

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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HEARING

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THURSDAY

JUNE 15, 2023

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The Regular Public Hearing of the District of Columbia Zoning Commission convened at 4:00 p.m. EDT, Anthony Hood, Chairperson, presiding.

OFFICE OF ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Zoning Commission Chairperson  
ROBERT MILLER, Vice Chair  
PETER MAY, Zoning Commissioner  
JOSEPH S. IMAMURA, Zoning Commissioner

OFFICE OF ZONING COMMISSION STAFF PRESENT:

SHARON SCHELLIN, Secretary  
PAUL YOUNG, Data Specialist

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

JACOB RITTING, Esquire

The transcript constitutes the minutes from the Regular Public Hearing held on June 15, 2023.

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

Case No. 22-36

TM Associates, LLC & WMATA ..... 11

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

(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and -- excuse me, good afternoon, ladies and gentlemen. Today's date is June the 15th, 2023. We are convening and broadcasting this public hearing by video conferencing. My name is Anthony Hood. Joining me are Vice Chair Miller, Commissioner May, and Commissioner Imamura. We're also joined by the Office of Zoning staff Ms. Sharon Schellin as well as Mr. Paul Young, who will be handling all of our virtual operations. Also our Office of Zoning legal division, Mr. Jacob Ritting. I will ask all others to introduce themselves at the appropriate time. The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter, and the platforms used are Webex, a YouTube Live. The video will be available on the Office of Zoning's website after the hearing.

All persons planning to testify should have signed up in advance and will be called by name at the appropriate time. At the time of signup, all participants will complete the oath or affirmation required by Subtitle Z 408.7. Accordingly, all those listening on Webex or by phone will be muted during the hearing, and only those who have test- -- who have signed up to participate or 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

1 audio. If you experience difficulty accessing Webex or with your  
2 telephone call-in or have not signed up, then please call our 02  
3 hotline number at 202-727-0789. If you wish to file written  
4 testimony or additional supporting documents during the hearing,  
5 then please be prepared to describe and discuss it at the time  
6 of your testimony. The subject of this evening's hearing is  
7 Zoning Commission Case No. 22-36, it's TM Associates, LLC and  
8 Washington Metropolitan Area Transit Authority, consolidated PUD,  
9 planned unit development, and zoning map amendment at Squares  
10 3351 through 3353, Lots 806, 820 -- this may be a typo, but it's  
11 820 again -- 820, 822, 823, 829, 831, 839 through 841, 845 through  
12 851, 811 through 813. Again, today's date is June the 15th, 2023  
13 and I will ask that we correct that through these proceedings.

14           The hearing will be conducted in accordance with  
15 provisions of 11 Z D.C.M.R Chapter 4 as follows: preliminary  
16 matters; applicant's case, the applicant has up to 60 minutes  
17 collectively; and parties in support or opposition; and then we  
18 will hear from -- the party in opposition will have the same  
19 amount of time as the party -- the applicant; report of other  
20 government agencies; report of the government -- report of other  
21 government agencies; report of the Department of Transportation;  
22 and the Office of Planning; report of the ANC; testimony of  
23 organizations, 5 minutes, and individuals 3 minutes; and we will  
24 hear in the following order from those who are in support,  
25 opposition, and undeclared; then we'll have rebuttal and closing

1 by the applicant. Again, the OZ hotline number for any concerns  
2 is 202-727-0789 for any concerns during these proceedings. At  
3 this time the Commission will deal with any preliminary matters.

4 MS. SCHELLIN: Yes, sir. So the Commission already  
5 considered and granted party status to the Takoma Historic -- let  
6 me get the right names here -- Historic Takoma, Inc., and then  
7 there were four individuals to combine their presentation:  
8 Sabrina Eaton, Ellen Kurlansky, Sharon Broderick, and Peter  
9 Feiden. All of those, plus the Historic Takoma, Inc., are being  
10 represented by David Brown. I do not see him on yet, but I'm  
11 sure -- yep, he's on now. So next would be the proffered experts  
12 being proffered by the Applicant. These have all been previously  
13 accepted by this Commission. So we'd just ask that they be  
14 accepted in this case: Federico Olivera Sala -- and this is --  
15 he's the project architect; William Zeid with Gorove Slade,  
16 expert in transportation; Gabriela Canamar, and landscape  
17 architect; Shane Dettman in urban planning; Kyle Oliver, civil  
18 engineering. Those are the --

19 CHAIRPERSON HOOD: Okay. Thank you.

20 Commissioner May?

21 COMMISSIONER MAY: Yeah, I'm -- the architect was  
22 previously qualified? I don't recall that. Not that I remember  
23 everybody, but I just wanted to confirm that because it's --

24 MS. SCHELLIN: Mr. Tummonds advised that he had been.  
25 So let me see if I can verify that.

1           COMMISSIONER MAY: The reason I ask is that I didn't  
2 see evidence of his licensure and (audio interference) testified  
3 --

4           MS. SCHELLIN: Let me let me just verify that. Let's  
5 see. Mr. Tummonds seemed to think that he had previously been  
6 proffer- -- or accepted already. So let me just verify -- see  
7 if I can verify that quickly.

8           Other than that, we have Crystal Myers from OP and  
9 Aaron Zimmerman from DDOT, Alex Kane from OAG. I do not see him.  
10 I think you're correct. He may have been accepted with the BZA,  
11 so the Commission does need to take a look at Mr. Moya. Do you  
12 want him to be brought up?

13           COMMISSIONER MAY: Well, yeah, I mean --

14           MS. SCHELLIN: You can ask him questions or --

15           COMMISSIONER MAY: Yeah. His resume's a little slim,  
16 and again it does not state specifically that he has licensure  
17 in any jurisdiction. And I would just like to know that because  
18 that's -- I mean, typically we would only accept -- historically  
19 per last ten years at least, we've only accepted architects who  
20 are licensed somewhere.

21           MS. SCHELLIN: Okay. So you'd like for him to be  
22 brought up, Federico Olivera?

23           COMMISSIONER MAY: Yes.

24           MS. SCHELLIN: Okay.

25           Mr. Young, could you bring him up?

1 I'm not sure who the call-in user is.

2 MR. YOUNG: It's the Applicant. They're all in one  
3 room.

4 MS. SCHELLIN: Okay.

5 CHAIRPERSON HOOD: Can we have Mr. Sala who we have a  
6 few questions for, Commissioner May, if you have some questions  
7 for him?

8 COMMISSIONER MAY: I just want to know, Mr. Olivera  
9 Sala, you're listed as associate AIA, does that mean that you  
10 have licenser elsewhere, but not (indiscernible) I don't see  
11 anything about licensure.

12 MR. SALA: Can you hear me now?

13 COMMISSIONER MAY: Sort of.

14 MR. SALA: Yes, I've been working in the D.C. metro  
15 area for the last 25 years and I've been working under licensed  
16 architects, under the sign of myself and under the -- I'm a  
17 licensed architect outside the U.S., but not here.

18 COMMISSIONER MAY: So that's what I'm asking, right?  
19 The fact that you've been working under a licensed architect is  
20 not the same as being a licensed architect. But if your license  
21 (indiscernible) tell me where that is? Where?

22 MR. SALA: Where is my license? In Argentina.

23 COMMISSIONER MAY: In Argentina. Okay. Thank you.  
24 That's acceptable. Again, our standard is for an expert in  
25 architecture to be licensed. Typically that's in the United

1 States, but I think anywhere I think -- and your experience is  
2 helpful to know as well. So that's it for me. I'm fine with  
3 qualifying Mr. Olivera Sala.

4 CHAIRPERSON HOOD: Okay. Any other objections to Mr.  
5 Sala -- Olivera Sala being an expert in architecture, and he's  
6 licensed in Argentina?

7 Commissioner Imamura?

8 COMMISSIONER IMAMURA: Thank you. Just to underscore  
9 for anybody that's listening, as Commissioner May pointed out,  
10 that there have been instances where we've had experts that are  
11 internationally licensed with references somewhere in the 48  
12 states, so I think what benefits Mr. Olivera Sala is the deep  
13 experience in the District combined with his international  
14 license. So I'm certainly satisfied with it, as (indiscernible).

15 CHAIRPERSON HOOD: Okay. So another thing that we want  
16 to do, if we're not speaking, all of us, we want to mute. I know  
17 a couple of us are not muted, even including myself right now,  
18 but we want to make sure that we mute so the public can hear us,  
19 we're getting feedback. Also this is a case within ANC 4B, I  
20 wanted to put that out there.

21 Ms. Schellin, anything else?

22 MS. SCHELLIN: I think that includes -- I think that  
23 concludes all of my preliminary matters at this time. So there's  
24 no motion, so we are ready to proceed, if Mr. Young would bring  
25 up the team for the Applicant.

1 CHAIRPERSON HOOD: Commissioner May?

2 COMMISSIONER MAY: I want to get clarification on one  
3 point about the party, I'm a little unclear. We have Historic  
4 Takoma and then we have the four individuals. Are they combined  
5 into a single party? I know they're represented by a single  
6 lawyer, so.

7 CHAIRPERSON HOOD: I thought we had combined -- unless  
8 I'm getting mixed up with another case because we only have one,  
9 I know there's so many, but I thought we had combined everybody.

10 VICE CHAIR MILLER: That's what I thought too.

11 COMMISSIONER MAY: Okay. I just want to be clear about  
12 this that we have one --

13 MS. SCHELLIN: Do we want to bring Mr. Brown up to --

14 CHAIRPERSON HOOD: Let's bring Mr. Brown up to clarify  
15 because I don't know if it was this case we combined everybody  
16 or was it something else with -- I think it was just --

17 MS. SCHELLIN: That's David Brown, if you could bring  
18 him up, Mr. Young?

19 COMMISSIONER MAY: Yeah, he's there.

20 MS. SCHELLIN: He's there? Okay. He just needs to  
21 unmute?

22 COMMISSIONER MAY: Exactly.

23 MR. BROWN: Good afternoon, Mr. Chairman.

24 CHAIRPERSON HOOD: How are you doing, Mr. Brown, could  
25 you refresh our memory for us please?

1 MR. BROWN: I'm not sure exactly what you said, but the  
2 intent -- my intention is to conduct the cross-examination for  
3 all of them, all of my clients, at the same time. So I'm speaking  
4 for all of them at the same time. They will individually testify  
5 and are individually subject to cross-examination, I suppose.  
6 But whether you call them four parties or one party, I don't  
7 think it really matters very much. I guess the only question is  
8 whether or not my clients might be allowed to ask questions in  
9 addition to me.

10 CHAIRPERSON HOOD: So here's how it works, Mr. Brown,  
11 as you know, especially for other purposes that may be outside  
12 the realm of the Zoning Commission, you're representing  
13 everybody. So I thought we had everybody including Takoma as  
14 -- Historic as one party, because I thought you represented that  
15 you were representing everybody, which you are. And as far as  
16 asking questions -- now they can do their individual  
17 presentations as a group. But as far as asking questions, that  
18 would have to come from you.

19 MR. BROWN: All right. I'll abide by that.

20 CHAIRPERSON HOOD: That actually is not -- I actually  
21 -- I will tell you, Mr. Brown, that was not my ruling, that's  
22 the court's ruling. Now you're a lawyer and I'm not, but I can  
23 tell you the courts have told me that's how we're going to --  
24 that's how they want to see us do it, so.

25 MR. BROWN: Very good.

1 CHAIRPERSON HOOD: All right. Anything else? So it's  
2 all one party. What's the name of your party, Mr. Brown? What  
3 are we -- what did we say we were calling it?

4 MR. BROWN: Why don't we just call it Historic Takoma?

5 CHAIRPERSON HOOD: Historic Takoma, sounds good. Thank  
6 you. Thank you, Mr. Brown, that's starting off very well, so I  
7 appreciate that. All right. So any other questions, Mr. Brown?  
8 So we're good?

9 MR. BROWN: No, I just want to register that I don't  
10 have any objection to the qualifications of the witnesses on  
11 behalf of the Applicant.

12 CHAIRPERSON HOOD: Okay. Great. Thank you.

13 All right. I guess we're ready to start the  
14 presentation, and we'll turn it over to Mr. Tummonds. Mr.  
15 Tummonds, I notice you all are all in the same room, and I'm sure  
16 we won't have any sound check problems this evening. So you may  
17 begin.

18 MR. TUMMONDS: Well, I thank you very much and we --  
19 due to Mr. Young's guidance, I think we're in good shape here.  
20 Again, thank you very much for having us. My name is Paul  
21 Tummonds, the Goulston & Storrs land use counsel on behalf of the  
22 Applicant. We're excited to present an application to you this  
23 afternoon for a dynamic mixed use project that will result in a  
24 significant contribution to the District's housing and affordable  
25 housing goals and transforms the truly under-utilized Takoma

1 Metro station into a thriving and exciting mixed use and mixed  
2 income development with enhanced WMATA facilities. This  
3 application has received the support of the Office of Planning,  
4 the Department of Transportation, the Office of the Attorney  
5 General (indiscernible) land use section, ANC 4B, and numerous  
6 community stakeholders. In regard to additional information  
7 requested in the Office of Planning's report, the information  
8 that we will present today includes revised drawings and details  
9 that respond to comments received from the Historic Preservation  
10 Review Board on June 1st. In addition, the Applicant wishes to  
11 clarify two areas of the requested design flexibility which were  
12 noted in the OP report. First, the Applicant only seeks design  
13 flexibility for the reduction of parking spaces, not an increase  
14 in the number of parking spaces as requested by OP. And second,  
15 the Applicant agrees that the LEED B+C mid (indiscernible)  
16 version four standards should be identified as the appropriate  
17 LEED designation in the design flexibility condition.

18 We have a lot of information to present to you this  
19 evening, and so now I will pass it over to our first witness,  
20 Kevin Goldman. And Mr. Young, could you bring up the PowerPoint  
21 presentation?

22 MR. GOLDMAN: Perfect. Thank you, Paul. For the  
23 record, my name is Kevin Goldman. I'm executive vice president  
24 for acquisitions and development at EYA. I'm also one of the  
25 owners of the company. I'm really excited to be here in front

1 of the Zoning Commission. As you may or may not know, we have  
2 been working on this for 25 years, so it's really nice to have  
3 it being heard. You can go to next slide.

4           There's a little bit of a delay here, yeah. EYA has  
5 been around for 30 years. I won't go into a ton of detail. We've  
6 been in front of this Commission in the past, so I think you're  
7 aware of some of the work that we've done, but most importantly,  
8 there's three things that stand out in our minds when we think  
9 of us as an organization: one, we care deeply about community  
10 outreach and making sure that we do deep community outreach and  
11 the community outreach does have an impact on the design of the  
12 building, and certainly in the case of Takoma as well as all for  
13 other projects, we're really proud about that fact. Second, we  
14 are one of the largest providers of mixed income and affordable  
15 housing in the region, both for sale as well as now for rent.  
16 And as you'll hear throughout this presentation today, affordable  
17 housing is one of the key public benefits of this proposed  
18 development. And third, we take a lot of pride in the unique  
19 architecture and design of the various projects we build  
20 throughout the region. This example in front of you is from  
21 along Old Town Alexandria on the riverfront, and it's a project  
22 that was able to work really wonderfully within a historic  
23 district since its design is something that is creating great  
24 open space for the community, retail amenities, and also a place  
25 where people live similar to what we're thinking in Takoma. Go

1 to the next slide?

2 Just a sense of our background from an expertise  
3 perspective. We've been doing this for 30 years. We've built  
4 (indiscernible) more than 40 neighborhoods generally around  
5 transit stations, so (indiscernible) with what we're proposing  
6 here. You can go to the next slide? You can just go to the next  
7 slide?

8 I'm going to hand it over to Steven Segerlin from WMATA  
9 who's going to introduce himself and WMATA.

10 MR. SEGERLIN: Great, thanks, Kevin. My name is Steven  
11 Segerlin, I'm from the Washington area -- or Washington  
12 Metropolitan Area Transit Authority, a mouthful, WMATA, where I  
13 am the director for real estate development. Our office has been  
14 working with the District of Columbia and all of our  
15 jurisdictional partners on developing our Metro properties to  
16 support jurisdictional economic development and housing goals  
17 since 1978. These projects create ridership and revenues for  
18 Metro, but they also provide revenues for the jurisdictions by  
19 converting untaxed property to productive use by introducing  
20 private development. Next slide?

21 Great.

22 MR. GOLDMAN: Thank you, Steven. So just real quickly,  
23 as I've said, we've been working on this for 25 years and the  
24 development design has really transformed throughout the years.  
25 A long time ago, we were really looking at meeting the

1 infrastructure of facilities for WMATA in place and just building  
2 a building on the parking lot. And as we've gotten further along  
3 and quite frankly, WMATA's team has worked really collaboratively  
4 with us on this, we came up with some designs we think are better  
5 for the site. You can go to the next slide?

6 MR. GOLDMAN: So this is the -- an aerial of the  
7 existing site. It is six acres. You can see the Metro station  
8 in the background. Today there is the bus loop which kind of  
9 cuts right through the center or the heart of the site with an  
10 open space next to it, and then the surface asphalt parking lot  
11 to the right of it. You can go to the next slide?

12 When we started rethinking this design about a year  
13 ago, we looked at what are -- what's the context, and so on the  
14 left you can see a diagram of the Takoma neighborhoods and Takoma  
15 Park neighborhood with the various parks that are surrounding it.  
16 And you can see that there's really no parks right in the heart  
17 of Takoma and that we have this opportunity to create something  
18 really special and unique. And then secondly, to the right, the  
19 peak areas are the retail zones within Takoma and Takoma Park,  
20 Maryland. So on the west side being Takoma, on the east being  
21 Takoma Park. Our site is right at the center point of the  
22 community. So at this really critical juncture where the retail  
23 from one part of the District leads off and then picks up again  
24 as we go underneath the Metro tracks and the bridge. And so one  
25 of the major reasons we thought about redesigning this site was

1 to make sure that we were including retail, like to close that  
2 street edge and make a continuous retail experience and then  
3 attach that retail to a wonderful urban retail plaza, as well as  
4 a passive open space, and then place the infrastructure where it  
5 really belongs up against the Metro track so that the community  
6 is not staring at the bus loop. You can go to the next slide?

7           And so this is the site plans, the last slide that I'll  
8 present, but it gives you a really good sense of the overall  
9 dynamics of the site. So the building itself that we're proposing  
10 is a number nine essentially laying on its back. And you see  
11 the infrastructure for the bus loop up against the train tracks  
12 on the upper side of this slide and then green space surrounding  
13 our entire building, creating a buffer against the existing  
14 single-family homes as well as residential buildings. And what's  
15 really fantastic also about this site and why we're so excited  
16 about it, it's rare to be able to deliver a ton of different  
17 community benefits and a great building and the right site plan  
18 and open space. And this site really has it all. This is a  
19 roughly 400-unit apartment building that is proposed to be 15  
20 percent affordable, with 5 percent of those units at 30 percent  
21 of those units at area median income. We have we have worked  
22 with the city, as you'll hear later in our testimony, to increase  
23 that to 33 percent, and we're hopeful that that will happen.  
24 There is retail on the left side of this page with a beautiful  
25 urban retail plaza where those cafes and restaurants will spill

1 right outside onto the streetscape, and they've got an alive and  
2 inviting walking and pedestrian environment to the Metro  
3 entrance. And we already have a letter of intent with a small  
4 market, a 7,000 square foot grocer, that we're really excited  
5 about. It's the one piece that's missing within this community  
6 from a walkability perspective if you want to live in Takoma  
7 without a car. There's really -- there's no downtown urban core  
8 grocer option, especially now that 7-Eleven closed. And so this  
9 will be a fantastic amenity for the neighborhood. We surrounded  
10 the entire building with open space to create even bigger buffers  
11 than we had proposed in the past, and stormwater management  
12 benefits that will help with future storms and potential issues  
13 in the neighborhood. And then finally, lastly, and I'll hand it  
14 off, we pulled the loading, the parking, everything off the  
15 street. You can see that mixed use courtyard where that type of  
16 activity takes place, not on Cedar, not on Carroll, not on  
17 Eastern, but off of the street in a more quiet -- in a way that  
18 was more quiet for the surrounding neighborhood.

19           With that, I'm going to hand it over to Freddie Olivera  
20 Sala, who is the architect for the project and he'll go through  
21 the design of the site.

22           MR. SALA: Thanks, Kevin. For the record, my name is  
23 Federico Olivera Sala with Moya Design Partners, the architect  
24 for the project.

25           CHAIRPERSON HOOD: Let me just stop. Let me ask for

1 one second. Let me just stop for one second. I don't know if  
2 you all have microphones that are closer, if you can pull it  
3 closer to you, whoever's talking, there should be a microphone,  
4 I don't know how you all have it set up. Because we want to make  
5 sure it's clear and I want to make sure -- I can make it out,  
6 but I don't know if others can. So closer he gets to the  
7 microphone -- let's see if we can -- let's see if we can make it  
8 better.

9 MR. SALA: (Indiscernible) as loud as possible.

10 CHAIRPERSON HOOD: Okay. Mr. --

11 MR. SALA: So as I was saying, and for the record, my  
12 name is Federico Olivera Sala with Moya Design Partners, the  
13 architect for the project. As Kevin was saying, we deliberately  
14 placed the building in a way that relies two major design  
15 decisions that we wanted to bring to this project. One, creating  
16 a location for the Metro operations away from the neighborhood  
17 and use our building to shield that separation from the  
18 neighborhood and then surround our project with open space that  
19 is programable and accessible that serves as a buffer from other  
20 buildings to the neighborhood across from us on all  
21 (indiscernible). Next one please?

22 As you can see here, these are the sort of additional  
23 substructures that we did as we tweaked that massing to basically  
24 achieve two main goals. One, and foremost, achieve compatibility  
25 with the building's surroundings and create unity within the

1 physics of the building or parts of the project. And I'm going  
2 to speak further about unity as we move forward. Next one please?

3           We're going to go quickly around the building and just  
4 show how the building is laid out and articulated. What you see  
5 here is an aerial view from above the tracks. And what we want  
6 to stress is that the way the hierarchy of those buildings is  
7 one building sits in front of a Metro plaza and the rest of the  
8 building sits basically along the park. So we wanted to create  
9 a differentiation between the two parts of the building where out  
10 of the nine one would be the full donut, the other one would be  
11 sort of an L shape part of the project. The L-shaped part of  
12 the project resides the Metro Plaza and it's an intimate  
13 relationship with the two other buildings, one being under  
14 construction and the first building across from Carroll Street  
15 that has been there for quite some time. So the idea is that  
16 this building dialogs with them frames that space. Next one  
17 please?

18           As you can see, the building turns along Cedar and  
19 again into Eastern Avenue, further away from the curb, allowing  
20 that park to thrive and give them also a shape, the triangular  
21 shaped park that is (indiscernible). As you can see here, how  
22 then the articulation of the buildings, even though they are  
23 related to each other, have some tweaks and different corridors.  
24 Specifically on the corridors and the materials used are  
25 different from what you've seen before in the previous

1 submission, and those are in directly response to comments that  
2 we received from Office of Planning and the neighborhood. Next  
3 one please?

4 As you continue to go around the building, you can see  
5 how the massing of the building cascades down to achieve  
6 compatibility with the single-family neighborhood across the  
7 street and the apartment buildings to the right of the page.  
8 Next one please?

9 I want to talk a little bit in talking about the  
10 architecture of the building, but also use this image to talk  
11 about strategy, how we dealt with grade. There's about 20 feet  
12 in grade from one side to the other side of the site. So we took  
13 a long time thinking of how we can articulate the building and  
14 make it work from every standpoint. So what we did is sunk the  
15 garage one full level below grade and on level, if that, within  
16 the grade. With that, we can achieve two things -- or three  
17 things. Leave the residential level above the first floor that  
18 is not in direct contact with the noise and smoke from the bus  
19 loop operations. Second, have parking upgrade that is in  
20 relationship with the retail that is sort of a request from our  
21 grocer that requires parking at the same level for their users.  
22 And third, but not less important, was to have the very secure  
23 parking that is accessible and is well lit and is not below grade.  
24 Next one please?

25 These are more photorealistic renderings of what we

1 -- we want to show here is how the building morphs around itself  
2 and creates relationships with the buildings across the street  
3 and shape the space that the building sits on. This is the view  
4 of the building as you go under the other part of the Metro and  
5 this is the Metro plaza. We think this space is going to be a  
6 very vibrant space lined up with retail space that could serve  
7 for events, have dinner, spend some time there as you wait for  
8 your bus or for the Metro. The idea of this building that uses  
9 the corridor pallets (phonetic) of the building that are across  
10 the street and similar corridors of the -- if you see in the  
11 immediate surrounding. What we also included in these rendition  
12 is we added a lot of articulation in the brick masonry there. We  
13 added a lot of texture and color variation in the brick. Next  
14 one please?

15 This is a similar angle, but a more aerial view. And  
16 the purpose of this view is just to understand how that space is  
17 going to work. Our building, it was a missing link between all  
18 the retail frontage along Cedar and Carroll. This closes that  
19 space, creates the shape of that Metro plaza, recites it and it  
20 creates an intimate dialog between all the other buildings. Next  
21 one please?

22 This image portrays the carveout between the two  
23 massings, the L-shaped versus the full donut, the way we broke  
24 that nine. And the idea is that these buildings are connected  
25 by sort of a glassy bridge that also highlights the underpass

1 situation that we have there that allows for vehicular and truck  
2 traffic to go inside that and provide loading, parking garage  
3 access, bicycle facilities, as well as bit of space for amenity  
4 and retail. As you can see, the building to the right is the  
5 building that sits on the Metro and has all the retail component  
6 commercial and the building to the -- so the building to the left  
7 and the building to the right have the amenities and strictly 100  
8 percent residential. So what we wanted to create is some sort  
9 of synergy between the two, even though has more commercial first  
10 floor, the other one has the same level of transparency, so the  
11 two buildings can dialog to each other at comparable  
12 architecture. We wanted to create a lot of transparency at the  
13 ground level and so we can relate to the space that the building  
14 (indiscernible) to the right, which is the larger part provided.  
15 Next one please?

16 This one just wanted to show how the building rotates,  
17 how the articulation of the building uses different scales and  
18 different elements, different colors of brick to break down the  
19 scale and make buildings sisters to each other, yet adding more  
20 granularity to the design. Next one?

21 The next five slides are (indiscernible) sections just  
22 to show how our building relates to its surroundings. This first  
23 section is the section across Carroll Street, right where the  
24 retail -- main retail component is. Next one?

25 This is (indiscernible) closer to the Metro where the

1 underpass is the tallest portion. Next one?

2 This is the section from our building through the plaza  
3 connecting to the building that is being under construction. As  
4 you can see, our building is sunken into the grade so heights  
5 are fairly comparable. Next one?

6 This is the section at the tightest location where our  
7 building is in Eastern Avenue. As you can see, the building  
8 recedes itself to achieve compatibility. Next one?

9 And this is at the widest point where our building is  
10 further back from the closest single-family house. I think this  
11 is my last one. Oh, sorry. Well, why don't you just stop a  
12 little bit and talk how we approach retail and how we carefully  
13 looked at the pallet of retail that is in the area. And what we  
14 did in comparison we put them all side by side and we were able  
15 to sort of create lines that meet all those retail storefronts  
16 and we can derive lines that inform the design for our storefront.  
17 So basically in our storefront we are paying homage of the retail  
18 that is -- surround us by putting those lines. Each line will  
19 meet something in our stores (indiscernible) door height, the  
20 canopy line, or the signage. I think that's it. Thank you so  
21 much.

22 MS. CLARK: Good afternoon. Can y'all hear me? For  
23 the record my name is Gabriela Canamar Clark. I am a landscape  
24 architect and partner with LandDesign (indiscernible) Alexandria,  
25 Virginia and we're excited to be part of this project. Our charge

1 with this project approach is to make the most of existing  
2 conditions which is (indiscernible) framework already existing  
3 (indiscernible) open space with all this greenery and existing  
4 conditions. As Kevin mentioned earlier in the presentation, the  
5 park on this slide is highlighted with all the special trees  
6 (phonetic). It's close to 1.8 acres and is the green envelope  
7 for the project as well as a buffer for the (indiscernible)  
8 neighborhood lodge (phonetic). And it follows basically Carroll  
9 Street, Cedar Street, and Eastern Avenue around the building on  
10 this pace. Our approach to landscape and trees kind of is to  
11 preserve and enhance. Shown here are four heritage trees that  
12 are on this side of the property, ranging from 32 inch caliper  
13 in size to 37.5 caliper in size. One of them is a white oak,  
14 one of them is a Japanese zelkova, and two willow oak, all in  
15 good condition, according to the expert arborist (indiscernible).  
16 The one willow oak shown here inside of the proposed courtyard  
17 at the top of the page will be relocated by our client and it  
18 will be -- we will work together with arborist assists to make  
19 sure that the future location, which is at the bottom of the page  
20 in the yellow, that it does not conflict with the other existing  
21 trees and their canopies and their size, and it allows for  
22 (indiscernible). All of these special trees are being considered  
23 a critical part and essential for this park design. And  
24 (indiscernible) provide much shade, much needed shade and  
25 habitate for this experience. And the park space is going to

1 incorporate all of them in a manner that will protect them and  
2 it will protect their critical (indiscernible). We are proposing  
3 an upgraded complete sidewalk along Eastern Avenue with street  
4 trees that do not exist there today, as well as street trees  
5 along the drive that is coming in from Eastern Avenue and along  
6 the western sidewalk, which is shown here in the proposed building  
7 western -- to the side of the top of the page. New street trees  
8 along Cedar and Carroll Streets are not quite possible due to the  
9 preservation and protection of those special trees and heritage  
10 tree as I indicated. Next please?

11 In terms of vehicular or pedestrian accessibility,  
12 (indiscernible) described before, there's a fair amount of  
13 graduation change, so we're endeavored to find mechanisms and a  
14 system of walkways and pathways that connect the buildings to the  
15 neighborhood and around so that there is full accessibility ADA  
16 compliant to the WMATA function and (indiscernible) to the retail  
17 and the grocer, the lobby for the building, and through and around  
18 the park (indiscernible). Next please?

19 This slide shows you the overlay with a multi-modal  
20 approach to the project. In connection with WMATA we are  
21 endeavoring to make sure that all accessibility for all levels  
22 of mobility is clear and legible and safe at the same time. The  
23 situation for a vehicle to separate from the situation of  
24 pedestrians, and I will take you more into the details as to each  
25 part of the park for you to see how all of that work together.

1 Next please?

2           The first phase that I will describe more in detail is  
3 more of the plaza and the corner of Carroll and Cedar Street.  
4 (indiscernible) -- this includes the heritage tree, which is  
5 depicted on the large circle and then three more special trees  
6 that have been incorporated into the concept. The street-- this  
7 street corner is the highest point of the entire side, which  
8 allows (indiscernible) and appreciation of space. And at the  
9 same time we worked with the grades of existing trees, which will  
10 stay the same as far as grade goes, and create a system of  
11 pathways and walkways that do connect the spaces and provide ADA  
12 access through the shops and through the grocer. Next please?

13           This exhibit just breaks it down a little bit more in  
14 detail so you see the different terraces and how we are responding  
15 to the existing grading at the top of the slope (indiscernible)  
16 down to the eventual elevation of the building which is nothing  
17 basically, from the vintage (sic) point of corner, and then  
18 creating this pedestrian promenade or (indiscernible) prominent  
19 (indiscernible) terraces are accessible and inviting for people  
20 who have all mobility. Next please?

21           This is a three-dimensional rendering looking from  
22 Cedar Street and looking towards the WMATA. You can see in the  
23 distance the platform and the train tracks in the horizon by the  
24 blue sky. The trees shown are the heritage trees and -- the  
25 heritage trees and special trees that are part of it, and you

1 see the -- sort of the dynamic changes in elevation and how  
2 accessible -- we're making them accessible to the public and  
3 inviting and space for people to sit and gather and enjoy and  
4 access the retail tenants that will occupy the space. Next  
5 please?

6           The next phase I'll take you through is the courtyard,  
7 internal courtyard. This courtyard's a team-work focused space  
8 that mostly serves as the service hub for the building, it's the  
9 access for the vehicle coming from Cedar Street and for  
10 pedestrians coming out from Cedar, from the park, and also from  
11 the Kiss and Ride western side of the building. Next please?

12           A little enlargement of the space takes you a little  
13 bit of more detail as to how pedestrians will circulate in and  
14 about the space with having access from the public sidewalk, the  
15 share use path, access to lobby around the promenade on the left  
16 -- page left, and then through that arc or that underpass to get  
17 through the open courtyard, back of the building, the bike room,  
18 and the other (indiscernible) and loading for the building. Next  
19 please?

20           This phase went through a journey from where we started  
21 and we listened to the comments from -- through the PUD review  
22 process. In this slide I'm going to summarize some of the things  
23 that we improved along the journey, some of which were just  
24 clarity on design elements to differentiate vehicular versus  
25 pedestrian environment, clean and clear and legible sidewalk

1 elements to protect pedestrians from vehicles and to make it that  
2 much more legible. And so we believe this design addresses all  
3 of those comments and make a much more richer and legible and  
4 inviting. Next please?

5 I will show you two (indiscernible) this space. This  
6 one is looking from the Kiss and Ride on the western side of the  
7 building onto that open courtyard. There is a pedestrian  
8 passageway for convenience from residents of the building, and  
9 people are cutting through to come through the space and get to  
10 the WMATA side through those legible crosswalks. It's well lit,  
11 animated with art, signage, landscaping, and all those elements.  
12 Next please?

13 This is a view from the eastern side, access is front  
14 eastern and that curb cut and sort of the access of the  
15 (indiscernible) we're talking about the arcade on the underpass  
16 underneath that articulation of the building above. Very dynamic  
17 experience. You see the Metro platform or the tracks on the  
18 horizon by the blue sky. Left would be part of the retail  
19 animation, (indiscernible) is the functionality of the lobby and  
20 so that movement of people, and then this is that multi-modal  
21 access to that courtyard that will serve the building's residents  
22 and then the public goes through and take advantage of the retail  
23 and (indiscernible) WMATA (indiscernible). Next please?

24 The corner of Cedar and Eastern and beyond is the  
25 largest portion of the park, which is where the majority of the

1 trees exist today. This proposed park space maintains the current  
2 green buffer from existing residences and other uses across the  
3 street, with a large grouping of existing special trees and the  
4 proposed relocation of the heritage tree to the largest darker  
5 circle you see in the bottom left of this slide. The other two  
6 existing heritage trees flanking the vehicular access from  
7 Eastern Avenue, you'll see them in darker green as well. This  
8 slide also shows a little more clearly how we are proposing two  
9 trees and the new sidewalk along Eastern Avenue. It's worth  
10 mentioning that the long space in between those -- the groupings  
11 of the trees is a result of our study, and this is exactly where  
12 the blacktop parking, concrete and asphalt of the current parking  
13 area is. So we're taking advantage of an area that's relatively  
14 flat, turning it -- impervious surface into pervious, and add  
15 space where people can enjoy and have an activity space day or  
16 special event. Next slide please?

17           This takes it to a little more detail. You can see the  
18 portion of the building that faces the park. You'll see the  
19 grouping of all of the trees with their surveyed numbers on the  
20 left, the long sort of space and the access from Eastern on to  
21 the property. We have introduced a shared use path in a manner  
22 that actually is less than 5 percent, so it is universally  
23 accessible for all people of all mobilities and it has other  
24 features such as stormwater management from the rain gardens  
25 which are (indiscernible) and Dave will talk a little bit more

1 after my presentation. Next slide please?

2           This is a view from Eastern Avenue looking south  
3 towards the building and towards that grove of trees that as it  
4 is today. And you can see what is currently a blacktop and  
5 concrete will be turned into this beautiful space that will be  
6 animated with either public art, playful scape, and places that  
7 engage community. We have had a meeting with Parks and  
8 Recreation, which was seen favorably as a beginning of a journey  
9 where we can continue to listen to them and so they can see as  
10 to what are the features of this park that will serve the  
11 community. There's -- also all of you can see the rain gardens  
12 in the background and all the stormwater management that will be  
13 a portion of this park to be integrated as part of the amenities.  
14 I think with that, I will pass it on to Oliver. Thank you very  
15 much.

16           MR. OLIVER: Good afternoon, my name is Kyle Oliver,  
17 and I'm the principal director of VIKA Capitol. We are the  
18 surveyors and civil engineer for the project. The existing  
19 condition is shown on the left. It's a very dense site. You  
20 can see the topography if you look closely. It shows over 20  
21 feet across from one side to the other. The existing conditions  
22 for the site are the existing asphalt parking lot, bus lanes, and  
23 a bus turn around. There are no structural stormwater management  
24 facilities for the existing site. Stormwater drains off these  
25 asphalt areas to the existing inlets. There are no real

1 stormwater management detention or retention facilities on the  
2 site. The existing stormwater drains undetained toward Easton  
3 Avenue if these existing inlets get overwhelmed. The proposed  
4 condition of the site is generally broken into three drainage  
5 areas. The relocated WMATA bus loop and turnaround will drain  
6 into four separate bioretention facilities. The building roof  
7 and courtyards will drain to numerous fire retention facilities  
8 located on the building structure or just outside the building  
9 envelope. The plaza area multi-use court and community park will  
10 drain to a large fire retention facility located along Eastern  
11 Avenue as Gabby mentioned. These types of fire retention  
12 facilities or rain gardens as they're sometimes known will  
13 collect the stormwater from the site. These facilities will slow  
14 down the stormwater flow while providing stormwater retention and  
15 detention. The design of these facilities allows for the water  
16 to pond from 6 to 12 inches (indiscernible) at the top. The  
17 water will then filter through the fire retention soil media and  
18 a controlled release of the water will occur. These facilities  
19 have trees and various plants that are designed to mimic the  
20 natural hydraulic cycle to include infiltration and  
21 evapotranspiration while providing water to the plant. The  
22 development of the site will require stormwater retention and  
23 detention to meet DOEE requirements and will provide an overall  
24 improvement for the management of stormwater for the property  
25 (indiscernible). Next slide?

1           And these are the three areas in the different colors,  
2 the yellows, the blue, and the pink, that depict the three  
3 drainage areas I spoke about.

4           MR. ZEID: Good afternoon. I'm Will Zeid with Gorove  
5 Slade, we're the traffic engineers for the project. And we can  
6 go to the next slide? There we go.

7           The site is currently served by three existing curb  
8 cuts. The redevelopment will realign the bus loop with a combined  
9 Kiss and Ride functionality and reuse the northern curb cut on  
10 Eastern Avenue, as well as the existing curb cut on Carroll  
11 Street. The southern existing curb cut on Eastern Avenue will  
12 be removed and a new curb cut will be installed on Cedar Street.  
13 The new Cedar Street curb cut will include a driveway  
14 (indiscernible) leading to a curbless (indiscernible) type  
15 access. These are the residential and retail development. The  
16 realigned bus loop will serve both bus service and Kiss and Ride  
17 traffic. Consistent with existing conditions, buses will  
18 continue to both enter and exit via Eastern Avenue and enter and  
19 exit via Carroll Street. The Kiss and Ride loop will be inbound  
20 only from Carroll Street and outbound only to Eastern Avenue.  
21 There will also be a secondary driveway into the lower level of  
22 the parking garage along the loop with access to and from Eastern  
23 Avenue. At the bus loop intersection with Carroll Street a new  
24 traffic signal will be installed to facilitate bus movements into  
25 and out of the station, as well as provide protected pedestrian

1 crossing. Next slide please?

2           The mixed use project includes residential and retail  
3 use and uses served by 228 parking spaces located within the  
4 lower levels of the building. Both secure and long-term bike  
5 room and short-term bike racks will be provided meeting zoning  
6 requirements. The robust transportation demand management or TDM  
7 plan was developed in coordination with DDOT, that includes  
8 enhanced TDM measures, pedestrian safety improvements, and  
9 funding for a new Capitol bikeshare station. In addition to  
10 sidewalks along the public street, the project is including a  
11 shared use path connecting Cedar and Carroll Streets with Eastern  
12 Avenue that will be up to 12 feet wide and located within an  
13 easement for public use. Next slide please?

14           A full CTR with capacity analyses was prepared for the  
15 project, which identified two locations where mitigation is  
16 triggered. Both locations could be mitigated simply via signal  
17 timing adjustment; however, in consultation with DDOT mitigation  
18 via a significant TDM plan was identified to adequately offset  
19 the development's traffic impact and parking (indiscernible).  
20 The new traffic signal to be installed by the Applicant will help  
21 facilitate efficient operations for Metro buses and provide  
22 protected crossing spaces for pedestrian. While there are  
23 currently crosswalks at this location which is immediately in  
24 front of the station entrance, the intersection is unsignalized,  
25 and Carroll Street traffic does not have a stop sign. Buses must

1 wait for a gap to exit the bus loop and pedestrians do not have  
2 signal protection to cross the street. The new signal will  
3 provide protected times for both of these movements to occur. It  
4 is noted that there's existing congestion along Carroll Street.  
5 The new traffic signal will help break up queues and keep the  
6 area in front of the Metro station clear for bus and pedestrian  
7 movements without significantly impacting delays or queues at  
8 nearby intersections. Further, while DDOT did not generally  
9 individually retime existing intersections for mitigation  
10 purposes, the introduction of a new signal may be paired with a  
11 review of corridor timings and offset, which could result in  
12 improved timings along the corridor and reduce delays. DDOT  
13 concurs with the findings of the CTR and the proposed mitigation  
14 measures. Next slide please?

15 With proposed parking supply higher than DDOT's  
16 preferred maximum rates, the project worked with DDOT to develop  
17 an appropriate TDM plan to offset the project's impact and parking  
18 supply. Parking will include reserved spaces for residential and  
19 separate reserved spaces for retail, as well as EV spaces,  
20 electric vehicle spaces. The provision of adequate onsite  
21 parking will help ensure that the project's parking demand is  
22 addressed onsite. Further, with the site located at the Metro,  
23 residential parking may serve more as vehicle storage for those  
24 desiring to own a vehicle for recreation and travel purposes who  
25 would otherwise utilize Metro biking or walking for their daily

1 activities. Loading access will be provided from the internal  
2 court with head-in and head-out movement at public streets,  
3 meeting zoning and DDOT requirements. The Applicant will provide  
4 all residential long-term bike parking at the ground level and  
5 will include larger cargo tandem spaces, outlets for charging e-  
6 bikes and scooters, as well as other DDOT design criteria in that  
7 bike room. Next slide please?

8           The TDM plan was developed in coordination with DDDOT  
9 with both the project's vehicular impact and parking in mind.  
10 The plan includes DDOT requested additions and components from  
11 the highest tiers of the DDOT regulation. The project will  
12 include significant pedestrian and bike infrastructure  
13 improvements, funding for a new Capitol bikeshare station,  
14 bikeshare memberships for tenants, and other pedestrian safety  
15 improvement. Next slide?

16           Some key improvements are shown here, which include  
17 curb extensions at the Metro entrance, a raised median where it's  
18 currently just striped, installation of the missing crosswalk,  
19 which is on the right side of the intersection here, it's not  
20 there today, and a new traffic signal at the Metro intersection  
21 on Carroll Street. The improvements will also include a raised  
22 crossing across the Kiss and Ride lane within the bus loop, as  
23 well as pedestrian improvements at the Cedar Street and Eastern  
24 Avenue intersection. Next slide please?

25           DDOT issued their report in support of the project with

1 two conditions. These conditions include implementing the agreed  
2 upon TDM plan and providing an easement for the onsite shared use  
3 path, which should be constructed at 12 feet wide where possible.  
4 The Applicant agreed to both of these conditions and will continue  
5 to work with DDOT on the continued coordination items through the  
6 permitting process. And with that, I will hand it over to Shane.

7 MR. DETTMAN: Good afternoon, Commissioners. To  
8 approve the project, the Commission must find that the proposed  
9 project is not inconsistent with the comprehensive plan and other  
10 adopted public policy and active programs, that the project does  
11 not have any unacceptable impacts, but instead the impacts are  
12 favorable and capable of being mitigated or acceptable given the  
13 quality of public benefits that are proffered by the applicant,  
14 and then finally that the project includes specific public  
15 benefits and amenities that are not inconsistent with the  
16 comprehensive plan. In the end, the Commission has to judge,  
17 balance, and reconcile the value of the public benefits and the  
18 amenities, the degree of development incentives that are being  
19 requested by the applicant, and any potential adverse effects of  
20 the project. Next slide?

21 Commissioners, as you know, in 2021 that the Council  
22 adopted the most recent and current comprehensive plan. And in  
23 the comprehensive plan, there's a keen emphasis on equity and  
24 particularly racial equity. And the comprehensive plan  
25 approaches equity in two ways: first as a process where those

1 most impacted or that have been most impacted by structural racism  
2 are meaningfully involved in the development of projects; and  
3 then secondly is the outcome, where you look at, you know, what  
4 are the potential outcomes in terms of housing, environmental  
5 sustainability, land use, urban design, what are the outcomes of  
6 a specific project and how can we advance racial equity. The  
7 implementation element specifically says that the Zoning  
8 Commission shall evaluate all actions through a racial equity  
9 lens as part of its comp plan consistency analysis. Next slide?

10           So with that, we start to look at the project's  
11 consistency with the comprehensive plan, starting with the  
12 generalized policy map. Here you can see a side by side of the  
13 2012 generalized policy map and then the amendments that were  
14 made to the PUD site in the most recent comprehensive plan where  
15 you see a movement towards the entire site largely being moved  
16 into the Neighborhood Advancement Enhancing Area designation with  
17 the area along Cedar and Carroll remaining in the Main Street  
18 District's corridor. Next slide?

19           The move to designate the large majority of the site  
20 to neighborhood enhancement is a clear indication of the  
21 Council's recognition that this site has substantial  
22 underutilized land area that presents an opportunity for  
23 compatible infill development. The guiding principle in a  
24 neighborhood enhancement area is to ensure that new development  
25 responds to the existing character, natural features and existing

1 plant infrastructure capacity of the surrounding area. And we  
2 believe that this project does exactly that. It also encourages  
3 new housing that is consistent with the future land use map and  
4 applicable comp plan policy. The Main Street mixed use corridor  
5 is an area that's pedestrian oriented with retail storefronts and  
6 upper story residential offices, exactly what's being proposed  
7 in this project. Conservation enhancement is desired to foster  
8 economic and housing opportunities and to serve neighborhood  
9 (indiscernible) and that development should support transit use  
10 and enhance the pedestrian environment, all things that this  
11 project (indiscernible) align with. Next slide? We can go to  
12 the next slide as well, Mr. Young, thank you.

13           Looking at the future land use map, you can see another  
14 side by side and you can see the changes that the Council made  
15 to the future land use map for this specific site, moving the  
16 site from a moderate density designation to a medium density  
17 designation. Next slide?

18           The mixed use designation on the future land use map  
19 is a specific land use category. So when you see that you don't  
20 drill into the individual components necessarily, you get  
21 guidance from those individual components, like in this case  
22 where the site is designated for medium density mixed use  
23 development, when you look at the individual components, there  
24 is a preference for residential and there's medium density  
25 residential there with low density commercial. But again, the

1 mixed use designation is a designation unto itself. And with  
2 respect to density, when we look at the guidance that's provided  
3 in the framework element for this site, you can see there at the  
4 bottom set of bullets where a medium density residential  
5 designation kind of ordinarily as a matter-of-right and the range  
6 is between the 1.8 to 4.0 FAR range with greater density permitted  
7 through IZ and PUD. Low density commercials are kind of up to  
8 2.5 FAR as a matter-of-right, with greater density through IZ and  
9 PUD. As proposed, the project is only a 1.69 FAR, of which only  
10 .06 FAR is nonresidential uses, and so clearly consistent with  
11 what the future land use map this is a mixed use development that  
12 favors residential use and is well within the density ranges,  
13 matter-of-right density ranges, that could be contemplated on  
14 this site. Next slide?

15           This shows how much sort of a -- a comparison of how  
16 much density is actually available on the site as a matter-of-  
17 right under the existing zoning, not even paying any attention  
18 to the IZ bonus density that is permitted under existing zoning.  
19 Approximately 575,000 square feet of density is currently  
20 available on the site under the existing zoning. And you can  
21 see in that that bottom line the proposed development doesn't  
22 even reach the amount of density that's permitted under existing  
23 zoning without the IZ bonus density, at about 495,000 square  
24 feet. So very, very, very low overall density across the site.  
25 We are not gaining any density through the PUD. We're not even

1 touching matter-of-right IZ bonus densities with this project.

2 Next slide?

3           With respect to height, I think it's important to note  
4 that the comprehensive plan does not provide any specific  
5 guidance on building height, whether it's a matter-of-right or a  
6 PUD. And that's because the PUD as a process specifically exists  
7 to give the Commission flexibility to provide greater height and  
8 density because it gives them the opportunity to review a specific  
9 project in relation to its public benefits and amenities and  
10 potential impacts to the surrounding context. When looking at  
11 choosing a specific zone, again with mixed use being a specific  
12 designation, the comprehensive plan (indiscernible) provide any  
13 zoning designations are used in mixed use areas. It doesn't  
14 prescribe a specific zone, or it doesn't give you any guidance  
15 on what zones are considered generally compatible as a matter-  
16 of-right, and so the variety of zoning designations are used.  
17 Next slide?

18           And so again with height, as you've seen in prior PUDs,  
19 we really need the MU-5A zone here in order to relate to the  
20 surrounding context. To move that density that's available as a  
21 matter-of-right, to move that density around the site to respond  
22 to the surrounding context, pushing the building as far as we can  
23 up against the Metro rail and achieving that height of 76 feet  
24 using the building to buffer the Metro rail and the bus facility  
25 and then using the open space that's been concentrated up on

1 Eastern Avenue to buffer the buildings and the surrounding  
2 context. So we're providing a maximum height of 76 feet. Another  
3 important point to make is that the medium density residential  
4 designation, the framework only states that RA-3 zone is a  
5 generally compatible zone. And in that zone you can reach a  
6 height of 75 feet under a PUD and then the Zoning Commission  
7 could, if the Applicant was to make that case, could grant another  
8 5 percent of building height going above 75 feet, the proposed  
9 76 feet. However, in this case we can't choose the RA-3 zone  
10 because that would be inconsistent with the mixed use designation  
11 on the site. The RA-3 does not allow for retail use. We need a  
12 mixed use zone and the MU-5A zone is the most appropriate zone  
13 from a height perspective to -- sort of to align with the proposed  
14 design. Next slide?

15           The Commission recently published its second iteration  
16 of its racial equity tool, and that's in direct response to the  
17 implementation element and directed at the Zoning Commission to  
18 have to review all zoning actions through a racial equity lens.  
19 And I'll quickly go through the four parts of this, of the racial  
20 equity lens. Next slide?

21           This is just a catalog of the various comprehensive  
22 plan policies that are clearly advanced by the project. The bold  
23 ones are the ones that specifically and explicitly address racial  
24 equity and that provide for in OP's racial equity crosswalk.  
25 Those policies have to do with providing a variety of housing

1 types, equitable access to transit, providing affordable housing,  
2 mixed income housing at a range of incomes, advancing diversity  
3 and equity in the planning area itself, and providing larger site  
4 housing needs. We've provided a detailed analysis of these  
5 policies in our pleadings. Overall, we find that from a policy  
6 perspective, the project is not inconsistent with the written  
7 policies of the comprehensive plan, and that includes the Rock  
8 Creek East elements, policies, the land use policies, the urban  
9 design policies, historic preservation policies that have to do  
10 with infill development and compatibility with the surrounding  
11 (indiscernible). Next slide?

12 Just to work on a small area plan, in terms of the  
13 relationship of the small area plan, there is one that was adopted  
14 by the Council back in 2002, over 20 years ago, for the Takoma  
15 Park area. And the framework element and implementation element  
16 gives us guidance in terms of the relationship of that small area  
17 plan and the current comprehensive plan. The framework element  
18 says that a small area plan, unless it's been made binding on  
19 the Commission through an enactment of a comprehensive plan  
20 amendment, a small area plan provides only supplemental guidance  
21 to the Commission, but it does so only to the extent that it does  
22 not conflict with the comprehensive plan. Implementation element  
23 has similar language. Next slide?

24 If we look at the Takoma Central District Plan, again  
25 adopted in 2002, its recommendations were subsequently

1 incorporated into the 2006 comprehensive plan, including  
2 amendments to the site's future land use map. Following the 2006  
3 comp plan, the comp plan has been amended twice, in 2011, but  
4 most recently in 2021. Each of those subsequent comp plan  
5 amendments included changes to the policy guidance for the site  
6 as well as the future land use map. Those future land use map  
7 changes were changes such that they supported greater height and  
8 density on the site than what is contemplated in the 2002 small  
9 area plan. I would submit to the Commission that at this point  
10 in time generally the zoning and land use concepts for the PUD  
11 site that are described in the small area plan are inconsistent  
12 with the current comprehensive plan and per the framework  
13 elements those aspects of the small area plan are inconsistent  
14 with the current comprehensive plan that provides the Commission  
15 with guidance for the current project. Next slide?

16 But if we look at the Rock Creek East elements policy  
17 guidance related to Takoma -- the Takoma Central District Plan  
18 -- the Takoma Central District small area plan, the proposed  
19 project, when viewed in accordance with the updated future land  
20 use map, is entirely consistent with the policy guidance in terms  
21 of how through strategy we're accommodating housing demand,  
22 including affordable housing; in terms of retail strategy, we're  
23 concentrating retail activities on the key sites along Carroll  
24 Street. The transportation strategy, we are accommodating all  
25 of the transit needs for the metro station and the bus facility

1 on the site. And in terms of the village green, we're propos-  
2 -- we are providing the village green. Not only that, but we  
3 have moved the village green from Carroll Street, which is shown  
4 in the small area plan, over to Eastern Avenue to help mitigate  
5 any kind of potential impact the project might have on the  
6 surrounding low density parks. Next slide?

7           These are just some of the planning and development  
8 priorities that are set forth in the Rock Creek East element,  
9 talking about preservation, enhancement of the existing  
10 neighborhood, provision of open space, avoiding displacements,  
11 promotion of affordable housing. Next slide?

12           In terms of community guidance and engagement, the  
13 racial equity tool calls for looking at past and present racial  
14 discrimination. Just generally, the Rock Creek area has a  
15 history, an early history, of widespread use of restrictive  
16 covenants and subdivisions throughout the area that specifically  
17 barred blacks and people of several other races and ethnicities.  
18 And as you know from other projects that you've heard that, those  
19 particular discriminatory land use practices and zoning  
20 practices, the impact that has had on homeownership, on  
21 generational wealth building that comes from homeownership, and  
22 as a result the lack of access over decades and decades of time  
23 (indiscernible) access to opportunity, including jobs, income,  
24 and education. This has occurred in Rock Creek East, just like  
25 it had occurred in many other areas of the city. The racial

1 composition of the Rock Creek East has shifted over time from  
2 predominantly white to predominantly black. But within the last  
3 decade, the racial composition, though it has remained fairly  
4 constant, you're starting to see a change in Rock Creek East.  
5 You can see that on the diagram on the right, which is a recent  
6 study by M NCPPC, looking at neighborhood change between 2012 and  
7 2019, where you're starting to see census tracts that are  
8 experiencing displacement, including the two that are around  
9 Takoma Park. Next slide?

10           The Applicant has done extensive community outreach in  
11 the (indiscernible). At the end of the conversation today we'll  
12 talk about this. This is just listing all of the District and  
13 Maryland stakeholders and cross-jurisdictional stakeholders that  
14 the Applicant has engaged with. Next slide?

15           These are just some of the things we've heard during  
16 those outreach in terms of what the community is interested in:  
17 affordable housing, public open space, sustainable development,  
18 and buffering of the development through building stepdowns and  
19 setbacks. Next slide?

20           The tool requires us to look at this aggregated data.  
21 I won't go into any kind of detail. Happy to discuss at the end  
22 of the presentation. But generally, what are the trends saying  
23 for Rock Creek East over the course of the past 10 or 12 years?  
24 Population is up, but if you look at more detail, the black  
25 population is down significantly. Incomes are up, but not nearly

1 as equally across various races. The percent living in poverty  
2 is down, but again, not nearly equally across races. And we can  
3 say the same thing about the unemployment rate and households  
4 that are living -- households that are (indiscernible). Next  
5 slide?

6 When we evaluate the project through a racial equity  
7 lens, all of the anticipated outcomes, in our opinion, are all  
8 favorable with respect to placement, indirect and direct,  
9 housing, physical potential anticipated outcomes, and access to  
10 opportunity. Next slide?

11 I mentioned the PUD balancing test that the Applic-  
12 -- that the Commission has to judge, balance, and reconcile  
13 relative to amenities (indiscernible). Next slide?

14 There are a significant number of public benefits and  
15 amenities being offered in this project, which are all listed  
16 here. Most significantly, the housing program of the project  
17 with 434 new housing units, 15 percent affordable housing at 30  
18 percent MFI and 60 percent MFI levels. Next slide?

19 Those benefits and amenities far outweigh the very  
20 limited development incentives and flexibility being requested.  
21 The two areas of flexibility that are being requested is a map  
22 amendment to MU-5 and some building height. Next slide?

23 When you look at them side by side, you can see that  
24 the benefits and amenities of this project far outweigh  
25 development incentives and potential adverse effects of the

1 project. We've done a very significant and detailed assessment  
2 of the potential impacts of the project. Those areas and backup  
3 slides we have, we can talk about them more detail at the end of  
4 the presentation. Next slide?

5 With that testimony, Commissioners, I would submit that  
6 the project, when read as a whole through a racial equity lens,  
7 is not in consistent with the comprehensive plan. It will not  
8 create any unacceptable impacts, but rather the impacts will be  
9 overwhelmingly favorable or mitigated or acceptable given the  
10 quality of the public benefits being offered. The project offers  
11 substantial public benefits that are directly informed by the  
12 comprehensive plan, the Mayor's equity housing report, and input  
13 that we received from the community. And finally, the project  
14 is far superior to what could be developed in a matter-of-right  
15 under existing zoning, and the requested development incentives  
16 are overwhelmingly balanced by the benefit and amenities. And  
17 I'll hand it off to (indiscernible) presentation to Ms. Garfield.

18 MS. GARFIELD: Next slide please?

19 For the record, my name is Caren Garfield, I'm the vice  
20 president of multifamily development with EYA and I'm proud to  
21 be a part of a company that values and delivers both meaningful  
22 community engagement and affordable housing. We know that not  
23 every proposal will satisfy every constituent, but we work hard  
24 to share and to listen. And there are many elements of the  
25 (indiscernible) that reflects stakeholder input and community

1 benefits that are a direct result of collaboration with the ANC,  
2 the community, and stakeholders. We've participated in or hosted  
3 nearly 30 meetings with neighbors in both D.C. and Maryland,  
4 elected officials from both D.C. and Maryland and across  
5 jurisdictional business associations. In addition, we've been  
6 available for conversations and we've provided regular updates  
7 on the project and process on our project website that we've  
8 provided at the conclusion of each meeting. This page was a  
9 series of meetings that included virtual brown bag lunches and  
10 before these Commission meetings and additional stakeholders.  
11 Next slide please?

12           It was through these meetings, including very early on  
13 with the ANC 4B housing justice committee, that we understood the  
14 need and desire for affordable housing located adjacent to  
15 transit. From the outset, we've been committed to providing 15  
16 percent affordable housing. From our meetings with the ANC 4B  
17 and with Councilmember (indiscernible)'s office, we also saw the  
18 need to provide some more deeply affordable units. So we also  
19 included 14 percent of our affordable units, or ten units, at 30  
20 percent MFI. And included in the 30 percent MFI units are family-  
21 sized three-bedroom units, six of them. In addition, we've  
22 applied for HANTA, the tax abatement for affordable housing in  
23 high-risk areas, which would allow the project to increase the  
24 number of affordable units from 15 percent to 33 percent of the  
25 total units. EYA has been working very closely with the DHCD on

1 finalizing the selection of our HANTA applications and we  
2 anticipate an announcement shortly. You can see a side by side  
3 comparison of how HANTA would allow us to increase the number of  
4 affordable units. We are optimistic that we will receive approval  
5 because the Takoma Metro development meets the HANTA requirements  
6 of 33 percent affordable units below 80 percent MFI. If awarded  
7 HANTA, we are committed to delivering the 33 percent affordable  
8 unit, which is 144 new affordable units in a beautiful new  
9 building with a full suite of amenities (indiscernible) community  
10 space at the Metro. Aside from the compatibility and the  
11 functionality of the retail, it is also important to share that  
12 we have a signed letter of intent with the grocery store for part  
13 of the retail footprint. For the balance of the space, the vision  
14 is to have neighborhood restaurants to add to the vitality of the  
15 area. Being able to provide affordable housing at transit on top  
16 of a grocery store in a neighborhood that doesn't currently have  
17 a full service grocery store is an exceptional use of the site.  
18 On behalf of WMATA, EYA, and the Takoma Metro development project  
19 team, we are proud to be able to deliver critically needed housing  
20 at transit. I'll turn it back to land use counsel at this time.

21 MR. TUMMONDS: Thank you. As I mentioned at the  
22 beginning, we had a lot to cover. We appreciate the minor  
23 additional time you gave us and we are now able to answer any  
24 questions that you may have.

25 CHAIRPERSON HOOD: Thank you, Mr. Tummonds and to your

1 team. If everybody can go on mute?

2 Ms. Schellin, if you can remember Mr. Brown's party in  
3 opposition has 2 minutes, so I want to make sure they have 2  
4 minutes besides the 60 minutes, so 62 minutes.

5 All right. Let's open it up for questions and comments.  
6 I know I have a few, but I'm going to start off as I usually do  
7 with Commissioner May.

8 COMMISSIONER MAY: Thank you. Yes, I definitely have  
9 questions. So there are a lot of lot of letters in the record,  
10 lots of extra stuff for us to read for this case. So but I have  
11 -- there are a handful of questions that have come out of that  
12 that are sort of informed my questions. One of the things  
13 (indiscernible) was the fact that the parking facility is  
14 actually above grade. And I'm wondering -- and what people have  
15 suggested is that if you were to sink that garage into the ground  
16 that you could reduce the height of the building. And I'm  
17 wondering if you actually looked or if there's -- whether you  
18 agree that that would have that effect? I can see why it might  
19 or might not, but I'm just -- want to get it from you.

20 MR. TUMMONDS: Thank you. I think we'll have that  
21 answered by first Mr. Goldman and then Mr. Olivera Sala.

22 MR. GOLDMAN: Yeah, thank you for that question,  
23 Commissioner May. If we can bring up the presentation, that'd  
24 be great, to some of the prospective image looking at the building  
25 from the back, from the train tracks. Slide 14. Perfect, thank

1 you so much.

2           So I'll give you the reasons why we designed the  
3 building the way we did. And we did also look at the concept of  
4 lowering the parking as was requested by some of the residents  
5 across the street.

6           COMMISSIONER MAY: I want to stop you right away. I  
7 understood what was in the presentation about why you designed  
8 it the way you did and why the park is what it is.

9           MR. GOLDMAN: Okay.

10          COMMISSIONER MAY: I just want to know what would happen  
11 if you sunk it.

12          MR. GOLDMAN: Okay. Thank you very much for that. So  
13 if we were to sink the building, the garage is sitting under the  
14 front portion of the building, as you can see. So for people  
15 viewing the building from the public along Eastern Avenue,  
16 Carroll, Cedar, there would be no appreciable difference in  
17 height because the front of the building, as you can already see  
18 along Eastern, we dropped two floors of height from that façade  
19 in recognition of the request of the residents across the street.  
20 Since you won't see the height on the back where the garage is  
21 out one level, unless you're on the train tracks or walking to  
22 your bus, we didn't feel like that was a compromise worth making  
23 in our case. We would end up losing many residential units as a  
24 result of that, and so it didn't seem like that was worthy. One  
25 thing to remember, this is wood frame construction. So we have

1 a concrete podium plus five levels of wood. If we were to drop  
2 the podium one level, it's not like we could add another  
3 residential level of units above it to capture these units again,  
4 you would actually just lose that square footage of space. And  
5 so our answer was in our -- and the way we got comfortable was  
6 since the drop in height is where it belongs on Eastern Avenue,  
7 we really created the nod to that request, and that this further  
8 request doesn't appreciably change the look or feel of the  
9 building from the public coming in from the Metro.

10 COMMISSIONER MAY: Okay. Great. Thank you. Appreciate  
11 that answer. It's also been suggested that what you should be  
12 building is something that is more consistent with the existing  
13 zoning as opposed to seeking this map amendment. And what --  
14 and I mean, I know that's tricky because you already have multiple  
15 zones on the property, but if you were to look at this as just  
16 MU-4 matter-of-right, which you'd be more limited in height, what  
17 would be the net effect of that on the development and could you  
18 achieve anything close to the project that you have in terms of  
19 the overall density and the other benefits like the park lane?

20 MR. TUMMONDS: Yeah. So I think we'll -- we -- I'll  
21 start with that. So obviously one of the benefits of having a  
22 PUD is we get to aggregate density across the entirety of the  
23 site. Right? So if we were to --

24 COMMISSIONER MAY: Yes, it's -- focus on my question.

25 MR. TUMMONDS: I'm sorry, what's that?

1           COMMISSIONER MAY: I know the purpose of a PUD, so just  
2 focus on the question.

3           MR. TUMMONDS: Yes, okay, for sure. So MU-4 PUD we  
4 don't get 76 feet of building height, 76 feet of building height  
5 is necessary through the MU-5. We think that by allowing us to  
6 have 7- -- a maximum height of 76 feet, it allows us to have the  
7 significant setbacks along Eastern Avenue, it allows us to  
8 terrace the building along Eastern Avenue, it allows us to provide  
9 the design that has ins and outs of the building, and it allows  
10 us also currently to locate the Metro facilities on the adjacent  
11 to the Metro station itself. By having that MU-5 zoning just  
12 gives us flexibility to design a building that we believe achieves  
13 the significant housing goals, affordable housing goals, while  
14 also minimizing impacts on the adjacent property.

15           MR. SALA: And also on top of that, what it allows is  
16 we have a building that is a little bit more compact and away  
17 from the edges of the building to achieve compatibility. Instead  
18 of being a building that takes more of the land, a bit more  
19 spread.

20           UNIDENTIFIED SPEAKER: Yeah. I would add, our original  
21 design a few years ago, which we did not submit to the Zoning  
22 Commission, had the building much closer to Eastern Avenue. We  
23 were building right up to the street edge, much closer to the  
24 single-family homes across the street. So one of the great  
25 benefits of this is, as Feddie and Paul just mentioned, is the

1 consolidation of the building footprint.

2 COMMISSIONER MAY: All right. That's getting closer  
3 to what I'm curious about. If -- in that previous iteration of  
4 the design, that study, how tall did the building wind up being,  
5 was it 50 feet right along Eastern Avenue?

6 UNIDENTIFIED SPEAKER: It was four stories along  
7 Eastern Avenue, so that was probably 40 some odd feet. And then  
8 under the slope it terraced up from there, and we actually had  
9 -- I believe we have an exhibit in our PUD, no, that shows -- I  
10 think we did -- that shows the old versus the new. And so as  
11 part of that, what you'll see is the new building where it's  
12 proposed that all the way back in the park is approximately the  
13 same height as the old building as proposed, we've just cut out  
14 all the portion of the building that used to go towards Eastern  
15 Avenue, if that makes sense.

16 COMMISSIONER MAY: Yeah. Yeah, that makes sense. So  
17 the -- what is the status of the design review with HPRB?

18 MR. TUMMONDS: So we've presented to HPRB on June 1st.  
19 We got some guidance. The general -- the staff report said it  
20 did not have concerns with the general height and massing, that  
21 they'd like to see some modifications to the composition of the  
22 facade facing Carroll Street as well as some additional taking a  
23 look at the color scheme. The facades that we've showed you this  
24 evening, the color scheme that we've showed you this evening have  
25 been revised in response to those comments we received from HPRB

1 review first. We think that those are what HPRB wanted to see.  
2 We will return to HPRB in July with the updated plans.

3 MR. SALA: And I can add to that after the meeting that  
4 we had with HPRB, we continued to work on the project and we met  
5 with staff after that and we gave them a rendition which is in  
6 front of you today, and they thought that it was going in the  
7 right direction. But again, it's an informal meeting with them.

8 COMMISSIONER MAY: Okay. Okay. Now, so it seems that  
9 what could change wouldn't be the massing the building, but it  
10 might be some further fenestration of the materials more than  
11 anything else; is that what I'm hearing?

12 MR. SALA: That's correct.

13 COMMISSIONER MAY: Because it doesn't look like they're  
14 changing fenestration or other detailing, right? Okay.

15 MR. SALA: Correct.

16 COMMISSIONER MAY: All right. By the way, I can't let  
17 it pass that in many of the comments, they refer to this as big  
18 box design, which I thought was interesting. I've not seen that  
19 applied to residential development. But the one that really got  
20 me was the fast casual design, that this is a fast casual design.  
21 And you know, there's something about that because there's, you  
22 know, you see buildings that look -- I don't mean to denigrate  
23 the design that you're presenting, but we do see quite a few,  
24 you know, stick on top of podium designs. And there's a -- there  
25 is a certain level of similarity to them. And so it's -- I know

1 it's like you can be anywhere in America and find the same fast  
2 casual restaurants. You can be anywhere in America and find  
3 something similar. But I will say that, you know, on the overall  
4 scale of things, I do think this is a more handsome building than  
5 many that we have seen, so. And I'm not going to go further on  
6 comments on the design because I figure that's really more  
7 something that HPRB is going to address.

8 I do have a small technical question about the  
9 construction method. I mean, for the most part, the balconies  
10 that we've seen in the building are inset balconies as opposed  
11 to projecting balconies, but there are some projecting balconies  
12 and they look quite deep. And I'm -- I was interested to see  
13 that. And there was one view in particular which made it look  
14 like there was like a six or an eight foot projecting balcony  
15 maybe on the on the Metro side of it. And I'm wondering if Mr.  
16 Olivera Sala can talk a little bit about how that works, because  
17 we sometimes hear that on these stick built buildings, projecting  
18 balconies are a real challenge.

19 MR. SALA: I can -- yes, yes, we have both -- actually  
20 we have three types of companies. We have French balconies which  
21 just basically protrude out about a foot, foot and a half, so  
22 just to add some relief to the façade. We have full depth  
23 balconies that are recessed in and they obviously they come inside  
24 the face of the façade. And then we have fully outies balconies  
25 if you will. And particularly on the -- above the main entrance

1 of the building. And we also are -- (indiscernible) project.  
2 Ideally, you apply them to the face of the building and  
3 structurally it can then (indiscernible) bunch of different ways  
4 with outriggers from the structure or could be ledger walks along  
5 the face of the building and the balconies can be done either  
6 prefabricated, they are all metal looking and they can be attached  
7 to the floor system on the upper levels, where on the concrete  
8 levels are connected to the slab.

9 COMMISSIONER MAY: Great. So when you do it on the  
10 (indiscernible) and it's stick built, I mean, one of the things  
11 I wonder about I mean are we going to wind up with diagonal  
12 supports or anything like that that are not shown in the design  
13 already?

14 MR. SALA: There are two ways of doing it. You can  
15 have tiebacks that are roof height or they could be done within  
16 the railing height, but you're not going to be able to see it.  
17 So those tiebacks are within the railing system that ties to the  
18 sides of the (indiscernible) of the opening.

19 COMMISSIONER MAY: Okay. That's helpful. Thank you.  
20 So can you address the lack of dedicated Metro parking? I mean,  
21 I saw an indication that Metro decided they didn't need to have  
22 dedicated parking, but we don't -- I don't really know why. And  
23 you know, there are -- there's testimony in the record about how  
24 -- or rather letters in the record about how that dedicated  
25 parking is a real burden on a number of people who use the parking

1 and especially seniors who don't have the ability to walk or take  
2 other means to get there, that they rely on that ability to drive  
3 and park. So what you know, that raises a, you know, an equity  
4 issue in itself. So maybe you can address that whole picture  
5 with the parking?

6 MR. SALA: (Indiscernible)?

7 MR. ZEID: Absolutely. Metro held a compact public  
8 hearing in January of 2023 of this year to gather feedback from  
9 the community about the proposed changes to the transit  
10 facilities. This included an analysis of the use of these Kiss  
11 and Ride facilities by Metro customers to ride transit and we  
12 have found that (indiscernible) utilization of the facility and  
13 a significant number of the users, more than 80 percent, are  
14 parking for durations of two hours or longer. And for these  
15 longer term parking options, Metro has a park and ride facility  
16 at the Fort Totten Metro station, which is just the next one to  
17 Takoma. So our recommendation was to direct customers to the  
18 longer term parking options to use those facilities to design the  
19 Kiss and Ride at Takoma as part of this project to focus on  
20 shorter term pick up and drop off customers. And so that had  
21 led to the recommendation of 16 spaces that would be managed by  
22 Metro. And then we also noted that customers -- or transit  
23 customers could also use the developer's retail public parking,  
24 of which they are providing 66 retail spaces at the least, that's  
25 including handicapped spaces. So that was what was presented to

1 Metro's board and was approved on May 11th, just last month.

2 COMMISSIONER MAY: Okay. So there are 16 parking spaces  
3 that will be for Metro purposes, and is that --

4 MR. ZEID: Correct.

5 COMMISSIONER MAY: -- open to the public or is that  
6 just for -- okay. So there will be 16 dedicated Metro spaces.  
7 And I assume --

8 MR. ZEID: That's correct.

9 COMMISSIONER MAY: -- a portion of those will be  
10 handicapped spaces, et cetera, right? Okay.

11 MR. ZEID: Yes. So those are for the future Kiss and  
12 Ride facility that we retained and manage and will also include  
13 handicapped spaces.

14 COMMISSIONER MAY: Got it. Okay. And so the Fort  
15 Totten facility, is that one underutilized? I mean, is there  
16 excess capacity that can absorb whatever is here?

17 MR. ZEID: Correct. That facility is 408 parking  
18 spaces. And our evaluation of it, both of these evaluations were  
19 looking at pre-COVID data since our ridership has been down, we  
20 looked at that pre-COVID, we had excess capacity anywhere from  
21 75 upward of 100 spaces at that facility.

22 COMMISSIONER MAY: And if somebody is going to park  
23 here and use some of the retail space parking, would the parking  
24 rate be comparable to what they would be paying now at the Metro  
25 parking lot?

1 MR. ZEID: Yeah, we are on the (indiscernible) right  
2 now, and my understanding is that we're -- that we'll also be  
3 using (indiscernible)?

4 UNIDENTIFIED SPEAKER: Yeah, so we have not 100 percent  
5 decided, but the thought is we'll either use park mobile or a  
6 gated system where you get a ticket as you come in the garage  
7 and pay on your way out. But the pricing would be similar to  
8 park mobile pricing for retail parking, with the one exception  
9 being that the grocer might have the ability to validate parkers.  
10 So it's something we're looking at.

11 COMMISSIONER MAY: Right. Yeah. So it's not going to  
12 be like downtown parking where the first hour can be, you know,  
13 20 bucks and then 30 for the whole day or something like that.  
14 And so it would provide similar utility at similar cost for people  
15 who want to park at the retail spaces?

16 UNIDENTIFIED SPEAKER: That's right.

17 COMMISSIONER MAY: If -- with this grocer are a portion  
18 of those spaces, how -- will they have to be reserved for their  
19 purposes?

20 UNIDENTIFIED SPEAKER: No.

21 COMMISSIONER MAY: Okay.

22 UNIDENTIFIED SPEAKER: No, there's just a requirement  
23 to have a minimum number of spaces and a desire to have those  
24 spaces on the same level so people can leave the store and go  
25 right to their apartment versus having to go down an elevator

1 giving the more suburban orientation (indiscernible).

2 COMMISSIONER MAY: Okay. So let's talk about the green  
3 space, there again letters in the record indicating that this is  
4 a dramatic loss of green space as a result of the project. And  
5 I got confused in the acreage counts, and I'm wondering if  
6 somebody could illuminate a little bit, particularly when I think  
7 there was something in the Office of Planning report alleging  
8 that it actually is an increase of green space. So maybe somebody  
9 can talk just the numbers on that?

10 UNIDENTIFIED SPEAKER: Yeah. I'll give the broad  
11 overview and then hand it over to Gabriela Canamar from land  
12 design to get more detail. So the existing open space today that  
13 obviously is not an active park, WMATA maintains it and doesn't  
14 allow the community to do events there is approximately 1.79  
15 acres today. The open space we are proposing, the park we're  
16 creating, including the retail plaza as well as the wraparound  
17 green space on Eastern Avenue, is roughly 1.71 to 1.75 acres, so  
18 very close to the existing open space size. But it will be a  
19 park with amenities and open to the public. In addition, we have  
20 other green space that wraps around Eastern. So the further to  
21 the right. So if you were to include both of those they're  
22 actually bigger than the existing open spaces there today. So  
23 I'll hand it over if you have more detailed questions to Gabriela.

24 MS. CLARK: Did that answer your question or do I need  
25 to go into more detail?

1 COMMISSIONER MAY: Sorry, go ahead.

2 MS. CLARK: No, I just wanted to see if (indiscernible)  
3 answered the question. I guess the clarity that I would like to  
4 offer is that the entirety of the open space, (indiscernible)  
5 open space, includes the mostly green (indiscernible) space on  
6 Eastern Avenue as well as what we call the retail plaza, which  
7 also incorporates the existence and of the heritage tree and the  
8 special trees in that area to be a part of that, is by nature of  
9 the use and the retail access that needs to be -- have a  
10 proportionality of hardscaped area to provide that access to  
11 retail, but it's considered as part of the overall open space  
12 that is in the park, except that it has a more urban side and a  
13 more passive marine (phonetic) side, depending on whether you're  
14 looking from Carroll all the way Eastern, if that makes sense.

15 COMMISSIONER MAY: Okay. Yeah. The 1.79 acres that's  
16 existing there now, does that include the (audio glitch) that are  
17 sort of around it, the embankment and everything else, or is that  
18 above and beyond what you call this 1.79?

19 UNIDENTIFIED SPEAKER: It's a current open space that's  
20 surrounded by the bus loop, essentially everything from the bus  
21 loop to Carroll, Eastern, and Cedar is the kind of open space we  
22 included in that calculation.

23 MS. CLARK: (Indiscernible) where the grass and the  
24 trees exist today.

25 COMMISSIONER MAY: Right. Yeah, I mean, I think the

1 -- you know, there's benefits to park land as usable land, then  
2 there's benefits to park land just by being green. And so I  
3 think what would be helpful is to understand the total acreage  
4 of green space on the ground, existing and new. And I mean, you  
5 can, you know, if you can include a separate number for the retail  
6 plaza, which will be mostly pavement, just so we understand. I'm  
7 not raising -- have a real concern about it because I think the,  
8 you know, the net benefit of actually having a managed park there  
9 is pretty substantial. But understanding the acreage I think  
10 would be helpful to understand.

11 UNIDENTIFIED SPEAKER: (Indiscernible).

12 COMMISSIONER MAY: Okay. Now there -- I appreciate the  
13 explanation of the stormwater strategy, but again there are  
14 issues raised in the letters that we received about runoff and  
15 how because this is going to increase the impervious surface so  
16 there's going to be greater runoff, I can understand why that  
17 might not be the case. But can you explain like what level of  
18 storm are you planning for when we talk about the ability to  
19 retain stormwater on the property?

20 MR. OLIVER: So we looked at the 2 year storm, the 15  
21 year storm, and the 100 year storm, and there's actually a  
22 reduction in each one of those storm events with the proposed  
23 bioretention we're putting on site. Right now there is -- as I  
24 stated, there was nothing on site, so if the inlets gets  
25 overwhelmed it just spills out and goes down to Eastern Avenue.

1 So everything is either going to be sheet blowing via (phonetic)  
2 bioretention or (indiscernible).

3 COMMISSIONER MAY: Okay. Specific I don't know what  
4 the terminology is for it, but a number of inches in a given  
5 storm, you know, 0.6 inches or something like that, that you plan  
6 for in a normal capacity?

7 MR. OLIVER: Normal capacity to look at as going to the  
8 bioretention is the 15 year storm.

9 COMMISSIONER MAY: So 15 year storm?

10 MR. OLIVER: Yeah. We also look at the 2 and the 15,  
11 but we also in this case looked at the 100 year storm and there's  
12 actually a slight reduction in the 100 year storm event with  
13 (indiscernible).

14 COMMISSIONER MAY: Okay.

15 MR. OLIVER: Based on the nature of how the bioretention  
16 works.

17 COMMISSIONER MAY: Okay. So sort of back to the parks  
18 and trees. There -- the OP report refers to the DOEE letter,  
19 which is pretty critical on the issue of the tree removal and  
20 replacement plan. Can you explain what's going on there and why,  
21 you know, that the numbers are not exactly right or why removing  
22 120 trees and planting 41 is the right strategy?

23 MS. CLARK: Yeah, there was a clarification from the  
24 initial submission of the PUD to further study later on. The  
25 initial survey that was used as the base for the project had

1 already been outdated by some of the trees have been either  
2 removed or bad over a period of time. So over the last few  
3 months, our client has retained the services of an arborist who  
4 drew up and verified the same canopy on the site. So the current  
5 (indiscernible) summarize, and I hope I make (indiscernible),  
6 there are 123 aged trees on site, of which 5 are classified as  
7 heritage and 62 are classified as special, and 71 are classified  
8 as unregulated, also which the design that's proposed now or  
9 currently, of those -- I'm sorry, of all of the 138, 65 are in  
10 good condition, 61 are in fair condition or a slow decline, and  
11 12 are in either poor or almost dead. The design of the building  
12 as it was displayed before, it's like find the best location for  
13 the grade (indiscernible) changes, for the (indiscernible) and  
14 the mass of the building in addition as to where these trees  
15 fall, and the only one that's affected is that heritage tree that  
16 will be relocated, that it currently falls where the future  
17 courtyard would be. Due to the massing and the floorplan of the  
18 building or where it falls, 122 trees are called for removal. Of  
19 the 122, 70 are unregulated, 3 are dead, and 4 are in current  
20 condition of fair to poor. So with all of that, we are then  
21 retaining 45 trees on site and then 42 will be new that will be  
22 planted as (indiscernible). I hope all these numbers make sense.  
23 I'm reading off a tab that I have directly in front of me.

24 COMMISSIONER MAY: Repeat the last two numbers, your  
25 --

1 MR. CANAMAR: Yes. So 45 trees are called for removal.  
2 All said, the 42 removed trees that we're proposing as a part of  
3 the development. There's 2 trees along Eastern, some of the  
4 additional trees on the park side around the Kiss and Ride, which  
5 also have a full sidewalk and DDOT complied with street trees,  
6 so those are new, 42 new, trees that will be part of the proposal  
7 (indiscernible).

8 COMMISSIONER MAY: Great. So are you reading from  
9 something that I have in the record that I clearly missed?

10 MS. CLARK: Yes. I mean, no, it's not in the record.  
11 I have a summary of investigative work that we've done with the  
12 arborist, so it's a summary of all the -- clarified, but we can  
13 certainly provide. Absolutely.

14 COMMISSIONER MAY: Yes, please. I think it would be  
15 very helpful to have those correct statistics. The last thing I  
16 would mention is that there were concerns about pedestrians being  
17 put at risk with the design of the Kiss and Ride and the bus  
18 facility and the access to the Metro, and I'm wondering if someone  
19 could talk to how that, in your view, is not a problem?

20 MR. ZEID: Yeah, Will Zeid, with Gorove Slade again.  
21 So we are proposing a traffic -- we're proposing a traffic signal  
22 right in front of the Metro entrance at the Carroll Street  
23 intersection with the bus loop, which that's going to provide  
24 protective spacing for the pedestrian crossings, which today is  
25 unsignalized. So today, people just walk across Carroll Street.

1 Carroll Street does not have stop signs even. So they're just  
2 at the mercy of people stopping when they're supposed to. We  
3 think the traffic signal will provide guaranteed time for that  
4 to occur. We're also adding the existing crosswalk on the eastern  
5 side of the intersection, there's only two crosswalks out there  
6 today. There will be three with the development. We're adding  
7 curb extensions at that intersection. So we're shortening up  
8 even the length of the crossings, increasing the public sidewalk  
9 space. In addition to that, we are -- I think we're narrowing  
10 the curb cut even on the Eastern Avenue crossing. So that will  
11 be a slightly shorter crossing. For the Kiss and Ride portion  
12 of the bus loop we're going to have that be a raised crossing.  
13 So Kiss and Ride traffic will have sort of a speed bump, if you  
14 will, going over the crossing there. We can't do that -- we  
15 can't do that for the bus portion due to the bus issue, but it'll  
16 also have a straight crossing there and there will only be buses  
17 on that lane, which are a little bit more responsible in that  
18 regard. So I hope that -- yeah, and there's a median -- if it  
19 hasn't been made clear, the Kiss and Ride sort of diverges from  
20 the bus loop, so the Kiss and Ride is parallel to it with a  
21 concrete median between the two. So the Kiss and Ride will be  
22 completely separated from bus traffic. And Kiss and Ride traffic  
23 has to exit Eastern, so Kiss and Ride traffic cannot use the bus  
24 loop to go back to Carroll Street, so it will only be buses on  
25 that bus loop.

1           COMMISSIONER MAY: I got that. So that reminds me of  
2 another question. Sorry, I thought I was done. The Metro --  
3 the bus facility itself, particularly right along the tracks,  
4 there's a lot of pavement there. I mean, it looks like there  
5 are shelters and there's like, I don't know, 10 or 15 feet in  
6 front of the shelter and 10 or 15 feet behind it. And all of  
7 that is cutting into the berm area. And I'm wondering is that  
8 all truly necessary, does there have to be that much pavement  
9 there, or could some of that berm, which has trees on it now,  
10 actually be saved?

11           MR. SEGERLIN: Yeah, I can address that one. Steven  
12 Segerlin from Metro. The dimensions for the space behind the bus  
13 space shelter based on Metro standards and ADA guidelines, so we  
14 have (indiscernible) project trying to make sure we keep it as  
15 tight to those standards as possible. So I believe we are right  
16 on that slip markage. So that we could minimize the impact to  
17 the (indiscernible) and because that would also save us money.  
18 So we are as tight as we can (indiscernible) based on the  
19 standards.

20           COMMISSIONER MAY: So I don't mean this is a complete  
21 slight against civil engineers, but are civil engineers the ones  
22 who came up with that because it seems like it's pretty excessive  
23 and they really love their pavement.

24           MR. SEGERLIN: Some of the standards are driven by ADA  
25 requirements when looking at design of transit facilities that

1 have two-way traffic flows where you may have two wheeled  
2 customers that are passing each other, as well as other patrons  
3 trying to trip around those customers, so that the standards are  
4 largely driven and focused on managing those (indiscernible) and  
5 different types of users.

6 COMMISSIONER MAY: Okay. It still does seem excessive  
7 to me. I mean, it's the -- when you look at all that sidewalk  
8 that's between the curb where the bus is and where the new  
9 retaining wall is, it's the length of a bus. Right? If you just  
10 look at it from the scale on the plan that you've got, it's the  
11 length of a bus. So what is that, 50 feet? That's -- I'm not  
12 going to -- obviously, we're not going to redesign Metro standards  
13 here, but somebody in Metro ought to be thinking more about  
14 creating, I don't know, looking more carefully at those standards  
15 and maybe looking at humanizing them some, right? I mean, it's  
16 just -- it's a whole lot of asphalt with a shelter in between.  
17 I mean, there isn't even a tree box in there, so.

18 MR. SEGERLIN: Can you highlight the location that  
19 you're mentioning 50 feet? I'm not sure I'm aware.

20 COMMISSIONER MAY: So I'm looking at -- well, it's 8201  
21 in the drawings, but it's just any site plan, maybe we want to  
22 bring up the site plan. Yeah, maybe if you could tell Paul what  
23 --

24 MR. SEGERLIN: So we're looking at (indiscernible). So  
25 14, yeah, 14, Slide 14.

1 MR. TUMMONDS: Mr. Young, if you'd pull up Slide 14  
2 please?

3 (Pause.)

4 MR. SEGERLIN: So the standards are to have 12 foot  
5 distance (indiscernible) --

6 COMMISSIONER MAY: Wait, back, back, back. Hold on.

7 Slide 9, yeah. All right. So there at the very top,  
8 let me explain what I'm talking about there. Right? You see  
9 the buses, right, that are in that bus loop and they're along  
10 that -- the zigzag curve. If you turn one of those 90 degrees,  
11 it would fit on that piece of sidewalk.

12 MR. SEGERLIN: I don't know if we can zoom in here, but  
13 I will try to describe what our standards. We can also submit  
14 the standards as part of the record. But there's supposed to be  
15 a 6 feet between the curb line and the bus shelter front  
16 (indiscernible) any movement. The bus shelter itself is 7 foot,  
17 4 inches deep. And then behind the bus shelter to the edge of  
18 the sidewalk is the (indiscernible) there has to be a minimum of  
19 12 feet. So you are right, when you add up 12, 7 and some, and  
20 6, you do get up there, but that's what's required to meet the  
21 ADA standard, which is a national standard.

22 COMMISSIONER MAY: I'm familiar with the ADA, believe  
23 it or not. Well, but so what it looks like though here is it  
24 looks a lot more -- like a lot more than 25 feet. That's all  
25 I'm saying. And you know, if there is room to make it any

1 tighter, that would be great. But if there's not, because it's,  
2 you know, it's the standards driven by ADA, then okay, let's  
3 accept that. But if it is something that's even just a WMATA  
4 standard, I would just encourage WMATA to think more about that  
5 because, you know, it's -- that's just a lot of pavement and  
6 there isn't a tree anywhere nearby. So you know, again --, we  
7 should be.

8 MR. TUMMONDS: Commissioner May -- I'm sorry, in a  
9 post-hearing submission we can address this issue and maybe push,  
10 nudge WMATA (indiscernible) but we'll address it.

11 COMMISSIONER MAY: Yeah. No, I understand, some of  
12 these things are not negotiable, but sometimes these things are  
13 just not thought about. And so it would be good if you thought  
14 about it. Last thing I'll say is that I would encourage you to  
15 look at the DOEE comment about integrating green roof and solar  
16 panels, which is something that we have seen regularly and y'all  
17 should be paying attention to.

18 And I'm sorry, Mr. Chairman, I just went on and on and  
19 on, but I'm done now.

20 CHAIRPERSON HOOD: No problem, Commissioner May, you've  
21 taken a lot of our questions. We might duplicate them, like I  
22 know I'm going to do, but I'm going to ask them the way that I  
23 ask them. But thank you.

24 All right. Commissioner Imamura?

25 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Thank

1 you, Commissioner May, I always light up when you talk about  
2 green space, so. And even though still might joke about civil  
3 engineers, Mr. Oliver, I still like your approach to stormwater  
4 management. (Indiscernible) straight at that, so. And I'll get  
5 to that in just a minute. I don't know if I have as many questions  
6 as Commissioner May. I have a few comments. I'll try to go  
7 through them in an organized way as best I can.

8           First of all, Mr. Tummonds, thank you for bringing the  
9 collective team here because I always get excited when we can  
10 talk about architecture and landscape architecture and even the  
11 civil engineer to talk about stormwater management. I don't want  
12 to discount Mr. Zeid in transportation planning and engineering.  
13 I really (indiscernible) certainly said this before, I really try  
14 hard to get excited about that, but usually he provides a pretty  
15 thorough presentation, so. Difficult to make comments on that,  
16 though I do appreciate that you said the two DDOT conditions that  
17 the Applicant will or has agreed to meet. Same with Mr. Dettman,  
18 he is a planning tactician, so not a lot of comments for Mr.  
19 Dettman. Appreciate though the general policy map slide with the  
20 overlay, that was very helpful to show the difference between the  
21 neighborhood conservation area to the neighborhood enhancement.  
22 So I appreciate that as well.

23           My focus is primarily for Mr. Olivera Sala and Ms.  
24 Canamar and, Mr. Oliver, I'll have some for you, too. I think  
25 in general, in terms of the shape grammar, I think the design

1 overall, the shape grammar, the composition of form, I'm  
2 certainly supportive of and if HPRB has some comments about the  
3 composition of materials, I still think overall it's a pretty  
4 decent design, so. Also I think your explanation of the variety  
5 of balconies to Commissioner May's comment, I think is good for  
6 the residents, or future residents and tenants. I think this  
7 space, this building in general, this could be a really neat node  
8 for the neighborhood. I also appreciate the way you described  
9 the green space buffer. To Commissioner May's point though about  
10 the acreage and sort of that comparison, I would say I think the  
11 issue here is the -- visually the difference between the green  
12 space and the hardscape. And so I think that's probably what  
13 residents are having a difficult time understanding. So and this  
14 also ties back to the WMATA comment about no trees between the  
15 bus shelters there. People see the master plan, the site plan  
16 for this and they don't see greening like they normally would.  
17 So it might make sense to -- of course, we talked about the trees,  
18 right, so they're wanting more green space. I certainly think  
19 that the pedestrian promenade and the plaza I think is fine.  
20 There does seem to be just a little bit heavy on the hardscape.  
21 So but we can come back to that in a minute.

22 I think the first question I have is based off of just  
23 curious, this is -- yeah, to satisfy my own curiosity, based off  
24 of the comments that you heard from over, I guess, 30 neighborhood  
25 meetings, I'm curious, you described a little bit about this, but

1 I'll give you another opportunity to go into more detail how some  
2 of those comments and input from the community, how you received  
3 that, how you responded to it, and how did that inform your design  
4 strategy and design thinking?

5 MR. GOLDMAN: Yeah. Thank you for that question. This  
6 is Kevin Goldman. So what's one of the benefits of working on a  
7 project for 25 years is that you get a lot of comments over time.  
8 And so you know, initially the buildings, we had -- we had  
9 (indiscernible) about six years ago when our design was quite  
10 different. And at that moment in time, the goal was, you know,  
11 further setback from Eastern, concerns about the building's  
12 height up against Eastern Avenue, concerns about pedestrian  
13 safety and the bus loop remaining as it is, things of that sort.  
14 So what this new design did, even just for those comments, was  
15 completely turn the design on its head, make a park and open  
16 space that really is a buffer now, pulled the building  
17 substantially back from Eastern Avenue. Another criticism of our  
18 design in the past was the lack of retail, which we've now added  
19 retail. So just starting out, when we came to the community  
20 here, we didn't have -- we came to the community with 15 percent  
21 affordable housing without it even being asked. From that moment,  
22 the changes we've made as a result of input from the ANC and the  
23 community members, we reduced our parking. We had originally  
24 hoped to get one space for every -- sorry, 0.6 acres for every  
25 minute, and we are about half that for the residential parking,

1 which I know -- I live in D.C. in Adams Morgan, I know in many  
2 parts of the city that would be very commonplace, but on a  
3 suburban edge part of the city, that is pretty low. So we did  
4 about half of the parking for the residential. The ANC  
5 specifically asked us to reduce parking as much as possible. And  
6 so you now see that we only have 60 some odd publicly available  
7 parking spaces. We had originally assumed we would place closer  
8 to 100. Second to that, the affordable housing percentage, we  
9 were asked to have a portion of our affordable housing at 30  
10 percent AMI, and so we agreed that 5 percent of our units at 30  
11 percent AMI. And then we were also asked to have those as family  
12 units. So we agreed to make six of them three-bedroom, 30 percent  
13 AMI units, being inclusive of families in the neighborhood.  
14 Affordable housing and parking were probably the two biggest  
15 issues we heard from the D.C. side of the community. From the  
16 Maryland side of the community in our meeting with the residents  
17 there, the three major topics I'd say that came up, or I'd say  
18 four, one was preservation of all the WMATA parking, which we did  
19 not go that far. We did keep some parking, although the ANC  
20 probably would have liked us to have less, but we didn't keep  
21 all of the WMATA parking. So that was some- -- a place where we  
22 did not fully compromise.

23           We were asked to articulate the facade of the building  
24 along Eastern Avenue so that then dropped down in height, which  
25 we did do. I think some people, that satisfied then. For some

1 people they'd like us to drop it more. And I think, you know,  
2 in the name of affordable housing and housing density near  
3 transit, we weren't willing to go further. Preservation of trees  
4 along Eastern Avenue was another major issue where we made sure  
5 not only to preserve, but we actually moved our driveway entrance  
6 off Eastern where it would have originally cut through two large  
7 but nonchampion trees or non-heritage trees. We shifted the  
8 driveway back to where it currently sits in order to make sure  
9 we preserve those two really critical trees.

10 And then lastly was stormwater management. Right. In  
11 our meeting we heard a lot about stormwater management and  
12 concerns specifically about water running downhill towards  
13 Eastern Avenue, and so VIKa can address the ways we've designed  
14 the site to be responsive to that.

15 So yeah, and lastly from the D.C. side was the request  
16 for a market. There is a clear demand for a market within this  
17 specific area. It's not easy to get a letter of intent signed  
18 years before a building will deliver. And so we focused on that  
19 early on and found a great provider. We're hoping will have a  
20 lease executed in the next 60 days so we can actually announce  
21 who the market is. But it's -- it'll be really fantastic. So  
22 that's just some of the compromises we made.

23 COMMISSIONER IMAMURA: All right. Thank you, Mr.  
24 Goldman, I appreciate that list. Talking about the stormwater  
25 management, as I mentioned before, I certainly appreciate the

1 explanation about the three drainage areas, the four separate  
2 bioretention areas, the color coded plan, as well as I think the  
3 color coded grading diagram as well. So this is a question for  
4 both Mr. Oliver -- or yeah, Mr. Oliver and Ms. Canamar. I'm  
5 curious how the landscape design strategy sort of integrates with  
6 your stormwater management strategy and how you both kind of work  
7 together on this, and if you'd go into little more detail about  
8 those bioretention areas?

9 MS. CLARK: I can speak to the character of them.  
10 There's two or three different kinds of bioretention mechanisms  
11 that we're describing, that we're using for (indiscernible). If  
12 you see in the eastern facade of the building immediately adjacent  
13 and abutting the building, there's a series of piers of  
14 bioretention boxes. And these are the concrete encased with full  
15 (indiscernible) media per the description of -- oh, yeah, we  
16 could pull the plan, what page would that be? Help us out, Paul.  
17 Thank you for that. We can refer to our plan (indiscernible) in  
18 there.

19 MR. TUMMONDS: So page 38.

20 MS. CLARK: Page 38.

21 MR. TUMMONDS: That's the rendering of the public park.

22 MS. CLARK: That's perfect, yeah, that'll work.

23 MS. SCHELLIN: I'm sorry, Chairman Hood, if whoever is  
24 speaking is not seen on screen, if they could please give their  
25 name? The court reporter is having a very hard time keeping

1 track of who is speaking.

2 CHAIRPERSON HOOD: So let me just say, if you're not  
3 on screen -- if you are on screen, I guess we can see it, but if  
4 you're not on screen, please identify yourself first. And if at  
5 all possible, please be on screen. Thank you.

6 MS. CLARK: Thank you.

7 MS. SCHELLIN: I think she still needs to give her  
8 name. If she could still give her name because it says Kyle  
9 Oliver.

10 MS. CLARK: I will give my name. My name is Gabriela  
11 Canamar Clark and I am using Kyle's computer because my camera  
12 for some reason is not turning on.

13 MR. TUMMONDS: So Mr. Young, if you could pull up the  
14 PowerPoint presentation and go to page 38.

15 CHAIRPERSON HOOD: Ms. Schelling, let me ask -- hold  
16 on a second. Ms. Schellin, did we get the name? Ms. Schellin?

17 MS. SCHELLIN: Yes.

18 CHAIRPERSON HOOD: Okay. Thank you.

19 MS. SCHELLIN: Ms. Clark, yes.

20 MS. CLARK: Thank you very much and sorry about that.  
21 I appreciate the nod or the nudge rather.

22 Is this the page of the rendering we wanted to look at  
23 the plan view or -- the specific plan view, we do --

24 (Cross-talk.)

25 MS. CLARK: Thank you. So the bioretention theory is

1 in the boxes facing the eastern façade of the building along  
2 Eastern Avenue either rectangular or octagonal shape. Those are  
3 bioretention facilities and they are fully concrete encased with  
4 the (indiscernible) shown that Kyle Oliver described before with  
5 the grow media and the ponding (indiscernible) for filtration,  
6 for water filtration. So those are adjacent to the building and  
7 we see downspouts, so it's water that comes through the roof and  
8 via downspouts to these facilities.

9           The area in pink is more of a natural rain garden that  
10 has a bottom (indiscernible) that is variable, that is not  
11 concrete encased, so it is more natural and is much more akin to  
12 that natural environment that we're trying to create in the park,  
13 and create an amenity that raises awareness for the public to use  
14 this area (indiscernible) children of all ages to learn about why  
15 rainwater is due to park spaces in communities and habitats and  
16 all of those great things. And it's -- we intend to make a full  
17 intent of creating that amenity that also, you know, teaches the  
18 public how this space is designed. So from the design standpoint  
19 that's how we create the bioretention or the stormwater  
20 management.

21           So (indiscernible) on the yellow area to page right,  
22 which is the north, as the property abuts the neighbors to the  
23 north all along Eastern, right now it's shown as a tiered approach  
24 to bioretention because we're still studying the way that the  
25 grading works in that space and trying to save and protect a

1 heritage tree along Eastern Avenue. Those are also going to be  
2 those -- (indiscernible) where have some kind of a little concrete  
3 encased facility here, and then (indiscernible) or portions of  
4 water over here at times. Now I'll pass it on to Kyle Oliver,  
5 so we can just talk about the (indiscernible) of these facilities.

6 MR. OLIVER: Yeah. So again this is Kyle Oliver with  
7 VIKA Capitol. So as I mentioned earlier, we have these various  
8 bioretention facilities. Gabriela was talking about the ones  
9 more at grade, there's also some on the structure itself and  
10 those are in blue around the multi-use courtyard as well as in  
11 the residential courtyard. And those will be structural  
12 bioretention facilities as well, which we've designed on many  
13 buildings throughout the District.

14 COMMISSIONER IMAMURA: Sure. And Ms. -- thank you  
15 both. Ms. Canamar Clark, you had also mentioned sort of the  
16 education component, so I assume that there's going to be some  
17 interpretive signage?

18 MS. CLARK: We work quite a number of projects where  
19 this is -- it becomes part of the (indiscernible) to the community  
20 and is (indiscernible) an opportunity to offer some direction,  
21 some guidance, and some data that helps the public understand how  
22 rainfall affects and enhances our public space. So we will  
23 (indiscernible).

24 COMMISSIONER IMAMURA: All right. I think I only have  
25 two more questions, Mr. Chairman.

1           Ms. Canamar Clark, we talked about the relocation of  
2 one of the heritage trees, I think from the multi-use courtyard  
3 into the community park. I'm just curious, what are the species  
4 that are existing there and what is the species that we're  
5 relocating?

6           MS. CLARK: If we go to page -- the first one on my  
7 slide is page -- I don't have the page in front of me, Paul? The  
8 very first one on my -- what is it page --

9           MR. TUMMONDS: 25.

10          MS. CLARK: Page 25 please?

11          (Indiscernible) quickly. So to review, the yellow dots  
12 here are the tree trunks, basically the center of the tree, and  
13 the yellow trees, you'll see two on the north side along Eastern,  
14 those are two heritage trees, right, flanking the drive -- the  
15 curb cuts to access the property. The one to the north is a  
16 white oak, the one to the south of the curb cut is a Japanese  
17 Zelova. And then as you continue south on Eastern, you see the  
18 next yellow dot and it's in conjunction with the (indiscernible)  
19 one in the courtyard, that is the same tree, we're just showing  
20 the current location where the interior courtyard of the building  
21 is, and we're proposing it to be somewhere in the vicinity of  
22 the special tree towards the corner of Cedar and Eastern Avenue.

23          COMMISSIONER IMAMURA: Right. And what are those  
24 species there?

25          MS. CLARK: That one is a willow oak.

1 COMMISSIONER IMAMURA: Okay. Amongst the other --

2 MS. CLARK: And then the last one staying onsite which  
3 is along Carroll is the last yellow dot, it is staying in the  
4 same location and will be protected and enhanced. That is also  
5 a willow oak.

6 COMMISSIONER IMAMURA: Okay. I was kind of interested  
7 in where you are relocating this willow oak, amongst other --  
8 what other species, so.

9 MS. CLARK: The other species are varied. I think the  
10 majority are willow oaks. There are some other Zelkovas on the  
11 side and there's a quite varieties of trees. I'm happy to --  
12 we're happy to provide more detail on that. I just want to give  
13 this opportunity to ask. The location of that -- and it's kind  
14 of at the bottom of this exhibit, right towards the bottom of  
15 the page, and we're trying to find the best suitable space within  
16 the existing framework of trees that will allow the trees to  
17 (indiscernible) full canopy, it's a very -- (indiscernible)  
18 heritage tree, it's a very big -- very (indiscernible) willow  
19 oak, and at the same time allowing for the other trees to have  
20 the room to grow. So we don't want those canopies to have  
21 conflict and (indiscernible) and still make the most of the rest  
22 of the space, have space for kids to run, which is that long  
23 space at the bottom of the hill or the bottom of the hill at that  
24 --

25 COMMISSIONER IMAMURA: And it's just moving one --

1 relocating one tree is a little bit complicated, more than most  
2 people think about tree canopy, as well as biodiversity, so that's  
3 really what I was trying to get at. Thank you.

4           While we have the plans up, is there a way we can take  
5 a look at one of the floor plans? And I'll shoot my question to  
6 Mr. Olivera Sala. Thank you, Ms. Canamar Clark.

7           MR. TUMMONDS: We didn't have the floor plans in the  
8 PowerPoint presentation, but there are floor plans obviously in  
9 the PUD materials. So maybe it's -- or maybe we can -- if you  
10 post your question, we can figure out the best way to answer it  
11 with the presentation up there.

12           COMMISSIONER IMAMURA: Sure. All right. Thank you,  
13 Mr. Tummonds. I thought I didn't see a floor plan in this, and  
14 I was a little confused by that. But essentially, I think this  
15 is a laudable project. There's over almost 440 something units,  
16 so certainly a very complex project. I figured there's about 60  
17 units per floor. Is that right, Mr. Olivera Sala? Somewhere  
18 around there, on average, about 60 units per floor?

19           MR. SALA: (Indiscernible).

20           COMMISSIONER IMAMURA: Okay. In the set of floor plans  
21 -- and I really hate asking these questions because it makes me  
22 the trash guy. But I do have experience living in one of these  
23 units and I do have concern for future residents. And so I have  
24 a question about the trash and waste management in that I only  
25 saw in the record a room that appeared to be about eight by eight

1 maybe, and that's it, for an entire floor with 60 units. And so  
2 I don't know whether you can comment on that, Mr. Olivera Sala,  
3 or maybe the floor plans have been updated to include a few more  
4 trash rooms for the separate wings, but if not, certainly  
5 something that probably ought to be thought about.

6 MR. SALA: Yes. We're providing one trash room per  
7 floor with two chutes. One is dedicated trash and the other one  
8 is for recycling. So that obviously helps alleviate the stress  
9 of -- on the chutes. And they are diverted at the trash room in  
10 the lowest level. The reason that we're going to provide it two  
11 different locations is because of the uses on the ground floor.  
12 So we wanted to find a centralized location. If we put it -- if  
13 we added a second one at, say, above the retail, it would have  
14 conflicts with the retail operation and it would be cross  
15 circulation. And with that, we also did have the opportunity to  
16 create dedicated trash for the retail stores separately. In the  
17 event that we have restrooms and we may require to have  
18 refrigerated trash to deal with odors, it will be separated  
19 facility within the retail space.

20 COMMISSIONER IMAMURA: So thank you for that. I figured  
21 as much taking a look at the plans. I just thought for the  
22 residents that are living above the retail space, that's an awful  
23 long hallway for -- to carry trash. I'm glad that you have two  
24 chutes. One will inevitably be blocked by somebody, you know,  
25 putting a printer down or something. So I have personal

1 experience with that, I have seen that, so. That does bring up  
2 the question real quick, Mr. Oliver, it's all about the trash  
3 collection there in the parking garage. It didn't appear to be  
4 sort of contained, so it just appeared to be several -- at least  
5 the way the diagram was laid out it appeared to be sort of several  
6 trash bins down there. Is there a way to control the odors --  
7 or what is the plan for that I think as near delivery and service  
8 in your sort of service zone?

9 MR. SALA: Majority of the buildings obviously have a  
10 trash management plan, but the way we think it's going to work  
11 is the trash, we'll be containing the trash from at the lowest  
12 level where it's compacted and we start there. And on the pickup  
13 days, the carts will be rolled right next to the loading dock  
14 where they will be pulled out from the loading dock with a --  
15 whichever system we decide to use, whether it's a roll-up or a  
16 flip type of trash truck. Because we have an open air courtyard,  
17 we don't have issues with clearance, so the waste management  
18 company use those type of flip over type of trash trucks that  
19 will have no issues because we don't have a clearance issue. If  
20 the site approach -- our courtyard allows for that movement as  
21 well, so it can go into the side and flip to the side as well.  
22 Same as on the back.

23 MR. GOLDMAN: I'll add to this. Kevin Goldman for the  
24 record. We have not selected a trash management company yet. So  
25 once we get a little bit further along in the process and have

1 our management company determined, we'll bring onboard the trash  
2 management company as well. But one nice thing about this  
3 building, because of the retail and because of the fact that  
4 we'll have a market, we will have a regular trash pickup that's  
5 more aggressive than a typical only residential building. And  
6 so when you're having the trash there more often throughout the  
7 week, it helps with some of your concerns about smells and odors  
8 and, you know, traps if it's in the trash room for a week or,  
9 you know, some buildings will do twice a week or once a week  
10 pick-up, we'll likely have a much more aggressive program because  
11 the trash company will be there to pick up the retail trash  
12 regardless on a more regular basis, so.

13 COMMISSIONER IMAMURA: Thank you, Mr. Goldman. I  
14 certainly am sure that future residents will be glad to hear  
15 that, knowing that there's over 440 units and a person generates  
16 about four and a half pound of trash per day, that's a lot, and  
17 so I'm glad that it'll be aggressive. And I do think that there  
18 may be some odor issues there in the garage. It didn't appear  
19 to be contained, so, but glad to hear that. So again, I hope  
20 that doesn't mark me as the trash guy, but certainly something  
21 to think about.

22 MR. GOLDMAN: Yeah, and the room where the trash is  
23 dumping into is an enclosed room. It's not open air in any way  
24 to the garage. So from an odor perspective, there's no  
25 connectivity between the two at that level.

1 MR. SALA: But it is connected to the loading.

2 MR. GOLDMAN: It's connected to loading dock. The  
3 loading dock is not connected to the (indiscernible).

4 COMMISSIONER IMAMURA: Right. So all right. Mr.  
5 Chairman, thank you so much for your indulgence in allowing me  
6 to make the comments and questions that I had. Thank you to the  
7 Applicant. This is a very complex complicated project. Again,  
8 Mr. Tummonds, thank you for bringing the entire team here so that  
9 I could ask my questions to all the various subject matter  
10 experts. And again, thank you, Commissioner May, for asking  
11 those other questions that allowed me to ask my questions. I  
12 yield back, Mr. Chairman. Thank you.

13 CHAIRPERSON HOOD: All right. Thank you. And before  
14 I go any further, anybody needs a break, just let us know. We're  
15 going to keep pushing as much as we can.

16 Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
18 you to my fellow commissioners for covering a lot of territory  
19 that I don't have to cover. And thank you to the Applicant's  
20 team, Mr. Tummonds, Mr. Goldman, Mr. Olivera Sala, Ms. Clark, the  
21 others, Mr. Dettman, everybody, the whole EYA team. I guess  
22 thanking you for first of all sticking it out all these decades.  
23 I remember sitting in the Council chairman's office I think it  
24 was 21 years ago or 20 years ago when the small area plan -- the  
25 Takoma small area plan was submitted by Mayor Williams to the

1 Council. I was working for Chairman Kropp, I think, at the time.  
2 And I remember meeting with various stakeholders at that time,  
3 including I remember Faith Wheeler and Sarah Green sitting in my  
4 office being very passionate about the type of development they  
5 wanted to see in their neighborhood. That was the first -- I  
6 think that was the first small area plan submitted under the  
7 comprehensive plan umbrella to the Council back in 2002 when it  
8 was approved. But you've -- and EYA was already I think deemed  
9 as the developer by WMATA at that point. And the plan has  
10 obviously evolved over the years, the plan for -- the development  
11 plan has evolved over the years, and the comprehensive plan has  
12 evolved over the years, at least that I'm aware of. I know  
13 there've been at least two density increases for the Takoma, this  
14 site, in the land use map, I think back in 2010 and '11 and 2021  
15 to try to facilitate and get this development going next to a  
16 Metro station. So I'm pleased that -- I think this is the first  
17 time that you're before the Zoning Commission in all these 20  
18 some odd years with a proposal. So I appreciate that we've gotten  
19 to this point after all that time.

20           And the housing, the affordable housing, aspect of this  
21 project is just -- it's just very commendable. The 15 percent  
22 set aside for affordable housing including 70 units at the 60  
23 percent MFI level and below, and is it 10 units, I think, at the  
24 30 percent MFI level and below, and correct me if I'm wrong, Mr.  
25 Tummonds or Mr. Dettman or Mr. Goldman, after I end my comment

1 part of this question, and 6 of the three-bedrooms units are at  
2 the 30 percent MFI level and below, just the fact that you have  
3 family-sized units in this large development, 430 -- what is the  
4 size, how many units are we talking about, is it 435?

5 MR. TUMMONDS: I'll let Ms. Garfield address all those  
6 questions.

7 MS. GARFIELD: So there are 434 total units, and then  
8 there are 10 three-bedroom units, and 6 of the --

9 UNIDENTIFIED SPEAKER: Ten 30 percent.

10 MS. GARFIELD: -- 10 30 percent AMI units. Sorry. And  
11 that includes six three-bedroom, 30 percent MFI units.

12 VICE CHAIR MILLER: Oh, I'm sorry. And you're going  
13 for this financing and under the HANTA financing, I don't know  
14 if that's the right term, which you will -- if you -- where are  
15 you with that, with DHCD, and what is your -- what is the  
16 requirement under that if you get that financing or what -- and  
17 what is your commitment, you're going to increase the amount of  
18 affordable housing to 33 percent of the total?

19 MS. GARFIELD: That's correct. So the HANTA program,  
20 we have applied, we have submitted our application. We've been  
21 working closely with DHCD on that application, and we are  
22 optimistic that we will get it because our project does meet all  
23 of the requirements, which is 33 per- -- which would be providing  
24 33 percent of our units, or in this case, 144 units at -- below  
25 80 percent MFI, and that is what we proposed to DHCD.

1 UNIDENTIFIED SPEAKER: And maybe, Commissioner Miller,  
2 there's -- will become -- there's two buckets, if you will, for  
3 the affordable units. We'll have our 15 percent IZ units, as we  
4 talked about, that's 70 units in the -- at MFI levels of the  
5 sizes that you mentioned. And then above and beyond that, if we  
6 get the HANTA, there will be 74 additional affordable units and  
7 those -- that's how we get to the 33 percent so that if the HANTA  
8 comes through, which we are hopeful, confident, somewhere along  
9 the line, that's how -- it will go from 70 units of affordable  
10 housing to 144 units of affordable housing.

11 VICE CHAIR MILLER: And as you said, you're going to  
12 maintain the minimum level that you're committing to of the 30  
13 percent MFI units and the 60 percent MFI units that are part of  
14 the 15 percent set aside?

15 MS. GARFIELD: That's correct.

16 VICE CHAIR MILLER: And what is the status of the HANTA  
17 funding, is there a date that you will know when you have that  
18 or it's just in never neverland?

19 MS. GARFIELD: It's not in never neverland. I think  
20 we'll know soon, but I don't have an exact date.

21 VICE CHAIR MILLER: Yeah. Is it --

22 UNIDENTIFIED SPEAKER: Needless to say, we  
23 (indiscernible) DHCD very hard to give us an answer by June 15th.  
24 So we are -- we've continued to remain confident that it will be  
25 soon, but we can't say much more at this point.

1           VICE CHAIR MILLER: Okay. Okay. And there -- beyond  
2 the housing proffer which is commendable, the -- I appreciate all  
3 of the environmental sustainable features of the project, the  
4 LEED gold commitment. You are -- just to clarify, you are  
5 agreeing to the conditions of the Office of Planning in their  
6 report that the flexibility you're seeking on parking wouldn't  
7 reduce -- would not increase the parking any further, might reduce  
8 it, and the -- for the flexibility you're seeking on the  
9 environmental would not reduce it beyond -- below the gold, the  
10 LEED gold, certification level; is that correct?

11           UNIDENTIFIED SPEAKER: That's correct.

12           VICE CHAIR MILLER: And you're agreeing to all of the  
13 DDOT conditions laid out in their report as well; is that correct?

14           UNIDENTIFIED SPEAKER: That's correct.

15           VICE CHAIR MILLER: And it looks to me like we have two  
16 ANC 4B reports, one from December of '22, and then I guess a more  
17 recent one. The one in December, which I guess might have been  
18 a different composition of the ANC slightly, outlined a series  
19 of issues which they wanted you to address, which you appeared  
20 to be addressing. But if you could just speak to that. In their  
21 more recent ANC letter they just stated outright support without  
22 restating all the previously articulated concerns. But are you  
23 -- you seem to be addressing their -- the ANC concerns, but can  
24 you -- I don't know if we need to go through them one by one,  
25 but can you speak to that?

1 UNIDENTIFIED SPEAKER: Yeah, what I can is that  
2 (indiscernible), you know, UI (phonetic) does a lot of community  
3 outreach and we tend to go early on. So we went to the ANC very  
4 early on in this project when it was really just a sketch and a  
5 concept and had a whole series of meetings throughout the spring  
6 with them of last year. So they were willing to support the  
7 project, the concept, knowing that we still had a lot of work to  
8 do to get the project to a place where it was ready to submit to  
9 the Zoning Commission for review, and then we'd come back from  
10 Zoning to the ANC later. So I think what you're seeing is exactly  
11 that, they had given us comments initially around parking, around  
12 affordable housing, around lower AMI, working with their housing  
13 justice committee, preservation of trees, open space, desire for  
14 retail. Quite frankly, they wanted more housing, they wanted  
15 less affordable housing. So all of those things were things that  
16 we had heard from them initially and they gave us qualified  
17 support. Now that we've submitted to you a plan that really does  
18 check every box that they asked us to check, with the exception  
19 of -- actually that really -- I don't think there's anything --  
20 I don't have the let- -- that letter right in front of me, so,  
21 but I don't believe there was anything outstanding still. They  
22 were willing to -- we went back to the ANC, they were willing to  
23 write us a final letter, which is great.

24 UNIDENTIFIED SPEAKER: Yeah, so just to summarize,  
25 Commissioner Miller, Exhibit I to our November 28 initial

1 submission had our response to all of the ANC 4B conditions in  
2 support, and we did address all of those, that they sent a  
3 subsequent ANC 4B letter acknowledged that we had addressed all  
4 their concerns and they were fully supportive of this  
5 application.

6 VICE CHAIR MILLER: Right. I don't have that right in  
7 front of me right at the moment. How did you -- I did read it,  
8 but I don't just have it in front of me. How did you respond to  
9 the issue of keeping the community park, the park, the open space,  
10 the public park open space, open to the public, how did you  
11 respond to that issue?

12 UNIDENTIFIED SPEAKER: Yes, so sorry, I'm going to hand  
13 it over to Karen Garfield to answer that question.

14 MS. GARFIELD: Yes. So we proffered having a public  
15 space easement on our community park space.

16 VICE CHAIR MILLER: So it will be open to the -- fully  
17 open to the public. And I think they mentioned an easement in  
18 their original ANC resolution. I'm not sure if that's necessary,  
19 if it's a condition of the order. Did you have an opinion on  
20 that, Mr. Tummonds?

21 MR. TUMMONDS: We're fine with recording an easement.  
22 And then so the ANC resolution includes a condition the Applicant  
23 enter into an easement that permanently ensures the private space  
24 will be open, available to public from an -- open to the public  
25 from at least dawn until dusk and limits potential closures of

1 the park space for private or restricted events. And we responded  
2 to that, we agreed to record such an easement in the land records  
3 of District of Columbia. And we think it makes perfect sense to  
4 include that as a condition of the Zoning Commission's approval.

5 VICE CHAIR MILLER: Okay. Thank you. I appreciate  
6 that. I also appreciate all the balconies that are being provided  
7 on this residential building, and I appreciate the attractiveness  
8 of the design for such a large building, the ins and outs and  
9 the setbacks and the step downs. And I happen to like the colors  
10 of the materials, although I understand they might change. I  
11 don't know if they'll change it when the next HPRB iteration or  
12 not, but I happen to like them. How many how many of the 434  
13 units have balconies, is it about half or is it less?

14 MR. SALA: I think we'll probably have to --

15 MR. TUMMONDS: Do the math.

16 MR. SALA: -- do the math. But typically we try to  
17 provide 30 percent, which is a standard number. But I think we  
18 are a little bit more than 30 percent in this case. Obviously,  
19 because we have such a great amenity (indiscernible) of our units,  
20 so we're trying to promote that connection from the residents to  
21 the park and the overall (indiscernible). But we'll check the  
22 numbers and provide you that.

23 VICE CHAIR MILLER: Okay. Thank you. I appreciate all  
24 those balconies. The trees, there are 120 trees being removed.  
25 I understand there's a heritage tree that's being -- one heritage

1 tree that's being relocated, 15 are being retained, and 41 new  
2 trees will be planted. You gave this answer before, but maybe  
3 you can just again repeat what you said. Of 120 trees being  
4 removed, how many are heritage trees?

5 MR. OLIVER: None.

6 VICE CHAIR MILLER: So you're not removing -- the one  
7 heritage tree that you're affecting, you're relocating on site?

8 MS. GARFIELD: Right. So you can (indiscernible) my  
9 camera and just decided not to turn on. To answer your question,  
10 none of the heritage trees that are existing on the park side  
11 will be -- there's one being relocated from the location of the  
12 future courtyard to closer to Eastern Avenue. There's another  
13 heritage tree on the other side of the property. Can you  
14 elaborate on that, on the legal status of that one?

15 MR. TUMMONDS: Sure. So I think there was a public  
16 -- special tree removal permit was filed for right when the  
17 heritage tree/special tree law came into effect, there was a  
18 special tree removal permit that was filed and approved adjacent  
19 to I think -- I mean, that's adjacent to the train tracks. And  
20 so that will be removed.

21 MS. GARFIELD: But this happened when specifically?

22 MR. TUMMONDS: 2017.

23 MS. GARFIELD: Yeah, six years ago, right?

24 MR. TUMMONDS: So (indiscernible).

25 MS. GARFIELD: Of the current trees, the four heritage

1 trees, none of them will be removed permanently, three will fully  
2 stay in their current location, one will be located -- or  
3 relocated to the green area of the park.

4 VICE CHAIR MILLER: Okay. Thank you for that answer.  
5 I'm not sure I have any other questions. I'm looking forward to  
6 hearing from the public and the ANC on this. I think after we  
7 hear the opposition testimony -- I think it's in the record that  
8 you've spoken to each of the opposition points in your own  
9 submissions in terms of comprehensive plan consistency, both the  
10 future -- all the elements, but I think they go through each of  
11 the elements as to how they are -- how they in their view they're  
12 not consistent, but I think you've outlined in your comprehensive  
13 plan analysis how it is -- how it does meet the comprehensive  
14 -- how it is consistent with the comprehensive plan policies or  
15 how other policies outweigh any particular policy that maybe  
16 appear to be inconsistent. But we may need a -- we'll see when  
17 we get to the end of the hearing, but we may need a shorter  
18 statement from you just rebutting each of the comprehensive plan  
19 consistency arguments and the other arguments that are being made  
20 by the party in opposition here today. We just might need a more  
21 succinct rebuttal, but maybe -- I think we'll get that in your  
22 rebuttal, but -- and I know that it's in the record because I've  
23 read this very deep record thus far. So anyway, I have no other  
24 questions, Mr. Chairman, at this time. I thank again thank the  
25 Applicant for their persistence in sticking with the project and

1 bringing it forward in a way that tries to meet the goals of the  
2 city and the neighborhood. Thank you very much.

3 CHAIRPERSON HOOD: Okay. Thank you. It's been an hour  
4 and a half or hour and 45 minutes since we started, so my  
5 questions I may have them when I wrote them down and when I looked  
6 at the record previously I wrote a few questions down, and some  
7 of this may have been answered, but I'm going to ask it again so  
8 I can get a full understanding. One of the things -- and before  
9 I -- Mr. Zeid, is it -- how you pronounce your name again, I ask  
10 you this all the time? Is it [Zeye-ed], [Zade]?

11 MR. ZEID: It's [Zeye-ed].

12 CHAIRPERSON HOOD: [Zeye-ed], Mr. Zeid, about 4:00 I  
13 heard a lot of noise I guess it was behind you, and since you're  
14 the traffic consultant, what level of service was that behind you  
15 because it was a whole lot of noise and a whole lot of traffic  
16 going on right behind you. Anyway, think about that and you can  
17 tell me later.

18 MR. ZEID: Maybe we're just happy to see traffic at  
19 20th and K at 4:00 on a Thursday.

20 CHAIRPERSON HOOD: All right. So yeah, well, that is  
21 true nowadays with COVID. Which leads me to my first question.  
22 We had another development, the Commission did, some years back,  
23 and I was very critical about WMATA giving up parking spaces. I  
24 will tell you since COVID, I have lightened and lessened my  
25 concern on that. But I'm concerned when I see letters from like

1 Exhibit 162, and I'm going to read this because this bothers me.  
2 A very well-known person in this city wrote this letter and --  
3 all of it concerns me, whoever it was, but I'll tell you, Ms.  
4 Loretta Neumann, and she says this, and I want somebody from  
5 WMATA or someone to answer this. She says, "Lastly, having  
6 recently lost my late husband, I'm very concerned about the loss  
7 of WMATA's public handicapped parking spaces. It was extremely  
8 helpful to him and to others with disabilities whom I saw parking  
9 there too. At a minimum, the PUD should require a reasonable  
10 number of handicapped parking spaces close to Metro side entrance  
11 with its elevator." Can you tell me how that did you all  
12 addressing a situation like that, or have you?

13 MR. ZEID: Well, first I'll start with Mr. Segerlin  
14 from WMATA will start answering that question and then we'll go  
15 to (indiscernible). Steven?

16 MR. SEGERLIN: Excellent. Steven Segerlin again for  
17 the record, WMATA. In the planning of the new facility, we're  
18 going to have three accessible parking spaces that are going to  
19 be within the Kiss and Ride facility. And then the development  
20 retail public parking also has accessible parking spaces, and  
21 we're revising how many it is --

22 UNIDENTIFIED SPEAKER: Thirteen (indiscernible) on that  
23 main level or is that within --

24 UNIDENTIFIED SPEAKER: Within the two.

25 UNIDENTIFIED SPEAKER: So half of that, probably 6 or

1 indiscernible) parking. So yeah, (indiscernible) be WMATA  
2 specific handicapped accessible parking spaces that are outdoors  
3 and right across the street from the elevator there's another  
4 four accessible spaces that are indoors in the retail garage that  
5 people can park and access retail or the Metro from there as  
6 well. So that's a total of seven spaces that will be available  
7 for handicapped people with disabilities.

8 MR. SEGERLIN: And there are six ADA spaces that are  
9 on site today. So there is a little bit more, obviously some  
10 other types of uses with that, but we think it's a significant  
11 amount of parking.

12 CHAIRPERSON HOOD: Okay. And my experience in another  
13 project has been the people you get those parking spaces -- and  
14 I'm not -- I know we can't discriminate, but the people who get  
15 those parking spaces -- and a lot I see this in the District of  
16 Columbia, they are residents who come from other areas and then  
17 our residents can't get downtown, like in her case. She is a  
18 senior, older, and she's probably not going to ride down in that  
19 traffic that you all have down here where you are now at 4:00 in  
20 the afternoon. So I'm hoping that you all have really thought  
21 that through. And again, that's exhibit 162. And let me ask  
22 this question, I was thinking about this as I was reading this  
23 over actually yesterday. EYA, you all always start off big, and  
24 you all -- I mean, I don't know -- I can't think of his name,  
25 [Asha], some of those, I've been around a lot. What was his

1 name?

2 MR. GOLDMAN: Arkosh (phonetic).

3 CHAIRPERSON HOOD: Is he still with you?

4 MR. GOLDMAN: Yeah, he's my partner, yes.

5 CHAIRPERSON HOOD: Okay. Well, I'm not going to say  
6 nothing bad about him. I think he's a great guy. But let me  
7 just say that --

8 MR. GOLDMAN: You're welcome to say whatever you want.

9 CHAIRPERSON HOOD: I'm pretty sure, but I don't do  
10 that. And I think I actually think that you all have very been  
11 -- he's been -- I know working with him over the years in the  
12 city, working with him, they have been very accommodating to  
13 communities and neighborhoods. So I'll just say that. And I  
14 expect to see the same thing. I know you all are working with  
15 another neighborhood on a playground, so which brings me to my  
16 point. When I look at this playground, which I think in the  
17 record they're asking -- I think I wrote it exactly how they  
18 worded it, the public park, I guess DPR or somebody wanted it to  
19 be more of an upgrade of a playground. Is that -- did I understand  
20 that correctly?

21 MR. GOLDMAN: Yeah, there was a request from Parks to  
22 have the park or play equipment -- so we admittedly he had not  
23 really detailed what we were planning to do. We just had an area  
24 for play, playable art, playable space for kids. They asked us  
25 to be a little bit more formal so that it would be a place that

1 actually encourages kids to come gather and use it safely and  
2 play. So that's something we are -- we agreed to do and work  
3 on. We have not formally designed that yet, but yes, we will do  
4 that.

5 UNIDENTIFIED SPEAKER: And we'll work with them.

6 MR. GOLDMAN: And we'll work with land design -- our  
7 landscape architect, they'll work with us on that as well. But  
8 yeah, it won't -- and just the play space I think you're probably  
9 referring to is at our towns of Michigan Park which is a formal  
10 playground with, you know, (indiscernible) all the way around it,  
11 that really (indiscernible) play space. In location of this  
12 space it will probably be a play space that is great for kids,  
13 but also can be used for adults enjoying a park versus taking a  
14 very large portion of the park away just for kids. But that's  
15 something we're working on.

16 MS. CLARK: Because they asked for that. This is  
17 Gabriela Canamar again. In the call we actually had with a staff  
18 member of the (indiscernible) department they were very  
19 forthcoming in suggesting elements that were more nature or  
20 natural, nature driven or nature inspired to become playful in  
21 additional to the rain gardens to kind of be seeing all of the  
22 texture of open space. And so we had some direction and some  
23 like not quite a wish list, but some of the best practices for  
24 how to incorporate playful elements in a park. And after that  
25 conversation started, we left the door open for, you know, to

1 continue the dialog with them and design a feature that will  
2 serve the community. So that that was more -- (indiscernible)  
3 design (indiscernible), but it's going to be more -- there will  
4 be more details to the image that you see in the -- on the record  
5 today.

6 CHAIRPERSON HOOD: Okay. Thank you. And one of the  
7 concerns I had about your other project which was in front of  
8 the Commission, which actually worked out, and I think, Mr.  
9 Goldman, you mentioned Michigan Park, and that was one of the  
10 ones because I thought being right off 12th Street and right  
11 there was an issue for the kids and that seems to be working  
12 well. I have that same issue here. I'm going to expound upon  
13 it because I know you have a proven track record over there, but  
14 I always wonder about the placement. And I know it's not  
15 necessarily -- topography up there is not the easiest of where  
16 you're working with, but where the playground is now -- let me  
17 ask this, let me ask it this way, about my concern. What's going  
18 to eventually pan out to be similar to the one at Michigan Park,  
19 would you say, I'm not saying about equipment, but I mean as far  
20 as position and safety of the kids, that's my concern?

21 MR. GOLDMAN: It will be -- yeah, it will be safe.  
22 This was the further setback from the road than the one that's  
23 at Michigan Park. And actually, by the same civil engineer for  
24 both projects. The one at Michigan Park is quite close to 12th  
25 Street, and 12th Street is obviously a much busier street than

1 Eastern because it's almost two lanes it feels like in the  
2 northbound direction right up against our site, whereas Eastern  
3 is a little bit more narrow. Yeah, so this playground space will  
4 be set further back from the curb than that one is and nestled  
5 into the grade of the park. And then we can, if the desire, we  
6 can focus very heavily on how to make sure there is safety, clear  
7 safety, for children who might run towards Eastern Avenue as part  
8 of the design of the park space.

9 MS. CLARK: Correct.

10 CHAIRPERSON HOOD: And if that's not noted in this  
11 record, could you have something, a statement like that, Mr.  
12 Tummonds, for the future? I don't have a -- I had a question  
13 about the FAR, but I think that's been answered a while back.  
14 Now the 25 years -- here's my issue. So you all have been working  
15 with Vice Chair Miller in another capacity, and it looks like you  
16 all have been working on this project for over 25 years. So  
17 after 25 years, what I've learned, I've been here 25 years, people  
18 change, as in this case, projects has changed, positioning has  
19 changed, now the people who may have supported this project  
20 wholeheartedly and thought that this was the way to do it has  
21 changed, but also time has changed from a smaller scale project,  
22 which you all probably did 25 years ago in 2002. So is that a  
23 fair assessment to -- but let me ask this, if you worked on it  
24 25 years, what is your impression of why we have so much  
25 opposition? Because when I looked at this record the other day,

1 I saw one or two. I said well, okay, well, Coleman got it  
2 together. But then I look at it again, it was like it was  
3 flooded, it was like a call for letters of opposition. Can you  
4 help me understand how we got to that?

5 MR. GOLDMAN: Yeah, I'd be happy to. I mean, 25 years  
6 ago, I was 25 years old, I was an architect working in New York.  
7 It's pretty amazing how old -- how long this has been a battle.  
8 So when we initially tied this property up with WMATA, our intent  
9 was actually to build townhomes there because 25 years ago that's  
10 really primarily what EYA did. At the time there was concern  
11 from the community, from housing advocates, that we weren't  
12 delivering enough housing at the Metro, you know, townhomes was  
13 more appropriate because it would only be about 80 townhomes.  
14 And so there was a push from the community for it to be a rental  
15 building and to have more units, not the townhomes. There was  
16 also concern about two parking spaces per unit right at the  
17 transit facility at the time. And so we then went through the  
18 process of designing a multi-family building. Obviously, as you  
19 know, the economy crashed in 2005, '06.

20 MS. CLARK: '08.

21 MR. GOLDMAN: Well, yeah, the condo market crashed in  
22 '05, '06, and then again in '08. So there was a little bit of a  
23 break where we worked with WMATA just to extend our contract and  
24 didn't do quite much. We came back out with a rental building  
25 that was about 200 units, but it didn't really change the site

1 at all and wouldn't have created any of the amenities you're  
2 seeing from a retail and parks perspective. And that was -- I  
3 mean, I'll admit some of those folks who had encouraged us to  
4 change it from townhomes to apartments were then not supportive  
5 of that apartment change at that density. And so that was a  
6 battle. But we did ultimately have support for that concept.  
7 People were interested in it. And then quite frankly, what  
8 changed it again for us was the comprehensive plan process  
9 started. As you may recall, that took about five years. And so  
10 we figured -- we talked to WMATA and decided it might make sense  
11 to wait for that process to go through because there was a much  
12 bigger focus from the city on equity, on affordable housing, and  
13 the need for transit, transit-oriented development and density  
14 at transit. And we had a sense that that might lead us to a  
15 building that was a better building, which it ultimately really  
16 did. Once the comp plan got approved, we immediately were out  
17 working with the neighborhood again.

18           From an opposition perspective, and what I'd say is  
19 this, you know, the ANC, which is a broad organization and clearly  
20 represents, you know -- they would -- he wouldn't have just gotten  
21 reelected if he was supporting something that the people in his  
22 community weren't excited about. And he did get reelected. You  
23 know, they've been very supportive. And we've agreed to the  
24 things that they've asked for over time. There are many opponents  
25 in the community too, and we get that, and we try to compromise

1 where we can. But I think part of it is just a different view  
2 of what should happen. Some folks -- I think many of our  
3 opponents' view this building is too big in scale, too many units,  
4 it's going to dramatically change the neighborhood. And I think  
5 our view of that is that those types of comments have been used  
6 for a long, long time to restrict housing where it's needed most  
7 and that we have been building affordable housing appropriately  
8 while we were building wealthy single-family housing near  
9 transit. Other people in the population would have had a piece  
10 of the pie too, and we weren't doing that. And now we need to  
11 make up time. We need to build housing where it's appropriate  
12 and be impactful at transit. And if that means the building is  
13 ten feet taller, you know, seven stories versus six or something  
14 of that sort, I understand that some people will object to that  
15 and I'm okay with that because the need for the housing and  
16 affordable housing is so great. And I've been very honest in  
17 our conversations with people who quite frankly have reached out  
18 to us to try to get us to compromise on height and to say on  
19 projects of ours in the past we have compromised on height where  
20 it was appropriate. In this case, we set the building really  
21 far back from the right-of-way, really far back from the houses  
22 across the street, created a big beautiful buffer, preserved the  
23 trees. This is a place where we can't compromise on height  
24 because as a city we're in a crisis.

25 CHAIRPERSON HOOD: Okay. I appreciate that. So in

1 other words -- and that actually leads to one of my other  
2 questions -- if this Commission was to ask you to take a floor  
3 or two off to reduce, have more of a setback, will that affect  
4 any of your programmatic stuff that you're trying to get out on  
5 -- I already know the answer, but I'm just asking, will that  
6 affect any of your programmatic stuff?

7 MR. GOLDMAN: A hundred percent. Yeah, (indiscernible)  
8 scale of the building work very well at the size it is. If we  
9 have to make the building smaller, we have to dramatically reduce  
10 public benefits, we certainly have to reduce the affordable  
11 housing dramatically. So yeah, it's a major impact.

12 CHAIRPERSON HOOD: Well, we wouldn't --

13 MR. GOLDMAN: And also -- I'm sorry -- and on Metro  
14 ridership as well. Metro, you know, Metro is looking for the  
15 fact that we're building a building with limited parking and a  
16 lot of units as one of the major factors why they're excited  
17 about the project.

18 CHAIRPERSON HOOD: Okay. The other thing is -- Mr.  
19 Tummonds may be who -- I read the other day, and I have a note,  
20 I just didn't write it all the way out, DOEE, what did DOEE --  
21 there was something they wanted you all to continue to do or --  
22 do you recall? If not, I can find it while somebody else is  
23 talking. Do you know what DOEE asked you all to do?

24 MR. TUMMONDS: There were a couple things. One, provide  
25 more clarity on the tree removal, which we've agreed to do. And

1 I think it was also something that Commissioner May said at the  
2 end, look at the ability to put green roof under the solar. And  
3 I think that they were happy that we had agreed to utilize the  
4 mid-family -- I'm sorry, multifamily mid-rise version four as the  
5 LEED standard that we were approaching.

6 CHAIRPERSON HOOD: Okay. Well, it was something else  
7 they did ask you to do and I should have wrote it down in depth  
8 maybe. I'll have to find it. I will find it in a moment. I  
9 want to -- 'cause I do want to get to the public. And let me  
10 ask this question because I found this very unique when I looked  
11 through the record. I looked in the letters of support --

12 UNIDENTIFIED SPEAKER: (Indiscernible).

13 CHAIRPERSON HOOD: Yeah.

14 UNIDENTIFIED SPEAKER: They encouraged the Applicant  
15 to exceed the minimum GAR as far as requirement to pursue a GAR  
16 of 0.4.

17 CHAIRPERSON HOOD: Wasn't GAR.

18 UNIDENTIFIED SPEAKER: Is that what you were maybe --

19 CHAIRPERSON HOOD: No, it wasn't GAR, it was something  
20 else. I'll go back and find it.

21 UNIDENTIFIED SPEAKER: Okay.

22 CHAIRPERSON HOOD: I'll go back and find it. So let  
23 me ask the question of -- when I look at the record and I see  
24 the letter -- those in support and those in opposition, this is  
25 something I've grappled with over the years and actually we've

1 been called out on and I just mentioned this recently, the people  
2 -- a lot of people, I'm not saying all so I want to make it clear,  
3 I'm not saying all, a lot of the people who are in support of  
4 this project live on Connecticut -- is Connecticut Avenue near  
5 this project? Is Southwest near this project? So I'm just  
6 concerned -- I'm curious why a lot of people waded in -- and they  
7 have the right to, but the people who align -- I see -- it's not  
8 a popularity contest. But I notice people from Connecticut  
9 Avenue, and I was trying to get the rationale of why people from  
10 Connecticut Avenue was weighing in, why people from C Street,  
11 S.W. and, you know, why they were weighing in. And then I said  
12 -- I came to the conclusion maybe they work there or they work  
13 in the area. But I noticed that there was along this record of  
14 people who don't live in the area who supported this. But then  
15 I notice -- and let me just back up, I'm making my own exp- --  
16 and maybe it's because they were supporting bigger density around  
17 Metro, so I wanted to put that out there. But then a lot of  
18 opposition, they were consistent. They live right in that  
19 neighborhood. Is there a rationale if somebody can explain to  
20 me how did we get there because in other cases, we don't -- we  
21 didn't -- we don't see that.

22 UNIDENTIFIED SPEAKER: Yeah, yeah, the (indiscernible).  
23 So a few things. First of all, in the real world, I mean, I've  
24 been doing this for 20 some odd years, it is often real estate  
25 runs into the crisis of the kind of micro concern, the very hyper

1 local concern over the greater good. Right? So we're trying to  
2 provide density near transit, retail that will impact a larger  
3 broader area, make many people happy, and affordable housing,  
4 which is a crisis in the city that many advocates really care  
5 deeply about, as well as environmental advocates as well. So it  
6 is natural for those who live closest to the project be most  
7 concerned because of the impact that it might have on them  
8 personally and for those who might be -- although in this case,  
9 I will say our ANC who lives right at the project and was  
10 reelected last fall in full support of the project he is full in  
11 support. So I'll just put that out there. So I don't think that  
12 it's the case that the local residents don't support. But that's  
13 why you're seeing a broader spectrum of letters -- actually there  
14 were more letters in support than opposed, and there was one  
15 letter in support that had 50 people signed onto it and that  
16 counted as one letter. So in reality, it's even more.

17           What I also would look at the opponents, where they're  
18 from, many of the opponents are from Maryland, living in single-  
19 family neighborhoods outside of the District of Columbia. And  
20 so they do have a different community. If you live in Takoma  
21 Park, Maryland, it is a more suburban community. It is largely  
22 single-family homes adjacent to us, quite frankly, people who  
23 benefited financially dramatically from Metro being added to that  
24 location. House prices well over a million or a million and a  
25 half dollars. And so most of our opponents we've spoken to are

1 from the Maryland side, not from D.C. And from D.C., Takoma,  
2 which tend to be in this location, more apartment buildings,  
3 renters, people are excited about the retail, our ANC is fully  
4 supportive and excited. They may not be people that are as  
5 engaged in this type of process because they might be younger,  
6 they might be less wealthy, and might have multiple jobs. We  
7 had a great meeting with one of the co-op buildings  
8 (indiscernible) right up the street last week that was fantastic.  
9 Some people don't have as much time or money to be as engaged,  
10 and so you might not see as many letters from those folks who  
11 live closest to the site on the D.C. side of the line. But it  
12 would be interesting to know. I mean, I imagine the vast majority  
13 of the opposition letters were from the Maryland side, and I  
14 appreciate that, but, you know, this is Washington, and D.C.'s  
15 comp plan is based on D.C. and what D.C. needs.

16 CHAIRPERSON HOOD: Okay. That actually -- and I  
17 appreciate your response, but I did see kind of -- at least from  
18 my independent evaluation they were from both sides. There were  
19 some from Maryland. And I figured that they could weigh in  
20 because they're right there, so I don't want to discount  
21 especially those who are on the border, so.

22 All right. But I do appreciate the responses from EYA  
23 and WMATA. It shows, as Vice Chair had mentioned, how you all  
24 have worked. I know how you all have been successful in other  
25 projects. And we'll hear from the community, which I'd rather

1 get it straight from them as opposed to me trying to figure some  
2 of these things out.

3 I don't have any other questions at this time. We may  
4 have some later, but I appreciate all your responses. And unless  
5 I hear from my colleagues something else, I would really like to  
6 move on and go to the to the -- start getting to the public. All  
7 right? Anybody -- any of my colleagues have any other follow  
8 ups? If not, we can do that later. Let's get to the public.  
9 Okay, great. Thank you all.

10 Before you all go, because it's cross-examination, Ms.  
11 Schellin, do we have the commissioner from ANC 4B?

12 MS. SCHELLIN: Yes, we do. Evan Yates if Mr. Young can  
13 pull him up.

14 CHAIRPERSON HOOD: Is Commissioner Yates --  
15 congratulations on being reelected, because I've heard that three  
16 times through this testimony, so. Does Commissioner Yates, do  
17 you have any cross-examination of this Applicant?

18 ANC COMMISSIONER YATES: Not at this time, Chair Hood.

19 CHAIRPERSON HOOD: Okay. Well, we'll see you shortly.  
20 Hello. How are you?

21 All right. So --

22 ANC COMMISSIONER YATES: You want to say hi?

23 CHAIRPERSON HOOD: You want to say hi?

24 ANC COMMISSIONER YATES: She says no. Sorry.

25 CHAIRPERSON HOOD: Well, this -- is this the second

1 time? I think I've seen you before.

2 ANC COMMISSIONER YATES: Yes, this is the second time  
3 you've met my daughter.

4 CHAIRPERSON HOOD: Oh, okay. Okay.

5 ANC COMMISSIONER YATES: (Indiscernible).

6 CHAIRPERSON HOOD: Good to see you again.

7 All right. Let's go -- do we have a party -- Ms.  
8 Schellin, Takoma Historic? Did I get that wrong? Historic  
9 Takoma.

10 MS. SCHELLIN: Mr. Brown is already ready.

11 CHAIRPERSON HOOD: I know you are, Mr. Brown. Go right  
12 ahead.

13 MR. BROWN: Thank you, Mr. Chairman. I have a few  
14 questions. They are directed at specific slides on the PowerPoint  
15 presentation and I'll just go through them in numerical order  
16 quickly as I can. I would like to start with Slide 13, if you  
17 could bring that up please? Yes. My question here is the lowered  
18 roof area, which is in green, can someone tell me approximately  
19 what percentage of the roof area is lowered in this fashion?

20 MR. GODLMAN: Percentage of the total roof of the entire  
21 building or just the percentage of that wing of the building?

22 MR. BROWN: The percentage of the entire flat roof.

23 MR. GOLDMAN: We can get you that answer. We don't  
24 have it on us. We can get that answer.

25 MR. TUMMONDS: I'm sorry, Mr. Brown, did you hear that?

1 We don't know what that answer is. If you'd like us to provide  
2 that, we can provide that in a post-hearing submission.

3 MR. BROWN: Okay.

4 My next question is on Slide 20. You're showing the  
5 cross section across Carroll. Can you tell me what the right-  
6 of-way width is of Carroll at that location?

7 MR. OLIVER: Yeah, this is Kyle Oliver. The actual  
8 right-of-way along Carroll varies, so we would have to get you  
9 the width of it exactly where that cross section is that you,  
10 post- --

11 UNIDENTIFIED SPEAKER: Sorry. It's 60 feet at minimum,  
12 approximately?

13 MR. OLIVER: Approximately, yes. But it's not -- I  
14 don't know the exact right-of-way at that exact cross section.

15 MR. BROWN: I'm actually more interested in the right-  
16 of-way width at the curb point where the building height measuring  
17 point was measured. And this looked like it was probably pretty  
18 close to it.

19 MR. OLIVER: We will provide that information to you.  
20 Thank you.

21 MR. BROWN: Next, Slide 14. Yeah. A quick look at  
22 this suggests that all of these buildings are at the same height.  
23 But that's not your intention to suggest that, is it?

24 UNIDENTIFIED SPEAKER: No. As you can see, the images  
25 are cut. There's a architectural cut line on the top of each

1 image with the little squiggly. So they are just really focusing  
2 here on the retail storefronts of the neighborhood and how those  
3 retail storefronts and heights and design and style might relate  
4 to what we're proposing on the left.

5 MR. BROWN: So it's the area within the red dotted  
6 lines that is worth examining in this exhibit, right?

7 UNIDENTIFIED SPEAKER: That's exactly right.

8 MR. BROWN: Okay. Let's go on to Slides 29 and 30.  
9 Looking at Slide 29, and by virtue of the fact that the building  
10 height measuring point is 275.63 feet, am I correct in thinking  
11 that that point is going to be located somewhere between the  
12 contour line at 274 and 276, and perhaps closer to 276?

13 MS. GARFIELD: Are you asking about the building as far  
14 as the elevation of the building?

15 UNIDENTIFIED SPEAKER: He's asking about the building  
16 height, where -- I don't think we know that answer specifically,  
17 Mr. Brown. But you're asking for where on this slide where we  
18 cut through is the building height measuring point?

19 MR. SALA: It should be in the record (indiscernible).

20 UNIDENTIFIED SPEAKER: (Indiscernible).

21 MR. SALA: Oh, okay. We need to add that in this,  
22 yeah.

23 MS. GARFIELD: So it's on the record in the PUD --

24 UNIDENTIFIED SPEAKER: No, no, that's a beautiful  
25 question. We can provide that information to you.

1 MR. BROWN: Okay. But it's going to be at the curb on  
2 Carroll Street, correct?

3 UNIDENTIFIED SPEAKER: Generally speaking, yes.

4 MR. BROWN: Okay. Now, one other question about this  
5 slide. This flat area, the white area, has an elevation of 273.  
6 And if you'll move over to Slide 30, you see that white area  
7 butts right up against the building. So am I correct in  
8 concluding that at the point where this flat area intersects with  
9 the building, the elevation is 273 feet?

10 MS. GARFIELD: It is correct.

11 MR. BROWN: So that means that the -- when one looks  
12 at the height of the building from this particular plaza, it  
13 actually looks like it's more than 76 feet, it's 2 to 3 feet more  
14 than that because of the depression, right?

15 MR. GOLDMAN: Again, the building height measuring  
16 point is taken from the curb, not from the base of the building.

17 MR. BROWN: I understand that, but that means that this  
18 building actually has more exposure from the plaza to the top of  
19 the building than 200 -- than 76 feet, it's closer to 79 feet,  
20 right?

21 UNIDENTIFIED SPEAKER: Probably.

22 MR. GOLDMAN: I think --

23 MR. BROWN: My next question has to do with Slides 36,  
24 37, and 38. At the top of 36 you have a label, zone diagram -  
25 public park. This is not going to be a public park, is it?

1 UNIDENTIFIED SPEAKER: It will not be a D.C. controlled  
2 public park. We have -- we will maintain ownership of the land  
3 and maintenance of the land, but it will have a public access  
4 use. That's a good point, and that's something we can modify.

5 MS. GARFIELD: Yeah, what we meant to differentiate is  
6 that it's publicly accessible as opposed to the courtyard inside  
7 of the O-shaped building, which is private and for the residents  
8 only.

9 UNIDENTIFIED SPEAKER: And the retail plaza  
10 (indiscernible) will be the same so that we can expand that red  
11 area to include that too.

12 MR. BROWN: So the labeling on all three of those slides  
13 is incorrect, correct? It's not a public park. Okay, let's move  
14 on.

15 UNIDENTIFIED SPEAKER: It depends on how you -- it  
16 depends on how you -- it may not be publicly owned, but it's  
17 publicly accessible.

18 MS. GARFIELD: It's publicly accessible. We can label  
19 it --

20 UNIDENTIFIED SPEAKER: We can modify --

21 MR. TUMMONDS: No, I don't think we need to. I think  
22 we've said we were going to grant the public easements on this  
23 park. So it's a public park.

24 MR. BROWN: Let's move on to Slide 37. I would like  
25 you to explain to me a little better about the shared use path.

1 This shows the shared use path basically bordering the park or  
2 public space; is that right?

3 MS. GARFIELD: That is correct.

4 MR. BROWN: What is the composition of the shared use  
5 path in this area?

6 MS. GARFIELD: It's a hard surface which needs to be  
7 evaluated, but it would be concrete or asphalt or other suitable  
8 paving material. It is graded. We use the opportunity to create  
9 a grade sensation from the bottom, which is page right to the  
10 north (indiscernible) the building, which is around  
11 (indiscernible) 258 all the way to 272 to (indiscernible) 5  
12 percent so that for bicyclists and people on foot it would be  
13 ADA accessible. Eastern and Cedar have variable heights or  
14 variable slopes, and so this is an attempt to make it as seamless  
15 and as accessible as possible.

16 MR. BROWN: All right. Moving on to Slide 39, this  
17 came up in the testimony, I just want to clarify it, could you  
18 tell me what the change is between the impervious surface on the  
19 existing conditions and the impervious surface on the proposed  
20 plan generally, is it -- is the impervious surface going up or  
21 going down and generally by whom?

22 MR. OLIVER: This is Kyle Oliver from VIKA Capitol.  
23 The impervious surface is being increased and I can get you -- I  
24 don't have the exact number handy, but we can provide that  
25 information.

1 MR. BROWN: Okay. Thank you.

2 Let's go on to Slide 51 and 52. My question for you  
3 is what was EYA's role in the FLUM amendment that created these  
4 changed conditions between Slide 51 and 53?

5 UNIDENTIFIED SPEAKER: Both EYA and WMATA. WMATA as  
6 the property owner was the one that submitted the proposed  
7 amendment and obviously with input from EYA, as Mr. Goldman has  
8 mentioned, EYA's been a part of the future development of the  
9 site for 25 years. But it was a WMATA proposed amendment since  
10 WMATA was the property owner.

11 MR. BROWN: Thank you.

12 Let's go on to 54 now. The numbers that are -- the  
13 number that's in red at the top, the top red number of 576,750,  
14 you characterized that as available gross floor area. And my  
15 question is would that amount of floor area be achievable if the  
16 project included a bus loop and a public amenity space?

17 UNIDENTIFIED SPEAKER: I'm sorry, if it included what,  
18 Mr. Brown? Could you repeat the question?

19 MR. BROWN: The current project has a bus loop and a  
20 public amenity space. And my question is if you looked at the  
21 total square feet of 576,000 gross floor area, could that be  
22 achieved at the same time you're providing a bus loop and a public  
23 amenity space?

24 UNIDENTIFIED SPEAKER: I think there's probably a way  
25 you could do it, but my statement during my testimony was that

1 that was the amount of gross floor area that's permitted on the  
2 site under the existing zoning, just that's what's permitted by  
3 zoning.

4 MR. BROWN: So you're not making a representation that  
5 you could have done everything that you're doing and still gotten  
6 576,000 square feet of gross floor area?

7 UNIDENTIFIED SPEAKER: I think that that's the gross  
8 floor area that's allowable by matter-of-right. And if this was  
9 to be a matter-of-right development, that would be how much  
10 density could be constructed and there wouldn't be any  
11 requirement to build, you know, a 1.8 acre park and the amount  
12 of affordable housing that's being offered. Again, my statement  
13 was all about how much density is permitted on the site under  
14 the existing zoning in a matter-of-right development.

15 MR. BROWN: Let's go on to 55. The first bullet point  
16 on the right says that the comprehensive plan does not provide  
17 any specific guidance on building height, matter-of-right, or  
18 PUD. What do you mean by the term specific guidance?

19 UNIDENTIFIED SPEAKER: So you won't find anywhere in  
20 the comprehensive plan, particularly the framework elements,  
21 where it ties a specific height or specific number of stories to  
22 a particular future land use map designation, a specific  
23 designation or matter -- or mixed use otherwise. The 2001  
24 comprehensive plan amendments provide -- made amendments to the  
25 framework elements that provide guidance in terms of floor area

1 ratio.

2 MR. BROWN: You're not telling us that the  
3 comprehensive plan is silent on the issue of height as a  
4 compatibility issue, are you?

5 UNIDENTIFIED SPEAKER: Absolutely not. That's why I  
6 said specific guidance. And in my -- what I had just said is  
7 that specific guidance, meaning that the comprehensive plan will  
8 not prescribe or even provide guidance on a specific number of  
9 stories or a specific height in terms of feet or any other  
10 measurement. Certainly the comprehensive plan framework elements  
11 and many other elements in the comprehensive plan speak to height  
12 in terms of compatibility of development relative to its  
13 surroundings.

14 MR. BROWN: All right. Let's move on to 56. And I  
15 want to focus on the on the first box near the top where it is  
16 -- which is labeled existing zoning. And under MU-4 you say that  
17 the matter-of-right height is 50 feet. And I believe you say  
18 that the height could go to 65 feet with a PUD, correct?

19 UNIDENTIFIED SPEAKER: Correct.

20 MR. BROWN: Now, isn't that -- wouldn't that PUD also  
21 possibly be eligible for a 5 percent increase in height over 65?

22 UNIDENTIFIED SPEAKER: There is a provision in the PUD  
23 regulations that gives the Commission authority to grant a 5  
24 percent additional height bump above what's specifically  
25 prescribed in a PUD, although that's not an automatic. The

1 applicant has to make the case for that.

2 MR. BROWN: I understand. So assuming one could make  
3 the case for it, a PUD where the property was entirely MU-4 could  
4 rise to a 68.25 feet in height, correct?

5 UNIDENTIFIED SPEAKER: If one was pursuing an MU-4 PUD  
6 and was asking for it could make the case for that 5 percent  
7 bump, that's correct.

8 MR. BROWN: All right. Toward the bottom, you show  
9 three different situations where the number changes by ten feet,  
10 44 to 54, 54 to 64, and 76 to 86. Is this a ten-foot differential  
11 due to the -- due to your choice of the higher elevation building  
12 height measuring point?

13 UNIDENTIFIED SPEAKER: I think what those numbers are  
14 showing is the difference between the height of the building from  
15 the building height measuring point, which is where you measure  
16 the building under zoning and then where the height relative to  
17 grade at that northeast corner of the building, which is the  
18 closest that the building gets to Eastern Avenue. And so what  
19 the intent there is -- and then that's what you see, the building  
20 height measuring point and the elevation relative to grade at the  
21 northeast corner of the building, there is a ten-foot  
22 differential.

23 MR. BROWN: Now, I know that this project is not being  
24 brought as a rezoning PUD into the MU-4 zone, but my questions  
25 for you about your choice of MU-5 versus MU-4 is this, is there

1 any development standard other than the height for which relief  
2 is available under MU-5 that is not available under an MU-4?

3 UNIDENTIFIED SPEAKER: I'm not aware of one.

4 MR. BROWN: Let's go on to Slide 59. You refer to  
5 framework element guidance, and you cite specifically 224.5. I  
6 am wondering why you did not mention 219.7. Let me just quote  
7 briefly from it. "Redevelopment and infill opportunities along  
8 corridors and near transit stations will be an important  
9 component of reinvigorating and enhancing our neighborhoods.  
10 Development on such sites must be designed to respect the  
11 integrity of stable neighborhoods and the broader community  
12 context." Can you tell me why you didn't mention that one in  
13 your discussion of framework element guidance?

14 UNIDENTIFIED SPEAKER: And just to be clear, that's 219  
15 point something that you just read, that's narrative from the  
16 framework elements; is that correct, you're quoting from the  
17 framework elements?

18 MR. BROWN: Yes, 219.7.

19 UNIDENTIFIED SPEAKER: Okay. Good. So this slide --  
20 so the purpose of this slide was to convey to the Commission how  
21 the framework elements addresses the relationship between small  
22 area plan and the comprehensive plan. This -- Section 219 that  
23 you just read doesn't say anything about small area plan. The  
24 purpose of this slide really, I think, and the language that's  
25 here is brand new language from the 2021 comprehensive plan. And

1 it's really important because during the comp plan amendment  
2 process, the Council took a keen focus on instances where PUDs  
3 were approved solely based upon a recommendation of future land  
4 use designation that appeared in the small area plan, but not in  
5 the adopted comprehensive plan. And so this lang- -- and a result  
6 of that concern is this language and the language that talks  
7 about how a small area plan is providing only supplemental  
8 guidance to the adopted comprehensive plan, but it only does that  
9 to the extent that it does not conflict with the comprehensive  
10 plan. So in this case, there is a 2002 small area plan that  
11 contemplates a moderate density three- to four-story garden style  
12 apartment rowhouse development, and 20 years later, the Council  
13 adopted amendments to the actual comprehensive plan, specifically  
14 changes to the future land use map to reflect what the District's  
15 current land use and planning housing policy is for the District  
16 with respect to housing as well as sustainable development and  
17 development around Metro rail. That was the point of this slide.

18 MR. BROWN: So on page 60, I refer you to your own  
19 bullet point number -- the last bullet point on page 60  
20 essentially makes that point, right?

21 UNIDENTIFIED SPEAKER: Can we go to page 60 please?

22 MR. BROWN: On page 60, the last the last bullet point  
23 talks about the fact that the old recommendations for development  
24 of the site under the plan, the SAP, are inconsistent with the  
25 current plan and that's --

1 UNIDENTIFIED SPEAKER: (Indiscernible).

2 MR. BROWN: -- that's what you're getting --

3 UNIDENTIFIED SPEAKER: (Indiscernible).

4 MR. BROWN: Right. My only other question about that  
5 is apart from the specific recommendations about the size of the  
6 project on the Metro side, is the small area plan otherwise  
7 outdated as well?

8 UNIDENTIFIED SPEAKER: No, I don't think so. If you  
9 go to the next slide, this is what we were getting at in terms  
10 of, you know, there's a future land use map which was amended in  
11 2021 to support medium density mixed-use development. But  
12 there's also the written policies of the comprehensive plan. And  
13 here this slide shows the Rock Creek East area elements policy  
14 specifically addressing the Takoma central district housing  
15 strategy. If you look at these policies about accommodating  
16 housing demands, we're certainly doing that, concentrating retail  
17 activities towards apparel, exactly what we're providing for,  
18 accommodating transit needs on the site, and we're doing that.  
19 The Village Green small area plan shows it being on Carroll,  
20 that's in conflict with what the policy guidance on the retail  
21 strategy shows. So the Village Green was moved to Eastern Avenue  
22 to provide that buffer. But most importantly, it's the last  
23 policy that we see here that really addresses the zoning and land  
24 use concepts, that three- to four-story garden style rowhouse,  
25 maximum 95 units that are talked about in the small area plan in

1 relation to the current future land use map, that -- this last  
2 policy talks about how you're supposed to review a small area  
3 plan redeveloping guidelines for the Metro station in accordance  
4 with the updated future land use map designation for the site,  
5 and we updated (indiscernible) these very elements.

6 MR. BROWN: Now, this list that you've given us includes  
7 five of the elements from the Rock Creek East area element, five  
8 policies. You've got 2211.7, 2211.8, 2211.9, and I was wondering  
9 what about 2211.5, historic preservation in Takoma? It says "We  
10 recognize and respect Takoma's rich heritage, agricultural  
11 character and scale, and small town ambiance in all  
12 redevelopments, urban design improvements, marketing strategies,  
13 and initiatives." Did you not mention this one because you don't  
14 regard this property or this project as a redevelopment, is that  
15 why it's missing?

16 UNIDENTIFIED SPEAKER: No. And thank you for pointing  
17 that out, because right before the hearing, when I was going  
18 through my presentation, I noticed that that was inadvertently  
19 left off and I wrote it down in my notes here. And in addressing  
20 that, I would still say that even if this policy was specifically  
21 listed on the slide, I think that we are overwhelmingly not  
22 inconsistent with the policy guidance provided in that policy  
23 that said "recognize and respect the character and scale of Takoma  
24 Park," and then it goes on to talk about what you had just read.  
25 But in my mind, the recognize and respect the character and scale

1 of Takoma Park that's most relevant to me, and I believe that we  
2 are absolutely recognizing and respecting the character of Takoma  
3 Park through the design of this project, you know, through the  
4 efficient site planning, the buffers, the stepping down of the  
5 building height, the massing, the articulation, material. And I  
6 think that that -- my opinion on that I think is supported by  
7 the HPRB's recent review of the project.

8 MR. BROWN: Moving on, 62, you list a number of planning  
9 and development priorities in the comprehensive plan. I take it  
10 you would agree with me that in evaluating comprehensive plan  
11 consistency, the Commission has to look at the comprehensive plan  
12 "as a whole," quoting from the Court of Appeals, right?

13 UNIDENTIFIED SPEAKER: Yes.

14 MR. BROWN: And one of the -- and isn't it the case  
15 that in many, many places, the comprehensive plan refers to  
16 concerns about compatibility of new development, particularly  
17 infill development?

18 UNIDENTIFIED SPEAKER: Yes, in different places  
19 throughout the different elements, there's discussion about  
20 compatibility and scale and -- you know, sort of a context  
21 sensitive design, I'll call it.

22 MR. BROWN: But there's no bullet point on this slide  
23 about compatibility, is there?

24 UNIDENTIFIED SPEAKER: There's not on the slide, no.  
25 It's not -- it's also not intended to be an exhaustive list of

1 the planning and development priorities that are described in the  
2 Rock Creek East elements.

3 MR. BROWN: I believe I heard Mr. Goldman saying  
4 something about how they really didn't have the opportunity to  
5 increase the height of this building beyond the number of stories  
6 that they have now, is that -- did I hear him correctly?

7 MR. GOLDMAN: So based upon the construction type that  
8 we're using for the building, is that the question you're asking?  
9 So the construction that the building is (indiscernible) --

10 MR. SALA: It's 11 8 over -- and 3 8 on top of 1 8.

11 MR. GOLDMAN: 3 8 above 1 8? So we're having to do  
12 essentially five stories of wood frame above your podium.  
13 Practically, I guess we could have had a three-story podium in  
14 concrete so you could have the retail level at 20 feet, plus  
15 another level of concrete, plus 5 above, so it could have been  
16 one story taller, but that was not something we (indiscernible).

17 MR. BROWN: Well, regardless of the type of  
18 construction, did you look at the question of whether or not the  
19 height (indiscernible) limits your ability to add a story to the  
20 building over the -- at the existing building height measuring  
21 point?

22 UNIDENTIFIED SPEAKER: We designed this building to be  
23 in accordance with the Height Act.

24 MR. GOLDMAN: Right.

25 MR. BROWN: I'm not saying that the building violates

1 the Height Act. My question is whether or not the height that  
2 limits you to the number of stories that you are building?

3 UNIDENTIFIED SPEAKER: I think, you know, Mr. Brown,  
4 you talked about compatibility, and we think that the height of  
5 this building we are proposing is compatible with the surrounding  
6 areas. And so that's why we are proposing the structure that we  
7 are presenting today.

8 MR. BROWN: All right. My last question has to do with  
9 your Slide 74. First of all, looking at the IZ unit mix chart,  
10 the first row of your chart says a number of units and the second  
11 row says number of units, but doesn't distinguish between them.  
12 Do I understand correctly that the first row is for the 30 AMI  
13 units?

14 UNIDENTIFIED SPEAKER: Yes.

15 MR. BROWN: And the second row is for the 60 percent  
16 AMI units?

17 UNIDENTIFIED SPEAKER: That's correct.

18 MR. BROWN: And those rows are repeated on the other  
19 side. And there's a third row, and that row is for the 80 percent  
20 units in the HANTA -- in the HANTA possibility that's still in  
21 the air; is that right?

22 UNIDENTIFIED SPEAKER: That's correct.

23 MR. BROWN: So the chart on the right isn't a chart  
24 about HANTA only, it's about a combination of the chart on the  
25 left plus the HANTA units, and that's how that's how you get to

1 144; is that right?

2 UNIDENTIFIED SPEAKER: That's correct.

3 UNIDENTIFIED SPEAKER: That's correct.

4 UNIDENTIFIED SPEAKER: That's correct.

5 MR. BROWN: You have applied for a tax abatement in  
6 connection with your HANTA application?

7 UNIDENTIFIED SPEAKER: That's -- yes, that's how HANTA  
8 works.

9 UNIDENTIFIED SPEAKER: The HANTA is a tax abatement.

10 MR. BROWN: Well, my understanding is that you can --  
11 your tax abatement request is limited to a million dollars per  
12 year; is that correct?

13 UNIDENTIFIED SPEAKER: Kim, do you want to answer that  
14 question?

15 MS. GARFIELD: The amount is -- it's actually -- it's  
16 (indiscernible) we had a tax consultant to determine the tax --  
17 our annual tax amount and that's the amount that we applied for.  
18 And I don't have it off the top of my head. I think it's about  
19 1.5 million dollars, but I don't remember off the top of my head  
20 the exact amount.

21 MR. BROWN: Is it possible you applied for less  
22 than the maximum amount that's awardable? You don't know?

23 UNIDENTIFIED SPEAKER: We can provide that. We'll take  
24 a look at that and we'll provide the relevant information.

25 MR. BROWN: That's all I have. Thank you.

1 CHAIRPERSON HOOD: All right. Thank you, Mr. Brown.

2 Let's see, Ms. Schellin, do we have any other  
3 government -- I think we go to government reports. Let me pull  
4 up my agenda.

5 MS. SCHELLIN: Yes. Alex Cain.

6 CHAIRPERSON HOOD: Okay. Let's bring up Ms. Cain from  
7 the Office of Attorney General.

8 Good evening, Ms. Cain, you may begin when you're  
9 ready.

10 MS. CAIN: Good evening, Chairman Hood. If I could ask  
11 Mr. Young to bring up our PowerPoint? Perfect. Okay.

12 So good evening, Chairman Hood, members of the  
13 Commission. My name is Alexandra Cain. I'm here tonight on  
14 behalf of the equitable land use section of the Office of the  
15 Attorney General. Our written filing is in the record at Exhibit  
16 100 and 100A, and a copy of this presentation is in the record  
17 at Exhibit 195A. Next slide please, Mr. Young?

18 So OAG is very pleased to be here tonight testifying  
19 in support of the PUD on the basis of its affordable housing  
20 proffer, which we believe to be truly exceptional. As the  
21 Commission knows, PUDs are a balancing act between the  
22 development incentives that have been requested and the benefits  
23 that are being proffered by the applicant back to the public. In  
24 this case, OAG believes that the Applicant is giving back far  
25 more in terms of its public benefits than it's asking for in

1 terms of incentives, and primarily in that affordable housing  
2 proffer, which we believe is significant both in its scale, so  
3 the amount of square footage they're providing, and also in the  
4 depth of affordability and the fact that they are providing  
5 family-sized units. All of these benefits are further amplified  
6 by the PUD's location adjacent to a Metro station. Next slide  
7 please?

8           So based on the affordable housing proffer alone, we  
9 believe that the PUD more than satisfies the PUD balancing test  
10 of Subtitle X 304.3. It's providing 16 more units than would be  
11 required using the IZ Plus metric for a total of 70. Further,  
12 it's providing those ten unit -- ten IZ units at the 30 percent  
13 MFI level, and then an additional six out of the ten that are  
14 going to be 30 percent MFI and then also family-sized three-  
15 bedrooms. These are all critically needed affordable housing  
16 benefits which respond directly to multiple comp plan policies,  
17 calling for both additional affordable housing, which is  
18 identified as one of the only high priority PUD benefits in  
19 Section 224.9, and for affordable housing at the deepest levels  
20 of affordability and for a range of household sizes, something  
21 that's caught on not just District wide but also within the area  
22 element. On the other side of the balance, we believe the  
23 Applicant's requested development incentives to the map amendment  
24 to the MU-5A zone are comparatively minimal. As I will discuss  
25 later, while the Applicant is gaining a fair amount of additional

1 height to the map amendment, because they are not using any of  
2 the additional density that's available to them, we believe that  
3 that results in sort of a net lower ask from the Applicant. Next  
4 slide please?

5           So turning first to the public benefits proffer and  
6 specifically that affordable housing proffer, as OAG has argued  
7 in prior cases, we believe that the IZ Plus formula does provide  
8 a useful metric for understanding and evaluating the Applicant's  
9 proffer. Now, I just want to note from the outset that we have  
10 updated our calculations from what was in our written filing  
11 based on some additional information from the Applicant about the  
12 PUD's construction type, so the difference being that in our  
13 written filing we were using 8.5 as the IZ Plus set aside, here  
14 we have upped it to 12.5 percent. Regardless of that, we still  
15 think that the proffer comes out to being fairly substantial. So  
16 IZ Plus with the required 12.5 percent set aside, that would come  
17 out to about 48,000 square feet or about 54 units. Comparatively,  
18 the Applicant is providing that 15 percent, which comes out to  
19 over 58,000 square feet and 70 units. So that's a 16 unit  
20 increase or about 30 percent. In addition, once again, you have  
21 those ten units at 30 percent MFI. Been looking for projects to  
22 provide more deeply affordable units, we're very pleased that the  
23 Applicant has done so here, and that also that they're providing  
24 six of those ten units for families. I did want to just call  
25 out that the comp plan does highlight the importance of providing

1 these deeply affordable units. It in fact calls for 40 percent  
2 of all new affordable housing units in the District to be reserved  
3 for households earning 30 percent MFI or less. And that's  
4 critical for addressing racial inequities in housing by  
5 responding to the racial income gap. Further, the comp plan also  
6 notes the need for family-sized units and family-sized affordable  
7 housing units. And this is reinforced by a 2019 study that was  
8 done by the Urban Institute and Coalition for Nonprofit Housing  
9 and Economic Development, which determined that family-sized  
10 units are particularly needed because currently the majority of  
11 them are located in single-family homes, usually on larger lots.  
12 These are houses that tend to be for sale units as opposed to  
13 rental, which puts them out of the reach of a lot of low income  
14 families. And then finally, we do want to express our support  
15 for the Applicant's pursuing the HANTA funding. We think that's  
16 a great way to try to expand affordable housing proffer further,  
17 and we're very supportive of that. Next slide please?

18           So turning now to the development incentives that are  
19 being requested. So first of all, as you've heard tonight, this  
20 is kind of an odd situation in that the PUD is actually reducing  
21 the amount of density on the site from what would be permitted  
22 under the current matter-of-right zoning. So looking at what  
23 would be permitted as a matter-of-right, that 1.92 FAR represents  
24 an average of the matter-of-right FARs in the existing zoning.  
25 As you know, the site is a split zone between the MU-4, the RA-

1 1, and the NC-2. So this represents an average of those matter-  
2 of-right FARs based on the percentage of those zones of the  
3 existing site. It's a ballpark, it's just to sort of give an  
4 idea of what is available now. The Applicant's project is far  
5 below that. It's 0.23 FAR or a 12 percent decrease from what  
6 could be done as a matter-of-right right now. And so that's the  
7 density side of things. On the height side, they are requesting  
8 a fairly substantial increase in height. What's allowed again,  
9 an average of the existing zones, is about 47 feet, and they are  
10 going up to 76. However, the fact that they are requesting so  
11 little density we feel mitigates the amount of height that they're  
12 requesting. Height and density are inextricably linked. So the  
13 fact that they are not using hardly any of the density that is  
14 available, then we think mitigates the amount of height that they  
15 are getting. Further, this net increase, we feel, is more than  
16 balanced out by the affordable housing proffer, as I've  
17 discussed. Next slide please?

18 So in addition to sort of the raw affordable housing  
19 proffer, so the percentage of the GFA and the depth of  
20 affordability, those benefits are also further enhanced by the  
21 project's location adjacent to Metro, both Metro rail and Metro  
22 bus. Next slide please?

23 So as we've heard, the comp plan does focus in a number  
24 of different policies on the need for transit oriented  
25 development. The comp plan recognizes that change and

1 development is going to happen in the District, and these transit  
2 adjacent sites are really identified as catalyst locations for  
3 providing housing and affordable housing in a way that really  
4 maximizes, you know, the bang for the buck, because it not only  
5 allows the housing to be cheaper, it also helps reduce the  
6 families' and the householders' transportation costs. So this  
7 comes up both in the housing element of the comp plan, the  
8 transportation element, it's also, I believe, referenced in the  
9 environmental because of the reduction in vehicular trips and  
10 therefore the reduction of emissions. So these are exactly the  
11 type of sites that the comp plan envisions as, as I said, being  
12 a catalyst for ongoing redevelopment and where they see, you  
13 know, residential being focused. Next slide please?

14           And so the other way that we can see this playing out  
15 is in the PUD sites FLUM and GPM designations. So as you've  
16 heard, the FLUM site was -- did go through the comp plan amendment  
17 process to increase the FLUM designation, so going from moderate  
18 density residential up to medium density residential, which  
19 roughly speaking basically allows a doubling of the amount of  
20 density that is anticipated on that site, again in recognition  
21 of the fact that it is adjacent to transit. So this went through  
22 the District's democratic comp plan amendment process. There was  
23 the opportunity for public involvement. It was reviewed and  
24 approved by Council, both the GPM and the FLUM. So now looking  
25 at what the FLUM calls out, the maximum development that would

1 be permitted in the least restrictive zone, which in this case  
2 would be the RA-3, would be a PUD up to 4.32 FAR and up to 75  
3 feet in height. Now, again, there is that additional 5 percent  
4 bonus which is available to PUDs which would bring the total up  
5 to 4.54 FAR and 78.75 feet. So the PUD in this case is well  
6 within those bounds of what is anticipated in the sort of maximal  
7 development of the site based on the comp plan. And again, as I  
8 believe the Applicant mentioned, in looking at the Rock Creek  
9 East area element, it specifically calls out that development of  
10 the site should be done in accordance with the updated future  
11 land use map designations. Next slide please?

12           Again, just wanted to highlight, however, that the PUD  
13 is building under both what is allowed by the existing zoning and  
14 then also well with under what the comp plan envisions for this  
15 site. So again, the PUD is only proposing 1.62 FAR, under  
16 existing zoning it'd be able to go up to that 1.92, and then  
17 under what FLUM calls out in the RA-3 zone, you'd be looking at  
18 4.32 if not higher for a PUD. Next slide please?

19           So the result here is a fair amount of stranded density.  
20 So I wanted to put this again into the context of a project. So  
21 what you see on this slide here is basically hypothetical projects  
22 built out to those maximums. And in doing this, we did use  
23 basically the parameters of the existing PUD project, so assuming  
24 a 15 percent IZ set aside and assuming I think approximately a  
25 21 percent set aside of nonresidential GFA. So what you come

1 out to is the PUD, as we know, is proposing 364 approximately  
2 units of market rate housing, 70 units of affordable. If built  
3 out to the existing zoning, that would be 422 units of market  
4 rate housing, 74 units of IZ. Going to the way other end of the  
5 spectrum, you look at what the FLUM calls for in the RA-3 zone,  
6 it's well over a thousand units total, 948 approximately, that  
7 would be market rate and 167 that would be affordable. So again,  
8 this is a very (indiscernible) amount of stranded density. We're  
9 trying to show this in order to illustrate that this is really  
10 what the FLUM contemplated in terms of development for the site.  
11 It's an estimate. We would not expect that a project would  
12 ultimately be built out to this level due to other site  
13 constraints that need to provide space for WMATA, the need to  
14 provide green space, but this is representative of what the comp  
15 plan anticipated for this location. And I think it makes it  
16 clear that the PUD is well within those limits. Now, we obviously  
17 wish that the PUD was utilizing more of the density that's  
18 anticipated by the comprehensive plan, but we do recognize that  
19 this project has been in development for a long time, you know,  
20 well over 25 years, and we do really applaud the Applicant for  
21 evolving the project over that time to provide more residential  
22 density and really try to address the affordable housing needs  
23 of the District, both in the quantity, and again going to those  
24 other factors like depth of affordability and family-sized units.  
25 Next slide please?

1           So the provision of this affordable housing, we believe  
2 goes to the comp plan's goals of prioritizing the provision of  
3 affordable housing in direct response to the District's ongoing  
4 housing crisis. Resident housing costs have been continuing to  
5 rise throughout the District, and it's making it harder and harder  
6 for more people to be able to afford to live here and to make  
7 the city continue to be diverse and inclusive. As has been  
8 mentioned, the comprehensive plan does have many elements that  
9 have to be weighed. The Commission does have to consider it all  
10 as a whole. But the need for housing and the need for affordable  
11 housing affects every facet of the comprehensive plan, as the  
12 comprehensive plan itself says. It really undergirds pretty much  
13 all of the elements that come in, whether it's housing obviously,  
14 transportation, infrastructure, a lot of it ultimately comes back  
15 to housing because who can afford to live in the District, you  
16 know, that drives everything. Who are the residents here? Who  
17 is the city for? So from our standpoint, we believe this is  
18 backed up by the comprehensive plan. Housing and affordable  
19 housing really are the highest priority. Next slide please?

20           So the need to provide this affordable housing is a  
21 District wide problem and it requires District wide solutions.  
22 So as we've said, we believe that this is the type of site that  
23 is exactly what the comprehensive plan envisions as being  
24 instrumental in addressing the housing crisis, and we do commend  
25 the Applicant for providing a project that does that in such a

1 substantial way. It will not only increase the overall number  
2 of affordable units, but it's also going to ensure that those  
3 units are available to a range of household incomes and household  
4 sizes. This is really the only way to ensure that the District  
5 remains equitable and inclusive to all. Anyone who wants to live  
6 here should be able to do so. And that's true District wide,  
7 and it's also true in Takoma Park in the Rock Creek East area.  
8 As the comp plan says, these are areas that have historically  
9 been fairly diverse and inclusive, but that's now under threat  
10 as housing costs continue to rise. So projects like these that  
11 are going to ensure the long-term affordability of the area are  
12 crucial. With that, I will conclude my testimony. As I said,  
13 OAG is very supportive of this project on the basis of the  
14 affordable housing proffer and we do encourage the Commission to  
15 approve it. And with that, I will conclude and happy to take  
16 any questions.

17 CHAIRPERSON HOOD: Thank you, Ms. Cain. Let's see if  
18 we have any questions or comments.

19 Commissioner May?

20 COMIMSSIONER MAY: Yeah, so first let me just say I'm  
21 pleased to see the Office of Attorney General supporting a PUD,  
22 although I don't necessarily agree with the measure that you use.  
23 I think looking at IZ Plus is helpful, but that's not the only  
24 thing we have to look at obviously. The -- but I'm a little  
25 surprised, actually, given that the disparity in the density

1 that's on the site versus what the -- what you say the  
2 comprehensive plan imagined here that you are not more critical  
3 of that. In other words that this project should actually be  
4 bigger and providing more affordable housing. So I'm a little  
5 surprised at that. You want to explain to me why you think this  
6 is enough?

7 MS. CAIN: We would always love to see more. Certainly,  
8 if the Applicant wanted to explore that at this point, we would  
9 be very supportive. But as I mentioned, we understand also that  
10 this has been going on for a very long time and that the project  
11 is also under review by HPRB. And we do believe that the proffer  
12 as it currently stands is substantial.

13 COMMISSIONER MAY: Okay. Thank you. That's it.

14 CHAIRPERSON HOOD: Commissioner Imamura?

15 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No  
16 questions. Just surprised by OAG's support.

17 CHAIRPERSON HOOD: Okay.

18 And Vice Chair Miller?

19 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
20 you, Ms. Cain, for your testimony and the written submissions by  
21 OAG into the record in this case, which I think is very helpful.  
22 Thank you.

23 CHAIRPERSON HOOD: Ms. Cain, I also want to thank you  
24 for your presentation. I will say, though, that when I look at  
25 your report, what I appreciate and I like to see this even in

1 ones that you all have opposition, the scale, I like to see that,  
2 so I can kind of figure out where you all are, even the ones in  
3 opposition, not just because you're supporting this one. And  
4 then that way, the balancing that we have to do -- now, you can  
5 tell us it (indiscernible), but as you know, better than I do,  
6 the Commission has to do the balancing test. So anyway, I  
7 appreciate your report. And let's see if anybody -- Ms. Schellin,  
8 I get confused and still trying to figure OAG out, do they get a  
9 -- I think I've asked this before --

10 MS. SCHELLIN: Everybody gets crossed.

11 CHAIRPERSON HOOD: Okay. I just wanted to make sure.

12 MS. SCHELLIN: I figured that was your question.

13 CHAIRPERSON HOOD: That was it. Thank you.

14 All right. Let's bring everybody up. Mr. Tummonds,  
15 you have any cross?

16 MR. TUMMONDS: No cross.

17 CHAIRPERSON HOOD: Okay.

18 And Commissioner Yates.

19 ANC COMMISSIONER YATES: Nothing at this time, but I  
20 express my gratitude to the Office of Attorney General for the  
21 participation and insight.

22 CHAIRPERSON HOOD: And Mr. Brown, Historic Takoma?

23 Mr. Brown?

24 MR. BROWN: Thank you, Mr. Chairman. I do have some  
25 questions for Ms. Cain. I wonder if you'd turn to Slide 7 please?

1 I thank you for putting this slide in your presentation. It's  
2 the section of the framework element that I was talking with Mr.  
3 Tummonds about. My question to you is that although the  
4 affordable housing may be the only high priority element in terms  
5 of the evaluation that has to be done, would you agree that this  
6 particular comprehensive plan element mentions the need for  
7 reinvigorating and enhancing neighborhoods?

8 MS. CAIN: I mean, it does say that, yes.

9 MR. BROWN: Would you agree that it also promotes the  
10 idea of respecting the integrity of stable neighborhoods and the  
11 broader community context, even as it's encouraging more low  
12 income housing?

13 MS. CAIN: It does say that, it doesn't make clear what  
14 it means by the phrase integrity of stable neighborhoods and  
15 broader community context. I think we could argue that  
16 encouraging continued economic and racial diversity in a  
17 neighborhood also goes to maintaining the integrity of a stable  
18 neighborhood.

19 MR. BROWN: Let's go to the next slide, I guess it's  
20 Slide 8. What you're showing here is a change in the FLUM to  
21 recommend at least for part of the property mixed use zoning,  
22 correct?

23 MS. CAIN: I'm sorry. Can you ask that one more time?

24 MR. BROWN: I'm sorry. What's your question?

25 MS. CAIN: I didn't hear your question. I'm sorry.

1 MR. BROWN: I'm saying that the change in the FLUM  
2 recommended mixed use zoning for this property or much of this  
3 property, correct?

4 MS. CAIN: That is correct.

5 MR. BROWN: Is RA-3 a mixed use zone?

6 MS. CAIN: RA-3 is not, but it does provide that upper  
7 limit of what was anticipated in terms of density. So it's not  
8 just commercial, it's not just residential, but this is providing  
9 that upper limit.

10 MR. BROWN: I wonder if you would answer my question.  
11 Does the RA-3 zone provide for mixed use zoning?

12 MS. CAIN: It does not. But again, the comp plan is  
13 guidance and this is providing guidance as to the densities that  
14 are anticipated as well as their uses.

15 MR. BROWN: How is the density in the RA-3 zone guidance  
16 for a recommendation for a mixed use zone?

17 MS. CAIN: Because it shows the upper limit of the  
18 density that was anticipated for that site.

19 MR. BROWN: Why do you say -- why do you -- on what  
20 basis -- what factual basis do you say that a density of up to  
21 4.32 was possibly anticipated by the County Council when it made  
22 this change?

23 MS. CAIN: They change to the FLUM underwent a  
24 democratic process in that the RA-3 zone was one of the zones  
25 that was identified as being compatible with this designation.

1 The RA-3 zone does allow up to the 4.3 to FAR. Again, this is  
2 outlined parameters, but it does indicate that this was the kind  
3 of density that was anticipated for that site.

4 MR. BROWN: Have you seen the site plan for this  
5 project?

6 MS. CAIN: I have.

7 MR. BROWN: Do you see any obvious places where the  
8 building could expand outward and still achieve the goals  
9 achieved by this site plan?

10 MS. CAIN: I am not an architect, Mr. Brown, so I'm not  
11 going to opine on how the project could be changed. We're just  
12 looking at what the comp plan calls for.

13 MR. BROWN: You're making a point that this project  
14 could be bigger. I'm asking you can it be made bigger outwardly  
15 horizontally, do you see any obvious place where that could be  
16 done?

17 MS. CAIN: What we are pointing out is what the comp  
18 plan allows in terms of the upper limits, as well as what the  
19 existing zoning allows. We are not -- as I said, I am not an  
20 architect, I'm staying in my lane and I'm simply opining on what  
21 the law says.

22 MR. BROWN: Are you familiar with the Height Act?

23 MS. CAIN: I am.

24 MR. BROWN: Do you do you understand that the Height  
25 Act limits the heights of this building to the width of the right-

1 of-way plus 20 feet?

2 MS. CAIN: I'm not quite sure how that's relevant in  
3 this case.

4 MR. BROWN: Do you have an opinion as to whether or not  
5 the Height Act would preclude the addition of even one more story  
6 to this building?

7 MS. CAIN: I would have to look at it.

8 MR. BROWN: Well, you use the term stranded density as  
9 if there's some available unused density that this project is not  
10 using; isn't that your -- isn't that what you mean by stranded  
11 density?

12 MS. CAIN: There are other ways to provide density on  
13 the site other than building up. Again, I'm not opining on how  
14 this could be done. We are simply pointing out the difference  
15 between the numbers.

16 MR. BROWN: You know, in my experience, there are three  
17 -- there are two dimensions: out horizontally and up vertically.  
18 Can you opine at all on whether either one of these possibilities  
19 is available for stranded density?

20 MS. CAIN: Mr. Brown, with all due respect, I believe  
21 I've answered this question.

22 MR. BROWN: Turning to Slide No. -- I think it's two  
23 down from here with the impacts of stranded density. The one  
24 -- the FLUM RA-3 zone with the 4.32 FAR and 167 units of IZ at  
25 15 percent is 15 percent the sum of 167 and 948; is that correct?

1 MS. CAIN: The 15 percent represents the 15 percent of  
2 the residential GFA based on those calculations that I described.

3 MR. BROWN: Yes, but what you s- -- what this chart  
4 shows in the right hand column is a project with 1,115 units,  
5 right?

6 MS. CAIN: Uh-huh.

7 MR. BROWN: Is that even remotely conceivable for this  
8 particular location?

9 MS. CAIN: Again, Mr. Brown, this is to show the upper  
10 limits of what the comprehensive plan envisioned for the site in  
11 terms of buildable density. As I noted, that's not saying that  
12 this is what the project would or could be built out to, but it  
13 is to provide an understanding of what was anticipated for the  
14 site.

15 MR. BROWN: So you say. Thank you. I have no further  
16 questions.

17 CHAIRPERSON HOOD: And Ms. Cain, I just have one quick  
18 follow up. Has anyone called the land use section, equitable  
19 land use section, about this case in opposition or were all in  
20 support?

21 MS. CAIN: We have spoken with the ANC. We have not  
22 been contacted by any of the party opponents or anyone who is in  
23 opposition to the project.

24 CHAIRPERSON HOOD: Okay. All right. That's it. Thank  
25 you very much. We appreciate your comments and testimony.

1 Ms. Schellin, let's go to --

2 MS. SCHELLIN: DDOT? We've got Aaron Zimmerman.

3 CHAIRPERSON HOOD: -- DDOT, yes. I was trying to  
4 remember. Yeah, Mr. Zimmerman. There you go. Thank you.

5 MS. SCHELLIN: Yes.

6 CHAIRPERSON HOOD: Getting late and 8:00, I guess we'll  
7 finish by 12:00.

8 MR. Zimmerman, you may begin.

9 MR. ZIMMERMAN: Good evening, Chairman Hood and members  
10 of the Zoning Commission. For the record, my name is Aaron  
11 Zimmerman. I'm the development review program manager with the  
12 District Department of Transportation. DDOT is supportive of the  
13 proposal to redevelop the area on the east side of the Takoma  
14 Metro rail station. We appreciate both the developer and WMATA's  
15 close coordination with us on this project over the last several  
16 years and commend them on the current design that is very well  
17 connected into the multimodal transportation system and their  
18 commitments to make significant pedestrian and bicycle  
19 investments in the vicinity.

20 In our June 5th, 2023 report, Exhibit 63 on the record,  
21 we recommended approval with a couple conditions. These include  
22 the TDM program, which was the result of a collaboration with the  
23 Applicant and is attached to the end of our report, and an  
24 easement for the shared use path across the site. As you heard  
25 from several of the speakers on the Applicant side earlier, they

1 have agreed to the requested conditions. With those included in  
2 the zoning order, DDOT has no objection to the approval of this  
3 consolidated PUD and map amendment application. And we look  
4 forward to working with the Applicant on the designs of the  
5 streetscape and transportation improvements and the relocation  
6 of the heritage tree during public space permitting. Thank you.

7 CHAIRPERSON HOOD: Thank you, Mr. Zimmerman, for your  
8 report. Let's see if we have any follow up.

9 Commissioner May?

10 COMMISSIONER MAY: No questions, thank you.

11 CHAIRPERSON HOOD: Commissioner Imamura?

12 COMMISSIONER IMAMURA: No questions, Mr. Zimmerman, it  
13 looks like you're in the office, get home safe tonight.

14 CHAIRPERSON HOOD: Are you riding your bicycle, Mr.  
15 Zimmerman, or are you walking or how are you getting home?

16 MR. ZIMMERMAN: I think I'm taking Metro tonight.

17 CHAIRPERSON HOOD: Oh, okay. Oh, okay. Appropriate  
18 case.

19 Vice Chair Miller?

20 VICE CHAIR MILLER: Thank you, Mr. Zimmerman, for your  
21 report.

22 CHAIRPERSON HOOD: Okay. Let's see if, Mr. Tummonds,  
23 you have any cross of Mr. Zimmerman?

24 MR. TUMMONDS: No cross.

25 CHAIRPERSON HOOD: Okay.

1           And Commissioner Yates, you have any cross of Mr.  
2 Zimmerman?

3           ANC COMMISSIONER YATES: Not at this time, Chair Hood.

4           CHAIRPERSON HOOD: Okay.

5           And Mr. Brown?

6           MR. BROWN: No cross.

7           CHAIRPERSON HOOD: No cross.

8           All right. Mr. Zimmerman, thank you and have a great  
9 evening.

10           Let's see, Ms. Schellin, now we go to the Office of  
11 Planning.

12           MS. SCHELLIN: Yes. Crystal Myers and Ms. Steingasser.

13           CHAIRPERSON HOOD: Ms. Myers been working -- I saw Mr.  
14 Myers yesterday, she working real hard. Ms. Myers, when you're  
15 ready.

16           MS. MYERS: Hello, Commissioners.

17           CHAIRPERSON HOOD: Good evening.

18           MS. MYERS: Good evening. Okay. Good evening,  
19 Commissioners. The Office of Planning recommends the approval  
20 of Case 22-36, which is a consolidated PUD and related map  
21 amendment at the Takoma Metro rail station. The site is an  
22 important gateway to the community and the project is an  
23 opportunity to inject more vitality and activity into the  
24 existing commercial center of Takoma. The project proposes a  
25 building that would take advantage of some of the bonus height

1 allowed through the PUD zoning process, but not any of the bonus  
2 density. In fact, the building would have less density than is  
3 permitted under the existing zoning on the site. OP is supportive  
4 of the project and its proposed height because it is consistent  
5 with the PUD zoning, there is a strong public benefits package  
6 included, and because the project is not inconsistent with the  
7 comprehensive plan. The comprehensive planned future land use  
8 map designates the site for a mix of medium density residential,  
9 low density commercial, and local public facilities land uses.  
10 The comprehensive plan would also not be inconsistent with the  
11 plan's policy map, which designates the area for neighborhood  
12 enhancement area designation. In regards to the Commission's new  
13 racial equity tool, according to the census data, during the 2012  
14 to 2021 period, over 75 percent of the residents in the Rock  
15 Creek East planning area were black and Hispanic. But the black  
16 population is declining. Both groups of residents had a lower  
17 median income than the District's median income, so the new IZ  
18 units could be helpful to retaining existing black and Hispanic  
19 residents and attracting new black and Hispanic residents to the  
20 area.

21           The building would also provide approximately 70 more  
22 affordable units to Rock Creek East, which would help the area  
23 move closer to the Mayor's 2025 affordable housing goal. The  
24 project would also bring new employment opportunities to the area  
25 with the new jobs associated with the building and its retail

1 spaces. These jobs would be located next to a Metro rail station,  
2 so they would be accessible to more candidates. And with that,  
3 I will complete the OP testimonial. Thank you.

4 CHAIRPERSON HOOD: Thank you, Ms. Myers.

5 Ms. Steingasser, did you have anything you wanted to  
6 add?

7 MS. STEINGASSER: No, sir.

8 CHAIRPERSON HOOD: Okay. Thank you. Okay. Thank you.  
9 Only reason I'm going to ask you this, Ms. Myers, is because I  
10 saw you on BZA yesterday. Which one do you like to present better  
11 in front of, the Zoning Commission or BZA? Well, you don't want  
12 to answer that. I'm just -- don't answer that.

13 MS. MYERS: Today's my favorite, but when I'm at BZA,  
14 that's my favorite. It just depends.

15 CHAIRPERSON HOOD: Oh my goodness, that's the wrong  
16 answer.

17 MS. MYERS: I love you both. I love you both.

18 CHAIRPERSON HOOD: All right. That's a good answer.  
19 Thank you.

20 Commissioner May, you have any questions of OP?

21 COMMISSIONER MAY: I'm sure she really loves being here  
22 at 8:00. It's way better than being at BZA. No, I don't have  
23 any questions. Thank you very much. And I saw Ms. Meyers at  
24 BZA yesterday too.

25 CHAIRPERSON HOOD: Okay. All right.

1 MS. MYERS: Just say Commissioner May, and have a  
2 wonderful retirement, it's been a pleasure working with you.

3 COMMISSIONER MAY: Thank you. I got a few more days  
4 at BZ -- I mean a few more weeks of zoning, but no more BZA.

5 CHAIRPERSON HOOD: A few more months.

6 Okay. Commissioner Imamura?

7 COMMISSIONER MAY: Weeks.

8 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. Ms.  
9 Myers, thank you for your work on this case. I have no questions,  
10 and we'll see what we can do to keep Commissioner May around a  
11 bit longer.

12 CHAIRPERSON HOOD: Yeah, we're working on it.

13 Vice Chair Miller?

14 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
15 you, Ms. Myers, and the Office of Planning, for all of your  
16 analysis related to this case and all the work that you've done  
17 to try to make the project better. Thank you. Did Ms.  
18 Steingasser want to say something? Is she -- she's -- I see her  
19 picture. Nice to see you, Ms. Steingasser.

20 MS. STEINGASSER: Absolutely. Thank you.

21 CHAIRPERSON HOOD: I just wanted to thank you, Ms.  
22 Myers, and the Office of Planning for your report. I think it  
23 was very thorough. I think we hashed a lot out, and I appreciate  
24 that.

25 Let's see, if Mr. Tummonds, you have any cross of Office

1 of Planning?

2 MR. TUMMONDS: No cross.

3 CHAIRPERSON HOOD: Okay.

4 Commissioner Yates, you have any cross of Office of  
5 Planning?

6 ANC COMMISSIONER YATES: No cross, but I again want to  
7 express my appreciation, especially for Joel Lawson, who met with  
8 the Commission separately on this project.

9 CHAIRPERSON HOOD: Okay. Thanks for that  
10 acknowledgment.

11 Mr. Brown, you have any cross?

12 MR. BROWN: Yes, I do. Just a couple things, if I  
13 might.

14 Ms. Myers, would you agree with me that in any -- in  
15 an appropriate situation for a PUD application that maximizing  
16 the affordable housing contribution is a comprehensive plan  
17 policy objective?

18 MS. MYERS: I would agree.

19 MR. BROWN: Would you agree also that achieving  
20 compatible infill development would be a comprehensive policy  
21 plan objective?

22 MS. MYERS: I would agree.

23 MR. BROWN: I would like to read to you a -- I would  
24 like to ask you, whether you agree or disagree with the following  
25 statement made by counsel for the Applicant in their

1 justification statement at page 19 to 20, "The District of  
2 Columbia Court of Appeals has consistently directed the  
3 Commission to review a PUD application against the comprehensive  
4 plan and other public policies as a whole under this prong of  
5 the PUD evaluation standard." So far, so good?

6 MS. MYERS: I hear you, yes.

7 MR. BROWN: Okay. "That is, the Commission may find  
8 that a PUD application is not inconsistent with the comprehensive  
9 plan even if the application presents actual or potential  
10 inconsistencies with individual objectives or elements of the  
11 comprehensive plan." Do you agree again?

12 MS. MYERS: I agree.

13 MR. BROWN: And then Mr. Tummonds goes on, he says,  
14 "Rather, the Commission must weigh and balance competing policy  
15 objectives and explain its analysis." Do you agree with that as  
16 well?

17 MS. MYERS: Yes, I agree.

18 MR. BROWN: So my question to you is where in any of  
19 your reports did you recognize competing policy objectives and  
20 where did you weigh and balance them?

21 MS. MYERS: Well, we always say on balance not  
22 inconsistent with the comprehensive plan. In this case, we did  
23 the same. As for inconsistencies or -- we did not -- actually  
24 this project, it is largely consistent with the comprehensive  
25 plan. Now, we did acknowledge that it is not fully consistent

1 with the small area plan from 2002, but that plan has been updated  
2 through the comprehensive plan, and we did discuss that in our  
3 report.

4 MR. BROWN: But you did not identify any policy in the  
5 comprehensive plan with which this project was in tension?

6 MS. MYERS: No, we did not.

7 MR. BROWN: I have nothing further. Thank you.

8 CHAIRPERSON HOOD: Thank you, Mr. Brown.

9 Again thank you, Ms. Myers and Ms. Steingasser from OP.  
10 Appreciate it.

11 Ms. Schellin -- well, let's go to the ANC report.  
12 Commissioner Yates?

13 ANC COMMISSIONER YATES: I would ask the staff to also  
14 promote Commissioner Palmer, who is here to testify as the chair  
15 of our housing committee, is also authorized by resolution speak  
16 on behalf of ANC. If we could both go, I'd appreciate the  
17 indulgence of the Chair to do that.

18 CHAIRPERSON HOOD: Okay. I will do that because you  
19 are elected officials and because I know I slighted Mr. Brown  
20 earlier about the process, but I think I've done this in the past  
21 and the courts have not told me differently for ANC commissioners,  
22 so I'm going to go with what I've been doing. So yes, let's  
23 bring Commissioner Palmer.

24 ANC COMMISSIONER YATES: Okay. I appreciate it. I'll  
25 go first then. Greetings, Commissioners. My name is Evan Yates.

1 I'm the commissioner for Single Member District 4B04, formerly  
2 the commissioner for 4B01. This is my third term on ANC 4B and  
3 while the number of my district has changed during this process,  
4 this proposed project has been in my Single Member District for  
5 all of my terms. I live adjacent to the project in the Takoma  
6 Park historic district. Advisory Neighborhood Commission 4B has  
7 worked with the developer to engage in extensive community  
8 engagement process on this project and it shapes the proposal you  
9 see before you. We've held ten public meetings on this project  
10 in addition to innumerable small group and individual meetings.  
11 We have passed three unanimous letters. The two addressed to the  
12 Commission are found at Exhibits 10 and 11. The first is focused  
13 on our priorities in the planning and development, and the second  
14 is providing support after the Applicant's response. Our  
15 priorities have been and continue to include delivering the  
16 maximum amount of affordable housing, particularly deeply  
17 affordable and family-sized housing, better conditions for  
18 pedestrians and transit users with increased safety for  
19 vulnerable road users, and access to a world-class transit  
20 facility, increased buffer between the project and adjoining  
21 homes, including preserving heritage trees and mitigating pick-  
22 up/drop-off and delivery impacts, a permanent usable park space  
23 for our community, reducing stormwater impacts on our community,  
24 and reconnecting and reknitting a continuous downtown for our bi-  
25 jurisdictional area.

1           When considered in this perspective, this project  
2 succeeds and is substantially better than any proposal our  
3 community has seen before. It delivers three times as much  
4 affordable housing, more than twice as much space from  
5 neighboring homes, and twice as much park space as previous  
6 proposals. It incorporates a previously approved and supported  
7 project, the proposed bike station, as part of a comprehensive  
8 plan to improve conditions for vulnerable road users and transit  
9 patrons. It makes stormwater conditions better by replacing an  
10 impervious surface parking lot with active stormwater management  
11 and provides a permanently accessible public park. As you can  
12 see in the letter from the Old Takoma Business Association, it  
13 better connects our community main streets.

14           Many of these community benefits are enabled by the  
15 height of the current project, enabling more housing and more  
16 affordable housing with a smaller footprint so that all of the  
17 park, plaza, and transit space can be delivered to link and serve  
18 our community. Due to the grade of the site and nearby buildings  
19 rising from hills adjacent, the project will not appear  
20 significantly larger than nearby buildings. Advisory  
21 Neighborhood Commission 4B has previously provided feedback on  
22 the ideal land use of this area through the drafting process of  
23 an updated comprehensive plan for the District, stating the  
24 commission supports increased density around the Takoma Metro  
25 station and other high quality transit stations short corridors

1 in part because individuals of all income levels should have  
2 access to robust public transit options. The commission believes  
3 that any effort to increase density, particularly on publicly  
4 owned land, should maximize affordable housing, including deeply  
5 affordable housing, including through affordable housing set  
6 asides that capture a significant portion of the value provided  
7 through rezoning.

8 In addition, the commission believes that the  
9 development of these sites should require developer efforts to  
10 mitigate transportation and infrastructure impacts on the  
11 surrounding communities, including mechanisms for stormwater  
12 impact mitigation and for increased transit service to ensure  
13 livability for existing neighborhoods. We believe that this  
14 project exemplifies our feedback as it was incorporated into the  
15 comprehensive plan.

16 As a direct neighbor of this project, I wanted to  
17 additionally provide some context for some items being discussed  
18 in letters to this Commission. With regards to the existing  
19 parking lot, in addition to being underutilized, it was never  
20 intended to be a commuter parking lot. Takoma neighbors  
21 successfully fought a 400-space commuter parking lot at the site  
22 and until very recently, parking longer than four hours on the  
23 site was prohibited by WMATA. Additionally, prioritizing the  
24 parking lot for transit riders is explicitly a decision to favor  
25 wealthier transit riders who are more likely to be white and own

1 and operate cars to Metro over transit riders who arrive by bus,  
2 who are more likely to have fewer resources and be people of  
3 color. Both parties may have mobility concerns, but now bus  
4 riders will have a closer, easier, and safer connection to the  
5 rail system. This is an inappropriate prioritization and  
6 contradicts the racial equity goals set out by the comprehensive  
7 plan. With regards to the park or green space, the space as it  
8 exists now, it's not a community space, it's not used for  
9 festivals or playgrounds. No band can play, no ice cream social  
10 can be held. I have tried. It's also not natural enough or far  
11 enough from traffic to allow children like mine to freely play.  
12 It is mostly a dog bathroom, unfortunately, and I'm excited about  
13 the opportunity to revitalize our critical community green.

14 I also want to be clear that the vast majority of the  
15 feedback from our community and constituents has been  
16 overwhelmingly supportive of this project and our shared goals.  
17 I encourage the Commission to not overly credit organized  
18 opposition that is frankly opposed to every change in the  
19 community and are not representative of or even part of the  
20 District of Columbia. We have ambitious housing goals and  
21 affordable housing goals, and we have joined with Mayor Bowser,  
22 Councilmember Lewis George and the rest of the D.C. Council in  
23 working to achieve those goals that are in the best interests of  
24 the District of Columbia. As ANCs, we represent the people most  
25 impacted by this project, and have heard our community repeatedly

1 say we wish to do our part to address the affordable housing  
2 crisis and we encourage the Commission to support our community  
3 in this effort by approving this project and grant appropriate  
4 great weight to the unanimous views of Advisory Neighborhood  
5 Commission 4B by engaging with and responding to our letters and  
6 approving this planned unit development. Thank you.

7 CHAIRPERSON HOOD: Thank you. Mr. Yates, before I go  
8 to Commissioner Palmer, I just want to correct something I said.  
9 It's getting late, so forgive me. I did not do the commissions  
10 any different from Mr. Brown. I just thought about that because  
11 the person who I was going to ask any questions was Commissioner  
12 Yates, not Commissioner Palmer. So I want to correct myself and  
13 I want to correct the record so it won't come back to be haunting  
14 me next time. So I've done everybody equally, so.

15 All right. Commissioner Palmer?

16 ANC COMMISSIONER PALMER: Thank you so much to the  
17 members of the Zoning Commission and staff for taking the time  
18 to hear from witnesses about Case No. 22-36, a proposal for a  
19 mixed use building adjacent to the Takoma Metro station  
20 consisting of 434 residential units, at least 70 of which will  
21 be affordable to the lowest income levels, and the opportunity  
22 for more, 17,000 square feet of ground floor retail, a new transit  
23 zone adjacent to the Metro rail station for buses, and a 1.8 acre  
24 publicly accessible park and plaza. My name is Erin Plummer. I  
25 am a Takoma resident, the elected Advisory Neighborhood

1 Commissioner for Single Member District 4B02 in Takoma. I am  
2 vice chair of Advisory Neighborhood Commission 4B, and chair of  
3 Advisory Neighborhood Commission 4B's housing justice committee.  
4 I am in my third term as commissioner, having served in this role  
5 almost five years. I'm here to express strong support for the  
6 proposed application and the Applicant's proposal for the  
7 property. Advisory Neighborhood Commission 4B's housing justice  
8 committee was created in February 2020 on the value that housing  
9 is a human right and all D.C. residents are entitled to safe,  
10 stable, and secure housing. The commission seeks to do our fair  
11 share regarding deeply affordable housing within our commission  
12 boundaries and maximize affordable housing within the commission  
13 area. The commission has repeatedly supported efforts to bring  
14 new housing, including affordable housing, to transit accessible  
15 areas, including adjacent to the Takoma Metro rail station.

16           Advisory Neighborhood Commission 4B has previously  
17 provided feedback on the land use of this area through the  
18 drafting of an updated comprehensive plan for the District, as  
19 referenced by Commissioner Yates, stating that the commission  
20 generally supports increased density around the Takoma Metro  
21 station and other high quality transit corridors, and that the  
22 commission believes that any effort to increase density should  
23 maximize affordable housing, including through affordable housing  
24 set asides that capture a significant portion of the value  
25 provided through rezoning.

1           The current proposal for the Takoma Metro station  
2 project has been the subject of substantial community engagement,  
3 including ten meetings hosted by Advisory Neighborhood Commission  
4 4B and its commissioners. These include four meetings with the  
5 full commission, two meetings with the commission's housing  
6 justice committee, three joint public Single Member District  
7 meetings, and an additional community site walk. Based on strong  
8 community support for the current proposal that's rooted in years  
9 of community engagement by us, the commission considered and  
10 unanimously approved three letters in support of the project.

11           Development of the Takoma Metro site has been discussed  
12 in our community for more than 20 years, including several  
13 different proposals. The planned unit development process has  
14 allowed the current commission to work with the community in  
15 making this specific proposal substantially stronger and better  
16 than past proposals. Specifically, the planned unit development  
17 process has resulted in more than three times as much affordable  
18 housing, all at the most deeply affordable levels, including very  
19 rare three-bedroom family-sized deeply affordable units at 30  
20 percent of median family income, that is an extremely rare and  
21 extremely important commodity; as well as the possibility to  
22 double the number of affordable units with support from the D.C.  
23 government via the HANTA tax abatement; twice as much green space  
24 as the previous proposal, including a permanent publicly  
25 accessible park with substantial opportunity for community

1 feedback, and I'd like to echo Commissioner Yates about how the  
2 current space is very unusable and unfriendly to the community;  
3 twice as much distance between the building and adjoining single  
4 family homes, which is some of the primary opposition that we've  
5 heard over the years; as well as pick-up/drop-off retail  
6 deliveries moved to the interior of the property to avoid  
7 congestion and impact on those neighboring homes; significant  
8 pedestrian improvements, including better sidewalks and paths and  
9 making permanent traffic safety infrastructure like flex posts  
10 and paint that we've sought and advocated for over years -- we  
11 would love to see those changes, that traffic safety  
12 infrastructure implemented permanently around the site -- a  
13 better experience for transit users by moving bus bays closer to  
14 the rail station; providing safer crossing for bus users; and  
15 installing a modern bike storage facility; stormwater management  
16 and stronger environmental sustainability, including LEED gold  
17 construction, reduced impervious space, and active stormwater  
18 management; green roofs; and the preservation of four heritage  
19 trees and eleven special trees; and a commitment to local art and  
20 artists with an emphasis on art from women and people of color  
21 in our community.

22           As the Office of the Attorney General's equitable land  
23 use section has noted, this project meets the standard for the  
24 planned unit development process through affordable housing  
25 alone. The project includes 16 more inclusionary zoning units

1 than inclusionary zoning plus, ten units at 30 percent of median  
2 family income, and 6 three-bedroom units at 30 percent of median  
3 family income. The D.C. government has set a goal of 36,000 new  
4 housing units by 2025, of which 12,000 are to be affordable to  
5 households earning below 80 percent of median family income. The  
6 Rock Creek East planning area, our area, includes a goal of 1,500  
7 new affordable housing units and has produced 69.1 percent of  
8 that goal so far. This project will provide at least 70 and as  
9 many as 144 additional affordable housing units, including three-  
10 bedroom units, toward meeting the goals for the Rock Creek East  
11 planning area.

12 I have been excited to work on this project. From past  
13 proposals and over years we have pushed for significantly more  
14 affordable units and deeper affordability and we have met with a  
15 constructive and collaborative process with the community and  
16 EYA, and I'm looking forward to welcoming more neighbors to  
17 Takoma. Thank you for your time and consideration.

18 CHAIRPERSON HOOD: Okay. I want to thank you both,  
19 Commissioner Yates and Commissioner Palmer, for your very direct  
20 testimony. And as it was mentioned previously by the Applicant,  
21 you all were elected again.

22 Let me just ask, Commissioner Palmer, you mentioned  
23 three letters. Is it three letters or that's how many times you  
24 voted on this project?

25 ANC COMMISSIONER PALMER: It's three separate actions

1 that were the result of commission votes.

2 CHAIRPERSON HOOD: Okay. I got you now.

3 So Commissioner Yates, I notice that each letter, even  
4 though with redistricting, no one -- no ANC commissioner voted  
5 against it because it was, I think, ten to zero and seven -- or  
6 six to zero, is that a correct assessment that's in the record?

7 ANC COMMISISONER YATES: Yes, that's correct. Both  
8 letters were unanimous, as was the third letter, which was not  
9 directed at you. It's directed to the Department of Housing and  
10 Community Development in support of the awarding of the HANTA tax  
11 abatement to do everything we can do to increase the amount of  
12 affordable housing in our community. That's why it's not in the  
13 file, it's directed to a different entity. But if the Chair  
14 desires, I'd be more than happy to provide a copy.

15 CHAIRPERSON HOOD: No, I got enough to read in this  
16 file, so don't give me anything extra. Okay. Thank you very  
17 much.

18 Let's see if we have any questions or comments.  
19 Commissioner May?

20 COMMISSIONER MAY: I do not have any questions or  
21 comments. Well, I have a comment which is just thank you very  
22 much for your perseverance in working through all this for so  
23 many years and for your strong push to get the affordability  
24 component of this up and to get other public benefits out of the  
25 project. So thank you.

1 CHAIRPERSON HOOD: And Commissioner Imamura, any  
2 questions or comments?

3 COMMISSIONER IMAMURA: No questions, thank you, Mr.  
4 Chairman, but just a couple comments. Commissioner Yates,  
5 Commissioner Farmer, thank you for your leadership in the  
6 community, for the time that you spent to prepare your testimony  
7 tonight, for sticking it through. So your -- I appreciate your  
8 stick-to-it-iveness not only tonight, but throughout this  
9 project. Thank you.

10 CHAIRPERSON HOOD: Okay. And Vice Chair Miller, any  
11 questions or comments?

12 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yes, I  
13 just would echo the comments of my fellow -- my colleagues to  
14 thank Commissioner Yates and Palmer and the entire ANC 3B -- 4B  
15 membership for all of your work on so many projects, but  
16 particularly this one, and making it a better project for your  
17 community. Thank you. And for the city.

18 CHAIRPERSON HOOD: I too want to add -- and I know a  
19 lot of people are still waiting to testify to our commissioners  
20 and to the other public -- it's very important that you all  
21 participate and we greatly appreciate, whether you're pro or con  
22 on any case, it really helps us because you all are the ones who  
23 are directly impact, you're the ones who live there. And  
24 Commissioners, you are the ones who are representing the area,  
25 so -- and you all are elected so that is very important to us.

1 We don't take this lightly at 8:25 that you all are here giving  
2 us testimony. We appreciate all of you. So I just want to say  
3 that.

4 Mr. Tummonds, you have any cross?

5 MR. TUMMONDS: No cross.

6 CHAIRPERSON HOOD: I'm sure the commissioners don't  
7 have any cross of themselves.

8 Mr. Brown, do you have any cross?

9 MR. BROWN: No cross.

10 CHAIRPERSON HOOD: Okay. Thank you all very much. We  
11 appreciate it, Commissioners.

12 All right. Ms. Schellin, I think we're ready for the  
13 public, right? Did I leave any- -- oh, no, oh, yeah, those who  
14 are in organizations or persons who are in support.

15 MS. SCHELLIN: Yes, that's correct. So I will start  
16 calling the list. How many do you want to call?

17 CHAIRPERSON HOOD: Can we get four up at a time? I  
18 mean, I could call the list, but I'd rather let you do it.

19 MS. SCHELLIN: Okay. Four at a time, we'll start with  
20 those in support first. Okay. Cheryl Court -- sorry, Cheryl  
21 Court, Kevin Collins --

22 MS. COURT: Hold on. Can you hear me? Trying  
23 (indiscernible) my video error.

24 CHAIRPERSON HOOD: Yes, we can.

25 MS. SCHELLIN: Okay. Great. Sorry about the fan

1 flapping. Hold on.

2 CHAIRPERSON HOOD: Hold on one second, Ms. Court. One  
3 second, Ms. Court. We're going to call two more people. Let's  
4 call two more people. We'll get four -- we're going to call four  
5 people and then we'll start.

6 MS. COURT: Okay.

7 MS. SCHELLIN: All right. And let's see, Monica  
8 Goldberg. I think that was part of the other. David Frisof,  
9 I'm not sure I pronounced that correctly.

10 CHAIRPERSON HOOD: Yeah, maybe (indiscernible) Ms.  
11 Schellin's messing up the name now.

12 MS. SCHELLIN: Well, you didn't want to call them.

13 CHAIRPERSON HOOD: Because then I tweaked it, I'm  
14 messing them up.

15 MS. SCHELLIN: Uh-huh. Do we have four? That's the  
16 last -- that's all of the proponents.

17 CHAIRPERSON HOOD: Okay. Well, let's go with what we  
18 have, and then we'll -- if we missed somebody, we'll get you.

19 Ms. Court, you may begin.

20 MS. COURT: Thank you so much. Good evening, Chairman  
21 Hood and members of the Commission. My name is Cheryl Court with  
22 the Coalition for Smarter Growth. We're the leading nonprofit  
23 organization in the D.C. region, making the case for smart growth.  
24 Our mission is to promote walkable, inclusive, and transit-  
25 oriented communities and the land use and transportation policies

1 and investments needed to make those communities flourish.

2           We're excited to be looking at the support -- the  
3 transformation of the Takoma Metro station site proposed in this  
4 case. It's time -- it's past time to transform this Metro station  
5 and provide much needed housing and enhanced public spaces in  
6 place of the sterile surface parking lot, passive open space, and  
7 large bus loop. After seeing several site plans over the past  
8 20 years, and I have been involved with this project since the  
9 year 2000 and been very frustrated by delays, we're very, very  
10 happy with the proposed plan that is today much more ambitious  
11 and more appropriate for this Metro station in our dynamic region.

12           This project does justice to this important site by  
13 creating a lively accessible transit hub with animated public  
14 spaces, along with much needed housing and of course affordable  
15 housing. The housing proposed for the site makes the most of  
16 it, with over 400 units, with 70 of those at least affordable to  
17 low and extremely low income households. It includes the  
18 commendable six three-bedroom units, all for 30 percent median  
19 family income households. This large number of affordable and  
20 deeply affordable homes in this in-demand neighborhood and  
21 convenient transit hub helps advance the city's housing and  
22 racial equity goals.

23           We're thrilled that the amount of housing that is  
24 proposed to be built at this site has been supported. I credit  
25 ANC 4B for this. There's actually -- obviously, we know there's

1 other housing going into Takoma, D.C. and this is particularly  
2 important because the city of Takoma Park, Maryland is also a  
3 very desirable place to live, but has not been able to produce  
4 any housing, and in fact has lost 200 units in the last decade.  
5 So to expand housing opportunities in this very desirable  
6 location at this Metro station, we're really going to have to  
7 count on D.C. to supply that additional housing at this point.  
8 So this project offers many benefits in terms of improving the  
9 bus bays, increasing walk and bike facilities, and we do note  
10 that we should look at the parking ratio. It could maybe be  
11 driven down a little bit lower for residential parking or maybe  
12 actually look at the sharing of parking between Metro uses retail  
13 and residential. This is actually done at the Rhode Island Avenue  
14 Metro station. So that could be a model. So we just want to  
15 say that we feel that this project is making the most of this  
16 Metro station and is critical to achieving the equity goals,  
17 equity sustainability and affordability goals for D.C. and our  
18 region. And we also really appreciate the design of this -- of  
19 these public spaces that make this truly a community amenity for  
20 everyone. Thank you for the opportunity to testify.

21 CHAIRPERSON HOOD: Thank you, Ms. Court. If you can  
22 hold tight, we're going to finish this panel. We may have some  
23 questions for you. I believe Kevin Collins is next. And Ms.  
24 Schellin, you can help me make sure I stay correct.

25 Mr. Collins?

1           MR. COLLINS: Yes. Thank you. Commissioners, thank  
2 you for the opportunity to speak in support of this important  
3 project. I speak as a resident of the Takoma, D.C. neighborhood.  
4 I'm at Piney Branch and Butternut, but -- and I want to associate  
5 myself with the remarks of Commissioner Yates and Commissioner  
6 Palmer. But I also want to highlight two under-remarked upon but  
7 important public benefits that this plan provides for me, my  
8 family, and my neighborhood.

9           First, it creates a bridge between two parts of Takoma,  
10 D.C. that are divided by the overhead train tracks, a division  
11 that is made much worse by the existing surface parking lot, an  
12 asphalt scar that cut across the face of our neighborhood. By  
13 continuing -- by having continuous retail instead of this surface  
14 parking lot, this project will connect downtown D.C. on 4th Street  
15 to the businesses and homes near Carroll, and by extension, to  
16 better connect Takoma, D.C. and Takoma, Maryland.

17           Second, the influx of new neighbors will enrich our  
18 neighborhood, not only by adding new faces and families to our  
19 community, but also by creating new customers for local  
20 businesses, allowing those establishments to thrive, and new  
21 residential serving businesses to emerge, both at the site and  
22 elsewhere in the neighborhood. This benefits not only the new  
23 neighbors who will live here, but the existing residents like me  
24 and my family.

25           My only complaint about this project is I wish it could

1 be taller and bigger, allowing for more neighbors to join our  
2 community. I know a handful of neighbors, including those who  
3 can pay to afford a lawyer to show up at a Zoning Commission  
4 hearing, oppose this, but I urge you not to consider that small  
5 group of loud voices to be representative of our neighbors. I  
6 refer you to not only the votes of our ANC, but also to letters  
7 like the pro neighbor group, Takoma For All, which expressed  
8 their support for this project, even at a compromised slightly  
9 smaller than ideal size.

10 In closing, I urge you to approve this project and do  
11 all in your power to expedite the development so that the Takoma,  
12 D.C. neighborhood can enjoy these benefits as quickly as  
13 possible. Thank you for the opportunity to speak tonight.

14 CHAIRPERSON HOOD: Thank you. Let's contin- -- you can  
15 hang around for a moment.

16 Let's go to Ms. Goldberg.

17 MS. GOLDBERG: Good evening. Chairman Head and other  
18 members of the Commission. Thanks for the opportunity to testify.  
19 My name is Monica Goldberg. I'm the parent of three nearly grown  
20 children and I currently live in Bethesda. And once my kids are  
21 grown and out of the house, I'm likely going to move. And I've  
22 lived in the area since -- full time since 1994, but lived in  
23 Takoma, D.C. for a summer in 1989, and I've always had a real  
24 fondness for the area, so I'm seriously considering moving there.  
25 But even with a reasonable amount of equity coming out of my

1 home, I'm still looking at the prices in Takoma Park and the  
2 options that are available and worrying that I will be priced  
3 out. So I just really support building this development adding  
4 to the housing supply. Obviously one project isn't going to  
5 solve the whole problem, but it's a step in the right direction,  
6 especially and obviously, you know, the affordable housing piece  
7 is amazing, but the market rate stuff is also going to be really  
8 helpful to those of us who would really like to enjoy Takoma  
9 Parks amenities, but may not be in the right position to invest  
10 in a standalone single-family home.

11 And I also really support this project from an  
12 environmental point of view. I'm an environmental lawyer by  
13 trade, and I've been working in that space for the last 25 years.  
14 And it's really critical that we have these developments close  
15 to transit where people cannot rely so heavily on cars and also  
16 be located closer in, rather than contributing to sprawl. You  
17 know, obviously we have a lot of these same issues in Bethesda.  
18 And I like to remind people that like the population's tripled  
19 since my house was built, since the houses in my neighborhood  
20 were built. And that's probably true in Takoma as well. We  
21 really just have, you know, it's a great place to live, the D.C.  
22 area, and we really need more housing for that population.

23 So both from an environmental point of view and from a  
24 both for economics, environment, people really think this would  
25 be a great step in the right direction and hopefully we won't

1 have to wait much longer to make it actually happen. Thanks  
2 again.

3 CHAIRPERSON HOOD: Okay. If you can hold tight, we  
4 might have some questions for you.

5 Now, I know Ms. Schellin messed your name up, I'm  
6 probably going to mess it up more, Mr. Frisof?

7 MR. FRISOF: Frisof, there's an F in the end of the  
8 game, and the S is like a Z, but --

9 CHAIRPERSON HOOD: How do you pronounce it again?

10 MR. FRISOF: [Frizz-off] like a Z.

11 CHAIRPERSON HOOD: Okay. Okay.

12 MR. FRISOF: I appreciate the chance to speak. I'm a  
13 neighbor of this -- what will be the new development here. I  
14 live in an apartment building in D.C. just on the other side of  
15 the tracks, and I wanted to come and speak here today in strong  
16 favor of this development. Commissioner Hood, you mentioned a  
17 little earlier that the people that you tend to hear from around  
18 close to the development are people who are opposed to this  
19 development. And I think what I would like to say is there are  
20 the voices of 400 families who you can't hear today because these  
21 are the 400 families that will live in this development when it's  
22 built. So we want to welcome more people to this community. And  
23 we need to be able to speak on their behalf before they get here.

24 I want to say a few other things. I appreciate  
25 everyone's efforts in this long project to add as many affordable

1 units to the project as possible. Obviously, the more affordable  
2 units we can add, the better. But I don't think we should lose  
3 sight of the fact that it isn't the number of market rate units  
4 in this development that determines affordability of housing in  
5 this neighborhood and in this region, it is the many blocks around  
6 this Metro station and others that is in fact dedicated to single-  
7 family housing that makes housing so unaffordable in this city.  
8 It is not the number of market rate units in new developments.  
9 So thank you again for taking this opportunity to -- or for giving  
10 me this opportunity to speak in favor of this project. I think  
11 just in closing, we should consider that none of us is guaranteed  
12 a city or a neighborhood that will never change. Things are  
13 going to change, and I'm glad that we're taking steps in the  
14 right direction today so that the change can be positive and  
15 inclusive and sustainable. So thank you very much.

16 CHAIRPERSON HOOD: Let me first of all thank all four  
17 of you for first of all, waiting to 8:30, around 8:25 to do your  
18 testimony. That means a lot. I know we're at home, but y'all  
19 in tune to us and not watching the wall like whatever comes on  
20 like I'd probably be doing if I wasn't doing this. But I want  
21 to really thank you all for your testimony. I think it's very  
22 important that we hear different perspectives. So I really  
23 appreciate it. And let's see if we have any questions or  
24 comments.

25 Commissioner May?

1           COMMISSIONER MAY: I do not have any questions. Thank  
2 you very much. And thank you for waiting so long.

3           CHAIRPERSON HOOD: Commissioner Imamura?

4           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I have  
5 no questions, but to the four of you, thank you for participating  
6 in the public process. It's important. And so I'm glad to see  
7 you all here, especially this late at night. So again, I echo  
8 Chairman Hood and Commissioner May, thank you.

9           CHAIRPERSON HOOD: And Vice Chair Miller?

10          VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
11 each of you for your testimony here tonight. It's very helpful.  
12 And thank you, Ms. Court, for all the work on this project over  
13 the last two decades.

14          CHAIRPERSON HOOD: It seems like we got a lot of people  
15 here that's been on this project for 20 to 25 years. It says a  
16 lot. So thank you for your stick-to-it-iveness as we like to  
17 say around here.

18          All right. Let's see. Mr. Tummonds, any questions of  
19 the four?

20          MR. TUMMONDS: No questions.

21          CHAIRPERSON HOOD: Okay. Commissioner Yates, any  
22 questions?

23          ANC COMMISSIONER YATES: No questions. Special  
24 appreciation from Commissioner Palmer and myself to the 4B  
25 residents who joined us here tonight.

1 CHAIRPERSON HOOD: And Mr. Brown, do you have any  
2 questions?

3 MR. BROWN: No question.

4 CHAIRPERSON HOOD: No questions. All right. Thank you  
5 all. We appreciate it.

6 Okay. Ms. Schellin, do we have anybody else in support  
7 or was that it?

8 MS. SCHELLIN: That was it for support, so next is the  
9 --

10 CHAIRPERSON HOOD: Okay. I have the -- Let me just say  
11 this, Ms. Schellin always tries to make me look good. So I'm  
12 going to do her justice. I'm going to try not to mess this up.  
13 So we're going to the party in opposition. We have Mr. Brown  
14 who's representing Sabrina Eaton, Ellen Kurlanski, Peter Feiden,  
15 Diana Kohn, and from Historic Takoma. Are we bringing them up?

16 MS. SCHELLIN: Let me see. Sharon Broderick, I did not  
17 see her on the -- see her registered to testify though. She did  
18 not register.

19 CHAIRPERSON HOOD: Okay. If she's -- okay. If she's  
20 part of the team with Mr. Brown, I can get her up here.

21 MS. SCHELLIN: If she is here, Mr. Young, you can bring  
22 her up and I can give her the oath because she did not sign up.

23 CHAIRPERSON HOOD: Do we have everybody now, Ms.  
24 Schellin?

25 MR. YOUNG: Say that name again, sorry.

1 MS. SCHELLIN: Sharon Broderick.

2 MR. YOUNG: I do not see that name on unless she's  
3 calling in.

4 CHAIRPERSON HOOD: Well, let's turn it over to Mr.  
5 Brown and he can help maybe to facilitate that.

6 Okay. Mr. Brown, you have 62 minutes.

7 MR. BROWN: Thank you, Mr. Chairman. I have great  
8 news. We're not going to need 62 minutes.

9 CHAIRPERSON HOOD: Thank you.

10 MR. BROWN: Sharon Broderick is in Hawaii and unable  
11 to participate. But she, along with all of the other parties,  
12 submitted written testimony. What you will hear from tonight is  
13 Diana Kohn, president of Historic Takoma, Inc., Peter Feiden,  
14 it's not [Fee-din], it's [Fi-din], Sabrina Easton (sic), Ellen  
15 Kurlansky, and I will sort of bring up the rear with a summary  
16 of the legal memo that I have included in the record.

17 So at this point, I will turn it over to the president  
18 of Takoma -- Historic Takoma, Inc., Diana Kohn.

19 (Pause.)

20 MS. SCHELLIN: Ms. Kohn, you're on mute. You have to  
21 unmute yourself.

22 MS. KOHN: Got it. Okay.

23 MS. SCHELLING: There you go. You may need to -- you  
24 may have to start over 'cause we didn't hear anything.

25 MS. KOHN: Okay. Good evening, Chairman Hood and

1 Commissioners. My name is Diana Kohn, and I am president of  
2 Historic Takoma, Inc., a nonprofit organization of residents who  
3 live in the communities of Takoma Park, D.C. and Takoma Park,  
4 Maryland.

5 We have heard much tonight about the vision for the  
6 development site under review, but I would like to give you a  
7 sense of the Takoma Park, D.C. and Maryland communities that  
8 surround the site and are the closest to the impacts of the  
9 project. Before there was a Metro, this intersection was the  
10 small scale residential and commercial core of the two Takomas.  
11 These blocks were designated as twin historic districts, and the  
12 comprehensive plan recognized its uniqueness, "they embody  
13 classic pedestrian scale streets and a rich architectural  
14 legacy." Those pedestrian scale streets are still the ones we  
15 have today.

16 The 6.8 acres, which comprise the Metro site, are the  
17 last remaining lands adjacent to the Metro available for  
18 development. The Applicant's group emphasized that being next  
19 to the Metro station carries certain privileges, but I will note  
20 that there are already 840 built residential units and 1,882  
21 units pending. So this is not the only project that will provide  
22 housing.

23 We identify several factors that pose limits on what  
24 we feel should be allowed to go forward. First of all, the  
25 compatibility with the historic district regarding height and

1 density. There's been much talk of this tonight, but over the  
2 -- I would like to clarify that over the last two decades, eight  
3 new developments have been built along the blocks surrounding the  
4 Metro with several more in the pipeline. All these developers  
5 worked within the confines of the historic district regarding  
6 height and density. As a result, these multi use and residential  
7 buildings stand 50 to 55 feet tall, three stories, which makes  
8 them compatible with the existing Takoma neighborhood. So far  
9 the application -- the Applicant has not acknowledged the  
10 compatibility issues. The speakers who follow me, first Peter  
11 Feiden, then Sabrina Eaton, and then Ellen Kurlansky will address  
12 these impacts on them as immediate neighbors to what's called 200  
13 footers to the impacts of this project. Our attorney has already  
14 dealt with the legal technicality.

15           The other limit on this neighborhood is traffic. The  
16 surrounding roads are already near gridlock. The limited traffic  
17 study already identifies the Blair, 4th, and Carroll Avenue  
18 intersection, that's one intersection, as worsened by this  
19 project. The study has been passed back to DDOT for more  
20 assessment and solutions, and I hope they can come up with some.  
21 And it's clear that traffic and infrastructure may be the limit  
22 to what the developments can become. Traffic doesn't stop at the  
23 borders and our 26 foot streets, like Cedar and Eastern, can't  
24 be widened.

25           Regarding affordable housing, the other major component

1 to this project, Historic Takoma recognizes and supports the  
2 critical need for affordable housing, especially at Metro sites,  
3 but we do oppose some of the aspects of this project because of  
4 the impacts on the nearest neighbors. So we're asking the  
5 Commission, one, that the compatibility mandate, which is part  
6 of the comprehensive plan, can be enforced; two, that the  
7 reduction of height and density so that the proposed buildings  
8 do not overwhelm the surrounding historical district or the  
9 commercial and residential buildings that are already there at  
10 three stories; and perhaps most importantly, the highway  
11 infrastructure.

12 We also ask the Commission, in closing, to address the  
13 fact that the impact will be largely felt on the neighbors closest  
14 to the site. And we ask for the Commission to keep that in mind  
15 as they move forward. Thank you. Now I will turn it over to,  
16 where is, Peter Feiden next. Peter, you're still mute -- there  
17 you -- no, Peter, you're still muted.

18 MS. EATON: I could go if he's having technical  
19 difficulties and while he resolves it, would that be helpful?

20 MS. KOHN: Yes.

21 MS. EATON: All right.

22 MR. FEIDEN: Wait a minute. Okay. I'm sorry. I  
23 screwed it all up. Geez. Okay.

24 CHAIRPERSON HOOD: You have two things on or your phone  
25 nearby or something, so turn one of them -- don't turn your

1 computer off.

2 MR. FEIDEN: Let me see what's going on.

3 CHAIRPERSON HOOD: Yeah, 'cause that sound fine right  
4 there, there you go.

5 MR. FEIDEN: Okay. I'm sorry. Okay. I'm sorry for  
6 the delay. I'm Peter Feiden. I live at 7025 Eastern Avenue on  
7 the Maryland side of the street directly across from the access  
8 to the current parking lot, which will be the access point to  
9 the future parking lot under this plan.

10 First, I wish to point out that there are 14 properties  
11 in Takoma Park, Maryland that are within 200 feet of the site  
12 and none of us received required notification as per zoning  
13 regulations. You will note that tab 3D of the Applicant's  
14 proposal lists only District properties, contrary to Section  
15 300.11 of the zoning regulations. This seems emblematic of the  
16 developer's indifference to the views of those literally in the  
17 shadow of the project but across the border in Maryland. And in  
18 that vein, I would like to point out the basic fact that even  
19 though this is Maryland, all of the storm sewage and all of the  
20 sanitary sewage actually runs down an easement right through  
21 Takoma Park, right adjacent to my property.

22 Recently -- I'm sorry, reluctantly, I'm opposed to the  
23 development. I believe it is dramatically inconsistent with the  
24 scale and character of the residential retail and mixed-use  
25 neighborhood in which it sits. Its height and volume far exceed

1 anything in the vicinity. Despite the best efforts to soften the  
2 facade with good architecture, it will literally hover over our  
3 community. I believe the developer once described it as a  
4 cathedral, a prominent signature building to define the area. As  
5 such, it is a solution in search of a problem. I can attest to  
6 how the project will directly affect me and my neighbors.

7 Traffic. The traffic study shows increased traffic on  
8 Eastern Avenue and beyond as trips generated by daily parking is  
9 more than replaced by trips generated by 440 apartment units and  
10 18,000 square feet of retail services and a convoluted Kiss and  
11 Ride arrangement.

12 Safety. Eastern Avenue is a narrow right-of-way, 40  
13 feet, with a curb to curb dimension of only 26 feet. It also  
14 has one parking lane. It is also a link on the metropolitan bike  
15 trail. Buses now have to slow to a crawl simply to pass oncoming  
16 traffic. Existing safety problems will be exacerbated for  
17 vehicles and pedestrians since as the traffic study indicates  
18 sidewalks do not meet design standards and cannot be widened  
19 absent condemnation of private property.

20 Pollution. The added traffic will add to local  
21 particulate pollution. This is especially a problem as vehicles  
22 must accelerate uphill in both directions on Eastern. And visual  
23 impact from Eastern Avenue, one would see an eight-story building  
24 rising to 90 feet. This is the actual height as per the  
25 developer's drawings. The setback for the upper two floors is

1 insufficient to hide the height.

2           In addition to these local impacts, more importantly  
3 let's consider neighborhood compatibility. It is most  
4 (indiscernible) to consider the development in the context of  
5 that for which the site is most suited, which is mixed use and  
6 multifamily development. I have submitted pictures and data on  
7 all eight new developments within 400 feet of this project over  
8 the past two decades along Carroll Avenue and Blair Road. This  
9 shows that these eight projects, all of which are in the District,  
10 share certain key characteristics. First, none of these  
11 buildings exceed roughly 50 to 55 feet in height. Second,  
12 commensurate with height, all of these buildings are three to  
13 five stories tall. Third, where appropriate, on Carroll Avenue  
14 first floors are dedicated to neighborhood scale commercial  
15 space. Fourth, buildings are modest in volume, allowing for the  
16 eclectic facades to largely compliment each other rather than  
17 dominate. Fifth, all but one of the buildings noted, has built  
18 its parking underground, allowing all above ground floor area to  
19 be dedicated to higher value uses, including market rate and  
20 affordable housing stock.

21           The scale of development in this neighborhood which is  
22 zoned MU-4 and NC-2 is clearly working. How do we know this?  
23 Developers see a market for their projects as witnessed by steady  
24 investment. The scale is working for residents as witnessed by  
25 high residential occupancy rates. It is working for the first

1 floor commercial businesses that are flourishing. The scale is  
2 working for the community that overwhelmingly supports one  
3 project after another, and it is working for equity as many  
4 affordable units have been recently built. And it is working for  
5 WMATA which sees a steady increase in transit oriented residents.  
6 This, in fact, is smart growth in action. The proposed project  
7 at the Metro site stands in stark contrast in scale and height  
8 in its use of above ground square footage for visible parking.  
9 Its height is more than 60 percent greater than the tallest of  
10 other recent buildings, as are the number of floors. Its volume  
11 is more than 500 percent of the anomalous ten-story Takoma  
12 Business Center, further up Carroll Avenue. Rather than  
13 providing underground parking, as others have done, we would be  
14 facing one to two levels above ground parking for 230 vehicles.

15 To add further context to the building -- to add further  
16 context, the building would dwarf all of those developed at every  
17 red line Metro station from its origin in Glenmont all the way  
18 to New York Avenue downtown. Metro site developments over the  
19 past two decades at the Fort Totten and Rhode Island Avenue  
20 stations are far smaller and shorter. Closer to home, it would  
21 exceed the volume of any building going up at the Walter Reed  
22 site along the busy Georgia Avenue thoroughfare. It will consume  
23 any existing capacity of the road network. Less than 100 feet  
24 away and proceeding east on the south side of Carroll Avenue  
25 there are underused and vacant parcels prime for redevelopment.

1 By developing the Metro site at such intensity, we may be  
2 undermining the viability of future neighborhood scale mixed use  
3 development along a vital border.

4 To focus on parking for a minute, the proposed project  
5 would not invest in putting its parking underground, unlike all  
6 others. Effects are twofold. First, except for one facade, the  
7 building will have one to two stories of unsightly parking at eye  
8 level. Second, every level of parking that is not underground  
9 needs one more story of height to attain the same quantity of  
10 residential square footage. Put simply, the building is 78  
11 stories tall because it uses one to two stories for above ground  
12 parking. This is an outdated feature rarely seen for such a  
13 prized infill site. The result is clear, a taller structure and  
14 a less appealing one. While the site may have certain challenges  
15 due to elevation changes, it appears that no serious effort has  
16 been applied to this issue.

17 I am pro-growth and very pro smart growth, but see no  
18 reason to support a project that effectively thumbs its nose at  
19 effective revitalization and inappropriate scale. The developer  
20 could shrink the building and its height and still proceed with  
21 my support to build what would still be easily the largest  
22 residential building in Takoma with several hundred units.  
23 Instead, a maximalist approach has been taken to push the  
24 envelope. Unfortunately, this has served to divide the  
25 community, a community that I know to be overwhelmingly

1 supportive of reasonable and sensitive development. Thank you  
2 very much for your time.

3 MS. EATON: Hi. I think I'm next. Thanks for tak-  
4 -- thanks for taking the time to listen to what immediate  
5 neighbors of the development have to say. And thanks also for  
6 the detailed questions you asked the developer and the answers  
7 you obtained. Your stamina is appreciated. My name is Sabrina  
8 Eaton. I live at 7019 Eastern Avenue directly across from the  
9 Takoma Metro station's current parking lot and bus depot. The  
10 street and sidewalk in front of my house are in D.C. My hedge  
11 marks the state line, and my house is in Maryland. I like the  
12 concept of having an apartment building with affordable housing  
13 and retail on that site, but I agree with Historic Takoma that  
14 the building's height and scale would overpower the surrounding  
15 neighborhood and not fit with historic districts on either side  
16 of the D.C.-Maryland line. Area master plans call for preserving  
17 Takoma's small town character. The developer bills the structure  
18 as 76 feet tall when it will actually be 90 feet tall at many  
19 points. Plopping such a huge building down amid short single-  
20 family homes and apartment buildings that top out at five stories  
21 is not small town. All the benefits the developer cites as  
22 reasons it should be allowed to exceed the zoning requirements  
23 that are supposed to preserve the neighborhood could be provided  
24 with a shorter building. The developer could simply put its  
25 desired two stories of parking underground instead of above

1 ground, as the neighborhood's other apartment buildings have  
2 done. Another way to reduce its height might be to eliminate  
3 some of that parking.

4 My property is the area's topographical low point. I'm  
5 going to get into the gutters here, and to the sewers now. My  
6 property is regularly flooded by stormwater from the Metro  
7 station. My written testimony discusses the issue in depth and  
8 includes a link to video of the waterfall this creates on my  
9 property. It describes how a stream that once ran between the  
10 Metro property and my property to Sligo Creek was diverted  
11 underground into a storm sewer system that doesn't adequately  
12 handle heavy rains. I want to make sure the upcoming development,  
13 which will greatly increase the site's impervious surface and  
14 reduces grass and trees, doesn't worsen the problem. Ideally,  
15 I'd like the problem to be fixed. I urge the Zoning Commission  
16 to include language in any approval document that would require  
17 the developer to ensure that stormwater from this project doesn't  
18 create offsite flooding problems.

19 I don't want this to become a situation where the  
20 developer promises everything will be wonderful and there's no  
21 recourse for neighbors if it causes problems. The fact that I  
22 am across the street from the development in Maryland, while the  
23 development itself is in D.C., heightens these concerns.  
24 Stormwater does not respect state lines. I'm glad the developer's  
25 current plan finally recognizes that there are stormwater issues

1 in the area because its drafts in previous years did not. I've  
2 lived here since 1994 and I've been through every single iteration  
3 of this development. I would like to know how its proposed  
4 bioretention system will keep stormwater from flooding my  
5 property and what recourse I will have if it doesn't work. If  
6 the bioretention system it proposes will channel water that's  
7 currently being absorbed by grass and trees into the area's  
8 already failing storm sewer system, I think there's a good chance  
9 it could actually end up aggravating flooding for me and other  
10 people too. The storm sewer line that goes from the Metro station  
11 to Sligo Creek also cuts through other properties, including  
12 Margo Kabel, who I think has sent you some testimony on this.  
13 Her property is a few houses away from me on Tulip Avenue. During  
14 super heavy rains its manhole cover pops off and floods her yard  
15 so deeply her daughter can row a kayak in it. About ten years  
16 ago, the section of the stormwater line that goes across the  
17 backyard that separates my house and Margo's house collapsed and  
18 it took weeks to replace. My point is that this storm sewer  
19 system is not in good shape and might not be able to handle an  
20 increased load, particularly as climate change increases the  
21 frequency of the intense rains we've been getting. Planting  
22 trees to keep water out of the storm's sewer system might be a  
23 better alternative than channeling more water into those sewers,  
24 which is what I think the bioretention system will ultimately do  
25 with that water.

1           The developer is planning to meet with some of us who  
2 are affected by flooding to discuss how this bioretention system  
3 will work. I look forward to that meeting. I don't want this  
4 development to leave big problems for its neighbors. Please  
5 carefully review the project's water retention facilities for  
6 sufficiency and for prevention of flow beyond its boundaries and  
7 require significantly increased planting of trees and native  
8 plants to offset its increased impervious surface. Please also  
9 provide an avenue that neighbors can use to resolve problems if  
10 its stormwater mitigation efforts don't work and the flooding  
11 persists or worsens after the building is finished. Whatever  
12 goes in there must fix stormwater problems in the vicinity, not  
13 aggravate them.

14           I want to make sure that every agency involved in  
15 signing off on this development proposal is aware that this  
16 problem exists and get every assurance I can that it will be  
17 addressed because I want to stop the flooding on my property and  
18 I don't want it to create or aggravate flooding elsewhere. I'd  
19 be happy to answer any questions you might have.

20           MS. KURLANSKY: Okay. Can you hear me?

21           MS. KOHN: Yes.

22           MS. KURLANSKY: Okay. So good evening. My name is  
23 Ellen Kurlansky, and I live at 202 Cedar Street, N.W. in the  
24 District of Columbia, across the street from the proposed  
25 development, and well within 200 feet from it. Built in -- 115

1 years ago, my house is one of the earliest bungalows in Takoma  
2 Park. Like the other old houses in the neighborhood has a wide  
3 front porch, and mine looks out on the trees and green space on  
4 the WMATA property. I also watch kids kicking soccer balls and  
5 playing Frisbee and people playing with their dogs out there.  
6 I'm pleased that the development that's proposed provides  
7 housing, including some affordable housing and retail space, but  
8 I'd like to see it developed in a way that respects and even  
9 enhances the neighborhood. I appreciate that EYA has endeavored  
10 to save a bit of the green space and some of the trees. They  
11 propose to move a heritage tree, which is no small thing and I  
12 hope it survives, but I'm glad they're doing that, but beyond  
13 that, my family, my neighbors, and I are distressed by the size  
14 and design and likely impact of the building.

15           The 2021 comprehensive plan for Rock Creek East and  
16 Takoma Central District plan emphasized the importance of  
17 preserving the small town character of Takoma. The proposed  
18 development doesn't do anything like that. The proposed building  
19 is too big, for starters, as others have said, but both the height  
20 and mass are out of character with historic Takoma. I believe  
21 the building would be larger than any other building in the  
22 historic district. There's several new buildings nearby that are  
23 planned, under construction, or recently opened with four or five  
24 stories, but this one has eight. The parking is above ground.  
25 And one obvious improvement I have to say would be to place the

1 parking underground. Now I know that's more expensive, but I'm  
2 sure EYA could figure out a way to lower the height of the  
3 building if it put the parking underground.

4           We're concerned about the environmental impact of the  
5 buildings. I worked at EPA for years. I'm an environmental  
6 professional and I was asked to talk about that a little bit  
7 because I share the concerns of my neighbor about air quality  
8 especially of the increased traffic, not only because of  
9 congestion and noise that will result from the building, but also  
10 because the driveway on Cedar Street, directly across the street  
11 from my next door neighbor, will be used by large trucks making  
12 deliveries, picking up trash and recycling. These large trucks  
13 on top of the bus and car traffic associated with the development  
14 will have serious air quality impacts that will affect the health  
15 of nearby neighbors. Large trucks emit both NOx and particle  
16 pollution. NOx, that's nitrogen oxide, reacts with other  
17 pollutants to cause ground level ozone that inflames and  
18 constricts airways, causing coughing, shortness of breath. It  
19 aggravates asthma and other lung disease. In the long term, it  
20 can cause heart disease. The vehicles also submit particles that  
21 can aggravate respiratory problems and contribute to cancer risk.  
22 These are serious public health problems. And we ask you to  
23 scale down the project to reduce the risk.

24           We're also troubled that the developer has not been at  
25 all forthcoming about the energy use and climate impacts of the

1 building. Apparently, the plan is to bring natural gas into the  
2 building at a time when more forward looking builders are  
3 rejecting natural gas and going all electric. There's been some  
4 hand-waving about solar panels, but we don't know how many or how  
5 much the electricity demand will be serviced by them. Across the  
6 street (indiscernible) from this building, the proposed building,  
7 across the street is a building that uses geothermal energy to  
8 meet part of its energy demand. So the resource is there, but  
9 there's no mention of it at all for this building.

10           Finally, the design of this building, an oversized  
11 industrial big box trimmed in flashy orange is nothing like the  
12 small town character of Takoma. Unless -- unlike other  
13 developers, this developer has made little effort to respect the  
14 character and well-being of the neighborhood. Rather, the  
15 proposed development is an assault on the community that lives  
16 here. Now, there are other new buildings in Takoma Park that do  
17 respect the character of the building, and they're the result of  
18 developers who worked with the people who live here and talked  
19 to them, not at them, and designed buildings that compliment the  
20 neighborhood. We would really like to see the board reject this  
21 plan and send the developer back and ask him to work with the  
22 neighbors. Help -- and I think we could help them develop  
23 something that would be a building that compliments rather than  
24 detracts this historic neighborhood. Thank you for the  
25 opportunity to testify.

1           MR. BROWN: Mr. Chairman, I will wrap things up for  
2 Historic Takoma with reference to Exhibit 123A, that is my  
3 detailed analysis of the PUD application, which I have provided  
4 to you to show you what we see as the proper legal framework  
5 under the comprehensive plan and the zoning regulations for why  
6 the application should be denied in its present form. It also  
7 details how the height and bulk of the proposed building could  
8 be scaled back to have at least a legally correct PUD approval.  
9 I urge you to review that analysis because I cannot possibly  
10 capture all of it in my summary tonight.

11           But before we get to that, I want to acknowledge that  
12 in the past couple of days a lot of additional critical commentary  
13 that I did not orchestrate from others has been added to the  
14 record making points that complement, that's compliment with an  
15 E, the matters I have addressed, and they also merit your  
16 attention. And like my clients, just about all of them share my  
17 clients' support for a mixed use apartment building at this Metro  
18 adjacent location, as well as the goal of getting as much  
19 affordable housing into the project as possible.

20           Where we all seem to differ with the Applicant is over  
21 just how the building -- how big it should be when added to this  
22 treasured open space in Takoma Park. We looked at this question  
23 both with regard to height and scale. First as to height, the  
24 zoning height is 76 feet. That's not an illegal amount if you  
25 authorize both the rezoning to MU-5A and the requested six feet

1 above the IZ height of 70 feet that is allowed in the zone under  
2 X 303.7 by the Commission. But approvals work in -- those  
3 approvals work in tandem to get to that height. There is a good  
4 but undisclosed reason why the Applicant is seeking from you only  
5 an additional six foot increase, whereas the PUD process in theory  
6 could allow 14 more feet to a final zoning height total of 90.  
7 A bigger increase would be to add another floor to the building,  
8 but that would result in a Height Act violation, as my memo  
9 explains. In short, the building is just about as high as the  
10 law allows.

11 In addition, as the Applicant was entitled to do, it  
12 chose the higher of at least two building height measuring points  
13 available to it. Higher by ten feet in fact. On flat ground  
14 and with a level roof, that choice would have no effect on height  
15 as perceived from the street. But here, the ground slopes away  
16 from the chosen building height measuring point such that the  
17 perceived height around most of the building is in the 90 foot  
18 range and the number of stories increases from six to eight.  
19 This grade change is the greatest and thus perceived height the  
20 greatest in the area where the project fronts on Eastern Avenue,  
21 where some of my clients live right across the street. The  
22 project pays slight g=but insufficient homage to that contrasting  
23 height of the building in the area comprised of the height  
24 reduction across Eastern by stepping down the roofline for part  
25 of the facade by two stories. But it does so with a setback so

1 short that it will not hide from plain view a confronting res-  
2 -- of the confronting residences the building, which will still  
3 be over 90 feet.

4 Finally, as to height, height compatibility is more  
5 than just checking off the zoning height compliance. Site context  
6 is important. Here, unlike in most MU-5A development scenarios,  
7 not a single side of this building will be shielded from public  
8 view by the presence of other MU-5A buildings which can be built  
9 cheek by jowl together. Pedestrians and vehicular traffic will  
10 flow around all sides with a 90-foot building in plain sight.

11 Now as to scale or bulk of the building. The  
12 application highlights the relative low 1.69 FAR of the building.  
13 The reason is -- the reason it's low compared to the normal range  
14 of MU-5A development is no mystery, it's just a matter of  
15 mathematics. Gross floor area measures the volume or bulk of the  
16 building, FAR evaluates that bulk in relation to the size of the  
17 lot. For example, a building with a GFA will have half the FAR  
18 on a two acre site that it would on a one acre lot. Here we see  
19 that the 1.69 FAR is the number obtained by dividing the gross  
20 floor area by the 6.78 acre size of the lot. A true and more  
21 accurate picture of the compatibility of the building as it's  
22 -- in the surroundings examines the building in the context of  
23 those surroundings and looks not just at the FAR, but at the  
24 nearly half million of gross floor area of the building as well,  
25 notwithstanding that the FLUM understandably looks at density

1 solely in terms of FAR, which it does because that's the chosen  
2 density metric in the zoning regulations.

3 My memo looks at the FAR that would result if the size  
4 of the lot were instead of the current 6.7 acres, just big enough  
5 to maximize the 80 percent lot occupancy maximum in the MU-5A  
6 zone. In that scenario, this same building would produce an FAR  
7 of 5.12, which is above what could possibly approved in a PUD at  
8 this site, 5.04 would be the max. So the low FAR claim properly  
9 understood is that the open space around it is what drives the  
10 FAR down. I also want to suggest to you that the 1.9 FAR was  
11 not so much an act of deference by the Applicant towards building  
12 scale concerns in its Takoma Park neighbor- -- in the Takoma Park  
13 neighborhood, it was the most that could be achieved and still  
14 provide WMATA the needed space to operate bus connections to the  
15 Metro station and to continue to provide what the community has  
16 enjoyed for decades, a public amenity space owned -- although  
17 this one will be owned and controlled by the landowner, WMATA,  
18 to eventually become EYA.

19 So looking at the height and the scale, the project is  
20 not consistent with the comprehensive plan. The Applicant, OP,  
21 and the AG all detail the project furthers many policy objectives  
22 of the comprehensive plan. We do not disagree, but they all  
23 present the matter as if there are no competing policy objectives  
24 that need to be weighed in the balance of the PUD application.  
25 But my memo details that achieving compatible infill development

1 that respects the existing scale and historic character of the  
2 neighborhood is a CPD -- a CP policy objective just as maximizing  
3 affordable housing is. These objectives are unmistakably in  
4 tension. Going overboard on affordable housing or housing  
5 generally risks creating a building too big to be compatible in  
6 a given location. On the other hand, going overboard on  
7 minimizing compatibility issues for infill development risks too  
8 little in the way of affordable housing contributions.

9           The tension or conflict cannot be ignored or wished  
10 away. It is the Commission's job to look at each of these  
11 competing policies squarely in the eye and do the required  
12 weighing and balancing. My legal memo realistically enters this  
13 thicket where OP, the Applicant, and the AG have feared to tread.  
14 We cite the specific policies in the framework element, the  
15 citywide elements, the Rock Creek East area elements, the  
16 historic preservation element, the FLUM, the generalized policy  
17 map, and the 2002 Takoma Central Business District SAP that need  
18 to be taken account of. All of them, in words with slightly  
19 varying specificity as to location, highlight the need to ensure  
20 that infill development is compatible with and respectful of the  
21 historic district or neighborhood in which the property resides.

22           You can look at the Applicant's Slide 58 and any number  
23 of those policies reflect that policy, and they are itemized in  
24 my detailed memo. I'll spare you the lengthy chapter and verse  
25 on this in the memo for now, but our conclusion focuses most

1 closely on the FLUM designation of the property as mixed use with  
2 emphasis on residential use at the medium density level. This  
3 seems to be the major focus of the claim of comprehensive plan  
4 consistency. But that designation is not the whole story. As  
5 my memo details, the Commission should find upon viewing the  
6 comprehensive plan as a whole that this massive building with  
7 over 11 acres of floor area is not what was envisioned by the  
8 comprehensive plan for this property, despite the (indiscernible)  
9 exhibited by Assistant Attorney General Kane.

10 My next and even more important point is that an MU-4A  
11 PUD would go far to harmonize this conflict that I've described  
12 for you between respecting compatibility concerns and achieving  
13 maximum affordable housing. My memo highlights the most logical  
14 and plausible path to reducing the conflict in this particular  
15 case that will greatly advance the goal of adding to the stock  
16 of affordable housing in this area of Rock Creek East. As  
17 explained, the only aspect of having the PUD based rezoning in  
18 this case to be MU-5A rather than MU-4A is due to the desire to  
19 achieve a zoning height in excess of 70 feet, that is 76 feet.  
20 Everything else about this project can be achieved with a PUD  
21 based rezoning to MU-4A.

22 What is the difference in height actually? As  
23 explained, the Applicant can achieve 65 feet in an MU-4A PUD and  
24 the Commission could possibly bestow an extra 5 percent in height  
25 under X 303.10. And the Commission could -- that would be 3.25

1 more feet for a grand total of 68.25 feet. That height is already  
2 more than enough for this particular location. But the Applicant  
3 wants 76 feet, that's an additional 7.75 feet, presumably to get  
4 that eighth story added to the severe detriment of the need to  
5 achieve compatibility. The need for rezoning to MU-5A has simply  
6 not been demonstrated. Every policy element advanced by the  
7 project can be satisfactorily advanced in the MU-4A level. If  
8 this took a story off the project, my memo details that the likely  
9 loss to housing would be approximately 65 market rate units and  
10 13 IZ units. This is a small price to pay to achieve a plausible  
11 degree of infill compatibility in this location.

12           And I have to tell you, I heard nothing in the ANC  
13 testimony and in the supporting witness testimony that repudiates  
14 the notion that the MU-4 rezoning possibility would not better  
15 fulfill all of the comprehensive policy goals than the MU-5A  
16 rezoning.

17           Next point in my memo is that the public benefits and  
18 project amenities are overstated. In fact, we consider them  
19 significantly overstated and some of them not really benefits at  
20 all. Their evaluation ignores the requirement that public  
21 benefits must be superior in that they benefit the neighborhood  
22 or the public "to a significantly greater extent" than matter-  
23 of-right development. This means, for example, that the  
24 mandatory 10 percent IZ being provided is not a public benefit.  
25 Only the additional 5 percent, which translates to about 24 units,

1 is a legitimate public benefit for PUD balancing purposes. The  
2 HANTA units being proposed are a much lesser benefit than those  
3 24 IZ units. They are -- first of all, they are subsidized at  
4 only 80 percent of AMI, not the 30 or 60 percent of AMI for the  
5 IZ units. And with the tax rebate that they will be seeking, it  
6 may be, and we don't know the details, that the public, not the  
7 developer, will be the party that's mostly subsidizing that  
8 additional affordable housing. The only other public benefit or  
9 project amenity that would seem to meet the definition of these  
10 terms in the regulation is that the project will achieve LEED  
11 Gold certification. For just about everything else how the  
12 neighborhood or the public has benefited to a significantly  
13 greater extent than would be the case under a matter-of-right  
14 development is not discussed. The requirement is all but ignored.

15           On the other side of the PUD balancing scale is the  
16 flexibility afforded the Applicant. It is not merely a six-foot  
17 height increase; it is both the height increase and the rezoning  
18 that makes the 76 foot height possible. The existing matter-of-  
19 rate zoning height is a combination of heights in three zones,  
20 RA-1, MU-4, and NC-2. The height increases from these are as  
21 follows, and you can see this right there in there in their  
22 presentation: NC-2 height increase is from 50 to 76 feet, that's  
23 26 feet; the MU-4 height increase is from 50 to 76 feet, that's  
24 26 feet; and the RA-1 height increase is from 40 to 76, that's a  
25 36 foot increase. The weighted average of these increases, which

1 you would have to figure out because these particular zoning  
2 areas are not equal in size, increases -- the weighted average  
3 increase is more than enough to increase the height of the  
4 building by at least two stories.

5           Finally, with regard to the AG memorandum, my legal  
6 memo provides a detailed critique of the AG memo explaining how  
7 terribly one sided and unbiased an evaluation it is and how  
8 unrealistic and nonsensical it is because it is talking about  
9 stranded density that is a fiction of their imagination because  
10 this project will not absorb increased height and there's no room  
11 to go out away from where the project is already built and still  
12 provide the bus loop and the park and the public amenity space.  
13 I urge you to review the legal memo carefully from the point of  
14 view of the legal requirements that have to be met, and I think  
15 you will conclude that in its present form this project -- the  
16 public will be much better served if this project is denied with  
17 a view toward its coming back as an MU-4 zone project. Thank  
18 you.

19           CHAIRPERSON HOOD: Thank you, Mr. Brown, and to the  
20 Historic Takoma party. Mr. Brown, I really appreciate the way  
21 you have identified in your brief, I'll call it a brief, hitting  
22 those points. It makes it easier, at least for this commissioner,  
23 when I'm reading through and weighing things with other things  
24 to your comments. So thank you for doing that.

25           All right. Let's see if we have any questions or

1 comments. Commissioner May, or anybody on the panel?

2 COMMISSIONER MAY: Yeah, I have a few hopefully very  
3 short questions. First for Mr. Feiden. You mentioned other  
4 Metro developments along the red line. Do any of those other  
5 developments that were on I guess you're calling out the Metro  
6 developments, do they include a park like this does, 1.7 acre  
7 park?

8 MR. FEIDEN: You know, I can't answer that. I don't  
9 know them in detail.

10 COMMISSIONER MAY: Yeah. (Indiscernible) know anything  
11 about is the Rhode Island Avenue one, I can tell you there's no  
12 park land there. It is, you know, a story lower, but it's a  
13 pretty -- it's a pretty dense project given the spacing of the  
14 buildings and the road running through it. Do -- and then you  
15 mentioned that there are other affordable developments that are  
16 going up in the area that are in the 50 foot range. Can you tell  
17 me are they in the District or are they in Maryland?

18 MR. FEIDEN: They're in the District.

19 COMMISSIONER MAY: They're in the District. Okay.

20 And then for Mr. Brown, you talked about the benefits  
21 of the project or the amenities of the project not being real  
22 amenities, but you didn't say anything about the park. Why is  
23 that?

24 MR. BROWN: Basically my attitude toward the park is  
25 that this was an essential feature historically that basically

1 had to stay there in order for this project to gain community  
2 support because the entire community depends upon and as  
3 (indiscernible) open space.

4 COMMISSIONER MAY: Okay. Let me just stop you there  
5 because you're, you know, we're not just, you know, looking for  
6 your opinion about what the park is. You tried to present an  
7 analysis of this as a PUD and the balancing that has to happen  
8 and the benefits that accrue to the project, again we're supposed  
9 to get superior benefits out of a PUD than we would from, say, a  
10 map amendment. And you're saying that somehow the park doesn't  
11 qualify for that. And I don't understand why it would not  
12 qualify, because, you know, there's nothing that guarantees that  
13 there would be park space there. There happens to be open space  
14 there right now. It does not function as a park. So why wouldn't  
15 the creation of a publicly accessible park be a benefit in a PUD  
16 balancing test?

17 MR. BROWN: I take your point, Commissioner May, and I  
18 think that's probably correct.

19 COMMISSIONER MAY: Okay. All right. Thank you. That's  
20 it for my questions.

21 CHAIRPERSON HOOD: All right. Thank you.

22 Commissioner Imamura, any questions?

23 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I have  
24 no questions. I just want to thank everyone for their testimony  
25 and their point of view. It certainly helps the Commission

1 provide and think through a balanced and helps us make a more  
2 informed decision. So thank you very much for the contributions  
3 tonight and for participating in the public process.

4 CHAIRPERSON HOOD: And Vice Chair Miller?

5 VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank  
6 you, Mr. Brown and Historic Takoma and the residents who have  
7 testified here this evening and for emphasizing, Mr. Brown, the  
8 -- your Exhibit 123 A, which I was rereading as you were  
9 highlighting aspects of it. I kind of had that memo in mind when  
10 I said to the Applicant at the outset that I might want to have  
11 a point by point rebuttal of that because as the Chairman said I  
12 think it was a very succinct and comprehensive summary of your  
13 opposition testimony. So we'll hopefully get that from the  
14 Applicant, although I think that in -- its in the record but I  
15 think in one place to have a rebuttal would be helpful going  
16 forward.

17 The only other comment -- well, a couple other comments  
18 I have. On the stormwater, I mean they -- there is testimony in  
19 the record that the stormwater would be improved from the existing  
20 sounds like terrible situation that some of the neighbors  
21 experience when there are storms. And it sounds, from what I've  
22 seen in the record, it sounds like there will be improvements in  
23 that. It may be that on rebuttal we can get more information or  
24 more succinct information on how it will be improved and how that  
25 would be enforced in the future. I don't think it's part of the

1 plans, the stormwater plans, but I'm not sure it's -- well, I'm  
2 not sure how it is enforceable, that's I think outside of our  
3 zoning enforceability, but it certainly would be referenced. The  
4 plan for stormwater management would be in the record and whatever  
5 conditions in the order that are appropriate for that. So we  
6 can focus on that if and when we get to that point.

7           And then just the other comment about no other seven-  
8 story -- or seven or eight stories. I think we need to clarify  
9 whether it is seven or eight stories, but that there are no other  
10 seven or eight stories buildings in the historic Takoma area.  
11 I'm not sure that there are any other sites within the historic  
12 Takoma area -- I might be wrong on this -- that are in the medium  
13 density residential -- in that medium density category. I think  
14 they're mostly in the moderate, those other buildings. But I  
15 think I want information on that from the Applicant. Unless, you  
16 know, Mr. Brown, off the top of your head whether any of those  
17 other buildings -- I think or Mr. Feiden, I think you put it in  
18 your testimony that you showed those buildings. I'm not sure  
19 that the comp plan land use map designation for those sites is  
20 at the density level is as high as it is on this site in terms  
21 of medium versus -- I think it's moderate, it may be moderate on  
22 those other sites. But if you don't have it -- if you don't know  
23 off the top of your head, that's fine. We'll get the Applicant  
24 going --

25           MR. FEIDEN: Well, I can say that according to the map,

1 I think in the proposal and I believe also in the zoning map,  
2 all the sites are either MU-4 or NC-2.

3 VICE CHAIR MILLER: No, I realize the zoning is  
4 different than what's being proposed here, but yeah, thank you  
5 for -- there is that distinction, yeah. But I was talking about  
6 the land, the comp plan land use map. So anyway, thank each of  
7 you for all of your involvement in this project for a long time.  
8 And hopefully we can include, if we get to that point, mitigating  
9 measures that will address some of the concerns.

10 CHAIRPERSON HOOD: Thank you, Vice Chair.

11 Mr. Brown, I do have a procedural question I'm asking  
12 you. I know the board, board member Harris and some of them over  
13 in Montgomery County, I'm just curious, did they send us a notice  
14 on the D.C. side when they're having projects in Takoma on the  
15 Maryland side? I'm not sure how that works.

16 MR. BROWN: Mr. Chairman, the point that Mr. Feiden  
17 made about notice is simply reading the text of the zoning  
18 regulations, which do not distinguish that the 200-foot  
19 requirement stops at the border. And I think it would be  
20 unreasonable to imply that it does because obviously the impacts  
21 of a project don't stop by the existence of a separate  
22 jurisdictional line that is not really geographically  
23 significant. So I don't know what your practice is, what the  
24 Montgomery County practice is on the border, but he was just  
25 making the point that based on your regulations, he didn't

1 understand why they weren't notified.

2 CHAIRPERSON HOOD: I'm not sure of Montgomery County.  
3 I'm going to actually check into it. I do consult with other  
4 regions. They actually reach out to us, the D.C. Zoning  
5 Commission, and ask us about how our regulations go. So I do  
6 have some relationships. I am going to ask that question because  
7 I think that's very important. I'm hearing it here tonight, and  
8 I don't think it works both ways, but I will -- I'm not going to  
9 go out there and say that I'm sure, but I know one place it  
10 doesn't work because they've already told me and I've been over  
11 there to testify. So I want to make sure that we do an even  
12 keel. But here's another thing, it's called a good neighbor  
13 policy. If the District's residents get it like they did, they  
14 went over and talked to their friends over in Maryland. So you  
15 know, I just don't want to put all the onus all the time on the  
16 District of Columbia. So I'll leave it at that.

17 Now, let me ask you this -- let me -- Commissioner May,  
18 maybe you --

19 COMMISSIONER MAY: Yeah, I just want to -- I want to  
20 add something on that point. You know, the fact that that  
21 particular notice didn't -- may not have happened, I mean, I  
22 guess we'll hear from the Applicant about that, but clearly you  
23 all know about the project and there are multiple means by which  
24 projects are -- people are notified about projects. And so the  
25 word got to you. The fact that this one -- part of it -- didn't

1 happen for one reason or another, I don't -- it's not terribly  
2 meaningful for our decision making because you clearly know about  
3 it. You've been prepared. You knew it far enough in advance to  
4 even get advance party status. So I don't see that this is an  
5 issue.

6 MR. BROWN: Commissioner May --

7 COMMISSIONER MAY: And I'm not looking for a response  
8 from Mr. Brown. I'm just telling you how these things work.

9 So back to you, Mr. Chairman.

10 CHAIRPERSON HOOD: Thank you. Thank you, Mr. Chairman,  
11 I will tell you that I think -- I will tell you that I will find  
12 out because I do want to know, because I, you know, anyway I'll  
13 leave that at that. I appreciate y'all bringing it up.

14 But let me ask you this, Mr. Brown, and maybe some of  
15 the party, you heard the issue about affordable housing. And  
16 this is one of the ones what I've seen where they come in at 30  
17 percent MFI. I don't see that a lot. So if you -- if we reduce  
18 it -- and I thought about this -- if we start reducing and cutting  
19 back and scaling back -- and you've heard the Applicant say that  
20 we won't get that affordability, but then you also heard  
21 Commissioner Yeats and Commissioner Palmer say that they are  
22 welcoming that affordable housing. You heard Ms. Court say  
23 they're welcoming. And I think one of the commissioners or  
24 somebody said they had 400 other people. And what I've noticed  
25 here, it's not that this is a popularity contest, this is about

1 the regulations and whether or not we meet the development review  
2 or the statutory requirements of a PUD. But here's the thing.  
3 If they condense -- and if you want to opine or somebody on the  
4 panel, the Historic Takoma party wants to opine, that'd be good  
5 -- what happens if we scale it back, is it that we're sacrificing  
6 density, scale back to a project that you all want to see, or do  
7 we want people to be able to live in our community, have a diverse  
8 community what I'm hearing from the elected officials? Does  
9 anybody want to respond to that or you just want me to continue  
10 to go with my imagination?

11 MR. BROWN: Mr. Chairman, this is exactly what I pointed  
12 out was your tough job, you have to reconcile and balance these  
13 competing policies in the comprehensive plan, how far is too far  
14 in one direction or the other. Our position is not that there's  
15 -- not that this shouldn't be done, but it's just a bit too far.  
16 And scaling it back a relatively slight amount, as I've described,  
17 would not do any significant damage to the goal. In fact, with  
18 respect to the 30 percent AMI, as I understand the goal, it's  
19 -- is that half of the IZ units should be 30 percent AMI. And  
20 this particular project, I think, only reaches half of that goal.  
21 So maybe the 30 percent AMI could actually be achieved even with  
22 a scale back if they had a greater proportion of 30 percent AMI  
23 units than they have.

24 CHAIRPERSON HOOD: Okay. I will say this, Mr. Brown,  
25 I really appreciate your answer, I appreciate your answer. And

1 I appreciate you giving it right back to me. And believe me, we  
2 will deal with it. So thank you. And I appreciate it, I really  
3 do, I really do.

4 I don't have any other questions of anybody on the  
5 panel unless they want to opine on that. If not, your lawyer  
6 did, so.

7 Commissioners, is there any follow-up questions or  
8 comments? The hour's getting late. And thank you all for your  
9 presentation.

10 Ms. Schellin, let me go to the Applicant. Does the  
11 Applicant have any cross of the Historic Takoma party?

12 MR. TUMMONDS: No cross.

13 CHAIRPERSON HOOD: Okay. Does Commissioner Yeats have  
14 any cross of the Historic -- and thank you Commissioner Yeats,  
15 you're still here -- of the Historic Takoma party?

16 ANC COMMISSIONER YEATS: You know I got a little kids.  
17 I know how to be kept up late. I just want to express my  
18 appreciation for Ms. Kurlansky, who's a 4B resident for  
19 testifying tonight. I know we've met on this project before. If  
20 anybody else here is from 4B, if you could tell me your Single  
21 Member District number, I'll make sure your commissioner knows  
22 you came out and spoke tonight.

23 CHAIRPERSON HOOD: Okay. That's the question. Ms.  
24 Kurlansky, I know that you are here. He's asking -- he's opening  
25 --

1           ANC COMMISSIONER YEATS: Oh, no, she's my constituent.  
2 That's why I appreciate everybody else --

3           CHAIRPERSON HOOD: Right. We've already covered her,  
4 but you're asking about anybody else, right? Anybody else so he  
5 can get you in touch with your commissioner, are you all on the  
6 Maryland side or -- silence, I know how to take that.

7           MS. EATON: I believe we all said that we lived -- I  
8 believe that we said where we lived, and we indicated that. And  
9 I don't believe that that the developer -- I mean, Mr. Yeats may  
10 have met with the developer to come up with this plan, but none  
11 of us who live adjacent to it were consulted beforehand. And  
12 that might be why you're hearing from so many people in Maryland.  
13 I believe the chairman brought that up in terms of just the  
14 written correspondences he's been receiving, because we did not  
15 get the, you know, get to have that dialog with the developer in  
16 advance that that Mr. Yeats did. So I'm going to mute myself  
17 now.

18           CHAIRPERSON HOOD: Okay. I appreciate that. Actually  
19 I was -- it was a little more to it, Ms. Eaton, and that, I  
20 appreciate that. I would actually think that the folks in  
21 Maryland would be, as one of my colleagues already mentioned,  
22 already involved and already know about it. I was talking about  
23 the ones who live over here, probably in my neighborhood, that's  
24 why I was wondering why they were opining on something up in that  
25 area. That's kind of where I was.

1 Any -- okay, so I'll leave it at that. Commissioner  
2 Yeats, you have any other questions or comments? Okay.

3 ANC COMMISSIONER YEATS: No, Chair Hood, I appreciate  
4 your time, I appreciate everyone's time.

5 CHAIRPERSON HOOD: Okay. Thank you.

6 And so with that, unless I hear from my colleagues --  
7 Ms. Schellin, do we have any persons who are here in opposition?

8 MS. SCHELLIN: Yes, we do.

9 CHAIRPERSON HOOD: Okay. How many do we have? Let's  
10 bring four up, four up.

11 MS. SCHELLIN: Four up at a time. Okay. Faith Wheeler.  
12 Next we have Peter Kovar, Sara Green, Laura Richards, she's on  
13 the phone.

14 CHAIRPERSON HOOD: Who, Ms. Richards?

15 MS. SCHELLIN: Mr. Richards is on the phone.

16 CHAIRPERSON HOOD: Okay. Let's bring up one other  
17 person.

18 MS. SCHELLIN: And that's it.

19 CHAIRPERSON HOOD: Okay. I recognize some of these  
20 names. So let's start off with Ms. Faith Wheeler.

21 MS. WHEELER: Are you able to hear me?

22 CHAIRPERSON HOOD: Yes, we are, go right ahead.

23 MS. WHEELER: Thank you so much.

24 The first thing I want to say before I get into anything  
25 else is that I and the folks that I have been working on for over

1 20 -- with, for over 20 years are absolutely in the -- for  
2 affordable housing and have requested it time after time after  
3 time. And until recently our requests have been basically  
4 rejected by the developers. So I'm very pleased to see much  
5 more. I would like to see more, a larger percentage, that  
6 building we have. One building that's now operating, Entwine,  
7 which is a hundred percent affordable housing. Hopefully -- I  
8 guess some deeply affordable housing. Deeply affordable is  
9 really, really important. Eighty percent is -- it's -- I couldn't  
10 afford 80 percent MFI. So thank you. The last time I testified  
11 before you folks, before the Commission, I think it was probably  
12 April 2015 -- I'm trying to do this very fast because there's so  
13 many things to try to cover -- and that was about the Walter Reed  
14 rezoning proposal. I had been on the Walter Reed Local  
15 Development Authority, Redevelopment Authority, with DMPED and  
16 the Community Advisory Committee both. A little bit of my  
17 background about me because we're talking about where these  
18 people are coming from who are interested in this program, this  
19 project, this proposal and opposing it. I first came to D.C. in  
20 1962, clearly a southern segregated city. I'm a yankee. So  
21 (indiscernible) as much as it's going to be indicated where I  
22 stand.

23 I've lived in Takoma since 1978, it was the fifth D.C.  
24 neighborhood that I've lived in. We paid at the time for this  
25 bungalow \$69,500. The cost of affordable housing in an -- of

1 affordable, a unit, at Entwine, which is 100 percent affordable,  
2 is more than I could -- that I ever paid for a mortgage ever.  
3 That's affordable housing in Entwine. I'm a former ANC 4B02  
4 commissioner to 2003 to 2015, ANC 4B02. I was elected to the  
5 Ward 4 representative to the D.C. Democratic State Committee,  
6 served from 2008 to 2014. I'm a former board member of the Cross  
7 Jurisdictional Old Takoma Business Association. One notable  
8 project that I co-coordinated was \$50,000 grant from D.C.  
9 Department of Small Local Business Development. Four of the five  
10 managers and owners of the recipients of that grant were black  
11 or brown people, D.C. side, Takoma D.C.

12 I want to point -- excuse me, is somebody saying  
13 something to me? No. Okay. I want to point out that we have  
14 in the Takoma Park historic district, you know, 14 buildings  
15 since 2008, multifamily buildings, 14 historic Takoma -- Takoma  
16 Park historic district buildings. That emerged about 1,422 units  
17 in the historic district. I believe I've been to every single  
18 HPRB hearing for those 14 buildings, testifying. I'm sorry, I'm  
19 hearing some other -- I don't know --

20 CHAIRPERSON HOOD: Yeah, so you might -- I'm not going  
21 to call your names, you might want to turn -- mute your line  
22 'cause we're hearing all about the alcohol, and at this time I'm  
23 starting to need some myself. So let's try to -- let's be  
24 respectful of Ms. Wheeler, let me just say to you, we do have  
25 your testimony.

1 MS. WHEELER: Right.

2 CHAIRPERSON HOOD: So you know, I read about the -- I  
3 found it very interesting about the \$69,000 plus and what people  
4 thought how you are -- so I want you to understand, we've read  
5 your testimony and, Ms. Wheeler, we know who you are, trust me.

6 MS. WHEELER: All right. All right. I just want to  
7 say that after the facade improvement program through the  
8 business association, that's pretty much when development took  
9 off and the costs took off as well, meaning costs started  
10 elevating, increasing, of rentals and housing costs.

11 So regarding the question about some of us not wanting  
12 to see more development in the neighborhood or on this site, in  
13 2006 the Friends of Takoma Transit, which I was part of, put  
14 forward a proposal for development here. We had -- for a  
15 multifamily development. We had -- we added four bus bays to  
16 what we have now, we have an activated park that's compatible  
17 with the neighborhood, it was mixed use, mixed income, it looks  
18 like Takoma. Let me see here. To your point, Chairman Hood, I  
19 was trying to actually refer to some questions and comments that  
20 were made here. I do want to talk about, let me see, I'm looking  
21 for where I need to go here.

22 All right. Want to look at the trees, talked about  
23 trees a bit. On the exhibits that the EYA folks put forward, I  
24 saw a lot of sunny walkways and not much question about the  
25 purpose of trees, the function of trees, which is to cool, to

1 clean the air, to sequester carbon. So it looks to me like it's  
2 more for design rather than purpose. And that really troubles  
3 me about climate change particularly. And (indiscernible)  
4 increasing number of consecutive days of extreme heat, I assure  
5 you, for your further information if you wish, is to go to  
6 climatecentral.org to see just what that's going to mean for D.C.

7 CHAIRPERSON HOOD: Ms. Wheeler? I know the hour's  
8 late.

9 MS. WHEELER: Yes, sir.

10 CHAIRPERSON HOOD: I think I can do this. I want you  
11 to be able to make sure you be able to give us all your points.  
12 So why don't I just take a -- if you don't mind, when you think  
13 about them, just give me a submission 'cause you're well over  
14 your five minute time -- well, you only had three minutes, but I  
15 -- 'cause since you waited all night and I know you're trying to  
16 pull it all -- give us all to it, and if you want to add to what  
17 you've already done, I will allow you to do that since you waited  
18 all this time. Unless, you know, unless you want to wrap it up.  
19 I don't want to really just cut you off, but I know I have four  
20 or five other people on here and you're trying to grapple with  
21 some things and I don't want you to feel rushed.

22 MS. WHEELER: And so I'm sorry, could you please tell  
23 me again what you wish me to do right now?

24 CHAIRPERSON HOOD: What I'm trying to do is give you  
25 another form to where you can give us -- because you were you

1 were searching for some points that you felt was left out, and I  
2 wanted you to be able to supplement your already -- supplement  
3 your already submission to us with some of the points you're  
4 trying to grapple with now for us to look at, if you want to do  
5 that. So take another minute, and if you want to submit something  
6 else to add to what we're talking about, you can do that as well.  
7 Okay.

8 MS. WHEELER: All right. Yes, I do -- may I say another  
9 -- okay, I have another minute you said. Okay, thank you, sir.

10 CHAIRPERSON HOOD: Yes, yeah.

11 MS. WHEELER: All right. One of the points that I do  
12 want to make, actually, is on the amount of green space and what  
13 this means for -- and I did include this in my submission, and I  
14 know you have read it, but I do -- I think it's so important  
15 because this is affordable housing, which we want more of and for  
16 low income folks, of which I know something about because I grew  
17 up poor. You don't have a lot of money, spare money, and so you  
18 save your money and so for -- and the eateries here are not  
19 inexpensive. They're expensive. And so it's really important  
20 to have sufficient green space, especially for more affordable  
21 -- for more low income folks to be able to go and relax outside  
22 their apartment, to be able to get outside and feel comfortable  
23 and welcome and be able to just enjoy the space, enjoy the area  
24 without having to go to someplace to buy something to eat. It  
25 makes a huge difference, especially when you are really poor.

1 And I do know about that. So that is a really important point  
2 that has not been made, and I don't think I particularly featured  
3 that as much as I would like to in my written submission. So  
4 more green space does mean a smaller building. It does mean to  
5 me fewer market rate units and more affordable units, which I  
6 would very much like to see. And I do -- there's one phrase  
7 actually that I did not include in my submission, and I would  
8 like to and it's not -- it's abrasive, but I would just like to  
9 include it, since we have asked over and over for decades for  
10 more affordable housing and have been rejected and now we're  
11 getting some, I would suggest to me that has been discrimination  
12 by omission, by omission, of allowing and bringing in more  
13 affordable units in Takoma Central District in the Takoma Park  
14 historic district. So I guess I'll close on that. Thank you so  
15 much. I appreciate -- I appreciate the extra minute, Chairman  
16 Hood.

17 CHAIRPERSON HOOD: Thank you, Ms. Wheeler, and it's  
18 good to hear from you again.

19 MS. WHEELER: And I'm sorry, I didn't hear you, I'm  
20 sorry, I interrupted you.

21 CHAIRPERSON HOOD: I said thank you and it's good to  
22 hear from you again. I haven't heard from you in a while so it's  
23 good to hear from you.

24 MS. WHEELER: Well, that is true, and I am very  
25 interested and have always been in affordable housing, partly

1 because of my own experience.

2 CHAIRPERSON HOOD: Okay. Thank you.

3 Ms. Schellin, who was next? I don't know where my list  
4 went.

5 MS. SCHELLIN: Next was Peter Kovar.

6 CHAIRPERSON HOOD: Mr. Kovar?

7 MR. KOVAR: Yes. Thank you, Mr. Chairman, I appreciate  
8 it. I know it's late, so I'll try to be brief and maybe talk  
9 fast. I live on Holly Avenue in Takoma Park, Maryland, a block  
10 and a half from the site. I did submit written testimony. I  
11 hope the members of the Commission have read it. I do support  
12 some development at the site. I think we need to have a mixed  
13 income apartment building there with retail opportunities and the  
14 Metro parking. And I think because of really the work of the  
15 boundary, it's a situation where a substantial amount of the  
16 impact falls on Takoma Park, Maryland residents to some degree  
17 less or a lesser amount on those in D.C. And so we're  
18 stakeholders here as well and I hope that our concerns can be  
19 taken into consideration since I've lived there throughout the  
20 time this project and its various iterations have been discussed,  
21 I've been involved in a lot of the discussions, mostly as a  
22 resident. I was on the city council in Takoma Park for seven  
23 years and I didn't run for reelection this past November. So  
24 I'm back being a resident. But I did have some discussions with  
25 EYA both beforehand and in that official capacity, and I

1 appreciate that.

2 I think the history has been a lot of us work to not  
3 be opposed to developments here, other than the very first one,  
4 which was the condos with the two-car garages, because that was  
5 clearly not smart growth. But otherwise we tried to improve the  
6 plaza and we worked with EYA in 2013, 2014, made a number of  
7 suggestions on a small cross-border group, and some of those  
8 suggestions were actually taken into account and now some are  
9 even reflected here. So I'm looking for a balanced project. I'm  
10 not unalterably opposed. I think the community has been  
11 supportive of having something there.

12 I think I have two outstanding concerns, and then one  
13 other thing I wanted to mention, I do think the height would be  
14 more compatible if it was in the four to five story range, which  
15 is what most of the other apartment buildings around here are,  
16 as well as those close by ones on the red line is -- as people  
17 have mentioned, last year or about a year or so ago or a bit  
18 more, it was six to seven stories that EYA planned and it morphed  
19 to seven to eight. And it would be eight stories right in the  
20 section closest to Eastern Avenue. So to me, that's a little  
21 higher than I would like it. I think it would be great to get  
22 some more underground parking in there and maybe a little more  
23 stepping back from Eastern Avenue. And that could help achieve  
24 that.

25 In terms of the parking, I was glad to see that Cheryl

1 Court mentioned that. And I really do think it's just really  
2 strange to say that we're going to have a transit oriented or  
3 smart growth project and it's going to just make it harder for  
4 people to get to the Metro and ride it, so I'd like to see us  
5 changing that. And I've talked about how we can do that in my  
6 testimony.

7           The last thing is there are several issues that aren't  
8 fully ripe right now. We know they could be ongoing problems.  
9 That's the impact on traffic, the (audio glitch) the impact of  
10 stormwater, we heard a lot about that, pedestrian safety, it  
11 looks like some improvements were made, I don't know how much.  
12 The kinds of businesses that will be there and the construction  
13 process and how that will work in terms of noise and dust and  
14 truck idling and all that. So I'd like the Commission, I urge  
15 the Commission to require as part of whatever goes forward on  
16 those five issues, and it's in my written statement, that there'll  
17 be a requirement for ongoing consultation with Takoma Park,  
18 Maryland residents and businesses about those because I think the  
19 worst thing would be if the project goes forward in some form,  
20 I'd like it to go forward in a form that I think would be better,  
21 and then it turns out that these problems end up being more severe  
22 or in some unanticipated way problematic, more problematic than  
23 we anticipate, and in that case I think it would be ideal for  
24 there to be an ongoing consultation, and that would be a  
25 relatively easy thing to include as a requirement in whatever

1 document does emerge from this hearing. So I urge that idea to  
2 be incorporated into whatever you approve.

3 And I'll just say in closing, I think we need a balanced  
4 project here, one that takes all of the different ideas into  
5 account. This is not the time to, as I said in my statement,  
6 kind of square off in the corner and have people over here saying  
7 we don't want anything, and people over here saying we want the  
8 biggest possible thing. Let's get something that strikes a  
9 balance in the middle, does affordable housing, does have  
10 important retail, preserves green space, and allows the community  
11 to have a really great project going forward.

12 And lastly, I mean, I did hear it's been 20 years, so  
13 we ought to do something. Well, it's been 20 years, it's not 20  
14 years because the residents living over here, we weren't the ones  
15 who proposed condos with two-car garages, we weren't the ones who  
16 withdrew other iterations of the proposal at some point and for,  
17 you know, probably valid economic reasons. The 20 years is the  
18 20 years. This project is now. Let's make it work in a way  
19 that's good for the community. The kinds of things I'm talking  
20 about require either no or limited redesign. So I don't think  
21 I'm asking for some major (indiscernible) is just for the Zoning  
22 Commission to reflect some of those concerns that I wrote about  
23 in my statement. So thank you for the opportunity to speak.

24 CHAIRPERSON HOOD: Thank you, Mr. Kovar.

25 Let's go next to Ms. Sara Green.

1 MS. GREEN: Good evening, Mr. Chairman. Can you hear  
2 me?

3 CHAIRPERSON HOOD: Yes, we can.

4 MS. GREEN: Thank you for the opportunity to speak. My  
5 name is Sarah Green, and I live close to the Metro station on  
6 Piney Branch Road in Washington, D.C. I'm a former ANC  
7 commissioner and chair, and I've been involved with this and  
8 following this project since 1999. And I thank Peter for  
9 mentioning that people who wanted this project to be better were  
10 not the reason why it has taken 20 years. I am really glad that  
11 those of us were able to delay having two-car garage townhomes  
12 within 50 feet of the fare card machines. This was ludicrous.  
13 So I'm glad we didn't get that.

14 What I hope you will look at is there's somebody  
15 speaking from the committee of 100 on (indiscernible). And they  
16 submitted extraordinary testimony. And I'm glad you're going to  
17 hear from them because that testimony really addresses  
18 magnificently some of the issues about racial equity that have  
19 been discussed. And I think they have not been discussed the  
20 way they should be. I think this community is not being shown  
21 that way. We have a lot of racial equity in this community right  
22 now. We always have. We also have a lot of affordable housing.  
23 And that affordable housing has come around in the last, I don't  
24 know, ten years or so. And these are communities, some of them  
25 are 100 percent affordable, all of them are within 50 feet in

1 height, and several of them were built by for-profit developers.  
2 So it is entirely possible to do.

3           And as long as we're looking at affordable housing, I  
4 think I would say that 15 percent has been touted as some kind  
5 of wonderful thing, 15 percent affordable housing in a unit in a  
6 community of this size of 400 and something apartments is  
7 piddling. It is inadequate and I don't think it ought to be  
8 touted as such a great thing. It's not. As Mr. Brown pointed  
9 out, 15 percent is not a community benefit. It's only the 5  
10 percent, which is the greater than the required minimum would be.  
11 As to the 33 percent that we might have in affordable housing  
12 and in deeply affordable housing hopefully, yes, that is  
13 significant. Thank you. But what I think we need to know is  
14 how much of that housing, as Mr. Brown pointed out, how much of  
15 that 33 percent in affordable housing is being paid for, covered  
16 by the taxpayers as a tax benefit and how much of it is coming  
17 out of pocket from the developer as a genuine community benefit  
18 as part of the PUD process. I think we need to state that very  
19 clearly because somebody is paying for this affordable housing.  
20 Who is it? As a taxpayer, I'm perfectly happy to do it, but I  
21 don't think the developers should be getting credit for that if  
22 that's not the case.

23           Finally, I want to talk about the park. It is a park.  
24 My neighbor who is sitting there just looked it up in the  
25 dictionary, it is a park. The definition we have read is a park

1 is a large public green area in a town used for recreation, and  
2 recreation could be anything from hanging around looking at the  
3 trees, that's fine, it's still a park. We have a park now and  
4 hopefully we're going to have a park in the future. The issue  
5 is the size of that park, which I don't think is large enough.  
6 And also who is in control? I think that's something that is  
7 called a community park should be in public control, not private  
8 control. And so the question is what happens five, ten years  
9 from now when there might be a question about the maintenance or  
10 the use or any changes that have to be made? Who is going to be  
11 able to have a role in that if a developer owns it and calls the  
12 shots, then to my mind, it is not a community park.

13           What I would respectfully ask is that the developer  
14 contributes a specific sum of money. D.C. Department of Parks  
15 and Recreation has a public well known well used process for  
16 determining what is best for that site. The developer pays for  
17 what happens in a pub- -- what is determined in a public process.  
18 And in terms of maintenance, fine, EYA can just simply agree on  
19 a certain amount of money that it's going to give the D.C.  
20 Department of Parks and Recreation every year to maintain that  
21 park. And then it can genuinely be a village green, a public  
22 park, a community park that we all understand we have a role in  
23 and not something that is in control of a private developer. So  
24 thank you very much for the opportunity to speak and for your  
25 patience. And I too agree with Peter Kovar. We can have

1 something that is really good there. We've waited 20 years for  
2 it. So now is the time to make it work. And I know that you  
3 can make it work. And the law, the zoning regulations, the comp  
4 plan, all of the land planning stuff that the city has adopted  
5 really give you guys the tools to make this a good site that, by  
6 the way, we paid for, this is taxpayer site. We paid for this  
7 out of our taxes through the Metro system. So please use all  
8 the tools in your toolbox to make this a good site. Thank you  
9 again for the time.

10 CHAIRPERSON HOOD: Thank you, Ms. Green, it is good to  
11 hear from you as well, and (indiscernible) it was good to hear  
12 you as well tonight.

13 Let's go to Ms. Laura Richards, I believe, is next.

14 Ms. Schellin --

15 MS. RICHARDS: Good evening.

16 CHAIRPERSON HOOD: There you go.

17 MS. RICHARDS: Hi.

18 CHAIRPERSON HOOD: Good evening.

19 MS. RICHARDS: Thank you for the opportunity. The  
20 Committee for (indiscernible) has an interest in this case  
21 because we like to see conformance with the comprehensive plan  
22 and we like to see it given its due weight in decisions before  
23 you. We think that in this particular case, the small area plan  
24 is being given very short shrift. And I know the Applicant said  
25 the small area plan simply, you know, doesn't comply with the

1 revised comp plan and we'd like to rebut that quickly. In the  
2 Rock Creek East element of the plan there were some edits to --  
3 that the provisions regarding Takoma and the fact that the Council  
4 made those changes in case of it, looked at it, and then sort of  
5 said yes, the Takoma small area plan is still vital. It confirms  
6 its ongoing relevance and therefore must be given the weight that  
7 it deserves. I'd like to read a couple of things from the plan  
8 that I would like for you to consider Washington is a city of  
9 distinct neighborhoods. And the term neighborhood character and  
10 historic character are used extensively. Neighborhood character  
11 has been a term associated with exclusion and discrimination by  
12 race, income, religion, and other categories. As used in the  
13 comprehensive plan character and historic character reflect the  
14 sense of place defined by neighborhood architecture, social  
15 landmarks and vistas, et cetera. For instance, the difference  
16 between Anacostia and Bloomingdale, and of course Takoma is  
17 another one of those distinctive neighborhoods. So it is entirely  
18 proper and it calls for for you to consider those elements of  
19 neighborhood character, which the Council has affirmed have less  
20 relevance.

21           Also, this is a neighborhood that has a history of  
22 being diverse and welcoming. You don't have to -- there is no  
23 history of exclusion to correct here, there's no objection to  
24 greater income diversity. As I believe the Zoning Commission is  
25 probably aware, Takoma formed Neighbors Incorporated 65 years ago

1 to foster an integrated neighborhood, and they have worked very,  
2 very hard to maintain it. The group is still operating. The  
3 -- there's not a substantial representation of African-Americans,  
4 who used to be a majority, but Rock Creek East as a whole is now  
5 20 percent Latino or Hispanic. This is -- the neighborhood, Rock  
6 Creek East, in its entirety, has an average income that is lower  
7 than the city as a whole and it has a fairly high number of  
8 multifamily housing throughout. Only 10 percent of the housing  
9 stock in Rock Creek East is single-family homes, single-family  
10 detached homes. So we are looking at the kind of mixed income,  
11 multi-ethnic neighborhoods that the city says it wants to create,  
12 and it was -- and the architectural heritage of Takoma especially,  
13 a part of what makes Takoma special, unique, and what keeps  
14 bringing people into the area.

15           We have a (indiscernible) situation here and neighbors  
16 are saying please do not destroy it, there is no way that this  
17 90 foot building is in any way compatible with the elements of  
18 neighborhood character, which the comp plan says do apply and  
19 should be considered. And this is even before you get to the  
20 historic district. This -- clearly HPRB has some reservations  
21 because they have, you know, set this plan back for further  
22 consideration. They're thinking about it. In the sense this  
23 proceeding may be a little premature because HPRB could say no,  
24 nope, it doesn't comply. But even without HPRB's input, the comp  
25 plan in its historic preservation element calls on this body and

1 other, you know, government agencies to consider the compliance  
2 of a particular project with the historic district. None of  
3 those provisions of the plan were nullified with the  
4 redesignation of this one plot of land from moderate to medium  
5 density.

6           The land -- the framework element has created flexible  
7 -- I guess a flexible envelope within each land use category  
8 precisely because they're going to be different. You know, what's  
9 an appropriate form of medium density in one neighborhood is not  
10 an appropriate form of medium density for another. You have a  
11 range of appropriate zones you can select from. And as the plan  
12 says, other zones may apply. And that doesn't always mean higher  
13 and bigger and bulkier. Sometimes it means there has to be a  
14 step back to maybe something like the lower end of medium or even  
15 higher and moderate that will still be mixed use multifamily  
16 development on this site. No one is saying take it away  
17 altogether. This is -- we want to keep, let's say, an exclusive  
18 single-family neighborhood here. That's not the case. This is  
19 solely a matter of making this big multifamily mixed income  
20 development be part of Takoma instead of an outlier. And I think  
21 those are the key elements we wanted to cover.

22           So given the small area plan, the neighborhood's  
23 history of embracing racial diversity, the distinguishing  
24 features of the Takoma Park historic district, and the  
25 neighborhood's history of accommodating density at lower height,

1 I think are all ample reasons for saying no, this one needs to  
2 go back to the drawing board. So I hope that you will reject it  
3 as it stands and let's take another look at this. Thank you.

4 CHAIRPERSON HOOD: Okay. Thank you.

5 Ms. Schellin, do we have anybody else?

6 MS. SCHELLIN: No, sir, that was the end of the list.

7 CHAIRPERSON HOOD: Okay. Let's see if we have any -  
8 - any questions, Colleagues, of anyone on this panel? Okay. Not  
9 hearing any.

10 Mr. Tummonds, the Applicant have any questions of  
11 anybody on this panel?

12 MR. TUMMONDS: No questions.

13 CHAIRPERSON HOOD: Commissioner Yeats, do you have any  
14 questions of anyone on this panel?

15 ANC COMMISSIONER YEATS: No questions. My particular  
16 appreciation to the former elected officials on the panel for  
17 their service to our community.

18 CHAIRPERSON HOOD: Thank you.

19 And Mr. Brown, any --

20 MR. BROWN: No questions.

21 CHAIRPERSON HOOD: No questions?

22 Okay. So Mr. Tummonds, if you have any rebuttal or any  
23 closing, we can do that now. We'll just do rebuttal first. You're  
24 on mute.

25 MR. TUMMONDS: We don't have any rebuttal. I think all

1 of the issues we can address appropriately in the post-hearing  
2 submission request that we heard, including the request from  
3 Commissioner Miller to provide a point by point response to Mr.  
4 Brown's statement, and as well I would say the one other thing  
5 we can add in our post-hearing submission is information  
6 regarding the outreach that was provided to the Maryland  
7 residents that were speaking this evening. And with that, I'm  
8 ready to provide our closing statement.

9 CHAIRPERSON HOOD: Go right ahead with your closing.

10 MR. TUMMONDS: Thank you. This project fully satisfies  
11 the requirements for approval of a PUD and zoning map amendment  
12 application. In our written submissions to the record and in our  
13 testimony this evening we have shown that the project is not  
14 inconsistent with the comprehensive plan, including the future  
15 land use map, the generalized policy map designations for the  
16 property, and the supplemental guidance provided by the Takoma  
17 Central District Plan. We and the Office of Planning have also  
18 provided significant and pertinent information regarding the  
19 Zoning Commission's review of this application through a lens of  
20 racial equity. We have identified the significant public  
21 benefits and project amenities that would be created as a result  
22 of the approval of this application, and we have shown that those  
23 benefits and amenities far exceed the development incentives  
24 requested and any potential adverse effects of the project.

25 For all of these reasons, we request your approval of

1 this application.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr. Tummonds.  
3 Took me a minute to find the mouse. Okay. Thank you, Mr.  
4 Tummonds.

5 Let's see, Commissioners, any follow-up questions or  
6 comments? Not hearing any, Ms. Schellin, can we come up with  
7 some dates?

8 MS. SCHELLIN: How much time do you think you guys will  
9 need to submit what was requested this evening?

10 MR. TUMMONDS: Two weeks.

11 COMMISSIONER MAY: There's a meeting in two weeks. Can  
12 you do it before that?

13 MS. SCHELLIN: That agenda is done, we can't --

14 COMMISSIONER MAY: Okay. Never mind then. Never mind.

15 MR. TUMMONDS: I was thinking, I believe you have a  
16 meeting on July 27th.

17 MS. SCHELLIN: We're going to shoot for the meeting on  
18 the 13th.

19 MR. TUMMONDS: Of July? Okay.

20 MS. SCHELLIN: Yeah. So your submission would be due  
21 in two weeks, which would put it 3:00 p.m. on the 29th of June.  
22 And the parties would have until one week later, which would be  
23 3:00 p.m. on July 6th. And we will put this on for the first  
24 meeting in July, which will be July 13. If -- the Applicant must  
25 submit a draft order by -- on July 13 -- I'm sorry, July 6th. If

1 Mr. Brown would like to submit a draft findings and facts,  
2 conclusions of law, he may do so also by July 6th. Did the  
3 Commission ask for anything from the Historic Takoma party?

4 CHAIRPERSON HOOD: I did ask that Ms. -- oh, that's  
5 right, Ms. Wheeler wasn't in -- no, I didn't. Only person I  
6 asked for something from was Ms. Wheeler if she wanted to finalize  
7 her thoughts, that was it.

8 MS. SCHELLIN: And I think she had already submitted  
9 her -- she was just reading from her submission. So I think she  
10 was good. So other than that, the record would be closed. If  
11 the Office of Planning and DDOT would like to reply to what the  
12 Applicant propo- -- or submits on the 29th, they may do so. Other  
13 than that, you weren't looking for anything from OAG or any other  
14 agency, correct?

15 CHAIRPERSON HOOD: No, no, we're not.

16 MS. SCHELLIN: Okay. So just OP and DDOT, if they  
17 choose to respond to anything that was submitted, they would need  
18 to do that by 3:00 p.m. on July 6th also. And other than that,  
19 that's it.

20 CHAIRPERSON HOOD: Okay. Anything else, anybody? I  
21 want to thank everyone for their participation tonight. The  
22 Zoning Commission, not that anybody cares at 10:30, but we're  
23 meeting again next Thursday, June the 22nd, Case No. 02-26E,  
24 George Washington University on these same platforms. I want to  
25 thank everybody for sticking with us tonight. We really

1 appreciate it. I hope you have a great rest of the night. Good  
2 night, everyone.

3 (Whereupon, the above-entitled matter adjourned.)

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C E R T I F I C A T E

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In the matter of: Public Hearing

Before: DCZC

Date: 06-15-23

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