriate time. Thank you.

1 MS. BATTIES: I hear you.

2 CHAIRMAN HOOD: All right. Thank you. Okay. Now I
3 got sidetracked. Who was I -- oh, ANC -- Commissioner Rhodes,
4 do you have any cross of the Office -- of DDOT?

5 COMMISSIONER RHODES: Yeah, just one question. Because
6 you haven't seen such a project this size with this many parking
7 spaces, what would be the impact of the neighboring communities
8 with all these parking spaces, idling trucks, vehicles coming in
9 and out? Mind you, we do have the school buses on New York Avenue
10 and Osse is a few miles away, so I just want to know that.

11 MR. HAGEN: Sure. So the -- as part of their
12 application, the applicant put together a Comprehensive
13 Transportation Review, which involved a traffic study, and they
14 looked at how many vehicles they expect to come to and from the
15 site on a daily basis -- trucks, you know, cars, everything. And
16 we found that there would be a few small impacts at a couple of
17 the intersections around the site is what the applicant found.
18 And to mitigate that, the proposed a couple things, one of them
19 being signalizing intersections, so at Montana and 17th and at
20 Bladensburg and T, DDOT and the applicant -- we're still talking
21 to them about the details of that, and we'll work it out during
22 the public space permitting process, but that is something that
23 we're looking into to mitigate the impacts that the applicant
24 found in their -- in their study. Other things, as you heard
25 the applicant discuss, adding the multi-use path, the bike path

1 along New York and along Montana, upgrading the streetscape along
2 Bladensburg, and, also, DDOT, in -- within the next few years,
3 will be upgrading Bladensburg Road itself. And so all those
4 things combined we think will mitigate the impacts that the --
5 that the development will have on the roads.

6 COMMISSIONER RHODES: And so there was -- you said
7 there was a traffic study. Was it during the week? Was it during
8 rush hour? Was it during the weekend, a holiday?

9 MR. HAGEN: They looked at the morning and afternoon
10 commuting hours, like rush hours.

11 COMMISSIONER RHODES: Okay. Thanks.

12 CHAIRMAN HOOD: All right. Thank you. Commissioner
13 Nelson.

14 COMMISSIONER NELSON: Yes. Thank you, Mr. Chairman.
15 So why was DDOT's analysis done on the assumption of a warehouse?

16 MR. HAGEN: Why was DDOT's analysis done on the
17 assumption of a warehouse? When we looked at the -- their
18 application materials, the project was described as a warehouse,
19 so just kind of were taking their word for it, but, you know,
20 after listening today to what the applicant has said,
21 there's -- we now know there's a little more complexity to
22 that. It's not just a warehouse; it's a warehouse building, but
23 the use is a little different, so that was our initial read of
24 the application, it's a warehouse.

25 COMMISSIONER NELSON: Okay. So what other components

1 of DDOT's report might be needed then to be revisited on this?
2 I mean, are they discussing -- are you guys discussing a general
3 PDR building rather than a warehouse now? Is that where things
4 are now or what?

5 MR. HAGEN: To us, so that distinction really comes
6 into play when we're talking about the parking regulations. But
7 when it comes to the general overall use, function, impact of the
8 site outside of the parking, we don't really see a lot of
9 difference, because warehouses and other sorts of PDR uses tend
10 to be, you know, very large; like, a very large building might
11 not have as big of an impact as, say, a large shopping center or
12 a large apartment building. You know, those sort of are -- impact
13 per square footage of a PDR or warehouse is going to be a lot
14 lower than retail, office, residential, something like that. So,
15 in our eyes, it's not -- and we -- you know, we -- the applicant,
16 they scoped the study, and in their traffic analysis to us they
17 used general, kind of industrial PDR numbers, which for -- in
18 terms of deciding how many trips might come and go from the site
19 throughout the day. So, in our view, we don't see that
20 designating the site as a warehouse or not will have any impact
21 on the traffic.

22 COMMISSIONER NELSON: Okay. So thanks. So one final
23 question. So then why is DDOT supporting the applicant, given
24 that they did the analysis based on an assumption?

25 MR. HAGEN: I'm not sure I understand the question.

1 COMMISSIONER NELSON: So DDOT is supporting the
2 applicant, correct?

3 MR. HAGEN: Yeah, we have no objection to the
4 application.

5 COMMISSIONER NELSON: Okay. So but why is DDOT
6 supporting the applicant, given that your analysis -- DDOT's
7 analysis began with an assumption of a warehouse, when we now
8 know that that may not be the case, based on how things have been
9 presented today?

10 MR. HAGEN: We don't think that the difference in use
11 between the warehouse and what the applicant has described today
12 is really significant enough to change our support of the
13 application. The analysis that they did still holds, and, outside
14 of the parking, we don't see that that makes their analysis
15 invalid.

16 COMMISSIONER NELSON: All right. Thank you.

17 CHAIRMAN HOOD: Okay. Thank you. Thank you, Mr. Hagen.
18 We appreciate your responses and your report. Ms. Schellin, I
19 think we go now to the ANC. We're going to start off with
20 Commissioner Nelson, and then we'll go to Commissioner Rhodes.
21 Commissioner Nelson.

22 COMMISSIONER NELSON: Yes. Good evening everyone.
23 Again, thank you very much for honoring me with your time. I'm
24 very humbled to be here. Let me first say that, as the
25 representative of SMD 5C04 and representing the 5C Commission on

1 | this case, the folks who are involved with this, we do not oppose
2 | development in our communities. But let me also state that the
3 | people who -- in 5C that oppose this applicant's application are
4 | the same folks that were around in 2024. These are the same
5 | neighbors and residents, citizens of the United States and
6 | Washington, DC, who were around in 2019.

7 | CHAIRMAN HOOD: Commissioner Nelson --

8 | COMMISSIONER NELSON: I'm sorry.

9 | CHAIRMAN HOOD: Commissioner Nelson, hold tight. I
10 | made a mistake --

11 | COMMISSIONER NELSON: Okay.

12 | CHAIRMAN HOOD: -- the hundredth one I made today. I'm
13 | not supposed to bring you up right now.

14 | COMMISSIONER NELSON: Okay.

15 | CHAIRMAN HOOD: Because you are a party in opposition,
16 | and I'm sorry.

17 | COMMISSIONER NELSON: Thank you.

18 | MS. SCHELLIN: He is correct. He's actually the ANC
19 | that the property's located in. It's the other ANC that won't
20 | come up, Chairman Hood, correct?

21 | VICE CHAIR MILLER: I thought you were going to say
22 | Office of Planning should have come up at this point.

23 | MS. SCHELLIN: Right, that is true.

24 | CHAIRMAN HOOD: It ain't even 7:30 -- I mean, eight
25 | o'clock yet. Okay. Let me -- Commissioner Nelson, I hate to

1 have you -- can you remember what you just said, so you can come
2 back and say it again?

3 COMMISSIONER NELSON: Certainly, yes. No problem.

4 CHAIRMAN HOOD: Okay. Thank you. Forgive me for that.

5 MS. SCHELLIN: I think that break just threw everybody
6 off. That's -- yeah.

7 CHAIRMAN HOOD: That's not what threw me off. I'm
8 just -- okay. So let's bring up the Office of Planning. Thank
9 you, Vice Chair. Vice Chair, next time when I make the one
10 mistake that I usually make, which is the hundredth mistake, cut
11 me off so I can get back on track.

12 VICE CHAIR MILLER: I'll send you a text message.

13 CHAIRMAN HOOD: No, just cut me off in the middle. It
14 doesn't matter. All right. Let's go to Ms. Myers. Ms. Myers,
15 sorry about that.

16 MS. MYERS: Good evening, Commissioners. I believe our
17 presentation is being pulled up at the moment. Good to see you
18 all again.

19 (PowerPoint presentation shared on the screen.)

20 MS. MYERS: Good evening, Commissioners. The Office
21 of Planning recommends the Zoning Commission approve this
22 consolidated PUD and related map amendment by Jemal's Schaeffer,
23 LLC and Jemal's Bumper George, LLC at Square 4261. OP also
24 supports the applicant's proposed limitations on the PDR uses.
25 This project would -- or this PUD would rezone a portion of the

1 property from MU-5B to PDR-1.

2 The Office of Planning is recommending approval
3 because, on balance, this project is not inconsistent with the
4 2021 Comprehensive Plan policies, and the PUD public benefits are
5 commensurate with the limited amount of flexibility being
6 requested. No additional height or density is being gained in
7 this case. This PUD would only allow a PDR-1 zone for a PDR land
8 use on the property. Today, under the MU-5B zone, uses such as
9 housing, retail, eating and drinking establishments are permitted
10 by PDR uses like -- are permitted, but PDR uses like facilities
11 for storage, ground shipping, or manufacturing facilities are not
12 permitted as a matter of right. PDR-1 allows PDR uses like a
13 warehouse use, but it also allows retail and eating and drinking
14 establishments.

15 Next slide please. As I mentioned, the proposal's
16 public benefits are commensurate with the amount of flexibility
17 being requested. The proposal proffers a sidewalk and a bike
18 lane, which are recommended in the New York Avenue Northeast
19 Vision Framework. It also proffers its architectural design, its
20 street trees, and its landscape improvements. These improvements
21 should enhance the property's visual appeal and create a more
22 engaging and pedestrian-friendly streetscape.

23 Next slide please. On balance, this PUD is not
24 inconsistent with the 2021 Comprehensive Plan and not
25 inconsistent with the Comprehensive Plan maps. The Comprehensive

1 Plan and its maps are policy documents that provide land use
2 guidance. The Future Land Use Map recommends the site for a mix
3 of land uses. On the Future Land Use Map, the upper half of the
4 site is designated for high-density residential, high-density
5 commercial, and PDR uses. This is where the building -- as you
6 can see on the slide here, this is where the building would be
7 located. The lower half is recommended for moderate-density
8 commercial and medium-density residential uses. This is where
9 the applicant is proposing to do the parking, and that's where
10 that would be located. And though all of these uses are
11 encouraged, only the PDR uses is required by the Comp -- by the
12 Future Land Use Map.

13 Next slide please. Properties with a PDR stripe must
14 include PDR space. Currently, the striped-portion of the
15 property is under the same MU-5B zoning as the portion of the
16 property that does not have the PDR stripe. The MU-5B does not
17 permit PDR or industrial land uses, so a change in zoning from
18 the MU-5B zone is necessary to be fully consistent with the Future
19 Land Use Map's PDR recommendation in this area. And, as you can
20 see on this slide, these are some of the noteworthy guidance from
21 the Comprehensive Plan that not just encourages, but pretty much
22 is requiring that some PDR be provided in that section of the
23 property.

24 Next slide please. And some additional guidance in the
25 Plan. The Comprehensive Plan encourages developing vacant

1 properties and allowing PDR land uses that are not incompatible
2 with an area and that include appropriate mitigation and
3 buffering to minimize impacts. In this case, the applicant has
4 been working with the community to limit the PDR uses that can
5 occupy the site, and the application includes buffering,
6 landscaping design, and site planning treatments to minimize any
7 impacts on the community.

8 Next slide please. The PDR study and the New York
9 Avenue Northeast Framework -- or New York Avenue Northeast Vision
10 Framework provide land use guidance and give a vision for this
11 area. The PUD does not fully realize this vision, but it complies
12 with some of the general recommendations. Both documents
13 recognize the need to retain PDR land. They also aim to strike
14 a balance between the retaining PDR land and encouraging
15 residential and mixed-use development.

16 The Vision Framework includes recommendations to
17 improve bike, sidewalk, and street grid connections to improve
18 the transportation network and pedestrian safety. The Framework
19 also encourages opportunities to increase pedestrian and bicycle
20 connections, such as the examples shown below, where the
21 abandoned rail -- an abandoned rail track along New York Avenue
22 could be replaced with a pedestrian bridge. That is something
23 that OP has envisioned as a possibility in the area.

24 And along this specific property, the plan recommends
25 having a shared-use path and a bike lane along New York Avenue's

1 side of the property. This can be seen in the -- you can see in
2 the upper photo here that there is a desire for a bikeway along
3 the Montana Triangle, and that is shown in the top photo.

4 The Vision Framework recommends improving resilience
5 by improving streetscape, landscaping, renewable energy, and
6 vehicle charging infrastructure. And the proposal includes
7 stormwater management and green building technology and adding
8 street trees. Though this PUD does not meet the guidance for
9 more housing on the portion of the triangle -- on this portion
10 of the triangle, specifically, the MU-5B zone on the remaining
11 part of the triangle allows for housing and mixed-use development
12 to occur in the future, and the streetscaping, sidewalk, and
13 bikeway improvements may increase interest in the area and
14 potential for building for more residential and mixed-use
15 developments in the future.

16 And OP is aware there is concern about what
17 specifically will occur on the site. As I mentioned earlier, OP
18 supports the applicant's proposed limitations on the PDR uses,
19 and the application includes buffering, landscaping, design, and
20 site-planning treatments to minimize impacts on the community.
21 The applicant is also agreeable to OP's request to make space on
22 the site for a temporary or seasonal use desired by the community,
23 such as making space for a farmers market. And, with that, I
24 will conclude the OP testimony. Thank you.

25 CHAIRMAN HOOD: Thank you, Ms. Myers. Always a good

1 report. We appreciate the report. Let's see if we have any
2 questions or comments. Commissioner Wright. Commissioner
3 Wright, you're on mute.

4 COMMISSIONER WRIGHT: Sorry. Can you hear me now?

5 CHAIRMAN HOOD: Yes. Yes.

6 COMMISSIONER WRIGHT: Okay. How long is a typical city
7 block in Washington, DC?

8 MS. MYERS: Sorry. I don't know it off the top of my
9 head. Perhaps DDOT would know that.

10 CHAIRMAN HOOD: Can we bring Mr. Hagen back up, if he
11 knows it?

12 COMMISSIONER WRIGHT: Ms. Steingasser may know as well.

13 CHAIRMAN HOOD: Okay. Ms. Steingasser is here. Ms.
14 Steingasser.

15 MS. STEINGASSER: I don't know exactly. I would gather
16 it's about 250 to 300 square feet, but so many of the blocks are
17 actually rectangular, so they could be upwards of four.

18 COMMISSIONER WRIGHT: Yeah, I think a typical city
19 block is, if I remember from my studies of the (indiscernible)
20 is around 350 in one direction and 250 in the other direction,
21 in that general ballpark, so the long side of the block is about
22 350 linear feet long. This particular building is, I think we
23 were told, 800 feet long along New York Avenue, meaning it is
24 close to three city blocks in length. And I do understand that
25 they've changed some of the materials to try to break that up a

1 little bit, but I'm sort of having a hard time, under the, you
2 know, urban design criteria for PUDs and some of the other, you
3 know, design guidance, understanding how a building that is three
4 city blocks -- almost three city blocks long and only has one
5 small area that would be a -- sort of a lobby area or a place
6 where the public might go into a showroom or some other kind of
7 pedestrian activity, but the rest of it is essentially just a
8 solid façade, How is that going to improve streetscape or
9 pedestrian experience?

10 MS. MYERS: We considered --

11 MS. STEINGASSER: Oh, go ahead.

12 MS. MYERS: No, I was just going to say that we
13 considered the addition of the sidewalk, the street trees, the
14 landscaping improvements, and I -- my understanding is that the
15 applicant did work with the community and changed their design
16 accordingly, And then, obviously, the bikeway, as all part of
17 improving the streetscape and the street experience.

18 COMMISSIONER WRIGHT: Do you know --

19 MS. STEINGASSER: And the facade of the building is not
20 just a uniform facade. They've articulated and varied the design
21 and the materials as well.

22 COMMISSIONER WRIGHT: I do see that they did make an
23 effort to use different materials and to have some breaks along
24 that facade, but I would just say again, I'm pretty skeptical
25 that an 800-foot-linear-feet-long facade without doorways -- it,

1 again, I think has a doorway in one area for what might be a
2 showroom, but the rest of it doesn't have doorways. I have a
3 hard time imagining that that's going to create a positive
4 pedestrian experience, even if they do have a six-foot-wide
5 sidewalk, which is basically a standard-width sidewalk. In most
6 large boulevards, you see sidewalks that are ten feet to twelve
7 feet in width, not including the tree-planting area. Six feet
8 is pretty much like what you would see in front of my house on
9 34th Street. It might be five-feet wide, but it's not -- it's
10 not a particularly wide sidewalk.

11 I mean, I basically -- you know, I understand that the
12 Council showed this area as being appropriate for PDR. I would
13 be interested -- when we move forward in future hearings on this,
14 I would actually be interested in understanding the legislative
15 history of that decision, including actual transcripts from the
16 Council's discussion of the PDR strip along New York Avenue. I
17 mean, I find it interesting that -- I guess that was done in
18 2021, and correct me if I'm wrong; I think it was 2021. And then
19 in 2023 the New York Avenue Vision document was done. If the
20 Council really, in 2021, said, "We think this section of New York
21 Avenue should be industrial uses or light industrial uses on both
22 sides of New York Avenue, facing New York Avenue for this entire
23 length," and then they did -- and then the Vision Framework
24 document was done two years later, which seems to promote more
25 of a -- you know, a more nuanced mixture of uses for this section

1 of New York Avenue, you know, I guess I'm wondering if the 2021
2 action by the Council really was, you know, "Boy, oh, boy, we
3 want industrial all along this length of New York Avenue," or if
4 they were essentially trying to put that strip into -- you know,
5 again, I keep reading about retaining some of the existing
6 industrial uses, trying not to redevelop such that you lose square
7 footage of the PDR uses. So I guess I'm interested in the
8 legislative history behind that decision, because, you know, it's
9 being taken now as, sort of, this is the direction; we are being
10 told New York Avenue for 200 feet deep on either side should be
11 industrial. But was that really what the Council was intending
12 or were they intending something a little more nuanced, in terms
13 of saying let's not get rid of some of the industrial uses that
14 exist; let's allow some level of industrial uses to be mixed in
15 with housing or commercial or something else? You know, were
16 they looking for a more nuanced kind of mixture? I don't know
17 the answer, but --

18 MS. STEINGASSER: The Future Land Use Map embodies all
19 policies, but there's also the narrative that goes with the --
20 with the Comprehensive Plan. It's not one or the other. They
21 work together. And when you look at the wording, they were very
22 clear that this mixed-use corridor, which is not just this
23 Montana -- it goes all the way to Florida Avenue -- I mean, it
24 is a very long corridor -- was to have a mix of uses, but it
25 must -- the word "must" was only referenced for industrial. So

1 | when you're in this mixed -- striped mixed-use designated area,
2 | it must have industrial, but it could have other things, but the
3 | industrial was clearly called out.

4 | COMMISSIONER WRIGHT: Yeah, I -- you know, again, I can
5 | imagine the vision of that was probably for buildings that were
6 | not three city blocks long, you know, that were, you know, a
7 | smaller industrial kind of building next to a cool loft-style
8 | apartment building or next to, you know, some other commercial
9 | use. I mean, I can imagine that the goal was to sort of, in a
10 | way, replicate what the Hecht Company warehouse historically had
11 | been, which was an industrial warehouse use, but then mixing it
12 | in with retail and residential and creating, you know, again, a
13 | more, sort of, nuanced gateway area into the city.

14 | What I worry about in this application is this is one
15 | very, very large swath of what we don't know what kind of
16 | industrial use it will end up being. It could be a giant self-
17 | storage building for three blocks in length. Self-storage is a
18 | really, really good business. It could be -- you know, it could
19 | be a use that's not necessarily a noxious industrial use, but it
20 | could be a use that, sort of, kills any possibility of pedestrian
21 | excitement or interest for a large three-block area along a very,
22 | very important corridor.

23 | So, you know, again, when we -- when we talk about it
24 | more, I definitely do want to maybe delve into the legislative
25 | history a little bit more about this section of the Comp Plan,

1 | because, although I do absolutely understand that the Council put
2 | PDR along New York Avenue, I'm not sure that this was actually
3 | what they were envisioning. So, again, we may want to get back
4 | to that at the next discussion of this project, but I would be
5 | interested, so I'll make that a formal request. I'd like to see
6 | the legislative history that led to this recommendation in the
7 | Comp Plan.

8 | MS. STEINGASSER: And we're happy to work with the
9 | Legal Division of OZ to help them find that for you.

10 | COMMISSIONER WRIGHT: Great.

11 | MS. STEINGASSER: But I, like Chairman Hood, have seen
12 | so many iterations of this site and the need for something to go
13 | there. You're asking, "Why is this a PUD?" It's a PUD because
14 | we wouldn't support a pure matter of right industrial rezoning,
15 | and the Vision Framework -- I don't -- I don't think the Vision
16 | Framework is in conflict with what the Council has adopted through
17 | the Comprehensive plan. I think it provides some nuance on how
18 | to do those mix of uses, but it certainly doesn't require all
19 | three uses, so --

20 | COMMISSIONER WRIGHT: No, I understand that. And,
21 | again, I understand you -- do believe this existing proposed
22 | building is in conformance with the Vision Framework?

23 | MS. STEINGASSER: I think our determination is based
24 | on the Comprehensive Plan read, the maps, and the Vision
25 | Framework, and the PDR study, that yes, it's consistent with the

1 Comprehensive Plan.

2 COMMISSIONER WRIGHT: Again, I appreciate what you just
3 said, but do you think it's consistent with the Vision Framework?
4 And you did say the Vision Framework you felt was in line with
5 the Comprehensive Plan.

6 MS. STEINGASSER: Right. The studies come after -- the
7 Small Area Plan, the Vision Frameworks, these tend to provide
8 guidance for how to implement the Comprehensive Plan.

9 COMMISSIONER WRIGHT: Uh-huh.

10 MS. STEINGASSER: They don't replace the Comprehensive
11 Plan. The Comprehensive Plan is a study.

12 COMMISSIONER WRIGHT: Yeah, absolutely, but do you
13 think the guidance in those documents is consistent with the
14 proposal we have before us right now?

15 MS. STEINGASSER: I think the proposal before you is
16 consistent with those, yes.

17 COMMISSIONER WRIGHT: Okay. But I think -- you know,
18 again, I'm not trying to, you know, be obnoxious or press you in
19 a -- in a negative way. I'm just trying to, again, understand
20 the reasoning. And I absolutely -- you know, believe me, I have
21 seen -- I have been involved in many sites that we have waited
22 decades and decades to see redeveloped; you know, key
23 important -- important sites, some of which, in the jurisdiction
24 I worked in, were very close to Metro, so I understand that. I
25 get it, but I don't necessarily agree that it is appropriate to

1 choose something simply because we're impatient and waiting for
2 a project to come forward. So, in any case, thank you. Those
3 are my only questions right now.

4 CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller.

5 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
6 you, Crystal Myers and Jennifer Steingasser for the -- for your
7 testimony here today and the Office of Planning report and all
8 your work over the years and decades on trying to get something
9 to happen here at this site.

10 Just following up on Commissioner Wright's line of
11 questioning about nuance, I think this case highlights, in my own
12 view, why the Office of Planning has been looking for some time
13 now, amongst all the other things that you have to look at on
14 your plate, at a -- at proposing a zone -- a new zone that would
15 allow the range of residential, high -- and, in this case, high-
16 density residential, high-density commercial, and PDR uses on
17 this site. You're saying that the -- you and the applicant are
18 saying, I think correctly, that the PDR striping, which is just
19 one of three stripings, including the high-residential and high-
20 commercial -- that the PDR restriping requires PDR use on the
21 site, and the existing MU-5B zoning does not even allow most PDR
22 uses, such as the proposed flex warehouse. But because the FLUM
23 also does stripe this PUD site for high-residential and high-
24 commercial, which you say is only encouraged, I think correctly,
25 not required, although we have our own not in consistency standard

1 | when we evaluate that, the proposed PDR zoning would actually
2 | preclude -- prohibit any residential on this site, where the
3 | Comprehensive Plan is encouraging high-density residential on
4 | this site. So I think Commissioner Wright, with her vast planning
5 | experience, has speculated right about the nuance here that there
6 | was something envisioned in the New York Avenue Northeast
7 | Framework -- which you -- Vision Framework, which you all
8 | authored with the community's input, that was going to allow a
9 | mix of uses, but we don't have a zoning category that will --
10 | that would facilitate that. So I think there is a major
11 | inconsistency with the proposed PDR-1 zoning with what the
12 | Comprehensive Plan is encouraging on the site. What's the status
13 | of that proposal that -- I only heard from you all I think
14 | originally a few years ago -- to create a zone that would allow
15 | that kind of mix of uses -- PDR uses that are compatible with
16 | residential and commercial.

17 | MS. STEINGASSER: The New York Avenue Framework calls
18 | for it to be at the -- at the conclusion of the Comprehensive
19 | Plan, so it would probably be another two years before we would
20 | be bringing that zone forward, and if --

21 | VICE CHAIR MILLER: But the Comp Plan currently
22 | requires and has often required, in this area and many other
23 | areas, those three uses.

24 | MS. STEINGASSER: Yes, and the way they've been
25 | achieved is through PUDs. When there has been a --

1 VICE CHAIR MILLER: This PUD -- this PUD can't allow
2 for residential, because of the zoning map designation.

3 MS. STEINGASSER: Well, there's not a market for
4 residential right now; otherwise, that would be -- you know,
5 we've seen residential on this site many times over the last 25
6 years. If there were a market for residential here, there would
7 be residential here. And we often choose a striped mixed use,
8 especially in the higher-density corridors, where it's striped
9 high-density residential, high-density commercial, but it ends
10 up being all residential. You know, that mixed-use stripe doesn't
11 require that it be there. What's unique here is that it -- the
12 one use it does require is the PDR, and so getting some use on
13 the site, but if -- you know, I don't think it's to the advantage
14 of the city to hold off on doing something here that the applicant
15 is proposing. It creates jobs. It also, you know, creates tax
16 spinoffs. There's a lot of advantages to having some development
17 here, but it -- the New York Avenue Framework Plan calls for
18 that -- the studies to culminate with the Comprehensive Plan, so
19 that would be probably 2027, at the earliest.

20 VICE CHAIR MILLER: Well, I appreciate your response,
21 Ms. Steingasser. I appreciate all of your decades of dedication
22 and work with the Office of Planning, and I've had the pleasure
23 to work with you. I know that you may be embarking on a new
24 chapter in your life sometime soon, so I appreciate your response
25 and all your work, but I would encourage the Office of Planning

1 to not wait for necessarily the Comprehensive -- the 2027 or
2 whatever -- I mean, two years to propose a zone that the
3 Comprehensive Plan is encouraging to have three different types
4 of uses on --

5 MS. STEINGASSER: Uh-huh.

6 VICE CHAIR MILLER: -- encouraging two of them and
7 requiring one of them. I would -- if there's any work that's
8 already been done -- the current Comp Plan has a lot of areas --
9 the Future Land Use Map has a lot of areas with those three
10 stripings on it.

11 MS. STEINGASSER: Uh-huh.

12 VICE CHAIR MILLER: And I think it would help to -- us
13 and the community to have a zone that accommodated that. So
14 that's just my own --

15 MS. STEINGASSER: And so from what I'm hearing you say
16 is that you would like to see that zone, it would be matter of
17 right, and so you could end up with a project under which you
18 would have no review.

19 VICE CHAIR MILLER: I don't know what it would be, but
20 I think we need a new zone that accommodates what the Future Land
21 Use Map calls for, for this and other -- many other areas, so
22 that's all I'm saying.

23 MS. STEINGASSER: Okay.

24 CHAIRMAN HOOD: And I think --

25 VICE CHAIR MILLER: Thank you, Ms. Steingasser. Thank

1 | you, Mr. Chairman.

2 | CHAIRMAN HOOD: Okay. And I have to think on that,
3 | because I -- you know, matter of right has always been an issue
4 | with me, because it does exactly what Ms. Steingasser just
5 | mentioned; it takes out this process; it takes out the process
6 | for review by the community and it takes out us having a
7 | discussion like we're doing today. So I'm -- I don't know if
8 | I'm with the Vice Chair with moving for that.

9 | And I do want to say I'm looking forward, if we get to
10 | the legislative history, but I know that -- if somebody pulled
11 | the legislative history of the Zoning Commission, of how we did
12 | the 900-foot rule or how we did something, it probably wouldn't
13 | be understandable, so I'm interested to see what we get. And,
14 | again, I think for me, it's straight to the point. They've said
15 | you have to have PDR; the rest of it is MU-5. To me, I mean,
16 | it's clear. It's clear in the sand for me. At least that's what
17 | I see with the direction from the Council and the FLUM and the
18 | Comp Plan. I get that. So, anyway, I don't -- I don't want to
19 | stretch; I don't want to -- I don't want to improvise; and I'm
20 | not going to put a whole lot in there that's not there. So I'm
21 | looking forward to having that discussion with my colleagues.
22 | All right. Anything else to the Office of Planning?

23 | (No response.)

24 | CHAIRMAN HOOD: Okay. Let's go to -- I don't
25 | necessarily have any questions of Ms. Myers or Ms. Steingasser,

1 but, thank you. But, Ms. Steingasser, let me ask this though,
2 because the Vice Chairman was mentioning a lot about, like,
3 tonight was your farewell. You will be back with us before that;
4 am I correct? Because I have a plan in place.

5 MS. STEINGASSER: Oh, yes, sir. I'll be at the -- at
6 the meeting on Thursday, and then the public hearing on Monday.

7 CHAIRMAN HOOD: Will you be here -- you won't be here
8 on the 30th?

9 MS. STEINGASSER: Yes, I'll be here at that. That's a
10 public hearing.

11 CHAIRMAN HOOD: Okay. Ms. Schellin -- Ms. Schellin,
12 let's make sure we talk tomorrow please on that issue. All right.
13 I just don't want to -- I just don't want to miss anything. All
14 right. Thank you. Ms. Batties, do you have any questions of
15 the Office of Planning?

16 MS. BATTIES: I do. I have two questions for Ms. Myers.
17 Can you please confirm -- I believe it's in your report and in
18 our (indiscernible) -- the applicant is proposing a ten-foot
19 sidewalk along New York Avenue and a ten-foot shared-use path,
20 not six feet, which is I think what I heard Commissioner Wright
21 say.

22 MS. MYERS: Yes, it's a ten-foot sidewalk. I do believe
23 it may be six feet in -- I'm not sure if it was the setdown report
24 or the hearing report, but that actually -- there's been changes,
25 and so it's actually -- my understanding of it now is ten feet.

1 MS. BATTIES: Yes. So it's ten-foot -- a ten-foot
2 sidewalk on New York Avenue, plus a ten-foot shared-use path.

3 COMMISSIONER WRIGHT: And just to clarify, where does
4 the five -- four or five-foot green planting strip fit in? Is
5 that in addition to the ten-foot sidewalk?

6 MS. MYERS: Yes.

7 COMMISSIONER WRIGHT: Okay.

8 MS. BATTIES: So it's 28 feet total, sidewalk, shared-
9 use path, and planters. And then I have one more question for
10 the Office of Planning. Are you able to recite quickly -- I
11 mean, are there other projects that have come before the Zoning
12 Commission that have been in -- have been designated mixed-use
13 on the Comprehensive Plan, where there's only a single use that
14 has been approved or is proposed for that property?

15 MS. STEINGASSER: Yes. So that's quite common. That's
16 what I was getting at with the mixed-use for the
17 commercial/residential.

18 MS. BATTIES: Okay. Thank you. So it's not -- so what
19 we are proposing, in terms of having one use on a property that's
20 designated mixed-use on the Comprehensive Plan, is not unusual
21 or contrary to the intent?

22 MS. STEINGASSER: That's correct.

23 MS. MYERS: Correct, yeah.

24 MS. BATTIES: Thank you.

25 CHAIRMAN HOOD: Thank you. Let's go to Commissioner

1 Nelson.

2 COMMISSIONER NELSON: Yes. Thank you. I have a
3 question for the Office of Planning. Is it not precedent for
4 the OP to weigh greatly the feedback from the community?

5 MS. STEINGASSER: Yes, we absolutely give -- I mean,
6 we don't give the legal standard great weight, because we're not
7 a decision-making body, but we certainly give great concern to
8 the feedback from the community.

9 COMMISSIONER NELSON: Okay. And so in your support for
10 the applicant, how much weight was given to this case from the
11 community?

12 MS. STEINGASSER: Well, we evaluated this case based
13 on the Comprehensive Plan, which is what we're guided to do under
14 the zoning regulations.

15 COMMISSIONER NELSON: Okay. And, Mr. Chairman, is it
16 possible for me to ask a question of the applicant?

17 CHAIRMAN HOOD: We'll take that out of order. Go right
18 ahead, so we can get clarity. Go ahead. Go ahead.

19 COMMISSIONER NELSON: Okay. Thank you very much.

20 CHAIRMAN HOOD: Thank you of asking though.

21 COMMISSIONER NELSON: Okay. Thank you. Ms. Batties,
22 one question for you. Can you provide me a date or do you know
23 when you were given information as to when the Arboretum
24 Neighborhood Association voted in support of this proposal?

25 MS. BATTIES: I was told -- I was not at the meeting,

1 first of all, so I was told that that vote was -- took place back
2 in June -- sorry -- June 11th; is that correct? I'm sorry. I
3 wasn't part of every community meeting, so that's why I'm looking
4 to the other members of the team.

5 CHAIRMAN HOOD: So if you get that date -- if you get
6 that date later, that's one we'll put in the parking lot, but if
7 you get that date later --

8 MS. BATTIES: Okay.

9 CHAIRMAN HOOD: -- you can give him that, okay, at that
10 time. All right. Commissioner, let's go back to the question.

11 COMMISSIONER NELSON: Thank you, Chairman.

12 CHAIRMAN HOOD: That's it?

13 COMMISSIONER NELSON: That's it.

14 CHAIRMAN HOOD: Okay. Commissioner Rhodes. I'm sorry.
15 Commissioner Rhodes.

16 MS. BATTIES: Mr. -- I'm sorry, sir. Go ahead.

17 CHAIRMAN HOOD: I'm sorry. Hold on. Hold on. Ms.
18 Batties.

19 MS. BATTIES: Yeah. Commissioner Nelson, you had asked
20 me the question about the parking being secured, The site plan
21 does show gates to secure the parking areas that are there if --
22 they're already on the plan, but if that is a desire of the
23 community, they will certainly keep them on the plan and have
24 that as a condition of the approval, should the application be
25 approved.

1 COMMISSIONER NELSON: Yeah. All right. Thank you.

2 CHAIRMAN HOOD: All right. Commissioner Rhodes, any
3 questions of the Office of Planning?

4 COMMISSIONER RHODES: Yes. Thank you, Chairman Hood.
5 Office of Planning, thanks for your presentation. I have a
6 question about the buffer. I keep hearing the buffering and
7 landscaping. What is the buffering? What is that consistent of?

8 MS. MYERS: Yeah, there's a landscape strip. I'm just
9 trying to get back to that. There is a -- there is a landscape
10 strip that allows for a certain level of buffering on the site
11 when it comes to impacts with the community. And there's also,
12 as I mentioned, street trees being provided on the site. The
13 site's also -- or the building is, I guess, considerably away
14 from residential properties as well. And I'd have to look into
15 it further to give you more specifics, but that's just off the
16 top of my head, some of the points.

17 COMMISSIONER RHODES: I'm sorry. I was asking, what
18 is the buffer? Is the buffer trees or is it walls or what?
19 Because landscaping would be the trees, the grass, and bushes,
20 and plants, right?

21 MS. MYERS: Yes.

22 COMMISSIONER RHODES: So what is the buffering?
23 Because you said buffering and landscaping, as if they were two
24 separate things, so what would be the buffering, and what is
25 it -- what does it consist of and what is it for?

1 MS. MYERS: Landscaping serves as buffering, so some
2 of the plantings, but -- so the different -- like, I believe it
3 was -- I'm trying to think -- low plantings I think was the
4 terminology used in the application, and I'd have to dig a little
5 deeper to give the specific types of plants, but that was some
6 of the landscaping that was provided, and, obviously, the street
7 trees I mentioned earlier.

8 COMMISSIONER RHODES: Okay. What about the PDR Land
9 Use Study applying to implementing mixed-category areas; can
10 you -- can you speak on that?

11 MS. MYERS: Sorry. You're asking about the PDR study
12 and the mix of land uses?

13 COMMISSIONER RHODES: The mixed-category areas, yes.

14 MS. MYERS: Well the mixed land uses is on the Future --
15 is related to the Future Land Use Map, and that's what we were
16 talking about with residential and high-density -- high-density
17 residential, I believe it was commercial and PDR, and so those
18 mixes and the recommendation that mixed uses or like we were
19 talking earlier, it could be a single use; one of those uses
20 could be on the -- on the property. On the upper end would be
21 the high-density; on the lower end, it would be moderate or
22 medium-density, but a mix of uses, so it's not -- it's pretty
23 much giving options for what could be there. And, in this case,
24 what is proposed is a predominantly PDR use.

25 COMMISSIONER RHODES: And for the DC 2050, I mean, the

1 Office of Planning is rallying up ANCs, the community, to weigh
2 in on this document -- this very important document about
3 planning our communities. Is this project, with what's going on
4 now with zoning and all the different plans, will it still be
5 the same in the new DC 2050 Comp Plan document, or -- you know,
6 I'm just wondering, is it getting -- are all the changes going
7 to be implemented in the DC 2050 or will the applicant have to
8 come back to zoning because things have changed in the new
9 document, if you understand what I'm saying?

10 MS. MYERS: Well, the DC 2050 Comp Plan effort is
11 ongoing, so I don't know what the recommendations will be for the
12 site, but, if this project is approved, the requested new zone
13 to PDR-1 would go with the life of the project, so while this --
14 as long as the project is built, this zone would be in place,
15 but once this -- if the project goes away, it goes back to the
16 existing zoning on the property, which is MU-5B, so that will
17 always be underneath this new zone being requested. And the
18 changes that may occur due to the new Comprehensive Plan effort
19 would be related to something perhaps in the future, after this
20 project is no longer there, but this project would be -- would
21 have this zone and would be allowed as long as they build
22 according to the PUD project proposal today.

23 COMMISSIONER RHODES: Thank you. Thank you, Chairman
24 Hood.

25 CHAIRMAN HOOD: Okay. Thank you. I think now we're

1 ready for Commissioner Nelson. Let's go back to Commissioner
2 Nelson, and this is the party -- and he's a party in opposition,
3 but the ANC -- this is an affected ANC. Now, Commissioner Rhodes,
4 I'm going to come to you after we get through those in support --
5 organizations in support and individuals in support, because you
6 are -- you are an ANC party. So Commissioner Nelson.

7 COMMISSIONER NELSON: Yes. Again, thank you very, very
8 much. Again, it's an honor to be here, Chairman and Commissioners
9 of the Office of Zoning. Thank you for your time. The community
10 that I represent, my SMD 5C04, which includes Montana Triangle,
11 has never been in opposition to having mixed-use development at
12 this 16 acres of land off of New York Avenue. We want
13 development, but we also want something that benefits the
14 community, including the Metropolitan Police Department Fifth
15 District headquarters.

16 The community that is today that is supporting -- that
17 is in opposition to this applicant is the same community that was
18 around in 2024, the same community that was around in 2020. The
19 neighborhood is very, very small. There hasn't been much change,
20 in terms of people moving in and out of the neighborhood. So
21 those folks that some think supported this a year ago, they did
22 not. You know, I can tell you that there was no vote from the
23 Civic Association in support of this application.

24 With that being said, for many, many years, this land
25 has gone undeveloped, and we want to see something there that is

1 mutually beneficial for the community, as well as for the
2 developer that builds something there that we all would like to
3 see. We want to see them be profitable. As far as community
4 engagement, which has come up, and we are not wanting to overturn
5 anything that was prior to my time as Commissioner, or what have
6 you, but the engagement that took place prior to my time as
7 Commissioner on 5C was very, very, very limited. Hence, why the
8 Office of Zoning received about 70 letters from members of
9 5C -- 70 letters of opposition from members of the community.
10 Again, that's because there was not the kind of engagement that
11 is taking place today, right now in this hearing.

12 So the community feels like this proposal is what has
13 been said, a warehouse, a very, very, very large warehouse, a
14 warehouse in which, when we asked in the past, "What will this
15 warehouse be used for?", the response has been somewhat evasive
16 or coy, at best. We don't know what this warehouse will be used
17 for. We've heard things like, "Look at Ivy City, where they have
18 Compass Coffee and Gravitass." But that site is very, very small
19 by comparison to the acreage that's over here at Montana Triangle.
20 Not only that, you know, if this proposal -- this applicant were
21 to get approval, okay, we have great fear that it will hinder
22 any further development on Montana Triangle.

23 Okay. We're looking at five acres just for the
24 warehouse, a total of about eleven acres for the whole
25 development. That really does not leave much space at all for

1 any kind of mixed-use development, especially housing. We all
2 know that the Mayor, herself, Muriel Bowser, and many members of
3 the city -- DC Council have called for more affordable housing
4 in the city. For years we've heard, okay, we need more housing,
5 we need more housing, but this is a great opportunity to have
6 more housing -- affordable housing in a part of the city that has
7 for decades been overrun with industrial properties.

8 You saw the map that was displayed in the presentation
9 by the applicant, particularly slides number 27 and 28. You can
10 see that along New York Avenue, the purple that was displayed,
11 it was all industrial. We're overwhelmed with the amount of
12 industrial space that is in our neighborhoods.

13 And so, with that, another reason why we are opposed
14 to this, the parking -- I wonder if the applicant is aware that
15 if they have a parking spot with about 180 -- for 180 cars, are
16 they aware that just across the street from this property we have
17 a number of nightclubs and bars; Echo Stage, Power Lounge, Aqua.
18 Okay. We already have issues with people parking their vehicles,
19 particularly in the summer and the weekends, just anywhere on the
20 streets in the neighborhood and walking across New York Avenue
21 to get to these clubs.

22 Our concern and fear is that these young people, who
23 do not know the area very well, will park their vehicles in this
24 parking spot -- in these parking spaces, okay, that we do not
25 know will be secured or not, walk across New York Avenue on a

1 busy Friday or Saturday night, putting themselves in danger and
2 then going to these clubs and then walking back to their vehicles
3 at night. It's not safe for those people who come visit the
4 neighborhood, and we don't like the fact that we don't know if
5 there will be any security regarding this.

6 And, finally, there was much talk about the
7 Comprehensive Plan. Okay. We do understand that the
8 Comprehensive Plan calls for this and calls for that. However,
9 the city is currently working on the Comprehensive Plan for 2050.
10 Okay. So there's still opportunity for us to, as was mentioned
11 before, come up with a different type of zoning for this
12 particular part of New York Avenue, and that's part of what we
13 want. We have offered resolutions to the Office of Planning as
14 to how we can work and compromise with the applicant on what
15 would be mutually beneficial for both parties. So, with that
16 being said, I will yield the rest of my time, and, if anyone has
17 any questions, I'm here to answer. And thank you again, Mr.
18 Chairman for your time.

19 CHAIRMAN HOOD: Thank you, Commissioner Nelson, for all
20 the work that you've put into this during your tenure. We
21 appreciate everything that you've said, and I'm sure that the
22 applicant has heard, and as well as the Office of Planning. And
23 I will tell you that we have -- even on the Commission -- you
24 mentioned the Comp Plan -- we have a lot of expertise on this
25 Commission, so some of the stuff you're talking about, we've been

1 | there, done that, know all about it, so I get it; we get it. So
2 | I just want -- I'm not going to into all the details, because
3 | that'll be another 20 minutes talking about everybody's
4 | credentials, so I'll just leave it at that. So let me ask
5 | Commissioner Wright, do you have any questions of Commissioner
6 | Nelson?

7 | COMMISSIONER WRIGHT: My only question is, you,
8 | essentially, at the very end of your statement, said that you
9 | have made some proposals to the Office of Planning about
10 | what -- you know, what a -- what some solutions might be.
11 | Could you talk about that in more detail?

12 | COMMISSIONER NELSON: Certainly. So, basically, we
13 | offered that perhaps an MU-10 might be a better path to go down,
14 | where we could still probably get some high-density mixed use,
15 | along with some light industrial.

16 | COMMISSIONER WRIGHT: So I'm not an expert on the
17 | different zones. An MU-10 would allow some of the light
18 | industrial uses that we've been talking about, like a -- you
19 | know, a coffee warehouse or something like that?

20 | COMMISSIONER NELSON: It would, and it also -- and,
21 | again, I'm not an expert either. Again, this is -- was part of
22 | my research, and it has, you know -- I mean, I've only been a
23 | Commissioner for, what, ten months, although I've been very
24 | active in the community for 20 years in DC, so forgive me for
25 | not having the full verbiage -- the full language to express

1 myself on that, but from the little research that I've been able
2 to comprehend, it does seem like that it might be something that's
3 mutually beneficial -- mutually beneficial for the community, as
4 well as for the applicant.

5 COMMISSIONER WRIGHT: Okay. That's great to know.
6 Thank you.

7 COMMISSIONER NELSON: Thank you.

8 CHAIRMAN HOOD: Okay. Vice Chair Miller, any
9 questions?

10 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
11 you, Commissioner Nelson, for your testimony here today, the
12 submissions into the record from your ANC, and all of your work
13 in the community. I have no -- I have no questions at this time.
14 Thank you.

15 COMMISSIONER NELSON: Thank you.

16 CHAIRMAN HOOD: I don't -- I, too, don't have any
17 questions, but I will say, you were mentioning about support and
18 the ground swell. You know, Ward 5 in the city is small. When
19 you put stuff on Nextdoor or Facebook, and then people were
20 calling me, and I have to deflect all that. In this case here --
21 we do cases all over the city, and I have to deflect it, because
22 their information is not out there with the actual -- what's
23 actually going on and a full understanding, and people are asking
24 me to call, and Ms. Schellin will tell you, call the Office of
25 Zoning. I don't talk about cases outside the hearing room.

1 So I just wanted to comment on your point about all the
2 people that wrote the letters. A lot of them have reached out.
3 I don't talk to them. I send them elsewhere. But when you give
4 out information, for what -- I've said this before, and I'm not --
5 and I appreciate how you cross-examined. I think you've done
6 your homework. But when we give -- I'm not saying you, but in
7 general -- I'm speaking to everybody. In this city -- and my
8 colleagues have heard me say this -- wrong information gets out
9 much quicker than the correct information, and then that's a
10 problem.

11 And I have been facing it on this case, and we have
12 many cases. I have deflected this many times, because people
13 were asking me -- I don't want to be bothered -- what is this;
14 what are y'all doing? I get that all the time. That's part of
15 the territory. So I would ask that we make sure, before we start
16 putting stuff out, that we put the correct information out,
17 because I can tell you, it's -- it becomes burdensome when we
18 have so many other cases that we have to deal with, even though
19 I can handle it -- we can handle it. But I just think, you know,
20 make sure that we have all the information so we can help educate
21 the residents who don't do zoning all the time correctly. And
22 I'll just leave it at that.

23 But I will say, Commissioner Nelson, I think you've
24 done a good job, especially cross-examining. I can tell you've
25 done your work, and I believe that the -- regardless of what we

1 do, I believe that the applicant has heard you, especially with
2 the parking issue and especially with the clubs over there.
3 That's real. We lived it. Been dealing with them clubs for
4 years, so that -- you all -- you all -- it's real to you. It's --
5 you're impacted, so I get it. I get it, and I'm hoping that the
6 applicant will understand. But I will tell you this. We're
7 operating up under the Comp Plan that we have in front of us.
8 You made some changes -- you all are making some changes, and
9 I -- and Rob probably -- Commissioner Miller probably knows this
10 better than I do. I'm not sure when the next Comp Plan is even
11 due, but we have to make sure that we're predictable and we have
12 to operate with what's in front of us at the time. So, anyway,
13 that's enough -- that's enough on my soap box. I'm going to
14 leave that right there where it is. Let me ask Commissioner
15 Rhodes, did you have any cross-examination of -- no, I'm sorry.
16 Does the applicant have any cross of Commissioner Nelson?

17 MS. BATTIES: No, we don't.

18 CHAIRMAN HOOD: Okay. Commissioner Rhodes, do you have
19 any cross of Commissioner Nelson?

20 COMMISSIONER RHODES: I don't.

21 CHAIRMAN HOOD: Okay. All right. Commissioner Nelson,
22 thank you and the 5C ANC for all the work that you all do. And
23 don't go nowhere, because you're still involved in this process.

24 COMMISSIONER NELSON: Yeah. Thank you.

25 CHAIRMAN HOOD: All right. Thank you. Ms. Schellin,

1 do we have any organizations or persons who here in support?

2 MS. SCHELLIN: Yes, sir.

3 CHAIRMAN HOOD: Okay. Let's bring them up, and then
4 we'll go to the party in opposition. So, Ms. Rhodes, be on
5 standby. We'll be coming to you shortly.

6 COMMISSIONER RHODES: (Indicates thumbs up.)

7 MS. SCHELLIN: Okay. So we have -- okay. In support,
8 we have Mark Francisignacio. And then moving to page two, we
9 have in support -- let's move to page three, I have Kathy
10 Henderson, Jacqueline Manning, and Marsha Lee.

11 CHAIRMAN HOOD: Let's bring everybody up, and --

12 MS. SCHELLIN: And that's the -- that's the end of the
13 proponent list, Chairman Hood.

14 CHAIRMAN HOOD: Okay. Now, everybody gets three
15 minutes?

16 MS. SCHELLIN: Kathy Henderson is representing 5D Court
17 Watch.

18 CHAIRMAN HOOD: Okay. So the organization; that's five
19 minutes. Okay. But just make sure that we keep that in tune.
20 Now, who did you call first?

21 MS. SCHELLIN: The first one was Mark Francisignacio
22 from --

23 MR. YOUNG: I only had two of those names on that you
24 called.

25 MS. SCHELLIN: Which two did you have?

1 MR. YOUNG: I had Kathy Henderson and Jacque (phonetic)
2 Manning.
3 MS. SCHELLIN: Jacqueline Manning?
4 MR. YOUNG: Yes.
5 MS. SCHELLIN: So, yes, just the two then.
6 CHAIRMAN HOOD: So let's go with Commissioner Henderson
7 first --
8 MS. SCHELLIN: Yes.
9 CHAIRMAN HOOD: -- and then we'll go to Jacqueline
10 Manning. Commissioner Henderson, you're on mute.
11 (No response.)
12 CHAIRMAN HOOD: All right. Let's go to Ms. Manning.
13 MS. MANNING: Hello. Can you hear me?
14 CHAIRMAN HOOD: Yes, we can hear you.
15 MS. MANNING: Can you see me?
16 CHAIRMAN HOOD: Yes, we can see you.
17 MS. MANNING: All right. Good evening, everyone. It's
18 been a minute. Good evening to the DC Zoning Commission, Chairman
19 Hood and the other Commissioners. My name is Jacqueline Manning.
20 CHAIRMAN HOOD: Hold on one second. Hold on one second.
21 Ms. Henderson, if you can go back on mute.
22 MS. HENDERSON: Can you see me as well? You should be
23 able to see me. I was told my Ms. Ackerman that you would
24 activate my camera when it was my time to speak.
25 CHAIRMAN HOOD: Is that true, Mr. Young?

1 MS. SCHELLIN: No. She has to do that herself.

2 CHAIRMAN HOOD: Okay. So let me do this, because
3 obviously, Commissioner Henderson may be having some problems.
4 Ms. Manning, hold tight please and let's deal -- because it's
5 getting an echo. So if you can go back on mute. I'm going to
6 go on mute. Commissioner Henderson, you can go ahead.

7 MS. HENDERSON: Okay. My camera is activated now. Can
8 you hear me and see me?

9 CHAIRMAN HOOD: Yes, we can.

10 MS. HENDERSON: Good evening, Chairman Hood,
11 Commissioner Wright, Commissioner Miller. I am Kathy Henderson.
12 I've the ANC for 11 terms, so that's a total (indiscernible) ANC
13 5D. I have served as a Trustee on the Committee of 100, on the
14 Federal City Council, and I am the creator of 5D Court Watch.
15 And I thought it was important to testify on behalf of 5D Court
16 Watch in the event that this matter goes to the Court, and we
17 have opined on matters that affect Ward 5 in the Court.

18 So let me just start by saying that Douglas
19 Development -- Douglas Development Corporation has been an
20 excellent development partner for our city and that we can count
21 on. All of their projects represent excellent design principles
22 and consideration for the context of our nation's capitol, and
23 they have an exceptional record of community engagement.

24 I am very proud to let this body know that I was part
25 of the DC Historic Preservation Review Board when we designated

1 Ivy City as historic. And when Douglas Development came in and
2 ushered in a new revitalized economic development plan that we
3 could all be proud of, it was an exciting day for our community.
4 We were very sad that T.J. Maxx was impacted by the Defund the
5 Police initiative that pretty much hurt our city and COVID. They
6 are continuing to operate downtown on 13th Street. We look
7 forward to them coming back to that site. It was a sad day when
8 we lost Ulta. It was a sad day when we lost Nike. I'm glad Nike
9 has found a new home on 8th Street, but all of those uses in Ivy
10 City were exciting, and they -- they just -- they breathed life
11 into our city in a way that not only impacted the people who live
12 in Ivy City and the rest of us, but everyone who lives in our
13 city.

14 So I just want to also take the time to reference the
15 general provisions of the Zoning Commission, Chapter 11,
16 Subsection J-100. -- Title 11 -- I'm sorry Title 11, Subtitle J-
17 100.1, the general provisions of the PDR zone, and I'm reading
18 it verbatim, "Heavy commercial and light manufacturing activities
19 employing large numbers of people and requiring some heavy
20 machinery under controls that minimizes any adverse effect on
21 other nearby, more restrictive zones." And then I'm going to
22 "C", "Allow compatible office and retail uses and development."
23 And we need to keep those in mind. We're talking about extensive
24 employment opportunities, and we're talking a new development
25 opportunity for this corridor that is, frankly, laying shallow

1 for over two decades, and that must come to an end, and we have
2 an opportunity here. I've heard all of the testimony from the
3 Office of Zoning -- I mean, from the Office of Planning, DDOT,
4 the applicant's own statements. I associate myself with those
5 comments. There's been a detailed analysis of this project, and
6 it makes sense. It makes sense. That's what Douglas Development
7 does. They're one of my favorite developers in this city, because
8 they have consistently delivered quality projects that we can all
9 benefit from, and we need to allow them to work their magic on
10 this site, given the economic constraints that we've been
11 existing under.

12 I have walked this -- the site's corridor. I walk
13 regularly down Bladensburg Road, Montana. I walk to Home Depot.
14 And the improvements that are offered by the applicant are
15 certainly welcome, and I think it would include the viability of
16 not only their business activities, but experience and my
17 neighbors' experience as pedestrians, and, overall, it would be
18 an asset to the city.

19 Let's see. In closing, I support this project a hundred
20 percent. I appreciate everyone for taking the time to do their
21 due diligence, to weigh in, but, at the end of the day, let
22 Douglas Development do what they are famous for doing; they
23 delivered quality projects that have benefitted our city, and
24 they have a right to develop this project in a way that allows
25 them to continue to be economically viable, while giving us

1 another quality project. And, with that, I end, and I thank you

2 CHAIRMAN HOOD: Okay. Thank you. Hold tight. We may
3 have some questions for you.

4 MS. HENDERSON: Sure.

5 CHAIRMAN HOOD: Ms. Manning.

6 MS. MANNING: Oh, you're calling me? Good evening.
7 I'm Jacqueline Manning, the former ANC Chair of 5C04, the former
8 Chair of ANC 5B and ANC 5C. I just want to give a good background
9 on that, as to what most people have said about the quality work
10 that Douglas Development does and has continued to do, but let's
11 get some history in 2.49 minutes.

12 So let's look at the community, itself, and where we
13 are today, and a lot of things is lying dormant. But also with
14 the various things that are coming and happen around -- and just
15 for a point of clarity, please note that Ward 5 has a moratorium
16 on storage centers. Any type of facilities, we're not accepting
17 any more. At-large Councilmember McDuffie put that in place.

18 Secondly, you have hotels that are being used for --
19 some of them recently were used for temporary resident housing,
20 halfway housing. Some of them are trying to come back. As it
21 relates the clubs, Aqua is directly across the street from the
22 proposed project. Douglas came to us before, talking about the
23 project. We sent them back. Let me say -- let me be more clear.
24 I sent them back, because I said the project wasn't good enough.

25 We also had meetings at the Aboretum Recreation Center

1 for the Civic Association that does not have an official board.
2 We did that on several occasions with the Office of Planning.
3 Now, they could not vote, because they don't have a board, but
4 it went to the ANC while I was still in office, and we voted for,
5 with one exemption and one no, so it passed, and we passed it
6 with amenities. If there are -- I believe the challenge would
7 be, with my concern, as I said before, the parking. The numbers
8 need to come down. There's a lot of things that's going to
9 happen, because it's a proposed project, and there's going to be
10 different things that are going to be done on this lot, but by
11 the time the soil testing comes back, the project may not be as
12 large as it is. It is a flex building, which anything can come
13 into. And if you read the zoning law, what goes into flex, that
14 means that's not industrial, but a lot of our laws that are
15 written for zoning needs to change and be amended. Thank you
16 for this time.

17 CHAIRMAN HOOD: Thank you. We appreciate it, both of
18 you all's testimony. Let's see if we have any questions or
19 comments. Commissioner Wright.

20 COMMISSIONER WRIGHT: No. That was very helpful to
21 know that there is some sort of ban on self-storage units. I
22 did not know that that existed. And I appreciate the information
23 that both of you have provided. It's very, very helpful. Thank
24 you.

25 CHAIRMAN HOOD: Okay. And Vice Chair Miller.

1 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
2 you, Ms. Henderson and Ms. Manning, for your testimony here today.
3 It's good to see you, Ms. Henderson, as always. So I have no
4 questions. Thank you, Mr. Chairman.

5 MS. HENDERSON: The pleasure is mine. It's good to see
6 you too. Thank you. And please vote for this project. I think
7 it's great.

8 CHAIRMAN HOOD: Okay. Again, I, too, want to thank you
9 both. I know the work that you all have done in this city for
10 years, so I appreciate all the work that you all continue to do,
11 so thank you for coming down to provide us your insight on this.

12 MS. MANNING: Thank you.

13 CHAIRMAN HOOD: Let's see, Commissioner -- let me see.
14 Ms. Batties, do you have any cross of the two persons?

15 MS. BATTIES: No. I would like to thank them for their
16 time, and I also want to thank Ms. Manning for clarifying the
17 discussions with the Arboretum. Thank you.

18 CHAIRMAN HOOD: Okay. Commissioner Nelson, do you have
19 any questions of either of the two?

20 COMMISSIONER NELSON: No, sir, I do not. Thank you.

21 CHAIRMAN HOOD: Okay. And, Commissioner Rhodes, do you
22 have any questions?

23 COMMISSIONER RHODES: Yes, I have a couple of questions
24 for Kathy Henderson. In your testimony, you mentioned that Ivy
25 City was designated historic. Was the whole entire Ivy City

1 designated historic or just the Crummell and the Hecht Building?

2 MS. HENDERSON: Let -- you know what? That's a good
3 question. So I was on the Historic Preservation Review Board at
4 that time. We did designate Crummell. Ivy City, I think, is
5 already historic, so I'd have to go back and check, but it was
6 a -- the point in me bringing that up is that it was a proud day
7 for me to stand up for this important community, for that
8 important institution in our city, and I wanted that to be on
9 the record.

10 COMMISSIONER RHODES: And we appreciate it, because
11 this is the reason why we're fighting so hard against all these
12 industrial uses, because it'll have -- it'll negatively impact
13 our community. And -- but I appreciate it. That was my question
14 for you, Kathy Henderson. And Jacqueline Manning, I have a
15 question for you about the moratorium on the self-storages. We
16 weren't aware of that. Is there any kind of -- anything that we
17 can reference?

18 MS. MANNING: Yes, you can also call your at-large
19 Councilmember, Kenyan McDuffie's office. They will have that.
20 He wrote it when he was the Ward 5 Councilmember. Your current
21 Councilmember would not have a clue about that. So this
22 moratorium has taken place when they started building every --
23 from the one on New York Avenue and the one on Bladensburg Road
24 at Queens Chapel Road, that's when the ANC wrote him a resolution
25 no more storage, because they put that one at Queen -- at

1 Bladensburg Road and Queenstown Road (indiscernible) put one --
2 they put it at 4th Street and at Franklin Street. We counted
3 all the ones that were in Ward 5, so Councilmember McDuffie --
4 everyone needs to thank him for writing that moratorium, because
5 that's why we were trying to get the one that was on Montana
6 Avenue -- I mean, not Montana -- I'm sorry -- Mount Olivet Road
7 between Bladensburg and West Virginia Avenue. That was -- that
8 one -- that was the last one that came in, so --

9 MS. HENDERSON: Ms. Rhodes, if I could jump in there
10 again to add, this project -- the applicant's proposal of the
11 flexible PDR-1 space would also allow businesses like glass
12 blowing and a ceramics shop to open there. Those are the type
13 of businesses, you know, that our community is longing for. We
14 want to be treated equitably, like all the rest of the city. So
15 I think that, given the applicant's longstanding excellent track
16 record of delivering quality projects, that we have an
17 opportunity here that we can embrace and get behind and get the
18 types of things and amenities that other people in other
19 communities routinely enjoy as a matter of right. This is our
20 time. Let Douglas Development deliver for us. And let me add
21 this, so everybody will be clear about this project, because a
22 lot of people (indiscernible) --

23 CHAIRMAN HOOD: So hold tight, hold tight. Ms. Rhodes,
24 is your question -- has your question been answered? Because we
25 don't need anything additional, other than from your question.

1 COMMISSIONER RHODES: I -- no, I wanted to add -- I
2 wanted to add about the moratorium and McDuffie question, which
3 is --

4 CHAIRMAN HOOD: Okay. So ask your question, not -- I
5 don't need any additions. I just need you to --

6 COMMISSIONER RHODES: Thank you.

7 CHAIRMAN HOOD: If you have a question, ask it, and
8 then we'll go back and forth like that. Thank you.

9 COMMISSIONER RHODES: So when you engaged with McDuffie
10 about the moratorium on storage, he gave the ANC great weight and
11 said no to any more storage or was this the resolution?

12 MS. MANNING: We wrote the resolution. He put it in
13 the legislation. So you can contact his office and they can
14 verify it --

15 COMMISSIONER RHODES: Okay.

16 MS. MANNING: -- because we have not seen a storage
17 center built in this -- in Ward 5.

18 COMMISSIONER RHODES: Thank you.

19 CHAIRMAN HOOD: Is that is Ms. Rhodes -- Commissioner
20 Rhodes?

21 COMMISSIONER RHODES: Yes, that's it.

22 CHAIRMAN HOOD: All right. Thank you. I want to thank
23 you both for coming down and providing your testimony. Thank you
24 both.

25 COMMISSIONER NELSON: Mr. Chairman?

1 CHAIRMAN HOOD: Yes.

2 COMMISSIONER NELSON: I might have some additional
3 information regarding that moratorium.

4 CHAIRMAN HOOD: Coud you -- you and Commissioner Rhodes
5 can work that out offline on the moratorium. We want -- here's
6 the thing. Let me just say why I do this. As my legal counsel
7 and my colleagues know, if the Courts look at it and they say
8 Anthony Hood just talked about everything all over the city, and
9 we've had that, so I want to keep this file and this case
10 condensed to what's in front of us tonight. So if you have
11 additional information, I know you all all know each other, and
12 y'all can work offline or do as Jackie Manning said, call
13 Councilmember McDuffie's office. If you have that information
14 offline, Commissioner Nelson, you share that with Commissioner
15 Rhodes.

16 COMMISSIONER NELSON: Will do. Thank you very much.
17 My apologies.

18 CHAIRMAN HOOD: No problem. Thank you. All right.
19 Ms. Schellin, could you bring up -- oh, Ms. Rhodes is the only
20 party in opposition, correct?

21 MS. SCHELLIN: That is correct.

22 CHAIRMAN HOOD: Okay. All right. Ms. Rhodes, you may
23 begin.

24 COMMISSIONER RHODES: Thank you. First, I just want
25 to say that Ivy City 153 years old this year, and I'm glad that

1 we were able to be part of this process, because we are getting
2 polluted from a lot of the industrial land uses, whether it's
3 just a warehouse sitting still or big trucks driving through. We
4 are one of the highly-polluted communities, as I mentioned
5 earlier, in the District.

6 We worked on the Ivy City Small Area Plan, and we also
7 worked on the New York Avenue Vision Framework, and we did stress
8 that the warehouses that were on New York Avenue, we wanted to
9 see more job opportunities; we don't want to see industrial land
10 uses. We did want to see more housing and more job opportunities.
11 I'm not sure how a warehouse that the whole Ivy City can fit in
12 twice is going to keep our community healthy and keep it from
13 being polluted from all the emissions and possible toxins that
14 can come from whatever is going to be done there. I'm not sure
15 exactly what was said earlier, but just the warehouse isn't what
16 I'm anticipating on approving.

17 Per the Ivy City Small Area Plan, residents in Ivy City
18 will see a variety of improvements to their quality of life with
19 the implementation of sustainable DC 2.0. The Department of
20 Energy, in collaboration with community partners, have been
21 working to establish community resiliency hubs even along New
22 York Avenue corridor and including one that would be where the
23 National Engineering Products, that uses cancer-causing chemicals
24 with no air quality permit, is currently located.

25 Additionally, the Ivy City Small Area Plan states that

1 existing zoning guidelines for PDR use require physical and
2 visual buffers between new PDR buildings and neighboring
3 residential properties to reduce impact from emissions, noise,
4 smells, and visual disruptions. I have not -- as long as we've
5 been on this hearing, I haven't heard anything about a buffer
6 that will protect the Ivy City community from noises, smells,
7 or visual disruptions.

8 Also, let's see -- also, in the Ward 5 WORKS Plan of
9 20 -- that happened in 2014, which remains only partially
10 implemented, and it seems like a lot of times everybody that do
11 these documents -- all these agencies do all these documents,
12 they get -- we get the community involved, we get the ANCs
13 involved, and nothing that we suggest or want implemented gets
14 implemented. It's always the developers that has the upper hand.
15 And with these -- with the Ivy City Small Area Plan and the New
16 York Avenue Vision Framework, we specifically gathered and made
17 sure that the community was involved in the planning of these
18 documents and in the planning of our communities.

19 We do not want to see more warehouses. We do not want
20 to see high-density buildings. We do not want to see any kind
21 of industrial uses that's going to damage our community more than
22 what it's damaged now. We are monitoring our air. Our air, like
23 I said, is currently polluted. We're doing it ourselves, because
24 nobody sees the importance of Ivy City residents having healthy
25 air. Everybody talks about Dream Nightclub, the Ivy City

1 Smokehouse. Everybody is talking about all these different clubs
2 and party places and everything else, except for the residents
3 of this community. And, to that, I just want everybody to know
4 that there is a residential part of Ivy City community that's
5 going to be impacted by any of this planning on New York Avenue,
6 any of it. And, as we know, Ward 5 bears the brunt of all of
7 the industrial uses; the PDRs, the PUDs, the clubs, everything
8 is in Ward 5.

9 How do we stop this? How do we -- how do we protect
10 the residents of Brentwood and Ivy City and the future residents
11 of New York Avenue against all of this? This is what matters.
12 We understand, you know, about Douglas building what he builds.
13 I'm not taking that from him. What I'm saying is, we get -- we
14 get -- businesses come and go in Ivy City. Businesses come and
15 go. We don't know why they leave. They tell us it's not safe
16 or whatever. You come in Ivy City because you look at cheap
17 land, you look at a space to set up shop and do business, you
18 disrupt the neighborhood; and then we have to deal with them
19 coming in, turning the community into a party zone, and then
20 leaving. And this is what we're dealing with all of the time,
21 and we have to argue and fight not only against the developers,
22 but against the city agencies. So I just want to know, am I
23 allowed to put my -- I did not submit my written testimony. I
24 want to make sure that I'm able to submit my written testimony
25 at some point. I don't know if there was cutoff time before this

1 hearing, but I -- you know, I just want to just emphasize, there
2 are people that's living in these communities that's impacted by
3 all these decisions, and I did not hear anything about that. So
4 I really appreciate you all giving me this opportunity to testify,
5 and thanks.

6 CHAIRMAN HOOD: Thank you, Commissioner Rhodes. I'll
7 tell you, if you didn't hear anything about it, it's not that it
8 hasn't been discussed in this area previously. I know some years
9 ago that this conversation was discussed, but even more than
10 that, that's why you're here. If you didn't hear it, you brought
11 it up, so now we've all heard it. That's important. That's why
12 it's important to stay engaged and participate just like you are
13 and don't wait for stuff to be printed. And I think you all are
14 already on top of some things, but get involved when these
15 decisions are being made. Go to those meetings and sit at the
16 table.

17 I heard somebody mention that we need to change the
18 zoning laws. I forgot who said that, but we just did that. It
19 took us nine years, and we just did that. And when we had the
20 meeting in the community to get input on the zoning laws, there
21 were five people in the auditorium, including my colleagues,
22 five. So, you know, we got to -- we all got to do our part, so
23 keep doing what you're doing; make sure you're at the table,
24 which I think you are. I'm pretty sure you are -- you and others.
25 So, anyway, that's all I have to say. Thank you for your

1 testimony. Let me hear what others might have to say.
2 Commissioner Wright.

3 COMMISSIONER WRIGHT: I don't have any questions. I
4 thank you for your testimony and for hanging until nine o'clock
5 tonight with us. Thank you.

6 CHAIRMAN HOOD: And Vice Chair Miller.

7 VICE CHAIR MILLER: Thank you, Mr. Chairman. I echo
8 the comments of my colleagues in thanking Commissioner Rhodes.
9 And, Mr. Chairman, if Commissioner Rhodes' written testimony was
10 submitted too late, I would suggest that we waive whatever
11 deadline there was and we have that in the record, if we don't
12 already have it there, so --

13 CHAIRMAN HOOD: She asked -- Ms. Schellin, let's make
14 sure that we take that in the record from Commissioner Rhodes,
15 her testimony -- only her testimony so far, so yeah, she asked
16 for it. All right. We will take care of that. Let's see, Ms.
17 Batties, do you have any cross for Ms. Rhodes -- Commissioner
18 Rhodes?

19 MS. BATTIES: No, I don't. Thank you for your time.

20 CHAIRMAN HOOD: And, Commissioner Neson, you have any
21 cross for Ms. Rhodes?

22 COMMISSIONER NELSON: No, Chairman, I do not.

23 CHAIRMAN HOOD: Okay. But, Commissioner Rhodes,
24 Commissioner Nelson is going to follow up with you on the storage
25 room issue, because he has the information. Okay?

1 COMMISSIONER RHODES: Yes. Thank you.

2 CHAIRMAN HOOD: Thank you. All right. Ms. Schellin,
3 do we have those in opposition and undeclared?

4 MS. SCHELLIN: Yes, sir.

5 CHAIRMAN HOOD: Let's -- how many do we have? Can we
6 bring them all up?

7 MS. SCHELLIN: We might be able to. I will start the
8 list, and Mr. Young can tell me when he's got -- what do you want
9 to start with; four, five?

10 CHAIRMAN HOOD: Let's start with five.

11 MS. SCHELLIN: Start with five. Okay. We might --

12 VICE CHAIR MILLER: We're in Ward 5, so that --

13 MS. SCHELLIN: Let's see, we've got Charquinta McCray;
14 Bianca Forde, and that's F-O-R-D-E; VJ Kapur -- and I'm sorry
15 if I'm mispronouncing these names -- John Healey, Konyka Dunson.
16 I think that was five.

17 MR. YOUNG: I'm missing one of them, so I only have
18 four. We need one more.

19 MS. SCHELLIN: Okay. Tequia Hicks Delgado.

20 MR. YOUNG: Yeah, she's on, so that's five.

21 MS. SCHELLIN: Okay. Great.

22 CHAIRMAN HOOD: All right. Thank you. Let's start
23 with Ms. McCray -- Char McCray I believe.

24 MS. SCHELLIN: Chairman Hood?

25 CHAIRMAN HOOD: Yes.

1 MS. SCHELLIN: That is the end. I'm sorry. I was just
2 looking at the next page, and just to let you know, that is --

3 CHAIRMAN HOOD: So that's everybody.

4 MS. SCHELLIN: That is everybody, yes, sir. I just
5 looked at the last page, and we've covered them all, just to let
6 you know.

7 CHAIRMAN HOOD: We will end with this group. I'm going
8 to ask the applicant to get ready for any rebuttal, and we'll go
9 from there. So let's go to Char McCray first.

10 COMMISSIONER MCCRAY: All right. I'm just confirming
11 that you all can hear me.

12 CHAIRMAN HOOD: Yes, we can hear you.

13 COMMISSIONER MCCRAY: All right. Good evening. Good
14 evening. I want to thank you all and for the opportunity to
15 provide testimony to the Zoning Commission just in regards to
16 this case. And just let me know at any point if you all can't
17 hear me. My name is Charquinta McCray. I go by "Char". I am
18 the current Commissioner for ANC 5D06, for Trinidad/Carver-
19 Langston, and I am here to express my opposition to the proposed
20 rezoning of the New York Avenue proposed Montana Triangle
21 project.

22 From a few different perspective is what I'm going to
23 approach this from. So what I'll start with is from a
24 transportation standpoint. The proposed increase in traffic and
25 vehicle activity is not really compatible with the existing

1 neighborhood conditions. My area is a little bit further down,
2 but the cut-through traffic from Bladensburg Road Northeast and
3 17th Street Northeast is already a challenge, and that cut-
4 through traffic, from a DDOT perspective, is not conducive to
5 additional truck or freight traffic. That cut-through traffic
6 we see all the time, and, granted this is right off of 50, you
7 still will see that increase in the traffic. Those volumes will
8 increase those strains in the area just across and around, but
9 also those fumes and the environmental harms that are caused due
10 to that increase in that traffic.

11 And while the applicant has kind of a laundry list of
12 things they may, quote-unquote, do, the potential design
13 improvements or hypothetical community benefits, there's still
14 no clear commitment, enforceable agreements, or accountability
15 mechanisms attached to these claims. A lot of what we see from
16 the Ivy City area, with some of the failed projects over there,
17 while this is not the same, it is so close, and we've seen too
18 many failed projects. And, due to that, aspirational promises
19 are not a substitute for a clear binding plan that benefits the
20 surrounding community. It's more of a blank check for development
21 with no actual enforcement mechanisms.

22 Mixed-use spaces present the opportunity to create
23 additional blue-collar jobs -- HVAC, electrical, plumbing -- and
24 when it comes to these things, employment opportunities are
25 created already within the existing infrastructure. So one of

1 the questions I want to leave you all with, particularly to the
2 Office of Planning, is why is PDR-1 aligned with the mix of FLUM
3 categories, but MU-5B, which has many overlapping uses, is not?
4 I just want to urge the Commission to stand against this, when
5 there are many questions that still are yet to be answered. Thank
6 you.

7 CHAIRMAN HOOD: Okay. Thank you. Let's go to -- let's
8 see, everybody's moving around my screen. Okay. Let's go to
9 Bianca Forde, F-O-R-D-E.

10 MS. FORDE: Good afternoon, everyone. Good evening.
11 Thank you all for the opportunity. I want to make sure you can
12 hear me okay. Can you all hear me?

13 CHAIRMAN HOOD: Yes, we can.

14 MS. FORDE: Okay. Wonderful. So I actually did submit
15 written testimony, and I'm largely going to defer to that for the
16 record. I will just supplement that a bit, because I did learn
17 quite a bit, listening in for the last couple hours. So one
18 thing I do want to mention is the traffic impact. It often takes
19 20 minutes to just drive less than, you know, a good quarter-
20 mile, coming through that corridor when I pick my son up from
21 school. It's extremely inconvenient to think that we would now
22 have an additional layer of traffic and congestion as a result
23 of the warehouse traffic that is being proposed here.

24 And the other part of it, as I've listened to this
25 hearing, the applicant has presented a beautiful visual, but, as

1 one of the Commissioners noted, these examples are appealing,
2 like exercise facilities, for instance, but I hear a reference
3 to 19 truck ports, which raises some concerns. It sounds as
4 though, as the person who spoke before me mentioned, there's a
5 lot of suggestions, but not a lot of commitment or clarity and
6 no predictability. So that part of it is concerning to me.

7 I will quote just a bit from my letter. "My son will
8 turn three this year, and when I walk him down Montana Avenue, I
9 imagine a future where he can visit a local café, play in a green
10 space, or walk safely to a nearby shop, not a space defined by
11 diesel trucks, suffocating exhaust fumes, and warehouse traffic."
12 So the request before you is not simply an administrative change
13 for my family; it would fundamentally alter the nature of our
14 community." So I ask the Commission to really think about what's
15 being asked here, to see through the lines, right -- read through
16 the lines of what's actually being said, and really hold the
17 developer and the applicant here accountable to the community,
18 to the safety of our community, to the -- to the aesthetic, you
19 know, the beautification of our community, because what's being
20 proposed here, the lack of commitment to, you know, an actual
21 plan is really concerning. Thank you for your time.

22 CHAIRMAN HOOD: Thank you. Let's go to Commissioner
23 Dunson.

24 COMMISSIONER DUNSON: Okay. You can hear me?

25 CHAIRMAN HOOD: Yes, we can. Yes, we can hear you.

1 COMMISSIONER DUNSON: Hi. I'm going to cite a portion
2 of what I wrote -- put into the formal record, because primarily
3 the concern is the lack of specificity of what this building will
4 be. I am Konyka Dunson. I'm the Commissioner for 5C01, and I
5 have a serious concern about this change. Echoing many of my
6 Fort Lincoln neighbors regarding the proposed zoning change,
7 changing a significant portion and imposing a 180,000-plus square
8 foot building the entire stretch between New York Avenue, a single
9 building, which they keep referring to as a single tenant, which
10 raises some serious concerns of what will be there. It strains
11 my question to think that a developer would build a massive
12 project of this case for a single tenant, as they keep referring
13 "a tenant", without a plan of what it will be.

14 Along New York Avenue, which we can consider the
15 gateway to Washington, DC, residents have longed for, and our
16 Comprehensive Plan, amenity-rich development. Instead, with this
17 zoning change, it now looks like the plan is to go to a hundred
18 percent industrial use. The major concern I have heard, "What
19 will be in the building?". I've heard again, I want to echo, "a
20 tenant", not tenants, not a makerspace, as someone referred to,
21 not a place where you'll have multiple places where people can
22 run food hubs or commercial spaces; they keep saying, "a tenant",
23 "a tenant", which means one. 186,000 square feet for one
24 building. That is a plan. You don't build without a plan. You
25 don't build without a buyer. What will be in the building? A

1 | serious concern, because you already have overlapping uses from
2 | the MU designation to the PDR-1. Why the change? Will it be a
3 | data center? Without specificity, people are seriously concerned
4 | of why the change and what will be in the building. Is there a
5 | plan for a massive data center? This does not offer community
6 | access.

7 | As Commissioner Wright has indicated in her questioning
8 | earlier, there's not this pedestrian space coming in for retail.
9 | Even if there is a Compass Coffee, for example, you don't see
10 | that there. You keep hearing "a single tenant". The plan, as
11 | proposed, is allowing a single tenant in this massive space that
12 | offers very little, if any, community access, retail or
13 | entrepreneurial benefit.

14 | With this potential zoning change, the precedent will
15 | be set. The entire vision for mixed-use development in Montana
16 | Triangle will be lost, and the remaining acreage could be rezoned
17 | for industrial purposes. Considering the massive outreach of the
18 | Office of Planning for community engagement in the past and now
19 | for the DC 2050 Plan, I have to seriously ask, as they were part
20 | of the call earlier today --

21 | MS. SCHELLIN: Times up.

22 | COMMISSIONER DUNSON: -- what is the real purpose of
23 | engaging residents in a plan for the city? Is it just to offer
24 | performative input, as all city planners, as I, myself, with a
25 | doctorate, understand, or does it really offer a plan that

1 residents can believe in and invest in, as they buy homes and
2 build their lives in Washington, DC, and we vote on -- we vote
3 and we participate in these civic processes? I urge the Zoning
4 Commission --

5 CHAIRMAN HOOD: Give us your closing thought please.
6 Give us your closing thought.

7 COMMISSIONER DUNSON: How much time do I have for my
8 closing thought?

9 CHAIRMAN HOOD: Your time's been up, but I'm being
10 fair. Go ahead.

11 MS. DUNSON: Okay. I urge you to consider this, to
12 look at the full ramifications of this rezoning request and the
13 precedent it sets for shaping the remaining area of Montana
14 Triangle and the future of the city. People have asked for
15 retail, and especially a grocery store, not more warehouses, and
16 actually community and entrepreneurial spaces, not a warehouse,
17 not a data center, and not industrial. Thank you for considering
18 my opposition today.

19 CHAIRMAN HOOD: Thank you. Let's go to Commissioner
20 Kapur.

21 COMMISSIONER KAPUR: Yes. Hi. Thank you. Good
22 evening, Chairman Hood and members of the Commission. I'm
23 Commissioner VJ Kapur, ANC 5C Vice Chair, and I represent ANC 5C
24 on our resolution calling for a mixed industrial zone, which
25 appears in Exhibit 48 of the case record. In that resolution,

1 5C calls on the Office of Planning to design and apply for a new
2 mixed-industrial or MU/PDR zone through text amendment and apply
3 it to the New York Avenue corridor via map amendment. The goal
4 of this would be to conclusively answer the questions we've heard
5 from Commissioners Miller and Wright here tonight and execute on
6 the ambiguous offerings of amendment 98-15 other mixed FLUM
7 industrial hybrid categories in the -- and conflicting Comp Plan
8 elements that need to be balanced.

9 For Montana Triangle and the land we're discussing
10 today, this would maintain the housing capacity created by OP and
11 this Commission in Zoning Commission Case 14-16, and possibly
12 even expand that capacity along the New York Avenue frontage, all
13 while still creating a technically coherent allowance for
14 actually limited -- actually limited light industrial uses, as
15 offered by the examples the applicant's given us here tonight and
16 in the case record. I will note those examples are being offered
17 while the applicant is seeking an infinite number of PDR uses,
18 given the way the regulations are currently written.

19 We also call on OP to join ANCs 5C and 5D in our
20 opposition on Zoning Commission 24-11. As we know, OP has gone
21 in a different direction, rather than even acknowledge our asks.
22 OP's report at Exhibit 55 implies that the community surrounding
23 Montana Triangle don't understand the stakes of this case. The
24 characterize four acres of corridor frontage as merely, quote, a
25 200-foot portion of the property. They imply that the parking

1 lots and truck bays that nominally remain MU-5B within the PUD's
2 envelope remain available for housing construction. Thank you
3 do ignore about two acres of New York Ave frontage that remains
4 PDR-1 today, because OP, itself, left those parcels out of the
5 MU-5B rezoning in 14-16. And all this leaves us with a mere 5.6
6 acres or 34 percent of Montana Triangle remaining for matter-of-
7 right mixed-use. I'll note, because -- so I made this mistake
8 too -- it was mentioned earlier by the applicant that it's 7.4
9 acres remaining. I had to correct one of our filings in the case
10 record, because it is 5.6 acres. The missing 1.7 acres are those
11 two parcels left off of 14-16 in the northeast corner of the
12 triangle.

13 OP's report goes on to characterize the proposed
14 structure as a warehouse, as the applicant does in its filings.
15 A warehouse is the specific mostly accessory use in the zoning
16 regulations, and the applicant would not be bound to it. Rather
17 than enumerating any of the specific uses, the applicant is
18 offering to pluck a few of the infinite number of PDR uses off
19 the noncomprehensive list and obligate themselves not to do
20 those. But, in other words, they are maintaining an unlimited
21 list, subtracting 17 elements from it, and being left
22 mathematically with an unlimited list. And this -- the rhetoric
23 of the warehouse, it bleeds into substance, and we saw it in the
24 DDOT report. Because the warehouse rhetoric bled into
25 interpretations of the DDOT report, they misinterpreted the

1 parking recommendations. We have this in the OP report. For
2 instance, on page 17, in the racial equity analysis, which is
3 meant to consider the disparate impacts of this proposal on the
4 black and brown communities surrounding Montana Triangle on all
5 sides, OP offers that the conceptual nonbinding warehouse use
6 makes the proposal, quote, "light industrial", and, therefore,
7 quote, "not expected to significantly impact public health".
8 This is simply not in line with the number of uses that
9 Commissioner Rhodes spoke to that would remain available, because
10 it's heavy industry, but not a concrete plant and not an asphalt
11 plan, which are --

12 CHAIRMAN HOOD: I need your closing -- I need your
13 closing thought.

14 COMMISSIONER KAPUR: Okay. So all I can say is that I
15 know that we will likely see a supplemental report from OP asked
16 for by the Commission, because of all these questions that have
17 been asked here tonight. I would simply ask if hearing the
18 supplements and having us continue to see various conflicting
19 reports that have to balance out would necessarily change the
20 hearts and minds of this community, which I do believe completely
21 understands what's at stake in this case. Thank you. Sorry for
22 going over.

23 CHAIRMAN HOOD: Thank you. And I think the only person
24 is Chair Delgado. I think you're the Chair. At least, that's
25 what the submission says.

1 COMMISSIONER DELGADO: Yes.

2 CHAIRMAN HOOD: Okay. Go right ahead.

3 COMMISSIONER DELGADO: Make sure my video's on.

4 CHAIRMAN HOOD: It's not on yet, but you can go right
5 ahead.

6 COMMISSIONER DELGADO: Okay. Sorry. Okay. Hi. Yes,
7 my name is Tequia Hicks Delgado, and I serve as the ANC 5C
8 Chairperson, but I'm here in my capacity as elected ANC 5C
9 Commissioner -- or Commissioner for 5C03 and as a proud resident
10 of Fort Lincoln. Before I speak to my thoughts here, I've
11 obviously been on this entire time, and I've heard continuous
12 dismissals of what it feels like the current status and the
13 current voice of the ANC 5C overall and the Commissions that
14 have -- the Commissioners that have put in a considerable amount
15 of work in understanding this project.

16 Now, we have engaged in the community. Yes, there has
17 been a roundup of community response in the past week because of
18 the impending, you know, hearing. We are here now, and the
19 residents have been here now, and they took their time to send
20 oppositional letters, and to dismiss that as somehow -- something
21 that, you know, doesn't quite -- you know, doesn't quite
22 represent the community in any way is really unnerving.

23 So going on to what I was going to say, and I've also
24 submitted something in writing, but moving on, I'm here tonight,
25 in firm alignment with ANC 5C's current filing opposing the map

1 amendment, to express my deep concerns with Zoning Commission
2 Case 24-11. Let's be clear, this proposal would have generational
3 consequences for housing, for planning, and my community. As the
4 ANC's analysis lays out, if this case is approved, we stand to
5 erase between 1,400 and 2,300 potential homes in Montana
6 Triangle, including affordable homes that our city desperately
7 needs. This is not a minor planning decision. This is massive,
8 irreversible shift in how this land can serve the public, and,
9 yet, the Office of Planning's report treats this loss almost
10 casually. It accepts the applicant's claim that this -- that
11 this (indiscernible) offers no additional flexibility, without
12 asking the most basic question, what is the public benefit --
13 what public benefit justifies locking up over half this site from
14 residential development for a generation.

15 I live in Fort Lincoln, and I can you our community
16 already feels like an island on the edge of the District. We're
17 geographically and infrastructurally cut off; limited transit,
18 limited walkable connections, limited -- sorry -- yeah, livable
19 (sic) -- limited walkable connections, limited buses and trains,
20 and a sense that this decision is being made with the continuous
21 dismissal of our voices in opposition.

22 By expanding PDR zoning here, this proposal would only
23 deepen that isolation. Instead of using this corridor to connect
24 neighborhoods and build homes, it doubles down on industrial
25 zoning that walls us off even further. And the so-called public

1 benefits, let's talk about that. The applicant's own filings
2 show that the total value of these benefits is roughly the same
3 as the cost of living for one DC family for one year -- one year,
4 one family. Meanwhile, the DC -- meanwhile, the District is
5 giving up thousands of homes, including affordable housing
6 opportunities, that could shape this area for decades. That
7 tradeoff is not just imbalanced; it's insulting. It reduces a
8 generational housing opportunity to the price tag of a single
9 household's annual expenses. We have watched this corridor go
10 underused under the banner of planning, and what we're seeing now
11 is a pattern of decisions that prioritizes short-term convenience
12 over long-term vision. This application -- this application is
13 not consistent with the Comprehensive Plan's housing goals; it
14 is not aligned with equitable growth; and it does not reflect the
15 urgency of the housing crisis we face. I urge you --

16 CHAIRMAN HOOD: Give us your closing thought please.

17 COMMISSIONER DELGADO: Yeah. I urge you, do not let
18 this precedent stand; scrutinize the assumptions, the omissions,
19 and the tradeoffs in this case; ask yourself whether this is
20 truly the best and highest use of this critical land, because
21 once this opportunity is gone, it's gone for a generation. Thank
22 you for your time and the seriousness for which I know you
23 approach these decisions.

24 CHAIRMAN HOOD: Thank you. Let me thank the panel.
25 First of all, I do want to comment, because I run these hearings.

1 We are not being dismissive. What's being dismissive is when I
2 read something that says, "Please, we are requesting that Exhibit
3 15 be removed." We don't do that. That's being dismissive.
4 We're not being dismissive. We're listening to everyone's
5 comments. And let me just say this. Commissioner Nelson, I
6 think, who represented ANC 5C, cross-examined -- I think my
7 colleagues would agree with me -- cross-examined very well. And
8 I don't know if this is your first time, Commissioner Nelson, but
9 I want you to know that from me. If it wasn't your first time,
10 you did a daggone good job, and I'm just going to leave it at
11 that.

12 COMMISSIONER DELGADO: He did.

13 CHAIRMAN HOOD: Now, I don't know -- we're going to do
14 our part; we're going to look at our standards of review; we're
15 going to do our regulations; but we have not been dismissive.
16 And to you, Commissioner Delgado, I don't know where he got his
17 training from, but you all should be proud of that young man,
18 because he did a good job, and I'll leave it at that.

19 COMMISSIONER DELGADO: He did.

20 CHAIRMAN HOOD: I don't have any questions or comments.
21 I've been doing this a long time. I don't have any questions or
22 comments. I think -- I appreciate you all's comments, but we're
23 not going to -- we don't dismiss nobody, not even your
24 predecessors. We're not dismissing anybody. Commissioner
25 Wright, you have any questions of this panel?

1 COMMISSIONER WRIGHT: I don't. I appreciate hearing
2 everyone's viewpoints. Thank you.

3 CHAIRMAN HOOD: And Vice Chair Miller.

4 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank
5 each of you for your very thoughtful testimony. We appreciate
6 having you here this evening and sticking it out, and it helped
7 me focus on what I might want to say when we ask for certain
8 information going forward, so thank you.

9 CHAIRMAN HOOD: Okay. And, Ms. Batties, does the
10 applicant have any cross of this panel?

11 MS. BATTIES: No, we don't. Thank you.

12 CHAIRMAN HOOD: Commissioner Nelson, do you have any
13 cross of some of your colleagues -- of this panel?

14 COMMISSIONER NELSON: Yes, Chairman. Thank you very
15 much. And, again, thank you, Chairman, for word that I cannot
16 express, so I appreciate it a whole lot. And this is -- this
17 was my first time. But I do have a question for Commissioner
18 Kapur. Just two questions. What are the major -- what are the
19 major Comprehensive Plan issues you heard today -- tonight that
20 are unaddressed?

21 COMMISSIONER KAPUR: Thank you, Commissioner Nelson.
22 So I think that Commissioners Wright and Miller did a really
23 great job of starting to get at the major issue, which is that
24 we don't have a proper zone to define light industrial. And so
25 we are now attempting to do it through the PUD process, and it

1 is far too large of a task for us to do as a community, interacting
2 with the applicant, without the intervention of policy makers
3 within OP, which could allow us to implement the recommendations
4 that OP, itself, has been making in its implementation
5 (indiscernible) of the Comprehensive Plan.

6 So one thing I didn't get to in my testimony was that,
7 they mention in their report -- in OP's report, the New York
8 Avenue Vision Framework, but they do not mention their PDR land
9 use report, which was issued in October 2024. And one of the
10 recommendations in that, number -- recommendation number two, is
11 that within zero to two years of October 2024, OP should be
12 leading on creating on MU/PDR zoning typologies, similar to the
13 ones that 5C, 5D, and Councilman Parker have called for.

14 It also has a recommendation that, as we go forward
15 with the new Comp Plan, we should be looking at preservation --
16 implementing the notion of preservation, which was mentioned in
17 OP's -- in OP's testimony, but implementing it with a goal of 70
18 percent retention of single-use PDR.

19 And so the big issue here is, are we considering what
20 we are debating here in 24-11, in this map amendment -- is this
21 an expansion or is this preservation? Because this land has been
22 zoned MU-5B since April 2014 -- or 2015, so a little bit more
23 than ten years. So it wouldn't necessarily constitute
24 preservation to reindustrialize it and re-add PDR zoning, but the
25 necessity to necessarily include industrial, because it's in the

1 amendment 98-15, could still be actuated with an MU/PDR zone.
2 I'd also note that we had a discussion -- that Commissioner Nelson
3 and Commissioner Wright had the discussion about MU-10 and
4 whether MUD-10 constituted high-density residential, high-
5 density commercial light industrial zone, and I would also argue
6 that that, too, constitutes that mix of uses, because it was
7 originally, pre-2016, commercial/residential, and when I looked
8 through the case record of 06-15, which used the CR, later MU-
9 10, zoning as part of that PUD, it was at that time considered
10 to be that light industrial mixed with residential and
11 commercial, and, sure enough, when you go back to the warehousing
12 rhetoric, warehousing is an allowable use -- I think it's capped
13 at 25 percent -- within an MU-10.

14 CHAIRMAN HOOD: So, Commissioner Nelson, next time just
15 ask him to finish giving his testimony. I've been doing this a
16 long time. I know how that goes. So just -- next time just do
17 one question and say, "Could you please finish your testimony?",
18 because that's what he's doing, and that's what you all worked
19 out. So go right ahead with your second question.

20 COMMISSIONER NELSON: No, actually, he --

21 CHAIRMAN HOOD: Keep your final testimony very brief,
22 because we have to keep moving. Okay.

23 COMMISSIONER NELSON: No, thank you, Mr. Chairman.
24 Thank you for that teaching lesson.

25 CHAIRMAN HOOD: That wasn't no teaching; that was a

1 | good one -- that was a good one, but I've seen it done so many
2 | times, so I just --

3 | COMMISSIONER NELSON: Yeah. He actually answered my
4 | second question, so no more questions for me.

5 | CHAIRMAN HOOD: Okay. Good. I thought he would have
6 | answered a whole lot of your questions, so thank you. And thank
7 | you, Commissioner. I'm just having fun. It's getting late.
8 | Anything might -- after ten o'clock, anything happens. So,
9 | anyway, thank you all for doing that. Let me see. Ms. Schellin,
10 | we have no one else; everyone's asked questions? Let me thank
11 | this panel. We appreciate what you all -- and Commissioner
12 | Rhodes, what I said to Commissioner Nelson, I also say to you as
13 | well. We appreciate your cross-examination and how you've done
14 | it. You've definitely done an enormous job in this case and many
15 | other cases that you have been involved with. And thank this
16 | panel. We appreciate you. All right. Let's take everybody
17 | down, except for the -- except for the two parties. Ms. Batties,
18 | if you have any rebuttal --

19 | MS. SCHELLIN: She had no questions, right? She asked
20 | her questions already.

21 | CHAIRMAN HOOD: Yeah. Let me -- let me say this though.
22 | I thought about something. Ms. Schellin, they have -- Ms. Rhodes
23 | asked to provide testimony. I think others may have tonight, who
24 | may have not given us written testimony. I want to make sure we
25 | leave the record open for them. I can't just -- Ms. Rhodes was --

1 Ms. Rhodes did it the proper way; she asked. You're supposed to
2 ask. So I'm going to ask those others, like -- I don't know if
3 Ms. Manning -- I didn't see anything from her -- Ms. Henderson --
4 I want to be fair -- and all of this panel that just left, if
5 you didn't provide testimony, which a number of you did -- if you
6 didn't, you can provide testimony. Ms. Schellin, just those who
7 we have on our list. Okay?

8 MS. SCHELLIN: Yes. Yes.

9 CHAIRMAN HOOD: All right.

10 MS. SCHELLIN: And we typically give them until the
11 next day to provide their written, if they didn't get it in in
12 time.

13 CHAIRMAN HOOD: Okay. So you all hear that? You have
14 what, tomorrow?

15 MS. SCHELLIN: Yes.

16 CHAIRMAN HOOD: It's already tomorrow. Let's give them
17 until the day after tomorrow, so --

18 MS. SCHELLIN: Wednesday.

19 CHAIRMAN HOOD: Wednesday.

20 MS. SCHELLIN: Noon, Wednesday; how about that? Noon,
21 Wednesday.

22 CHAIRMAN HOOD: Noon, Wednesday. Okay. All right.
23 Ms. Batties.

24 MS. BATTIES: Thank you. So I do have a couple of
25 points to make on rebuttal. Bear with me. I'll try to be as

1 concise as possible. So, first, I want to emphasize, like, there
2 is a basic legal principle, as it relates to one's property
3 rights, and that is that a property owner has the right to rely
4 on regulations that are currently in effect, as it relates to the
5 use and development of their property. And I know, Commissioner
6 Hood, you said that, but I want to reiterate that basic
7 fundamental legal principle.

8 So it's been suggested that, "Oh, change the zoning to
9 MU-10," so as to kind of promote a mix of residential or other
10 higher -- high-density commercial uses on the site. Residential
11 can be put on the property under the current zoning as a matter
12 of right. The reason there's no residential there is because
13 there's no market for residential. So changing the zoning to
14 something other than PDR-1 will not result in additional uses on
15 the property. There's no market for residential. You can't get
16 residential financed. And so the reality is, when the market
17 changes and there is a demand -- and I mean demand, like people
18 needed residential use and the markets being able to finance
19 residential development on this property -- the PUD goes away and
20 the underlying zoning, which is mixed-use, MU-5B, reverts back
21 to the property. That is what will happen, and that was stated
22 in the Office of Planning's report.

23 Commissioner Wright, you had mentioned Ivy City and the
24 Hecht Warehouse. I just want -- and I confirmed with Douglas
25 Development, on that Ivy City development, the property that

1 fronts on New York Avenue is still industrial and retail. The
2 Hecht residential building is more than -- I think they said more
3 than 200 feet from New York Avenue. The residential building
4 does not front on New York Avenue. It is away from the high-
5 traffic corridor, but, again -- so there is that buffer between
6 the corridor, the industrial and retail uses, and then the
7 residential to the rear.

8 I will also note that it was stated that, "Oh, this
9 Montana Triangle, we're only left with seven acres to redevelop
10 as residential." Seven acres in this city is a big project as a
11 stand-alone. There are not many applications that come before
12 the Zoning Commission that are seven acres. So I want to be
13 clear, that is a lot of land in the city. So we did hear the
14 comment that -- the concern about hindering residential
15 development to the -- to the rear. The applicant is prepared and
16 does propose a condition that -- to provide an elevated buffer
17 of 45 feet between the PUD site and the residential area to the
18 rear. It will go with the grade of the property, so that it will
19 provide both an actual physical and visual buffer between the
20 residential property to the rear and the commercial development
21 that fronts on New York Avenue.

22 So just in response to some of the panel that just
23 spoke, in terms of accountability, a planned -- approval for a
24 planned unit development is binding on the property, right, so
25 they're accountable; they have to apply for a building permit

1 within two years -- under the regulations, within two years of
2 the effective date of the written order, and they have to commence
3 construction one year after that. There are conditions that go
4 with the PUD approval. So there is a high level of accountability
5 in the PUD process, much more accountability than if the property
6 were simply built or developed as a matter of right.

7 As I noted before, retail projects are often
8 constructed or developed without tenants. It is not -- the
9 statement that "You don't build without a buyer" is actually
10 incorrect. The development process is generally five years, and
11 nobody -- and that's to secure, you know, entitlements, pull your
12 permits, construct your project. Nobody enters into a lease or
13 an agreement five years before a project is built. That's not
14 how it actually works. You have to go through your entitlement
15 process; you have to secure financing; you build the project.
16 And so it is long, long after the entitlement process that you
17 then go to market the property and secure a tenant.

18 I think Commissioner Dunson is the one, and she brought
19 up a very good point. We constantly refer to a tenant or -- for
20 the building. We should make very clear -- we need to make this
21 correction -- we're proposing a single building, but it can have
22 multiple tenants, and that is not -- again, not uncommon for a
23 building of this size, whether it be traditional light industrial
24 flex space or a retail or commercial building. So we want to
25 make it clear that we are seeking one or more tenants, and, again,

1 the -- excuse me -- depending on who they can bring to the
2 property, the plans will be modified accordingly. So if there
3 has to be multiple doors for multiple tenants, that will come
4 back before this Commission through a modification. So I thank
5 her for raising that point and us clarifying that on the record.

6 And then, finally, I want to address the discussion
7 about, oh, an infinite number of uses, and I say respectfully,
8 that's a little bit hyperbolic. I am looking at the slides --
9 slide 48, where it lists 12 PDR exclusive uses. And given the
10 building type that is being proposed, several of those uses would
11 not fall -- would not be appropriate accommodated in the building
12 type that's being proposed.

13 The applicant has, again, agreed to eliminate all of
14 the heavy industrial uses that would be permitted as a matter of
15 right. The zoning regulations already prohibit a number of uses,
16 so I'm not -- I think the term "infinite number of uses" is a
17 little bit of a -- of a reach and kind of exaggerated, in the
18 sense that there are a specific number of uses listed and the
19 applicant has eliminated a number of uses -- or a number of uses
20 have already been restricted from the site. So that -- let me
21 just double-check.

22 And, again, the last thing I will just emphasize is
23 that the building that's being proposed is a warehouse type of
24 building for use that is going to be marketed; it's not limited
25 to an industrial use. I think I cannot overstate that enough,

1 | since it was mentioned multiple times in the testimony. So we
2 | agree to restrict the property -- restrict the uses on that
3 | property. We agree to restrict parking, when the use is --
4 | whatever tenants are there are not operating on the site. We
5 | agree to establish a 45-foot green buffer -- elevated green
6 | buffer between the commercial or industrial zoning on the front
7 | and create that buffer for the future development to the south.
8 | And as the Office Planning has mentioned, we have been -- we have
9 | talked to the Office of Planning and are very much open to their
10 | suggestion of a farmers market or some other type of use that
11 | can serve the community when the use or whatever the tenant is
12 | once the site is developed, another use to serve this community,
13 | to bring more neighborhood-serving uses to the site. And, with
14 | that, I'll conclude my rebuttal. Thank you.

15 | CHAIRMAN HOOD: So, Ms. Batties, so Commissioner Nelson
16 | won't think I'm just getting on him and Commissioner Kapur, your
17 | closing -- game recognizes game. Your closing -- because, you
18 | know, typically, we don't ask lawyers questions, so I like the
19 | way you did that, but, since you came up with all that, game
20 | recognizes game. I'm going to ask them, do they have any specific
21 | questions to ask either you or somebody in the room, because,
22 | typically, we don't ask lawyers questions. I know how this runs,
23 | but you did the -- you did the rebuttal. So, Commissioner Nelson,
24 | do you have any follow-up questions of what rebuttal you just
25 | heard?

1 COMMISSIONER NELSON: No follow-up questions, but I do
2 want everyone to keep in mind that, again, this is about the
3 community. The community is --

4 CHAIRMAN HOOD: So, again -- again, do you have any
5 questions on rebuttal? And I know it's getting late. Maybe I
6 need to go ahead and end this. It's getting late. The only
7 thing you can do now is ask any questions on rebuttal, because
8 the applicant gets the last word, and that's in the regulations.

9 COMMISSIONER NELSON: Okay. So no questions on
10 rebuttal, no.

11 CHAIRMAN HOOD: Commissioner Rhodes, any questions on
12 rebuttal -- rebuttal only?

13 COMMISSIONER RHODES: The only question I have is the
14 green -- what do you mean by the buffer? You said something
15 about a green buffer. Can you explain that please?

16 MS. BATTIES: Yes. So on the south side of the PUD
17 site, there will be 45 -- at least 45 feet between the PUD site
18 and any development to the south that will be improved with --
19 it'll be elevated, so that it'll provide, like physically, a
20 visual buffer from the -- from the PUD site, and it will be green
21 in that it will be landscaped with plantings and trees, but the
22 elevation -- having it elevated will also provide a visual
23 buffer.

24 CHAIRMAN HOOD: You good?

25 COMMISSIONER RHODES: I'm good.

1 CHAIRMAN HOOD: Okay. Now, do you want to give us your
2 closing, Ms. Batties?

3 MS. BATTIES: I have nothing further.

4 CHAIRMAN HOOD: Thank you. All right. All right.
5 Thank you. With that, with other than what we've asked for --
6 let's make sure we know what we've asked for. Let me ask my
7 colleagues, you want to reiterate -- or, Ms. Batties, do you know
8 what we've asked for?

9 MS. BATTIES: I do.

10 CHAIRMAN HOOD: Okay. You can work that out with Ms.
11 Schellin, but if my colleagues want to repeat something, they can
12 go right ahead.

13 VICE CHAIR MILLER: I'll repeat something, since I
14 wrote it down. I'm sure Ms. Batties already -- and the Office
15 of Planning and DDOT already have it, but just, in my own mind --
16 and I'm probably missing things that you all have noted.

17 I think, from DDOT, we wanted -- I wanted a
18 comparable -- I asked for a comparable existing, if any -- such
19 a large warehouse building with 19 loading docks, if there was
20 something that exists that I could just -- from DDOT or the
21 applicant on that. I think from DDOT we needed a revised report
22 that just clarifies the parking assumptions of this project,
23 since -- Mr. Hagen did clarify it verbally, but I think we need
24 an addendum that just clarifies that.

25 I'd like from the applicant -- I appreciate you

1 mentioning again this slide 48, the permitted -- the 12 permitted
2 uses and all the restrictions that you've agreed to on the
3 prohibited -- that are -- otherwise, would be allowed in a PDR-
4 1 zone, but you're not -- that you voluntarily offered to take
5 off the table, but I think -- I guess I could go back and look
6 at the -- and I should, and I will look at the zoning regulations
7 for the PDR-1 uses that you've outlined there and what the
8 conditions are, but I think it might be helpful just to elaborate
9 a bit on each of those 12, as to what the examples are, what the
10 conditions are that our own zoning regulations provide
11 mitigations for, because they're adjacent to a residential
12 community, and in the case of the self-storage, what the issue
13 is. That was one of the 12, and we've had testimony about whether
14 that -- whether it's an existing moratorium, and so you probably
15 can clarify that as well.

16 I'd like from the -- from the applicant -- from Ms.
17 Batties -- you did a lot of testimony, but what -- why the
18 alternative uses that have been -- alternative zones or
19 alternative proposals that have been suggested here by some in
20 the community, whether it's the MU-10 or the -- or a tailored
21 text and map amendment for this site that would let you do what
22 you want to do, but -- and restrict what you don't want to do
23 and provide the necessary protections and compatibility with the
24 residential neighborhood; why it wouldn't work to have some kind
25 of alternative proposal -- proposed zone or -- it doesn't have

1 to be a treatise, just -- none of this has to be a treatise. I
2 don't want a treatise. Nobody want a treatise. We just want --
3 we've had a lot of testimony in our record. I appreciate, Ms.
4 Batties, the offer of the condition for the buffer -- the elevated
5 visual buffer at the rear of the property, and -- so I think
6 we -- you probably -- I'm sure you were going to do this in
7 your -- at some point in the proffers and conditions, but it
8 would be helpful to see that language of what that condition is.
9 I think that covers the things that I wanted to make sure that
10 we were going to -- yeah.

11 So thank you, Mr. Chairman, for giving me that
12 opportunity to delineate some of the things that I remembered and
13 that I thought of as people were talking that I wanted to get as
14 a future submission.

15 CHAIRMAN HOOD: Okay. Thank you. And I know we didn't
16 talk about this, Ms. Batties. And I'm going to come to you in a
17 minute, Commissioner Wright. The statute talks about detrimental
18 reliance. Could you just supplement the record for that, because
19 I've heard that so much over the years, and you alluded to what
20 I said, detrimental -- and I'd just like to -- I want us to
21 refresh our memory on detrimental reliance. And, also, there's
22 another thing I wanted to ask. Okay. I need to talk to my
23 colleagues after everybody -- after we finish this. Commissioner
24 Wright, I think we pretty much got what you want, but you might
25 want to echo it.

1 COMMISSIONER WRIGHT: Yeah. And I'm not going to keep
2 repeating things. I definitely am interested in understanding
3 the legislative history of we got this strip that says "PDR" and
4 if the Council literally meant that they wanted everything in
5 that strip to be industrial, because I think the problem is, if
6 you zone it PDR, and some of it's already zoned PDR -- this is
7 an area that's not zoned PDR -- then you are excluding even the
8 possibility of housing. So I think that, you know, I really am
9 questioning if what the Council really intended -- and this is
10 really a question more for probably the Office of Planning; you
11 know, did they want to create a strip up and down New York Avenue
12 that would be 100 percent industrial with no housing, because
13 that's the -- this would set a precedent, and that's the direction
14 that we would be moving in. So that is one concern.

15 The other concern I really have is about the overall --
16 I don't think any of us fully appreciate how massive a building
17 this is. I think if there actually could be, you know, a little
18 more of a 3D -- I know there were some perspectives offered by
19 the architectural team, but if there could be sort of a 3D from
20 a bird's-eye view sort of showing the length of this building in
21 comparison to some of the other buildings that are nearby, that
22 would help. I'm actually concerned about the proposal, about the
23 45-foot buffer, because I'm not sure I'm understanding you
24 correctly, but, essentially, what I think I'm understanding is
25 because there's some change in topography on the site, that there

1 would be a 45-foot wall of some sort that would separate this
2 development site -- and I don't know -- because I don't know the
3 topography, I don't know if the wall would be up or down, if you
4 understand what I'm saying, but that, basically, the change in
5 elevation would be 45 feet between this site and the rest of it.
6 That's --

7 MS. BATTIES: No, I meant the width -- the width of the
8 buffer, not the height. The width of the buffer would be 45
9 feet, not the height. There's no wall that's 45 feet.

10 COMMISSIONER WRIGHT: Okay. Thank you. Because
11 that -- I wasn't clear on that. But you're saying that there
12 will be a green area of 45 feet in width or depth between this
13 development and whatever would be left for residential.

14 MS. BATTIES: Yes.

15 COMMISSIONER WRIGHT: Okay. Great. I don't need to
16 belabor that. Then I misunderstood what you were -- I
17 misunderstood what you were saying. And I think that's it, in
18 terms of additional materials. Again, I wish this project was
19 maybe half its length, so that you could have the frontage on
20 New York Avenue, have this warehouse building for 400 feet in
21 length, and then the other 400 feet could be left for future
22 residential development. You know, I think that would be much
23 more in keeping with my understanding of the vision for New York
24 Avenue, but, again, you know, I'm not trying to tell you how to
25 design your project; I'm just saying that this is a very, very

1 big building, and I just don't know that any of us are fully
2 wrapping our heads around how big it is. That's it.

3 MS. BATTIES: Commissioner Wright, have you seen this
4 stretch of New York Avenue? Like, literally, the whole corridor
5 is industrial. I mean, I would -- I would argue that residential
6 is not even appropriate. It would literally bring residential
7 to the nuisance. I mean, it is really not appropriate at this
8 time for residential use on the site, but I digress, because
9 Commissioner Hood's about to say something.

10 CHAIRMAN HOOD: You right about that. So it's -- so,
11 Commissioner Wright, are you finished?

12 COMMISSIONER WRIGHT: (Nods head affirmatively.)

13 CHAIRMAN HOOD: But what I really would like -- and I
14 want to echo on what both of my colleagues mentioned, especially
15 the perspectives, if you wish to supply them. But, for me, I
16 want to really make sure -- I'm not trying to undo the Council's
17 designation, because we're not to be inconsistent with the Comp
18 Plan. I'm not trying to undo that. And I understand what people
19 are saying about what should be done there.

20 And when I first -- years ago I said that Ward 5 had
21 the most -- and, Vice Chair Miller, you probably remember this.
22 It's coming -- it's all coming back. I've always said we were
23 35 -- at that time -- and this was in the 90's -- I said we were
24 50 years behind in zoning. And the question I heard somebody
25 ask recently, and I thought about it, and I'm going to answer it

1 again. About 25 years ago people were saying how do we stop
2 doing these uses; how do we stop having these issues or these
3 kind of hearings and these problems in Ward 5? Change the zoning.
4 That's -- but that was 25 years ago. So now we've come to the
5 point, guess what, some of Wards have pretty much got rid of all
6 their PDR, and the Supreme -- the Supreme Court says each city
7 should have some industrial land. And guess where it all ends
8 up? It ended up in the area where -- and I go back to a whole
9 lot of folks who I know now, who have left this world, who worked
10 on zoning issues in this city.

11 So I'll leave it at that. I could really get into it
12 and digress. I can tell you this is going to be a very
13 interesting -- I'm looking forward to our deliberations. I'm
14 hoping the three of us can do it. If not, our other two colleagues
15 may be real mad with me, but I'm hoping just the three of us can
16 do it. So it is what it is. We're going to do our best, but,
17 for me, Ms. Batties and the Office of Planning, I need to
18 specifically know as much information as you can have on what the
19 Council designated for us to do in 2021 in the FLUM. I really --
20 because that, to me, is going to be sticking rule here, because
21 the Council designates it; we are not to be inconsistent. We
22 can put all these what ifs and everything or why we didn't do
23 MU-10 and all that, but we have to operate with what's in front
24 of us and deal with that. That's where I stand. All right.
25 You're finished now, Ms. Batties. I want to thank everybody, but

1 let me go to Ms. Schellin. Do you have any dates or anything
2 you want to give us?

3 MS. SCHELLIN: Yes, sir. So, Ms. Batties, do you think
4 that you guys can respond in two weeks, our normal time period?

5 MS. BATTIES: Yes.

6 MS. SCHELLIN: Okay. So if we could have those
7 responses by three p.m., and that would include the Office of
8 Planning, if -- well, let me get to Office of Planning in a
9 moment. So provide the responses that you heard, plus anything
10 you didn't hear that they asked for, because it's late and they
11 may have forgotten. We've all forgotten by now. So anything
12 that was requested, please provide by three p.m. November 3rd.

13 And the Office of Planning, I believe, and DDOT, they
14 may have been -- I know DDOT -- Commissioner Miller, at least,
15 asked them to provide a comparison of another warehouse where
16 there is maybe 19 or close to 19 loading docks, so if they would
17 provide that. And if the Office of Planning has anything
18 additional, they would provide it by that time too.

19 Then any responses from the parties -- that would be
20 the two ANCs -- and OP and DDOT, if they want to reply to what
21 you provide on November 3rd by three p.m., they have until three
22 p.m. November 10 to provide that. So, again, the ANCs and OP
23 and DDOT can respond to the applicant's submission by three p.m.
24 on November 10, and draft findings of fact and conclusions of law
25 would also be due by then, three p.m. on November 10. And we'll

1 put this on the Commission's regularly scheduled meeting in
2 November, which will be November 20th at four o'clock p.m.

3 MS. BATTIES: Thank you.

4 MS. SCHELLIN: If anybody has any questions about --

5 CHAIRMAN HOOD: But before we go, I do have a question
6 about the schedule.

7 MS. SCHELLIN: Yes, sir.

8 CHAIRMAN HOOD: I guess with the time -- and I'm looking
9 at my calendar -- there's no way you can do everything and
10 everybody can have everything in and we can deliberate -- do a
11 special public meeting by October the 30th, is it?

12 MS. SCHELLIN: What's October 30th? And today's the
13 20th. Well, by regulations, we have to allow a week for the
14 parties to respond, so no.

15 CHAIRMAN HOOD: And I'm asking that for a reason,
16 because we know what's happening on the 30th, and I'll just leave
17 it at that.

18 MS. SCHELLIN: Well, we could if the applicant could
19 respond in two days.

20 CHAIRMAN HOOD: No, that's all right. I don't -- I'm
21 actually trying to make sure that Ms. Steingasser, who I know was
22 very involved with this, is still around to be able to ask some
23 questions, if we get there.

24 MS. SCHELLIN: Exactly.

25 CHAIRMAN HOOD: But that's all right. You know what?

1 | Somebody will be there to help us. All right. Anything else?

2 | We're all on the same page?

3 | MS. SCHELLIN: If anyone has any questions about those
4 | dates, they can always e-mail me or call.

5 | CHAIRMAN HOOD: Okay.

6 | MS. SCHELLIN: Because there's some new Commissioners.
7 | Thank you.

8 | CHAIRMAN HOOD: Before I -- thank you. Thanks,
9 | everyone. Before I close out, the Zoning Commission will meet
10 | again on October the 23rd, which is our regular meeting. We have
11 | various agenda items. And I want thank everyone for their
12 | participation tonight. Pro or con or wherever you stand, we
13 | appreciate your input. And, with that, this hearing is adjourned.
14 | Good night, everyone.

15 | (Whereupon, the above-entitled public hearing was
16 | adjourned at 9:55 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 - Case No. 24-11

Before: DC Zoning Commission

Date: 10-20-25

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