

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING

CASE NO. 24-15

+ + + + +

MONDAY

JUNE 23, 2025

+ + + + +

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

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT E. MILLER, Vice Chair
- JOSEPH IMAMURA, Commissioner
- GWEN WRIGHT, Commissioner
- TAMMY STIDHAM, Commissioner

OFFICE OF ZONING STAFF PRESENT:

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

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- JACOB RITTING, Esquire

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## ALSO PRESENT:

NOAH HAGEN, DC Department of Transportation  
MATTHEW JESICK, DC Office of Planning  
PAUL TUMMONDS, ESQUIRE, Goulston and Storrs  
SHANE DETTMAN, Goulston and Storrs  
DANIEL SOLOMON, Gorove Slade  
ANDREW VINCENT, Horning DC  
MAURICE WALTERS, Architect  
JOE BISHOP-HENCHMAN, Commissioner, ANC 5F  
RA AMIN, Commissioner, ANC 5B  
DAWN AMORE, Brookland Neighborhood Civic Association  
BARBARA KAHLOW, 200 Footers  
ELIZABETH KNOX  
JOHN LEIBOVITZ  
PHILIP TIZZANI  
RICHARD MOLLER  
DAVID NOLAN  
RORY O'SULLIVAN  
NICK CHEOLAS  
SIMON FREWER

The transcript constitutes the minutes from the  
Regular Public Hearing held on June 23, 2025

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(4:00 p.m.)

CHAIRPERSON HOOD: Good afternoon, ladies and gentlemen. We convening and broadcasting this public hearing by videoconferencing. My name is Anthony Hood, and I'm joined by Vice Chair Miller, Commissioner Wright, and Commissioner Imamura. Commissioner Stidham will be joining us shortly. 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, and our Office of Zoning Legal Division; tonight we have Mr. Jacob Ritting. I will ask all others to introduce themselves at the appropriate time.

The virtual public hearing notice is available on the Office of Zoning's website. This proceeding is being recorded by a court reporter and is also webcast live via Webex and YouTube Live. The video will be available on the Office of Zoning's website after the hearing. Accordingly, all those listening on Webex or by phone will be muted during the hearing and only those who have signed up to testify will be unmuted at the appropriate time. When called, please state your name before providing your testimony. When you are finished speaking, please mute your audio. If you experience difficulty accessing Webex or with your telephone call-in, then please call our OZ Hotline number at 202-272-0789 to receive Webex log-in or call-in instructions or if you have not signed up to testify.

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2 and will be called by name at the appropriate time. At the time  
3 of sign-up, all participants will complete the oath or  
4 affirmation required by Subtitle Z-408.7. If you wish to file  
5 written testimony or additional supporting documents, during the  
6 hearing, then please be prepared to describe and discuss it at  
7 the time of your request when submitting.

8 The subject of this evening's hearing is Zoning  
9 Commission Case Number 24-15, 901 Monroe Street, LLC,  
10 Consolidated PUD and related map amendment at Square 3829, Lot  
11 23. Again, today's date is June the 23rd, 2025. The hearing  
12 will be conducted with the provisions of 11 DCMR, Chapter 4, as  
13 follows: preliminary matters; applicant's case -- the applicant  
14 has I believe asked up to about 50 minutes -- report of the Office  
15 of Planning and Department of Transportation; report of other  
16 government agencies; report of the ANC, and the ANC in this case  
17 is ANC 5B; testimony from organizations and individuals --  
18 organizations, five minutes; individuals, three minutes -- and  
19 we will hear in the order from those who are in support,  
20 opposition, and undeclared. Then we'll have rebuttal and closing  
21 by the applicant. So, at this time, the Commissioner will  
22 consider any preliminary matters. Does the staff have any  
23 preliminary matters?

24 MS. SCHELLIN: Yes, sir. There are a few. First,  
25 moving to party status. There are three. The first one at

1 Exhibit -- it started at Exhibit 69. Then it was corrected at  
2 Exhibit 83. And this is the 200 Footers being represented by  
3 Guy Durant and Barbara Kahlow. So it was corrected at Exhibit  
4 83, and then further corrected at Exhibit 91. They are proffering  
5 one expert witness. So, I don't know, do you want to do the  
6 expert -- I mean, the party status first, of course. And this  
7 is in opposition. I'm sorry.

8 CHAIRPERSON HOOD: Okay. All right. I know we have  
9 three in front of us. I'd like to do all three, party status.  
10 And, again, it's pursuant to our regulations, Subtitle Z, 404.14,  
11 as well as the -- I do want to say this. As I was looking  
12 through, and I'm sure my colleagues were as well -- as we were  
13 looking through the requests of the 200 Footers -- and one of the  
14 other things, Ms. Schellin, we need to find out who's going to  
15 speak for the 200 Footers, Guy Durant or Barbara Kahlow,  
16 especially when we come to cross-examination. I don't need to  
17 know that right away. I need to know who is the one person --  
18 and the courts have given us a ruling about how that is operated,  
19 so I'm going to ask them to figure out whether it's going to be  
20 Guy Durant or Barbara Kahlow, but I believe -- I don't want to  
21 assume, so let me just leave it at that.

22 The other thing is we want to make sure that we looked  
23 at the right -- it was corrected three times, so I just assumed  
24 to look at the last correction and I took that one as moving  
25 forward with making my decision. Let me hear from others. I

1 don't necessarily have an issue with providing party status.  
2 We'll rule on -- we'll rule on the expert status when we go to  
3 experts. We'll rule along with that, as we do the applicant,  
4 but I don't necessarily have any objections to providing 200  
5 Footers party status, with -- in opposition, with the exception  
6 of finding out who is going to be doing cross-examination and who  
7 is going to be speaking for that party. I believe I know who it  
8 is from looking at submissions, but they need to put it on the  
9 record. Also, we've been -- as I mentioned, we've been joined  
10 by Commissioner Stidham. So let me -- let me first go to  
11 Commissioner Imamura. I don't have a problem with giving them  
12 party status. Commissioner Imamura.

13 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
14 in agreement with the 200 Footers. I think there's -- it's  
15 reasonable justification to give them party status.

16 CHAIRPERSON HOOD: Okay. And Commissioner Wright.

17 COMMISSIONER WRIGHT: I agree. I support giving them  
18 party status.

19 CHAIRPERSON HOOD: Okay. And let me go to Vice Chair  
20 Miller first. Give Commissioner Stidham a chance to get straight.

21 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah, I  
22 agree with both of you -- all of you that they meet the -- clearly  
23 meet the standard for party status.

24 CHAIRPERSON HOOD: Okay. And Commissioner Stidham.

25 COMMISSIONER STIDHAM: I also agree on giving them

1 party status.

2 CHAIRPERSON HOOD: Okay. Thank you. We will give the  
3 200 Footers party status, with the caveat of let's find out who's  
4 going to be doing what and who's going to be doing the cross.  
5 All right. Let's go to the next -- the next request, which is  
6 the Brookland --

7 MS. SCHELLIN: The next --

8 CHAIRPERSON HOOD: Oh, I got it -- I got it, Ms.  
9 Schellin, unless you -- go ahead, Ms. Schellin. Go ahead. You  
10 tee it up. Go ahead.

11 MS. SCHELLIN: Okay. So Brookland Neighborhood Civic  
12 Association, they are an opponent, and they are being represented  
13 by Dawn Amore or Amore (phonetic) -- I'm not sure how to pronounce  
14 that and want to double-check and make sure that they are -- yep,  
15 she is present. And they are in opposition. The request is at  
16 Exhibit 70.

17 CHAIRPERSON HOOD: Okay. Again, I don't have any  
18 issues. I think that their representation -- and they represent  
19 the Brookland Neighborhood Civic Association for years, and  
20 they've been representative -- this is in the Brookland area, and  
21 I think they are well on top of the issues, so I will -- I have  
22 not issues with giving them party status in opposition. Any  
23 objections? Let me see -- let me do it this way. It may be  
24 faster. Any objections, colleagues? Any objections?

25 VICE CHAIR MILLER: No, but I think -- I think ANC 5B,

1 | who opposed that, who is the affected ANC, raised some legitimate  
2 | concerns about the redundancy or lack of clarity of who is being  
3 | affected. It's the 200 Footers and the ANCs, both 5B and if we  
4 | give 5F party status, even though they're just a block away,  
5 | there's a lot of representation of the neighbors, but I'm not  
6 | sure I have an objection, but I think ANC 5B raised some  
7 | legitimate concerns about granting them party status.

8 |           CHAIRPERSON HOOD: Okay.

9 |           COMMISSIONER WRIGHT: I was going to say the same thing.  
10 | I read the ANC objection and the thing that also concerned me is  
11 | that they -- the ANC, at least, made the claim that the  
12 | organization has never voted, that they sent out a notice to  
13 | their membership on June 10th, I think the ANC said, saying that  
14 | they would be here, but that, according to the bylaws of the  
15 | organization, they're supposed to vote on taking a position and  
16 | having a member represent them. So, you know, I'm -- I am always  
17 | glad to get testimony and give people an opportunity to speak up,  
18 | but I am concerned when the ANC specifically raises these points.

19 |           CHAIRPERSON HOOD: Okay. So unless I hear an  
20 | objections, we will -- and I agree. I heard what you all -- what  
21 | my colleagues have said about BNCA. And, as you all know, we've  
22 | had cases where everybody was all in the same meeting and the  
23 | vote -- everybody -- nobody knows what the vote was. So I just  
24 | believe that the best thing for me to do here is to allow it,  
25 | and then we can disseminate and decipher what's germane to things

1 is case. And I know others are listening, all these organizations  
2 so far that we have granted party status. I'm going to ask for  
3 you to stay on point. The courts and also our counsel have  
4 asked -- let's stay on the points of the zoning issues. If you  
5 want to talk about the store up the street, which has nothing to  
6 do with the Zoning Commission, I'm going to let -- I'm going to  
7 allow you that time, but know it's not helpful to my colleagues  
8 or myself.

9 VICE CHAIR MILLER: Mr. Chairman, let me ask you a --  
10 just a question -- quick question. Yeah, I have no problem  
11 granting them party status, although I share the concerns of ANC  
12 5B about their giving -- granting party status, but were  
13 they -- were they a party in the three other cases 10, 15  
14 years ago? I came on the Commission right after you all had made  
15 a decision, and I never participated in any of the -- thank  
16 goodness -- the two previous -- two other iterations of that, but  
17 were they a -- do you remember whether Brookland Neighborhood  
18 Civic was a party?

19 CHAIRPERSON HOOD: I believe they were. I believe they  
20 were, and I know --

21 VICE CHAIR MILLER: I think that that would lend more  
22 credence to them being granted in this case, since there's a  
23 history here.

24 CHAIRPERSON HOOD: And if I was not mistaken then, I  
25 think the President was Caroline Petty, and they brought up some

1 good points at that time. That was awhile back, so I'm not  
2 putting anything against anyone else, but I thought they brought  
3 up some good points. They may bring up some different points in  
4 the ANC. And a lot of people who are now on the ANC, they weren't  
5 here then. So I just think that the merits of what they put in  
6 their presentation -- that's what I'm valuing giving them party  
7 status on -- is correct. And I know others have oppositions, but  
8 I'm going to ask everyone to stick to the point and not be  
9 repetitive.

10 Okay. All right. Let's go to ANC Commission 5F. While  
11 they are not an affected ANC, they are close by. I know there's  
12 probably some -- anytime the ANCs -- I believe that they are  
13 affected. I would -- I'm inclined to give them party status as  
14 well. I know some of those same points may contribute to it,  
15 but also some of their constituents will also be affected, so I  
16 don't have a problem hearing from ANC 5F as well, who is actually  
17 in this case a proponent, which -- so that's why I will -- I  
18 would believe that -- because everybody's going to be affected  
19 by transportation, and it's just an issue of whether things are  
20 mitigated. So that's my stance. Let me hear from others.  
21 Anybody else disagree with ANC -- making ANC 5F a party?

22 (No response.)

23 CHAIRPERSON HOOD: Okay. No objections. And as we  
24 know, ANC 5B is already an automatic party. All right. Ms.  
25 Schellin, anything else?

1 MS. SCHELLIN: Yes, sir. So moving on to proffered  
2 expert witnesses, for the applicant's expert witnesses, there are  
3 three, and they've all been pre-accepted, if the Commission would  
4 consider them as experts in this case. First, we have Maurice  
5 Walters. He is being proffered as an expert in architecture, so  
6 we have his resume at 24A3. Then we have Daniel Solomon being  
7 proffered in transportation engineering with Gorove Slade, and  
8 his resume is at Exhibit 55B. And then we have Shane Dettman  
9 from Goulston and Storrs being proffered in urban planning, and  
10 his resume is at Exhibit 24A3. So those are the applicant's  
11 proffered experts, if you want to consider those first.

12 CHAIRPERSON HOOD: Okay. Colleagues, we have  
13 already -- previously have given them expert status in front of  
14 the Zoning Commission in the District of Columbia. Unless I hear  
15 some objections, we will continue that status.

16 (No response.)

17 CHAIRPERSON HOOD: Not seeing or hearing any  
18 objections, we'll continue that status. Ms. Schellin, something  
19 else before I forget, also I know that both of them are authorized  
20 to speak on behalf of ANC 5B. Could we see if it's going to be  
21 either Commissioner Ra Amin or Commissioner Sun? If we can work  
22 on that through this proceeding. But, anyway, let's go to the  
23 next expert.

24 MS. SCHELLIN: Okay. We'll work on that. I'll have  
25 my staff check on that one. And then we have a proffered expert

1 witness for one of our new parties, the 200 Footers. They have  
2 asked for an expert in architecture from WDG Architecture at  
3 Exhibit 69A, Lilian -- and I don't know if I'm going to get this  
4 right -- Noya, N-O-Y-A, and then it was resubmitted at Exhibit  
5 83A, so maybe look at Exhibit 83A would be the best.

6 CHAIRPERSON HOOD: Okay. Thank you.

7 MS. SCHELLIN: I'm sure you've already seen it, but  
8 just if you need a refresher in front of you.

9 CHAIRPERSON HOOD: Thank you, Ms. Schellin. I'm going  
10 to kind of yield to the expert on this in architecture. I've  
11 actually looked over this resume a number of times, and I was  
12 trying to figure out the nexus, so I will tell you, everybody  
13 needs some help, and I need some help on this one, so I'm going  
14 to go to Commissioner Imamura to help me get started and hear  
15 what views are on that. Commissioner Imamura.

16 COMMISSIONER IMAMURA: Well, thank you, Mr. Chairman.  
17 So I took a close look at Ms. Noya's resume, and I am a little  
18 on the fence about this. She did receive her license in 2019,  
19 so she's been licensed almost seven years. I think that, as we  
20 evaluate expert status, right, it's not just about the number of  
21 years being licensed, but also the number of years being in  
22 practice and familiarity with a specific project type. So taking  
23 a closer look, I thought, all right, well, with the seven years  
24 that she has, taking a closer look at, you know, trying find,  
25 well, where were those three additional years while she was with

1 another firm called New Vision Properties, and they're primarily  
2 a company that does home repairs and home renovation work, single-  
3 family rowhouses, maybe some small multi-family homes. So, that  
4 being said, I'm willing to grant a little more leniency here.  
5 The fact that, in her career progression, that she has developed  
6 some expertise in mixed-used development, and she is a resident  
7 that's within the 200-foot, so she is affected and, certainly,  
8 would lend some additional perspective as somebody with a  
9 background in architecture. So I am willing, with some pause,  
10 to give her expert status.

11 CHAIRPERSON HOOD: Okay. Thank you, Commissioner  
12 Imamura. Commissioner Wright, any comments on that?

13 COMMISSIONER WRIGHT: I agree with Commissioner Imamura  
14 and I am willing to support expert status.

15 CHAIRPERSON HOOD: Okay. Commissioner Stidham.

16 COMMISSIONER STIDHAM: I'm also willing to support  
17 Commissioner Imamura's evaluation.

18 CHAIRPERSON HOOD: And Commissioner -- Vice Chair  
19 Miller.

20 VICE CHAIR MILLER: I agree with the party status --  
21 granting the party status -- I mean, the expert witness -- expert  
22 witness.

23 CHAIRPERSON HOOD: Okay. All right. So, yeah, we  
24 will -- and thank you, Commissioner Imamura, for taking the fine  
25 lead on that one, because I will tell you, I was still -- I was

1 | grappling with that. But, anyway, Ms. Schellin, we will give  
2 | Architect Noya the expert status as well. Do we have anything  
3 | else preliminarily?

4 | MS. SCHELLIN: Just briefly to say that ANC 5B submitted  
5 | its resolution in support at Exhibit 77A, contingent upon some  
6 | conditions. ANC 5F, who applied for party status, also submitted  
7 | a report at Exhibit 94 in support, with a couple conditions. The  
8 | OP setdown report was at Exhibit 19, the hearing report at Exhibit  
9 | 80, recommending the Commission approve the application. DDOT  
10 | provided a report at Exhibit 81 with no objection, with a few  
11 | conditions to be included.

12 | Other government agency reports, DOEE has some  
13 | information contained within the OP hearing report at Exhibit 80,  
14 | pages 15 through 17, recommending some additional ways to make  
15 | their building more sustainable, but, otherwise, they do support  
16 | the environmental design features. And then, again, within the  
17 | OP report, pages 14 -- on page 14, the Department of Small and  
18 | Local Business Development expresses no concerns over the  
19 | project. And now I will turn it over to you guys. Thank you.  
20 | Oh, I forgot to say, the applicant plans about a 50-minute  
21 | presentation, and that is all I have now. Thank you.

22 | CHAIRPERSON HOOD: Okay. Thank you, Ms. Schellin. Mr.  
23 | Young, can we bring everyone up and let's go ahead and get  
24 | started. The goal tonight, colleagues, is to go and see how far  
25 | we go until about nine o'clock, or you all, if you want to go

1 | longer, let me know, because that's about five hours for us, and  
2 | if we get tired -- if we start getting tired -- okay. I know  
3 | one of us has to leave at seven o'clock. Well, I guess everybody  
4 | knows now; you raised your hand. But I'm sure Commissioner Wright  
5 | will just read the record for those two hours that we continue,  
6 | and then we will come back at another date. We'll see how far  
7 | we get tonight. I want to make sure that we're fresh when we  
8 | hear this case. I don't want us to just go on just to get it  
9 | done at 10 or 11 o'clock at night. Let's -- we're getting older,  
10 | so we want to make sure we're concentrating. Well, I'm getting  
11 | old. Let me just say about me. And I want to make sure that  
12 | I'm concentrating and I want to make sure that we are fresh when  
13 | we hear from the residents. So, Mr. Tummonds, you may bring up  
14 | all of your team and you may begin.

15 |           MR. TUMMONDS: Wonderful. Thank you very much. Good  
16 | afternoon. I'm Paul Tummonds of Goulston and Storrs, land use  
17 | counsel on behalf of the applicant. We're excited to be here  
18 | this afternoon to present this long-awaited project to the  
19 | Commission and to the community. As evidenced in the record of  
20 | this case, this application received the support of the Office  
21 | of Planning, the Department of Transportation, ANC 5B, ANC 5F,  
22 | and dozens of community stakeholders and residents.

23 |           We'll have four witnesses present testimony this  
24 | evening. Our first witness will be Andrew Vincent, on behalf of  
25 | the applicant; followed by the project architect, Maurice

1 Walters; our transportation engineer, Daniel Solomon; and then,  
2 finally, our planning expert, Shane Dettman. So we have a lot  
3 of information to present to you this evening. I will now have  
4 our first witness, Andrew Vincent, present his testimony.

5 MR. VINCENT: Good afternoon. My name is Andrew  
6 Vincent. I'm the Chief Investment Officer of Horning. I'm  
7 pleased to present testimony this evening on behalf of the  
8 applicant in Zoning Commission Case Number 24-15, 901 Monroe  
9 Street, LLC. The applicant consists of two entities, Horning and  
10 the Menkiti Group, that have had long relationships with the  
11 immediate neighborhood, Ward 5, and this property, in particular.

12 In regard to our history with the 901 Monroe Street  
13 property, in 2010 Horning and Menkiti filed a PUD and zoning  
14 amendment application that proposed the construction of 205 to  
15 220 residential units, with eight percent of those units, about  
16 15,000 square feet, reserved as affordable housing units at 80  
17 percent of area median income. Despite the Zoning Commission's  
18 approval of Zoning Case Number 10-28 on three separate occasions,  
19 the DC Court of Appeals deemed that the project was not consistent  
20 with the Comprehensive Plan's guidance for the property that  
21 existed at that time. Even though the Zoning Commission's  
22 approval of that project was vacated, the applicant still made  
23 financial contributions of over \$160,000 to local groups that  
24 were identified in that case. Combining these contributions with  
25 the costs associated with the previous PUD approvals and carrying

1 the land since 2013, the applicant has already spent millions of  
2 dollars towards the goal of making the property a true economic  
3 and social contributor to the surrounding neighborhood.

4           It is important to acknowledge the public cost of these  
5 delays. The Mayor's 2019 Housing Equity Report set goals for  
6 affordable housing production around the District. As of 2024,  
7 the Upper Northeast Planning Area, where the 901 Monroe Street  
8 project is located, had only achieved 66 percent of the Mayor's  
9 goal. A reason for the shortfall is projects like 901 Monroe  
10 Street that will both alleviate the District's housing cost  
11 burden by increasing overall housing supply, while also  
12 specifically providing dedicated affordable housing units through  
13 the Inclusionary Zoning Program. If, as a community, we are not  
14 going to locate housing density adjacent to public  
15 infrastructure, in this case across the street from the Metro,  
16 where are we going to build the homes we so desperately need?  
17 And how much longer will the 36 families that will benefit from  
18 affordable rent in this amenity-rich community have to wait?

19           The project we're presenting to you this evening will  
20 benefit the area by facilitating the long-planned redevelopment  
21 of an underutilized lot near a Metrorail station with a transit-  
22 oriented development that will tie the communities west of the  
23 Metrorail's CSX train tracks to the 12th Street retail core of  
24 the Brookland neighborhood. The project will result in the  
25 creation of 233 residential units, with approximately 36 units

1 encompassing over 25,000 square feet of affordable housing  
2 reserved for individuals making up to 60 percent of median family  
3 income.

4           Compared to the prior PUD, the project will provide  
5 approximately 67 percent more affordable housing and a much  
6 deeper level of affordability. We have agreed to create live/work  
7 units and hopefully some retail space along the Monroe Street  
8 frontage of the project. We have also agreed to underground all  
9 utilities along Monroe Street. This will allow for the removal  
10 of the existing utility poles along Monroe Street and the removal  
11 of the inactive poles along 9th Street. The removal of the  
12 utility poles will allow for an enhanced pedestrian experience  
13 along Monroe Street with larger street trees and a seven to 13-  
14 foot increased sidewalk width. We anticipate that the  
15 undergrounding of these utilities will cost approximately one  
16 million dollars.

17           We engaged in a robust and thorough community dialogue  
18 process for this project and made significant changes to the  
19 project design in response, some of which will be detailed in Mr.  
20 Walters and Mr. Solomon's testimony. We met with members of the  
21 surrounding community and with neighborhood associations  
22 beginning in September of 2024. As we noted in our supplemental  
23 submission to the Zoning Commission, we made presentations or  
24 attended 17 community meetings regarding this application. In  
25 addition to those meetings, we've had numerous other

1 | interactions, correspondence, and dialogue with members of the  
2 | surrounding community. We are pleased to note the dozens of  
3 | letters in support of the application that are in the record, as  
4 | well as the support that this application has received from ANC  
5 | 5B, ANC 5F, the Office of Planning, and the District Department  
6 | of Transportation.

7 |           In regard to ANC 5B's resolution in support of the  
8 | project, I would like to note the following:

9 |           1) Consistent with 5B's condition regarding the use of  
10 | the alley, during the schematic design completion and development  
11 | phases of the project, we will seek input regarding the safety,  
12 | security, and esthetic aspects of the alley. We have already  
13 | started that process and, in response, are adding modular speed  
14 | bumps in the alley, which will be discussed in testimony from Mr.  
15 | Walters and Mr. Solomon.

16 |           2) We want to make sure that the project creates a  
17 | vibrant and active streetscape along all street frontages,  
18 | especially Monroe Street. Consistent with this goal and ANC 5B's  
19 | condition, we have agreed to market the approximately 1,800  
20 | square feet of space located at the intersection of Monroe and  
21 | 10th street for retail use for a period of at least 18 months,  
22 | consisting of 12 months prior to the opening of the project and  
23 | six months after the opening of the project. We will make good  
24 | faith efforts to market this space for retail use and will offer  
25 | the space to potential retail tenants with terms and conditions

1 that are commercially reasonable in the immediate submarket. We  
2 will accept referrals of potential retail tenants from members  
3 of the surrounding community, and we will notify Advisory  
4 Neighborhood Commission 5B and the Brookland Neighborhood Civic  
5 Association when marketing of a potential retail space has  
6 commenced.

7           3) We have retained the massing along the alley, as  
8 will be discussed in greater detail by Mr. Walters, and we've  
9 added direct access to all but one of the units along Lawrence  
10 Street. Unfortunately, the topography of the property at the  
11 corner of 9th Street and Lawrence Street results in a change of  
12 grade from the face of the building to the adjacent sidewalk of  
13 approximately five feet. We believe that a direct entrance to  
14 the unit at this location will detract from the overall appearance  
15 of the Lawrence Street facade.

16           4) We have submitted an enhanced Construction  
17 Management Plan into the record. We believe that this enhanced  
18 plan is consistent with ANC 5B's conditions regarding using the  
19 previous Construction Management Agreement as the starting point  
20 for this plan. We believe that the important and relevant  
21 provisions of the previous Construction Management Agreement have  
22 been included in the new plan, but in a manner that recognizes  
23 that the potential construction impact of this project will be  
24 considerably less than the previous project, as no demolition or  
25 significant excavation will be required.

1           Finally, I would like to note the public benefits  
2 package that we have created with the significant help and  
3 guidance of our ANC 5B04 single-member District Commissioner, Ra  
4 Amin. This package will include financial contributions to  
5 Greater Baltimore -- Greater Brookland Intergenerational  
6 Village, the Washington Area Bicyclist Association, Casey Trees,  
7 and Deaf-REACH, as well as funding of a study to examine the  
8 activation of the land surrounding Brooks Mansion for community  
9 use. We are very excited to present this application to you this  
10 evening and we look forward to starting the construction of this  
11 important project as soon as possible to benefit the surrounding  
12 community from residents to retailers by adding much needed  
13 housing to the District, including critically-needed affordable  
14 housing units in this amenity-rich neighborhood of opportunity  
15 located directly across the street from the Metro. Thank you.

16           MR. WALTERS: Good afternoon. I'm Maurice Walters,  
17 Maurice Walters Architect. We are the architects for the building  
18 and excited to be here this afternoon to explain the project to  
19 you.

20           If we could go to the next slide please. Here you see  
21 the site and the context. It fronts on Monroe Street. Most  
22 importantly, it is directly across the street from the  
23 Brookland/Catholic University Metro Station with almost direct  
24 access to it. It is part of the Monroe Street Corridor. To  
25 the west is 9th Street, and then further we have the tracks

1 between the Monroe Street Market area and our site, Lawrence  
2 Street to the south, and 10th Street to the west.

3           And if we go to the next slide, we'll talk about the  
4 land uses and patterns. So here, kind of in the middle of the  
5 slide, you see our site, which we developed as multi-family.  
6 Again, the Metro site and the Colonel Brooks Mansion immediately  
7 to the north. As you go over the tracks, you have the Monroe  
8 Street Market, multi-family with mixed use. We come back  
9 immediately around the site. On 9th Street, we have some  
10 rowhomes. At the intersection of Lawrence and 9th, we have some  
11 larger commercial buildings. As we go along Lawrence, we have  
12 single-family homes. And then when we get to the corner of 10th  
13 and Lawrence, we have some institutional uses and school uses.  
14 On the other side of 10th, we have the six rowhomes at the  
15 southeast corner of the site. And then we go back to Monroe.  
16 Also, Monroe, you know, runs from Monroe Street Market to 12th,  
17 and 12th is a new kind of emerging corridor, so it's kind of --  
18 this helps to kind of stitch the different areas together on  
19 Monroe Street.

20           Next please. Okay. Here we have our site plan placed  
21 into the site. The building is configured as an E-shape facing  
22 to the west. As you'll see, there's a pair of courtyards along  
23 9th Street that soften the massing along 9th Street, as well as  
24 bringing light into the building. And then as you go along  
25 Lawrence, we'll talk in further detail, there is an existing

1 alley cut that we are using that runs north-south, and that will  
2 be expanded and used to service -- as well as continuing to serve  
3 the six rowhomes, it will serve access to our parking and loading  
4 and services for the new building. And then the building wraps  
5 around on 10th, completing its way back to Monroe Street.

6           Next slide please. Okay. We have -- here's the floor  
7 plans. On the left is the ground floor plan. The top is Monroe  
8 Street. So you can see in the areas of blue are the lobby of  
9 the building, as well as health -- we've placed a health club and  
10 exercise up on Monroe to help activate the Monroe frontage. The  
11 lobby entrance is placed strategically on the northwest corner,  
12 so it is very close to the Metro. People can walk out their  
13 front door, cross Monroe Street, and be at the Metro Station.  
14 It's a very, very unique location with that direct access.

15           As we continue along Monroe Street, where the color  
16 switches from blue to red, since you have last seen this, in  
17 consultation with the ANC, we have converted the residential  
18 space that was previously there to the live/work units. We will  
19 have five of them, but with the option of converting two of them  
20 to retail spaces, as Andrew had mentioned. Those would be the  
21 two at the corner of 10th Street. You'll see some images shortly  
22 that show how the look of those has changed. Conceptually, we  
23 rearranged them to move the bedrooms inboard, so we'll have large  
24 open spaces that could be used for the live/work units to activate  
25 the street. Kind of continuing around 10th Street, we have

1 residential units on the first floor all the way; we go around  
2 Lawrence, residential units with direct access stoops into them.  
3 We'll look at that in more detail. And then you see the alley  
4 coming in off of Lawrence Street. It is currently 10-feet wide  
5 and only serves those six townhomes. We are expanding it by at  
6 least another 10 feet, plus a little bit more, to kind of improve  
7 access for them and allow access to our parking. We have one  
8 level of below-grade -- or I'm sorry -- at-grade parking to the  
9 left, and then at the top, once we get kind of past the public  
10 area of the alley, we have a service area with parking for a 30-  
11 foot truck -- service delivery truck. We have turnaround studies  
12 that show them turning around. And we have a handful of other  
13 spaces under the building along 10th Street. And kind of  
14 completing the trip around the building, we have a few more  
15 apartments that front onto 10th Street, and then we get back to  
16 the corner of Monroe and 10th with the live/work.

17           The slide on the right is the second floor. So now  
18 you -- as we've moved up, you start to see the E-shape of the  
19 building. You see the two second-floor-level terraces that form  
20 the courtyards, the bottom one a little more kind of contemplative  
21 courtyard. The northern one has the pool. And in the middle at  
22 that level, there will be a community amenity space that kind of  
23 provides access to both of those courtyards. There will be units  
24 also, obviously, fronting into those courtyards. Then the rest  
25 of the footprint is filled out with residential apartments.

1           And if we go to the next slide, on the left, we're  
2 reaching kind of a typical floor, so you can just see that west-  
3 facing E with the two courtyards facing E, everything wrapped  
4 with units, and then continuing on Monroe and we have that little  
5 kind of hook back onto 10th Street to finish out the building.

6           The slide on the right, we've gone up to the fifth  
7 floor, and you'll see on the very bottom of the image, along  
8 Lawrence Street there are a series of bay windows forming kind  
9 of a rowhouse-style architecture there. At the top of the fourth  
10 floor, they stop to start the stepping of the building, that we  
11 worked really hard on the sculpting of the building, so you see  
12 the bays stop at the fifth floor and they perform -- they provide  
13 terraces for the units on the fifth floor.

14           And then if we continue to the next page, on the left  
15 you will see the sixth floor. This is our top floor. So if we  
16 start back at Lawrence Street, at the bottom left, you'll see  
17 where then, again, beyond the bays, we've terraced the building  
18 back yet again at the sixth floor, and then we turn that terracing  
19 in on the alley running north-south up the building to kind of  
20 soften the massing there, as well as on the south side or the  
21 bottom of the 10th Street frontage, we set the building back with  
22 terraces, and then we wrapped that around onto 10th Street up to  
23 the corner to soften the massing. The image on the right is the  
24 roof plan. The areas kind of in the middle of the building  
25 represent our mechanical equipment, condensing units. They're

1 gathered kind of in the middle. They sit at the roof. They're,  
2 you know, nominal height.

3           Then we have very extensive amounts of green roofing.  
4 The lighter green represents just the straight green roofing to  
5 help comply with all of DC's stormwater and GAR regulations. The  
6 areas of the dark green represent a combination of both green  
7 roofing with a photovoltaic system that's on top of it that'll  
8 help us provide onsite energy for the use of the building. There  
9 are a few -- a couple of fresh-air units. We call them DOAS  
10 units. They're also located in some areas of the gray. And then  
11 at the bottom left or southwest corner of the building, the area  
12 in yellow represents about a 12-13-hundred-square-foot roof  
13 terrace for the use of the residents. And then there's a little  
14 area immediately to the -- adjacent to it, to the right, there's  
15 a stair, kind of a little small lobby, an elevator that comes  
16 up, as well as a bathroom and a little storage area, and that's  
17 for the use of the residents that come up to use the outdoor  
18 terrace area.

19           Next. So starting a walk around the building, one of  
20 the kind of really important principles to us as we've -- as  
21 we've been designing the building, is to kind of articulate the  
22 massing of the building to break it up. So here we are at the  
23 corner of 9th and Monroe, kind of up in the air looking down 9th  
24 and Monroe. As you look down 9th on the right, you'll see --  
25 you can get a sense of the two courtyards that open up there,

1 and that really helps to break up the massing along 9th Street,  
2 as opposed to having kind of a continuous wall of building. We  
3 think it's pretty successful at opening up the building there.

4           Then as you look along Monroe Street, we have pulled  
5 the massing, you know, more -- to be more even along Monroe, but  
6 we very carefully articulated that massing into a series of four  
7 pavilions that are separated with reveals that are balconies that  
8 help to break that up into the pavilions. And then on three of  
9 those pavilions, you'll see we've even subdivide them with a  
10 reveal down the middle to get a little subrhythm and break those  
11 pavilions kind of into twos.

12           The building is configured in a very classical  
13 arrangement, a base, middle, and top. So you see the first floor  
14 is handled with a darker brick, and we'll look at this in much  
15 more detail, and then we have the second through the fifth floors  
16 as another grouping, but they are then again subdivided into  
17 groupings of two floors. Again, we'll look at that in a little  
18 bit more detail later. And then the top floor, kind of the attic,  
19 if you will, is then topped by a corbelled brick cornice to top  
20 the building.

21           Next slide please. Here we've zoomed into the  
22 corner -- the northwest corner of the building, the lobby  
23 entrance immediately across from the Metro. So you can see how  
24 the building is very open and inviting there. The residents can  
25 come out, cross the street, be at the Metro immediately. A really

1 great location. You can see how that is treated with the dark  
2 brick. We've got some kind of elegant canopies that have like a  
3 wood look to them on the underside to activate the street, and  
4 then you get a sense of all the glass and openness going along  
5 Monroe Street for the full length of the building.

6           Next slide please. Here we are at the other end of the  
7 building. So this is very different than what you saw last time  
8 at the setdown hearing. These spaces have been revised to --  
9 they previously had kind of individual entry stoops to privatize  
10 them. We have lowered all the slabs down to the sidewalk level.  
11 We've opened them up with large amounts of glass and storefront.  
12 Each one has like a door or pair of doors -- storefront doors to  
13 open the spaces up with access. And you can see they've been  
14 redesigned to provide full open space all the way across their  
15 frontage, so they could be used for shops, offices, artists,  
16 artisans, a variety of uses, very flexible. And the living spaces  
17 are arranged to the back of the unit, where they'd have more  
18 privacy.

19           Another principle that has been very important to is  
20 here is the public space. And if you were to look at that first  
21 floor plan that we went over a while ago, you would see that the  
22 property line is out very close to the tree line. It's about  
23 three feet below the back of the tree boxes, so we very  
24 consciously pushed the building back on Monroe significant  
25 amounts to provide much more gracious sidewalks on the site. So

1 | you -- I think you can get a good sense of this in this image.  
2 | We do come back at the second floor and we cantilever back about  
3 | four feet, kind of recapturing a little bit of that space, not  
4 | all -- by no means all of it, but we have really pulled the  
5 | building back significantly from the property lines on Monroe and  
6 | 9th Street to provide a much more gracious public realm.

7 |           Next slide please. And here we've pulled out to the  
8 | other side of Monroe Street at 10th, and just looking at that  
9 | Monroe -- looking along the Monroe Street frontage, you can see  
10 | the Monroe Street Market kind of across the bridge in the distance  
11 | of a very similar size to our building here, and you get a sense  
12 | of kind of the openness -- amount of fenestration and storefronts  
13 | for the first floor of the building, as well as the articulation  
14 | of the upper parts of the building.

15 |           Next slide please. Here, we've moved down 10th Street  
16 | to where we're adjacent to the existing townhomes. So this slide  
17 | shows you where we have pulled back 15 feet from the property  
18 | line to set the building back from the side yard of the  
19 | northernmost townhome. Also, we're continuing the pattern of the  
20 | existing stone walls onto our site to give a continuity to the --  
21 | to the streetscape, and, also, you're looking through the gap to  
22 | see the frontage of the buildings on the alley back behind.

23 |           Next slide. Okay. Here we are looking down Lawrence.  
24 | You see the edge in white there of the existing rowhomes, and  
25 | then you see the existing alley continuing back into the block.

1 You get a sense -- you see a few of the cars that are parked back  
2 there, and then you see the back of the building on the alley.  
3 What you will see is mostly the fifth floor, and then you're  
4 seeing a little bit of the sixth floor. It's predominantly  
5 concealed by the setback. And then you're starting to see the  
6 rowhome configuration of our building on Lawrence Street. So  
7 you'll see a four-story massing with the bay windows there, and  
8 then they set back at the fifth floor, and then you're catching  
9 a little bit of the -- of the sixth floor that sets back yet  
10 again the building.

11 Next slide please. Okay. Here we are looking down the  
12 alley. You see the back of the existing rowhomes on 10th Street  
13 and their backyards. You see the building beyond on 10th Street,  
14 where the sixth floor sits back. You're looking back down the  
15 alley towards kind of the service area at the end, and then you're  
16 starting to see kind of the edge of the rowhome treatment of our  
17 building.

18 Next slide please. Here we've moved down to the corner  
19 of 9th and Lawrence, and, again, you get a good sense of that  
20 kind of rowhome configuration of our building along Lawrence,  
21 where it goes up four stories and sets back, and then sets back  
22 yet again at the sixth floor. You can also -- you're starting  
23 to get a hint of the entries, and we'll look at that in a little  
24 bit more detail. And then you see the building wrapping around  
25 the corner, and you're starting to get a glimpse of the

1 southernmost courtyard opening along 9th Street.

2           Next slide please. And here you zoom in and you can  
3 see where we've created the individual entries where families --  
4 people can go directly into the apartments on Lawrence Street.  
5 They will have interior entrances, but also exterior entrances,  
6 too, to help activate the street. Also, they will have little  
7 door yards there too with ample landscaping along Lawrence Street  
8 too.

9           Next slide. Okay. We've kind of completed the walk  
10 around. We're back on 9th, getting back to Monroe. You can see  
11 the one-story base of the building. At the northern courtyard,  
12 that is just one-story tall, and then the building opens up with  
13 presenting the courtyard up above to 9th Street.

14           Next slide please. Okay. A view -- a little study  
15 along the existing alley. This is the condition of the existing  
16 10-foot alley, as it exists today and the backs of the rowhomes.  
17 They have parking kind of at their basement level, and then you  
18 see a series of balconies kind of at the first floor and then  
19 their second floor. So we've kind of just put a line of sight  
20 in there, the dashed red lines, indicating a view as if you were  
21 standing on one of the rear decks.

22           And if we go to the next image, you'll see a  
23 visualization of what that would look like. So we're standing  
24 on those decks up -- kind of one floor up on those decks, looking  
25 across the alley at our building. The alley is another 10 feet

1 greater -- 10 feet plus greater in width. You will see the  
2 building is stepping back at the sixth floor. The sixth floor,  
3 for the most part, is concealed by that setback. Also,  
4 importantly, the facade along the alley is articulated with a  
5 series of reveals of balconies, similar to what we did on Monroe  
6 Street, and that really helps to kind of soften the massing along  
7 the alley, giving it articulation and undulation, as opposed to  
8 just having kind of a large flat plane.

9           Next slide please. Some shadow studies. So we've done  
10 kind of the key points throughout the year. So the column on  
11 the left represents the equinox, both March and September 21st.  
12 So the top image on the upper left represents noon on the 21st.  
13 And you'll see our building pretty much casts shadows on our  
14 courtyards; it casts a shadow onto Monroe; it does not cast  
15 shadows to the west at noon; and then there's no shadows cast  
16 into the alley.

17           If we go down to the bottom left, we go to three p.m.  
18 in the afternoon on the equinox. You will see the shadows are  
19 kind of retreating as the sun moves around to the west and down  
20 in the sky. Our courtyards start to become partially in sun.  
21 The shadows move along Monroe Street kind of farther to the --  
22 to the east, but actually getting a little bit less long. We do  
23 cast -- in that case, we're starting to cast some shadows across  
24 the alley late in the afternoon on the 21st. And you'll even  
25 see the row homes casting shadows onto 10th Street.

1           If we go to the solstice, June 21st, that was three  
2 days ago, on Saturday, you'll see the impact. If we go to the  
3 top at noon, now the sky is -- the sun is much higher in the sky,  
4 the days are much longer, the sun's rising much farther in the  
5 east and setting much farther in the west. So here at noon, we  
6 have much more diminished shadows in our courtyards, much greater  
7 diminished shadows along Monroe Street, no shadows to the east  
8 on 10th and no shadows in the alley. We move around to three in  
9 the afternoon, almost no shadows in the courtyard and almost no  
10 shadows on Monroe. We just have some on 10th, and then we do  
11 cast some shadows across the alley.

12           We go to the winter solstice, very short -- well, the  
13 shortest day of the year. The sun is very, very low, casting  
14 very long shadows everywhere. At 12 noon, you can see our  
15 shadows -- our courtyards are in shadow, Monroe's in shadow.  
16 However, we are not casting shadows into the alley and we're not  
17 casting shadows onto 10th Street.

18           If we go to three p.m., to be consistent, it's very  
19 late in the day, only about an hour-and-a-half of daylight, it's  
20 getting close to dusk, you can see we're casting long shadows  
21 through our courtyard, long shadows on Monroe. We do, in that  
22 case, cast shadows across the alley and up on -- probably onto  
23 the roof of the northern townhomes, and you'll even see the  
24 townhomes casting a pretty long shadow that late in the day.

25           Next slide. Getting into kind of the details of the

1 architecture, on the left side, we have one of the typical bays  
2 on Monroe, and you will see the kind of division of the base,  
3 middle, top, the bottom of the building with the darker color  
4 brick, darker storefront. At the live/work units, we've  
5 redesigned that to really treat that fenestration as storefront.  
6 It's much more open and glassy. Then we move up into the typical  
7 floors of the building. We have a red brick. You see the two-  
8 story gathering of the windows with the darker brick used for  
9 spandrels and an intermediate pier. Those dark brick spandrels  
10 that join them are going to be in a decorative stack bond pattern  
11 to kind of give some articulation with cast stone heads and sills.  
12 And then that pattern repeats itself again on the fourth and the  
13 fifth floor, kind of finishing out the middle. And then at the  
14 top floor, what we call the attic, the windows get a little bit  
15 wider to kind of visually lighten the building, the piers get a  
16 little bit narrower. And then we finish up with the corbelled  
17 brick cornice up at the top of the building to top the building.  
18 And then there on the right, you see the same treatment with the  
19 bays -- I'm sorry -- balconies creating reveals between the bays,  
20 and then the storefront at the bottom of the building entry.

21           Next.    Okay.   Next.   Okay.   Down on Lawrence Street,  
22 pretty much the same on the left treatment, but on the right,  
23 you the rowhome portions of the building with a cast stone base  
24 and the same amount of brick detailing with the four-story row  
25 homes. Next slide. Moving around to the alley, we do transition

1 to fiber cement in there. However, it is kind of a different  
2 type of fiber cement. It's a tongue-and-groove shiplap-type  
3 siding that will have a vertical orientation to it and give a  
4 much more kind of monolithic feel. And then, on the right, we  
5 finish up the trip around on 10th Street, pretty much the same  
6 detailing we talked about previously.

7 Next slide. This is the last slide. We tried to show  
8 the materials. Bottom left, you see the cast stone, a Rockface  
9 cast stone used at the Lawrence Street rowhomes, and as we move  
10 up the brick, we are using a darker iron spot brick at the base  
11 of the building with the dark mortar and dark cast stone, and  
12 then a rangey red brick with a red mortar for the main body. You  
13 see a sample showing the kind of wood grain canopies, the darker  
14 storefronts, and the fiber cement colors. Okay. With that,  
15 we'll turn it over to Daniel Solomon to talk about the traffic.

16 MR. SOLOMON: Can we move to the next slide please?  
17 Perfect. All right. Good afternoon, Commissioners. For the  
18 record, I'm Daniel Solomon, transportation planner and principal  
19 at Gorove Slade. We've been working with Horning, Menkiti Group,  
20 the project team at DDOT related to the transportation aspects  
21 of the 901 Monroe Street Northeast project. I'm going to touch  
22 on the highlights of our review in coordination with DDOT.

23 Next slide please. The site is well served by transit,  
24 including multiple 24/7 bus lines, with WMATA's Better Bus  
25 Network beginning this weekend. Service on the Red Line is on

1 the opposite corner of the site at Brookland-CUA Metrorail  
2 station. Multiple Capital Bikeshare stations are nearby,  
3 including across the street from the site.

4 Next slide please. Vehicular and loading access will  
5 be from a widened 20-foot alley. Under existing conditions,  
6 there is only a 10-foot public alley. The image on this slide  
7 shows vehicular circulation in orange. All loading will be head-  
8 in/head-out via the alley, in line with DDOT standards.  
9 Anticipated bicycle circulation is shown in blue, and pedestrian  
10 circulation is shown in red. Bicycle access is primarily  
11 envisioned to take place via Monroe Street bicycle lanes  
12 connecting to the long-term bicycle room on the ground floor and  
13 short-term bicycle spaces along Monroe Street. Pedestrian access  
14 will primarily take place along Monroe Street.

15 Next slide please. Regarding parking, there will be  
16 55 vehicular parking spaces located on the ground floor, which  
17 meets zoning requirements. The project will include 80 long-  
18 term and 12 short-term bicycle spaces, meeting or exceeding the  
19 requirement set by zoning and DCMR. Loading will be accommodated  
20 via one 30-foot loading berth and one 20-foot service and delivery  
21 space, meeting zoning requirements. The purple arrows on this  
22 slide point to the loading facilities. Access to loading will  
23 be via head-in/head-out access from the alley from Lawrence  
24 Street.

25 Next slide please. Perfect. Traffic calming and

1 safety measures are being proposed as part of this project to  
2 address the ANC and neighborhood concerns about traffic and  
3 vehicular speeds. To maintain slow vehicle speeds along the  
4 alley, two speed bump assemblies are proposed. DDOT agrees with  
5 this proposal and the location of the speed bumps will be  
6 finalized during public space permitting.

7           Additionally, per DDOT recommendations, the applicant  
8 has agreed to construct a concrete protective barrier along the  
9 bicycle lane on the south side of Monroe Street in front of the  
10 site, between each intersection, and the end of the parking lane.  
11 The applicant has also agreed to add striping and flex posts at  
12 12 locations at the four intersections surrounding the site,  
13 shown in purple.

14           The intent of this improvement is to daylight the  
15 intersection -- to daylight those intersections, improving  
16 sightlines for motorists to see pedestrians, and vice versa, and  
17 it keeps vehicles from parking too close to the intersection,  
18 which can impair turning movements.

19           Next slide please. Here I've listed the highlights of  
20 the TDM Plan. It includes many of the typical components expected  
21 of such a package. We believe this TDM plan is appropriate for  
22 this type of project to help encourage non-single-occupancy  
23 vehicles and non-auto trips. DDOT finds the TDM plan to be  
24 appropriate.

25           Next slide please. For this project, we performed a

1 Comprehensive Transportation Review, which was scoped with DDOT.  
2 Our multimodal assessment included that the site will not have a  
3 detrimental impact on the surrounding transportation network.  
4 The project minimizes impacts by providing short-term and long-  
5 term bicycle parking spaces, upgrading sidewalks around the site,  
6 providing access from a widened alley, and implementing a robust  
7 TDM Plan. We have coordinated extensively with DDOT during their  
8 review. We're pleased to have their support in the form of a  
9 no-objection staff report. DDOT did report -- DDOT's report did  
10 include a condition that the applicant install various  
11 pedestrian, bicycle, and traffic calming improvements adjacent  
12 to the site, along with easements, subject to DDOT approvals  
13 during the public space permitting process. The applicant has  
14 agreed, and those were shown on a previous slide. At this time,  
15 we believe we have addressed all DDOT concerns. That concludes  
16 my testimony, and I'll be available for any questions. Thank  
17 you, and I'll pass it on to Mr. Dettman.

18 MR. DETTMAN: Good afternoon, members of the  
19 Commission. I appreciate the opportunity to appear before you  
20 today to discuss this important development project. My  
21 testimony today is going to focus on the proposal's consistency  
22 with the Comprehensive Plan, which is one of the prongs of the  
23 PUD standard of review that the Commission must apply when  
24 reviewing this application.

25 Next slide please. You will find the applicant's full

1 Comprehensive Plan evaluation at Exhibits 3 and 3H of the record,  
2 which was informed by the Zoning Commission's racial equity tool.  
3 As you know, over the past 15 years, a great deal of guidance  
4 has come from the courts regarding the manner in which a Comp  
5 Plan is to be applied to a proposed zoning action. Indeed, a  
6 great deal of that guidance we follow today stems from the prior  
7 PUD that was approved on this very site in 2012.

8           Generally, we know that the Comp Plan's a broad policy  
9 framework that guides, rather than dictates, future land use  
10 decisions in the District. Therefore, even if a proposal  
11 conflicts with one or more individual policies in the Comp Plan,  
12 this does not, in and of itself, preclude the Commission from  
13 concluding that the action would be consistent with the  
14 Comprehensive Plan, when read as a whole. The Commission may  
15 balance competing priorities in determining whether a proposal  
16 would be not inconsistent with the Comp Plan as a whole. If the  
17 Commission approves a proposal that is inconsistent with one or  
18 more policies reflected in the Comp Plan, the Commission must  
19 recognize these polices and explain why they're outweighed by  
20 other competing considerations.

21           Next slide. The Comp Plan is the one plan that guides  
22 the District's development. Thus, it carries special importance  
23 in that it provides overall direction and shapes all other  
24 physical plans that the District government adopts. All plans  
25 related to the District's physical development must take their

1 | lead from the Comp Plan.

2 |           As you know, after a lengthy appeals process, the prior  
3 | PUD that was approved on this site in 2021 was ultimately vacated  
4 | by the court. The basis of the court's decision was primarily  
5 | rooted in what they believed was an inconsistency with the FLUM  
6 | and a failure to fully acknowledge the small set of Comp Plan  
7 | policies. The amendments adopted by the Council in 2021, which  
8 | again reflect the District's current land use policies, both  
9 | citywide and for the subject property, fully resolve these  
10 | issues. As shown in the slide before you, the 2021 Comp Plan  
11 | amendments included a change to the site's FLUM designation.  
12 | Under the former Comp Plan, the site was split-designated for low  
13 | and moderate-density mixed use that had no expressed preference  
14 | for commercial over residential and low-density residential. As  
15 | shown on the right, as a result of the 2021 Comp Plan amendments,  
16 | the current FLUM designation for the entire site is for medium-  
17 | density mixed use, with an expressed preference for residential  
18 | use. It's worth noting that while the site's current MU-3A and  
19 | R-2 zoning, both considered low-density zones, may have aligned  
20 | with the site's previous FLUM designation, these zones are  
21 | clearly inconsistent with the site's current FLUM designation  
22 | supporting medium-density mixed-use development, even after you  
23 | take into consideration relevant policy guidance related to  
24 | neighborhood character and compatibility.

25 |           Next slide. Like all land use designations on the

1 FLUM, the mixed-use designation is assigned to areas, and, thus,  
2 is not intended to be interpreted on a site-by-site basis. Areas  
3 designated for mixed use is where the Comp Plan encourages the  
4 mixing of land uses. As you can see from the image on this slide,  
5 the PUD site is within a much larger mixed-use area that surrounds  
6 the Metrorail. The general density and intensity of development  
7 within a mixed-use area is determined by the mix of uses shown  
8 on the FLUM. If a use is favored, it may be shown in a higher  
9 density.

10           Here you can observe a couple things. First, you can  
11 see that the portion of the mixed-used area within which the PUD  
12 site is located has a lower-intensity commercial strike than the  
13 portion of the mixed-use area to the north, on the north side of  
14 Monroe that is up against and includes the Metrorail station,  
15 which is a clear response to a lower-scale residential to the  
16 south of the site. Second, the portion of the mixed-use area  
17 containing the PUD site expressly favors residential use by  
18 showing the residential component of the designation at a higher  
19 density. Again, this is a clear response to adjacent residential  
20 uses, as commercial uses are well known to cause greater impacts,  
21 namely transportation impacts, than residential uses do. When  
22 it comes to zoning within mixed-use areas, the Comp Plan says  
23 that a variety of zones are used in mixed-use areas, depending  
24 upon the combination of uses, densities, and intensities that are  
25 shown, and additional guidance is provided in the Comp Plan

1 policies. As you know, while the Comp Plan provides specific  
2 density guidance for areas on the FLUM that are assigned a single  
3 land use category, say, for example, on an area designated just  
4 for moderate-density commercial, there's no specific density  
5 guidance provided for mixed-use areas.

6           However, we do look at the individual residential and  
7 commercial -- next slide please -- residential and commercial  
8 components of the mixed-use designation to get a general sense  
9 of the scale of development that's contemplated under the FLUM.  
10 Here you can see that the typical matter-of-right densities in  
11 both the medium-density residential and the moderate-density  
12 commercial categories can reach upwards of around 4 FAR, with  
13 greater density permitted through IZ or through a PUD. Based on  
14 this guidance and the -- and the relevant Comp Plan policy  
15 guidance that we'll discuss momentarily, the proposal is not  
16 inconsistent with the FLUM. The proposed MU-5B zone, the project  
17 density of only 4.2 FAR, and the mix of uses are consistent with  
18 the exact type of development envisioned by the -- for the mixed-  
19 use area within which the PUD site is located.

20           Next slide. In fact, the proposed height and density  
21 of the project are far below what could be achieved under an  
22 MU-5 PUD. At setdown, the Commission requested additional  
23 information on the zones that were considered by the applicant  
24 as it was developing the project. Here you can see the zones  
25 that are expressly referred to in the residential and commercial

1 makeup of the site's medium-density mixed-use FLUM designation.  
2 I'll note that there are several other zones that are not  
3 expressly referenced in the Comp Plan that are described as  
4 permitting medium-density mixed use. These include MU-2, MU-8,  
5 and MU-10. We provided information on these zones in our  
6 prehearing statement at Exhibit 24A3. However, when you look at  
7 these zones, you quickly realize that the densities permitted in  
8 those zones go far beyond what's contemplated under the FLUM.  
9 And so that narrows us down to the zones that are shown on this  
10 slide.

11           Looking at these zones, we didn't consider the RA-3  
12 zone, since it only allows residential use and, thus, could not --  
13 and, thus, could be considered inconsistent with the site's  
14 mixed-use designation and wouldn't provide the flexibility to  
15 have ground-floor commercial uses, like the live/work units and  
16 retail spaces that are now proposed. The MU-5 and MU-7 zones,  
17 being mixed-use zones, all provide the flexibility in use, so  
18 they were all worked from that perspective. They all permit up  
19 to 90 feet, under a PUD, so any of these zones would have also  
20 worked in regards to height for the project. So it really comes  
21 down to density. And what the applicant has drawn up for the  
22 site does not need the density that's permitted in the MU-7 zone,  
23 and, thus, they exercised restraint and decided to go with an  
24 MU-5 zone. In terms of why the MU-5B zone was selected over the  
25 MU-5A, I don't know that it makes any difference within the

1 context of a PUD, since they both allow up to 5.04 FAR and 90  
2 feet in height.

3           Next slide. I think the fact that the project has a  
4 height and density that are far below what can be achieved under  
5 and MU-5 PUD, including not taking advantage of the ability to  
6 have a habitable penthouse that wouldn't get counted in the  
7 measured building height, begins to demonstrate how the applicant  
8 has been responsive to the surrounding context, even with the  
9 overall building envelope that could be achieved under the FLUM  
10 and the proposed MU-5B zone. This is further demonstrated when  
11 you start to evaluate the project against the Generalized Policy  
12 Map and applicable Comp Plan policies.

13           At setdown, the Commission requested additional  
14 information on the project's consistency with the GPM's  
15 Neighborhood Conservations Area designation, which is thoroughly  
16 provided at Exhibit 24A3 and supplements the information in the  
17 applicant's initial Comp Plan evaluation at Exhibit 3H. The  
18 purpose of this slide is simply to show that no change was made  
19 to the PUD site's GPM designation when the Comp Plan was amended  
20 in 2021. Under the previous plan, under the current plan, the  
21 site's located within the Neighborhood Conservation Area. Before  
22 specifically discussing the project's consistency with the GPM,  
23 I want to provide a couple of general observations about the  
24 Neighborhood Conservation Area designation.

25           Next slide. First, you can see from the image on the

1 left, the Neighborhood Conservation Area designation covers the  
2 large majority of the District. Second, if we were to zoom in  
3 on any area of the District, like what's shown on the Upper  
4 Northeast Area -- Planning Area on the right, we would see that  
5 the Neighborhood Conservation area designation is assigned to all  
6 kinds of areas that range from single-family residential to  
7 industrial. I think these are important points, because I think  
8 at times the Neighborhood Conservation Area designation can be  
9 misinterpreted as restricting development or at least only  
10 allowing small-scale development that matches the prevailing  
11 pattern.

12           Next slide. That's not how the Neighborhood  
13 Conservation Area designation is meant to be read, and, in fact,  
14 the Council provided some clarity around this in the 2021  
15 amendments. And shortly after providing that clarity, the  
16 Commission opined on the intent of the Neighborhood Conservation  
17 designation in the Westminster Presbyterian PUD, which involves  
18 a 90-foot building in proximity to lower-scale residential and  
19 institutional uses. In that case, the Commission noted that the  
20 Neighborhood Conservation Area designation is not intended to  
21 preclude development, is not intended to be interpreted as  
22 requiring conservation of existing development or only permitting  
23 small-scale development, and, most importantly, is not intended  
24 to be interpreted the same way across the District.

25           Quoting the framework element, it is intended to

1 maintain the diversity of land uses and building types of a  
2 particular area. The project is not inconsistent with this state  
3 of intent. As shown in the diagram on the left, the diversity  
4 of land uses in the area surrounding the PUD site includes  
5 residential, commercial, institutional, and religious. In terms  
6 of building types, including residential building types, we find  
7 detached, semi-detached, and row buildings, including multi-  
8 story, multi-family buildings with ground floor commercial uses  
9 near Metro.

10           Next slide. The framework talks about Neighborhood  
11 Conservation Areas as being generally residential in character.  
12 This does not mean low-scale residential or residential of the  
13 same type. It talks about these areas as not having overall  
14 major changes in density, but that some new development  
15 opportunities do exist. It talks about having to conserve and  
16 enhance established neighborhoods, but not preclude development,  
17 particularly when it will help address citywide housing needs.  
18 Importantly, it specifically states that densities in  
19 Neighborhood Conservation Areas are guided by the FLUM and  
20 applicable Comp Plan policies. This proposal is not inconsistent  
21 with the Neighborhood Conservation Area of the GPM. The proposal  
22 will redevelop an underutilized site that has substantial  
23 potential to help advance several District planning policies and  
24 objectives related to land use, housing, and development around  
25 Metrorail with a new transit-adjacent, multi-family development

1 that will help address citywide housing needs at a scale and  
2 density that's consistent with the FLUM and applicable policy  
3 guidance and compatible with land uses, building types, and the  
4 character of the surrounding area. In addition to Comp plan  
5 maps, we also conducted a thorough evaluation of the proposal's  
6 consistency with applicable policy guidance, and the list -- next  
7 slide -- and the list of policies before you are the policies  
8 that we identified in our evaluation as being advanced by the  
9 project. I want to call your attention to the seven policies  
10 that are highlighted in yellow, some of which are policies that  
11 had a role in the prior PUD appeal.

12           Next slide. The policies all generally have something  
13 to do with responding to neighborhood character, encouraging  
14 compatibility, and creating successful transitions. We believe  
15 that the project is -- helps advance these policies, but we gave  
16 them extra consideration, because of the prior appeal, the varied  
17 context around the site, and some of the concerns that have been  
18 expressed by the community. I won't review these policies in  
19 full; the text of these policies are listed before you here, but  
20 we can see from some of the highlighted language the general  
21 intent of these policies being focused on high quality design,  
22 striving to avoid overpowering contrasts in scale, and creating  
23 visual and spatial compatibility.

24           Next slide. The Comp Plan provides specific guidance  
25 on how to address the types of -- the types of context that occurs

1 around this particular site, and that's the policy in your urban  
2 design element, talking about transitions in building intensity,  
3 where it talks about how the transitions between larger and  
4 smaller-scale buildings can be made more gradual, more pleasing  
5 through specific design strategies such as slender massing,  
6 stepping back of building -- of upper building floors, as well  
7 as breaking down building massing. You can see the diagrams  
8 there on the bottom of the slide that are directly from the  
9 Comprehensive Plan.

10 Mr. Walters talked about how this project employs these  
11 exact strategies that are set forth in the Comprehensive Plan  
12 through the use of the open courts on M Street -- or on 9th  
13 Street; setbacks on Monroe; breaking down Monroe into four  
14 pavilions that are separated by balcony reveals; other setbacks  
15 that are provided all around the building, both from the ground  
16 up, as well as the upper level; creating subrhythms through  
17 materials and facade articulation; and then, also, those  
18 classical proportions of base, middle, top.

19 Next slide. Quickly, you can see that these are  
20 sections that are in the drawings that are in the record, but  
21 you can see here very clearly, you know, the full building  
22 setbacks that are provided along Lawrence and Monroe, as well as  
23 along 9th Street.

24 Next slide. You can see upper level setbacks that were  
25 further provided, as well as sort of breaking down the facade and

1 creating more -- a more residential scale through the use of  
2 slender vertical bays that create that rowhouse pattern. Next  
3 slide. You can see here that the full building setbacks, as well  
4 as the upper-level setbacks are provided along the alley, as well  
5 as along the -- along 10th Street, in relation to the existing  
6 row homes.

7 Next slide. Mr. Walters talked about the -- sort of  
8 the very large open courts that reduce the massing along 9th  
9 Street. Next slide. And then what I think was maybe the most  
10 effective part of Mr. Walter's presentation, he talked about how  
11 the building and the general envelope of the building is further  
12 broken down through massing articulation and fenestration, how  
13 the use of varied materials are applied to the building in order  
14 to further break down the building, as well as make it more  
15 context-sensitive.

16 Next slide. And we referenced in our supplemental  
17 submission -- our pre-hearing submission that there are examples  
18 of these types of buildings transition not only not too far from  
19 the subject property, just to the west of the tracks at the Monroe  
20 Street Market PUD, but there are other examples of, you know,  
21 higher-scale buildings in relation to smaller-scale buildings,  
22 both within Neighborhood Conservation Areas that are elsewhere  
23 in the city, one of which being the Senate Square PUD near Union  
24 Station.

25 Next slide. I want to touch upon quickly the

1 relationship of Small Area Plans to the Comprehensive Plan,  
2 because here we have a PUD site that is technically located within  
3 the boundary of the 2009 Brookland Small Area Plan. The  
4 relationship of Small Area Plans to Comprehensive Plans, some  
5 guidance was provided in -- by the Council in the passage of the  
6 2021 amendments, and those -- it's just quoted here. And the  
7 framework element talks about how Small Area Plans provide  
8 supplemental guidance to the Commission only to the extent that  
9 they don't conflict with the Comprehensive Plan. And then, also,  
10 further in the implementation element, again, it sort of  
11 reiterated that Small Area Plans should be used as supplemental  
12 guidance by the Commission where not in conflict with the Comp  
13 Plan.

14 Next slide. So the Brookland Small Area Plan, as I  
15 mentioned, was adopted by the Council in 2009, in response to the  
16 2006 Comprehensive Plan. The Comp Plan was subsequently amended  
17 in 2011 and in 2021, which included amendments to the site's  
18 Future Land Use Map designation, which supports greater height  
19 and density. The 2021 Comp Plan FLUM, as well as the policy  
20 guidance, currently reflect the District's land use policy goals,  
21 including with respect to affordable housing, TOD and equitable  
22 access to transit for the PUD site and the surrounding area.

23 Next slide. We've briefed the project's consistency  
24 with those aspects of the Small Area Plan that remain to be --  
25 that remain applicable to the PUD site. It talks about

1 consistency with the guiding principles of the Small Area Plan,  
2 the urban design concepts that are set forth in the Small Area  
3 Plan -- next slide -- as well as in the subarea recommendations  
4 of the Small Area Plan. We've identified one potential  
5 inconsistency with the Small Area Plan, and that relates to this  
6 idea that development along Monroe Street that's located to the  
7 east of the tracks may be allowed to a height of 50 feet through  
8 a PUD. Again, we've identified that as a potential inconsistency.

9           Next slide. We've identified actually two  
10 inconsistencies in our Comp Plan evaluation, one of which had to  
11 do with the urban design policy regarding continuity and  
12 consistency of building frontages. It talks about this idea that  
13 when you're building redevelopment or infill development, that  
14 the front facade of your building would align -- generally align  
15 with the facades that exists along the street. And to the extent  
16 that there is an inconsistency with that policy for this project,  
17 it would occur along 10th Street, with the prevailing front  
18 facades of the rowhomes to the south. But, again, we've  
19 identified it as an inconsistency, and to suggest that we would  
20 have to comply with some -- with a policy like that would  
21 essentially take away our ability to advance the other  
22 outweighing policies that are listed there, in terms of  
23 development around Metrorail, development within the Brookland  
24 Metrorail area, as well as development and density around  
25 Metrorail stations, housing growth, as well as production in

1 high-cost areas.

2           Next slide. This gets back to the Small Area Plan  
3 recommendation about that 50-foot height. What the table here  
4 will show you is on the top, under the 2012 Comp Plan, you can  
5 see the list of zones that would be essentially considered  
6 consistent with the site's prior Future Land Use Map designation.  
7 And if you look at the heights of those zones, you'll see that  
8 some of them are below 50 feet, some are above 50 feet. And,  
9 essentially, what the Small Area Plan did was say, well, we took  
10 a finer-grained look at the Future Land Use Map designation and  
11 the Comp Plan at that time and thought, well, the zones that we  
12 considered consistent, you can get above 50 feet, but under the  
13 land use policy at that time, we're going to stop you at 50 feet.

14           Now, the council, in 2021, adopted a brand new land  
15 use policy for this site, and upFLUMing the site to medium-  
16 density mixed-use development. So if you look at the zones that  
17 are -- that would be considered consistent, per the framework  
18 element, with our current Future Land Use Map designation, you  
19 can see that every single one of those zones, as a matter of  
20 right, allows greater than 50 feet. And so to interpret the  
21 Small Area Plan as sort of trumping the current Comprehensive  
22 Plan would suggest that we -- there is no way that we could  
23 potentially take advantage of the new land use policy directive  
24 that's been issued by the -- by the Council in the 2021  
25 Comprehensive Plan. And to do that would say that we are no

1 | longer able to advance the outweighing policies that are listed  
2 | on the left side of this slide.

3 |           Next slide. I want to end with just a couple  
4 | precedents, because this is not the first time that the Commission  
5 | has had to grapple with the idea of sort of an outdated Small  
6 | Area Plan in relation to the 2021 Comprehensive Plan. They've  
7 | had to do it on three occasions. One of them had to do with a  
8 | PUD up at Takoma Park Metro. That's Case Number 22-36. And you  
9 | can see what the Commission said relative to -- in that case, to  
10 | the Small Area Plan relative to the Comprehensive Plan at that  
11 | time. At the end, it talks about how the Commission believes  
12 | that the additional density called for in the FLUM and other more  
13 | recently adopted policies supersede the guidance of the Takoma  
14 | Small Area Plan that call for lower-intensity development on the  
15 | site.

16 |           Next slide. A little closer to home we have two  
17 | examples of map amendments that have been recently approved, both  
18 | within the boundary of the Brookland Small Area Plan. There was  
19 | a map amendment at 701 Michigan Avenue, Case Number 23-07, where  
20 | the Commission concluded that the map amendment will further  
21 | policy objectives of the Brookland Small Area Plan; however, the  
22 | Commission acknowledge the applicant's assertion that prior  
23 | updates to the 2021 Comp Plan supersede the Small Area Plan. And  
24 | then, most recently, in Order Number 24-05, another map  
25 | amendment, the Commission concurred with the applicant's

1 | assertion that the Comprehensive Plan updates, including the 2021  
2 | Comp Plan update, calls for medium-density heights commensurate  
3 | with the MU-2 zone district that supersedes the previous policy  
4 | recommendations of the Brookland Small Area Plan that call for  
5 | lower-density and height.

6 |           Next slide.     So to conclude, Commissioners, the  
7 | proposed PUD and relate map amendment is not inconsistent with  
8 | the Comp Plan, when read as a whole, including when viewed through  
9 | a racial equity lens and, specifically, the project's density of  
10 | mixed uses are not inconsistent with the FLUM, as it proposes  
11 | mixed-use, medium-density development with an emphasis on  
12 | residential use.

13 |           The project's not inconsistent with the Generalized  
14 | Policy Map Neighborhood Conservation Area, as it will develop --  
15 | redevelop an underutilized site with a new multi-family  
16 | development that addresses citywide housing, that is consistent  
17 | with the FLUM, and is compatible with the land uses, building  
18 | types, and character of the surrounding area.

19 |           The proposal is consistent with many of the  
20 | recommendations of the Brookland Small Area Plan that remain  
21 | applicable to the PUD site.     And, finally, the proposal's  
22 | consistency with the FLUM, GPM, and numerous policies related to  
23 | land use, housing, and development around the Metrorail far  
24 | outweigh any potential Comp Plan and Small Area Plan  
25 | inconsistencies that may exist in this project.     Thank you for

1 your time, Commissioners. Happy to answer any questions.

2 MR. TUMMONDS: Wonderful. Thank you very much, Mr.  
3 Dettman. That concludes our presentation, and we're able to  
4 answer any questions that you may have.

5 CHAIRPERSON HOOD: Okay. Thank you, Mr. Tummonds and  
6 team. We will go and see if we have any questions. I'm sure we  
7 have some questions and comments. And what I'd like to do is  
8 start off with Commissioner Imamura; then I'll go to Commissioner  
9 Wright, Commissioner Stidham, Vice Chair Miller, and then myself,  
10 in that order. Thank you.

11 COMMISSIONER IMAMURA: Thank you, Mr. Chairman I just  
12 want to thank the team for your presentation this afternoon. I  
13 don't have any questions for Mr. Solomon. I feel like  
14 transportation issues aren't as subjective maybe as a design  
15 solution might be. And Mr. Dettman, I don't have any questions  
16 for you either, but do very much appreciate the slide on -- slide  
17 36 about the -- the illustration of the mixed-used zone; your  
18 explanation on slide 38, the Neighborhood Conservation Area,  
19 maintaining diversity of land uses in those areas; and your  
20 explanation and slide on the transition and building intensity  
21 was helpful, as well as your -- as you closed, with your  
22 explanation about the outdated Small Area Plan.

23 The questions that I do have are for Mr. Walters. I  
24 don't have many. I do have a couple comments. I appreciate the  
25 perspectives that you've showed, and you answered many of my

1 | questions. I had wondered if you had any perspectives of where  
2 | the existing rowhomes were in relation to your proposed design  
3 | solution, which you did. I was curious about the shadow study,  
4 | and then you provided one. So every time I had a question, you  
5 | answered it, so, again, I don't have many, but I have a few  
6 | comments.

7 |           I appreciate your description about how you pulled back  
8 | the building to allow for a more gracious sidewalk and pedestrian  
9 | experience. That was a great rendering illustration of that and  
10 | how the building cantilevers over. I also appreciate your  
11 | description about the continuity of and use of the stone walls  
12 | along Monroe and 9th Street, as well as showing the illustration  
13 | of the 15-foot setback for the north -- from the northernmost  
14 | rowhome. I did see -- I acknowledge and recognize the grade  
15 | change on Lawrence. I thought that was handled well. The base,  
16 | middle, top, and description of that I think is very easily  
17 | captured. The window-to-wall -- the proportion of window-to-  
18 | wall ratio I thought was actually rather elegant and very simple.  
19 | And, overall, I thought your design solution I thought was, again,  
20 | a rather nice -- nicely -- addressed nicely the program  
21 | requirements.

22 |           What I do have questions about are a little bit about  
23 | how the surrounding area or neighborhood might have informed your  
24 | use of materials or selection of materials, as well as the color  
25 | and hues. I think the architectural vocabulary comes through

1 pretty easily. I'd like for you to talk a little bit about  
2 perhaps the surrounding area and how that -- or surrounding  
3 neighborhood and how that might have informed some of your design  
4 decisions and final design solution.

5 And then, lastly, I'd like to hear a little bit about  
6 some of the iterations that might not have worked that helped you  
7 arrive at this solution. Specifically, I'm guessing that you had  
8 probably performed some shadow studies where shadows did cross  
9 the alley; and, again, if you could address that and perhaps how  
10 that informed your decisions to look at setbacks or stepping  
11 back.

12 MR. WALTERS: Yes. Thank you, Commissioner Imamura.  
13 Could we possibly bring up the drawings? Maybe the first one  
14 would be a good one to talk to. Thank you very much for your  
15 comments.

16 The -- starting with the materials, primarily on the  
17 outer faces of the building, on the street faces, we decided, you  
18 know, pretty on to -- pretty early on to go with brick. The --  
19 when we look at the immediate context, it is very much a brick-  
20 type neighborhood, granted there are different -- many different  
21 colors, but, you know, red brick is very common. We see a lot  
22 of it over at Monroe Street Market. We see it in the  
23 neighborhood. It's very common. Now, there are lots of different  
24 types of red brick, so we know -- we like to use red brick that  
25 has a lot of kind of character to it. It is a rangey brick --

1 | what I call rangey. It has a variety of colors -- a very similar,  
2 | you know, type brick, a rangey red brick used, you know, many  
3 | years ago at the Arts Walk. We designed that. So that's the  
4 | kind of things we think about. It has, you know, light bricks,  
5 | dark bricks, a little bit of a molded look.

6 |           And then for the base of the building, we really -- I  
7 | don't know that you're going to find this in the neighborhood,  
8 | but we really do like these kind of iron spot bricks that kind  
9 | of have a bit of kind of sophistication to them, so it's something  
10 | that we try to use quite a lot in our building. We think it  
11 | creates a nice pace. I can't say that you'll find examples of  
12 | that in the neighborhood, but it's something that we like a lot.  
13 | And then back around on the rowhomes, we know there's many, many  
14 | examples in DC of kind of using that split-face kind of rocked  
15 | brick at the base. That helps to give more texture.

16 |           Also, I mean, if you go back in the alleys of the  
17 | existing rowhomes adjacent on 9th Street, they're brick on the  
18 | front, but then when you go around the back, they actually do  
19 | transition to siding. And a lot of the single-family homes around  
20 | are in siding too. So when we get into the alley, you know, it's  
21 | not entirely inappropriate to answer those with siding too. Now,  
22 | like I said, we -- we're not using a typical horizontal - siding;  
23 | we're using kind of a newer upgraded product that's a thicker  
24 | product. It's got a smooth finish. It's a wider board. It  
25 | has -- instead of lapping, it has a smooth tongue-and-groove

1 finish, so it gives it kind of a -- kind of a cleaner, more  
2 substantial look for a building of this scale; it kind of scales  
3 up. So we think that's a very appropriate material, but not,  
4 you know, completely foreign to the -- to the -- to the  
5 neighborhood.

6 To your second question, iterations that don't  
7 work -- that didn't work, I would say when we first kind of  
8 started laying out the building, we started with it kind of as a  
9 rough block of clay that was -- you know, we have the full six  
10 stories, and then we started sculpting it away, looking at where,  
11 you know, the sculpting would work the best. We knew kind of on  
12 that north/south bar on 9th that we would probably end up with  
13 courtyards, and, you know, we really felt, at the end of the day,  
14 placing those courtyards on 9th Street to soften that whole block  
15 massing was really the most successful location of those to kind  
16 of soften the scale of the building and bring light into the  
17 building.

18 Then the second part of that is that the upper terraces  
19 is where we could kind of sculpt, so we kind of arrived at  
20 strategies of yes, along Lawrence Street, how to soften the  
21 building. I think the kind of bays -- the bay articulation came  
22 a little later. We didn't have that to begin with in the process,  
23 and then we found that to be really successful in helping to  
24 soften the building. Also, kind of using some of that terracing  
25 on 10th, as it goes towards the rowhomes. And then really

1 | importantly, I think the first kind of sculpting we thought most  
2 | important was on that south side of that 10th Street leg to kind  
3 | of transition the scale down to the -- to the rowhomes on 10th.  
4 | So we -- it took a little while to kind of work through how we  
5 | spread that around. I think at one point we may have investigated  
6 | some of the stepping around onto 9th, and we just felt it was  
7 | much better used down more to the south of the building, where  
8 | we abutted the adjacent neighbors and rowhomes. Hopefully, that  
9 | answers -- does that answer your questions?

10 |           COMMISSIONER IMAMURA: Yes, it does. Thank you, Mr.  
11 | Walters. I appreciate your response, and I don't think that I  
12 | have any other questions, just one additional comment about --  
13 | which I have here, that I didn't address on my sticky notes, but  
14 | I do think that you've got a successful design solution. I  
15 | appreciate the corbelled brick cornice. And you had mentioned  
16 | about the bays, and I think that's very successful too. As I  
17 | took a look around the area, I did say -- think that the Arts  
18 | Walk is very compatible, and so, you know, now knowing that, you  
19 | know, that is also your handiwork there, so it certainly made  
20 | sense. And, yeah, again, about the bays there, I think how you  
21 | used the balconies to create that reveal was successful as well.

22 |           So I do understand and appreciate those who have a  
23 | little bit of heartburn over the scale and massing of this, but  
24 | I think, as you walked us through and explained sort of the  
25 | evolution of the design solution here, it makes a lot of sense.

1 And I think that because this is really the first proposed sort  
2 of project along Monroe, across the tracks there, that this  
3 particular project probably receives the most arrows, right? And  
4 so -- because you all are kind of setting up sort of what that  
5 new urban fabric might be like. But, otherwise, I think you and  
6 your team did an excellent job. And I certainly don't have any  
7 other questions, Mr. Chairman, but do reserve some additional  
8 time, if I do.

9 CHAIRPERSON HOOD: All right. Thank you. Commissioner  
10 Wright, any questions or comments?

11 COMMISSIONER WRIGHT: Thank you. I agree with a lot  
12 of what my colleague, Commissioner Imamura said, but I do have a  
13 few questions. You made a, I think, good effort along Lawrence  
14 to try to create a sense of rowhouses, but you chose to create  
15 rowhouses that were four stories tall, which is a -- again, not  
16 create rowhouses, but the look of rowhouses -- and that choice  
17 of making them four-story rather than three-story, which would  
18 be a little closer in height to the actual existing rowhouses was  
19 one question I had. Why did those get to be four stories?

20 The other question is, could you have had a similar  
21 treatment on 10th Street? When you're looking at the facade on  
22 10th that is in line with the six existing rowhouses on 10th,  
23 why did you not make a similar effort as to what you did on  
24 Lawrence, to create the sort of look of a rowhouse, maybe even  
25 with some street-level entrances? Because, again, there you're,

1 | you know, really very adjacent to existing rowhouses.

2 |           And then my third question, in terms of, you know,  
3 | different ways you explored it, sort of breaking down the mass,  
4 | which is, you know, so important in this case, you certainly did  
5 | create a base, middle, top, but the top is a relatively thin  
6 | cornice. What I've seen on a lot of other projects is they've  
7 | actually stepped back the top floor by five feet, let's say, and  
8 | created a top, sometimes even changing the building material, but  
9 | creating a top that was stepped back so that the overall building  
10 | did not look like one block, particularly along Monroe Street,  
11 | is what I was wondering is, would there be a way to step the top  
12 | floor of the Monroe Street facade, which, again, I think you've  
13 | created some delineation because of the varying window patterns,  
14 | but, again, what I've seen on a lot of projects that's worked --  
15 | that have worked very successfully was actually stepping the top  
16 | level back, you know, five or six feet. So those were sort of  
17 | three areas that I wondered if you had actually explored any of  
18 | those.

19 |           MR. WALTERS: Thank you for the questions. The first  
20 | question, why did we do the four-story expression along Lawrence,  
21 | that goes to kind of the proportion of the building. While we  
22 | are emulating rowhouses, as you pointed out, it's not a rowhome.  
23 | We felt that the kind of four-story massing -- four-story lower  
24 | massing with an overall six was the most comfortable arrangement.  
25 | If we -- I think that the concern would be if we did three -- a

1 three-story massing on a six-story building, it's kind of cut in  
2 half, so to get kind of a two-third/one-third relationship seemed  
3 to be the more pleasing kind of proportion, as opposed to kind  
4 of a -- it seems like, generally, things where you kind of cut  
5 the facade in half vertically don't work so well. It's either  
6 kind of one-third/two-thirds or two-thirds/one-third kind of  
7 works better, so that was -- it's really the proportion to the  
8 building is why we kind of did that. That worked well.

9           We had -- so those bays come out and kiss the property  
10 line along Lawrence Street. They're not -- we're not doing like  
11 a typical DC thing where the bays come over, because, again, we  
12 don't have large right-of-ways, so we're doing that articulation  
13 within our property. On 10th Street, we chose not to do it for  
14 a couple reasons. One is that we did want to kind of create that  
15 kind of openness and activity. Even though the live/works came  
16 a little later, we were still trying to keep a sense of openness,  
17 so just a bay landing kind of in something that's trying to be a  
18 little more open is a bit difficult, like, especially now that  
19 we do have the live/works wrapping -- or the fenestration  
20 wrapping on the corner. We'd have to kind of push it away, I  
21 guess, from Monroe, but the issue we would have is, the way the  
22 building's situated, the bays would have to come, you know, out  
23 over the property line, and we'd get into issues of public space  
24 projection and reducing the sidewalk, or we'd have to carve  
25 away -- give up FAR to kind of create that inset coming -- you

1 know, pulling away from the property line. And that -- actually,  
2 that concept kind of also gets to your comment on the -- on the  
3 third floor. We are trying to -- you know, we've tried very hard  
4 to get the -- keep the building at the allowable 4.2 FAR, so that  
5 we can maximize the amount of units and, additionally, the amount  
6 of affordable units provided on the site, so we are at the  
7 allowable 4.2, so we've had to use our kind of sculpting carving  
8 budget very carefully, and that's why we've used it in the areas  
9 that we described, you know, where we abut the townhomes.

10           Along Monroe, we felt that that is, you know, a very  
11 large -- the corridor is -- has substantial buildings; it has  
12 six-story buildings at Monroe Street Market and it handles them  
13 very well and they seem very appropriate. And we didn't -- you  
14 know, we made the conscious decision to kind of use the building,  
15 the full frontage of it, and not spend for the sculpting along  
16 there. I mean, those -- so I don't know if that makes sense,  
17 but we are also trying to balance achieving the density that  
18 gives the project it's amount of units, amount of affordable  
19 housing, and the economic benefits with the sculpting and  
20 stepping. So I don't know if that -- hopefully, that answers  
21 your question.

22           COMMISSIONER WRIGHT: Well, I appreciate the answers  
23 to the questions. I would just say, for me, 4.2 is not a magic  
24 number. I mean, obviously, it probably is for you all. I don't  
25 feel like -- you know, a little additional sculpting, that

1 probably wouldn't cost you any units, but would maybe create  
2 slightly different-sized units. I don't think that's necessarily  
3 a bad thing. But I also think that what's important to recognize  
4 is that this is not like the buildings on the other side of the  
5 track; that this is a transitional building going towards parts  
6 of the neighborhood that are much lower density and that are  
7 going to remain much lower density. So, you know, I do think  
8 that, you know, that transitional nature and the idea of,  
9 honestly, maybe a little more sculpting would have been a good  
10 idea. I think you've made a good effort, you have, but I think,  
11 particularly along Monroe, it's still -- it still is feeling a  
12 bit like a pretty big mass -- a pretty big block, and, you know,  
13 I think that there could be a little more sculpting probably  
14 without endangering your unit count, is -- would be my comment.

15 MR. WALTERS: Thank you.

16 CHAIRPERSON HOOD: Are you finished, Commissioner  
17 Wright?

18 COMMISSIONER WRIGHT: Yes. Those are my only comments  
19 right now. I mean, I want to hear all the testimony and keep  
20 thinking about this a lot, but that's all I have for the moment.

21 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
22 Stidham.

23 COMMISSIONER STIDHAM: Thank you. And I agree with  
24 much of what Commissioner Wright just said. I mean, this is a  
25 Neighborhood Conservation Area, and, for the most part, you have

1 done a good job in mimicking the materials and some of the style,  
2 but I think it has a long way to go. I don't think anyone is  
3 suggesting that you not develop the property or change the  
4 density, but I think there are a lot of ways that you could break  
5 down this massing so that it doesn't represent such a big block.  
6 This is a transitional area. I mean, the rest of the neighborhood  
7 is a sea of two and three-story houses on this side of the  
8 railroad tracks, and this will be an abrupt change for that  
9 neighborhood, regardless of the sympathetic materials that you  
10 use. I think for -- so questions. The stoop areas; I'm unclear  
11 about where you are -- you have placed those. Is it just along  
12 10th and Monroe where you have that first-floor entrances or is  
13 that also on other sides of the building?

14 MR. WALTERS: On Lawrence Street, we've created  
15 individual entries with the stoops that lead directly into  
16 apartments along Lawrence. The other thing is, on Monroe at the  
17 live/work units, that's where we've just lowered the slabs down  
18 and put storefronts in, and there's direct entrances, but it  
19 doesn't read like a stoop; it's more like a store entrance. Does  
20 that answer your question?

21 COMMISSIONER STIDHAM: Well, I guess it was -- it's  
22 where they are located, because I think that, with some additional  
23 setbacks, provide sort of that street-level activation and make  
24 it feel a bit more a part of the neighborhood, but I think that  
25 that's going to require a bit more sculpting, as Commissioner

1 Wright referred to, to give that look and feel more. And I'm  
2 curious if there was any consideration of doing that along the  
3 alley? That portion of the building, while it is set back and  
4 it does provide some relief to the existing homes, it's still not  
5 set back enough, and I worry about this alley that is now becoming  
6 a two-way street, that it will continue to feel like the back of  
7 the building, when, actually, that is how most people will  
8 probably come into the building, people who are driving at least.  
9 I realize that others will use the front entrance, but possibly  
10 having more setback on the alley and additional stoop entrances  
11 there would make that feel more neighborhoodlike and more  
12 consistent with the existing homes across the street.

13           A bit about the sun shade study. What was provided was  
14 noon, which is when the sun is at its highest, and three, when  
15 the sun is basically at its lowest, but I don't -- I didn't get  
16 the impression that that meant that those existing homes had much  
17 sun throughout the day, that really they were shaded. Did you  
18 do any studies where you were looking at sort of the full day  
19 and how it might change over the course of the day and not just  
20 at the highest and lowest parts?

21           MR. WALTERS: We can provide additional times. I mean,  
22 we kind of -- typically, you will do two times throughout the  
23 day, but we can take the time to kind of run them through the  
24 computer and do additional times, if that's desirable, and  
25 provide those.

1           COMMISSIONER STIDHAM: I think it would be desirable,  
2 thinking about the effects of such a large building on this  
3 neighborhood. One of my -- part of my last question -- and this  
4 may not be for you, so whomever else on the team -- you -- part  
5 of what we are reviewing is that through the PUD you are -- you  
6 are presenting a superior development over which you could do by  
7 right. And, in your statement, all you refer to is the additional  
8 affordable housing that would be available. And that is  
9 definitely a benefit and something over what you could do by  
10 right, but, really, there's -- is there more?

11           MR. TUMMONDS: Yeah, sure.

12           COMMISSIONER STIDHAM: I mean, to take this big jump  
13 from what you could do by right, which, frankly, would be much  
14 more consistent with this neighborhood, to where you are  
15 suggesting now, I think, more than just additional affordable  
16 housing needs to be there for this to be a superior development.

17           MR. TUMMONDS: Sure. First of all, undergrounding of  
18 utilities; as we said, you know, that's a million dollars. That  
19 is, you know, a significant benefit we believe to the Monroe  
20 Street corridor. Also, the setting back of the building. As  
21 Mr. Walters mentioned and noted, right now the sidewalks,  
22 specifically along Monroe, are very narrow. Are they three  
23 feetish?

24           MR. WALTERS: Yeah.

25           MR. TUMMONDS: By setting the building, the -- a

1 matter-of-right building doesn't have to be set back, and so the  
2 sidewalk width along Monroe Street will continue to be three  
3 feet. So it is by -- through the PUD process, we're able to kind  
4 of push the building back through the sculpting that Mr. Walters  
5 discussed and allowing, you know, a -- we think a better urban  
6 design. And I think a lot of those urban design concepts that  
7 Commissioner Imamura talked about are benefits to this through  
8 the PUD process. But, also, we can provide additional information  
9 on that as well in our post -- in our post-hearing submission.

10 COMMISSIONER STIDHAM: So would you not have  
11 underground utilities just if you were doing this as a matter of  
12 right and not considered that?

13 MR. TUMMONDS: Yeah, a hundred percent. I'm not aware  
14 of -- the PUD cases that I've worked on -- the undergrounding  
15 utilities has been a -- consistently viewed as a project and  
16 benefit amenity. I'm not familiar with any matter-of-right  
17 project where they've undertaken the significant costs involved  
18 with undergrounding utilities.

19 COMMISSIONER STIDHAM: Okay. And I reviewed your  
20 benefits that are in your statement -- the statement that you're  
21 providing, so thank you for those. You know, I just -- it's too  
22 big. It's just too big for this neighborhood, so consider what  
23 you're hearing here today as a means by which to make it better  
24 or be consistent with the neighborhood. And that -- with that,  
25 Commissioner Hood, I turn back to you.

1 CHAIRPERSON HOOD: All right. Thank you, Commissioner  
2 Stidham. Vice Chair Miller, any questions or comments?

3 VICE CHAIR MILLER: Thank you, Mr. Chairman. I might  
4 turn off my video if I have connectivity issues, which I have  
5 had throughout this hearing, but not when I turn off the video,  
6 so if you don't see me but hear me, I hope I can hear you.

7 Anyway, thank you to the 901 Monroe Street team for  
8 your presentation and, I guess, for your -- not I guess -- for  
9 your stick-to-itiveness --

10 MR. TUMMONDS: Yeah.

11 VICE CHAIR MILLER: -- through 15 years of trying to  
12 do something here across from a Metro Station that deserves  
13 development of a vacant and underutilized site, which I think  
14 much of the neighborhood realizes as well. It's always -- there  
15 are issues about the scale and the height and their  
16 transportation -- their transportation-related issues. And so  
17 I'll just ask -- so I appreciate all of the information that  
18 you provided. I have -- I'll ask just a few questions. And I  
19 appreciate Shane Dettman's Comprehensive Plan analysis --  
20 consistency analysis.

21 Explain to me what the -- why you need the PUD instead  
22 of an MU -- why aren't you doing this as an MU-5B matter-of-right  
23 map amendment or an MU-5A map amendment, since you might get the  
24 same height and -- well, the 5B would certainly get the same  
25 density. The OP report says there's no development -- there's

1 no relief being asked from the development standards of height  
2 and density and that there's no zoning flexibility being asked  
3 for. I saw that there's some design flexibility being asked for  
4 on windows and bays being included in flexibility. I guess I  
5 just missed it. What is -- why are you doing this as a PUD  
6 instead of as a map amendment, particularly because it's this  
7 type of PUD, which had a lot of opposition for many years and  
8 has led to other people -- other development teams coming back  
9 with a map amendment -- just a straight map amendment that avoids  
10 the whole process, which avoids -- which minimizes the likelihood  
11 of an appeal, but also minimizes the engagement with the  
12 community, the public benefits that you're providing, the design  
13 setbacks -- you know, the setbacks and step-downs and all of  
14 that. What is it -- why is -- why do you need a PUD?

15 MR. DETTMAN: Thank you for your questions,  
16 Commissioner Miller. I would say that, looking at the MU-5B  
17 zone, which is certainly consistent with this site's current  
18 Future Land Use Map designation, I would say that, arguably, we  
19 don't need a PUD. However -- and that was a thought that we had,  
20 as we approached the project and we had early engagement with the  
21 Office of Planning. We had come -- at one of our initial meetings  
22 with the Office of Planning, we had sort of kicked around the  
23 idea of whether or not a map amendment might be appropriate for  
24 this site or a PUD, and I think the prevailing thought coming  
25 out of that meeting was that, given the site's history of the

1 prior PUD, given the surrounding context and the fact that the  
2 PUD process does afford the Office of Planning, the community,  
3 and the Commission an opportunity to review a specific project  
4 and to apply a zone in accordance with that PUD, that does not  
5 necessarily set a precedent for the prevailing area, because it  
6 is specific to this particular site. I think all of that taken  
7 into account, the PUD process was thought to be the best process  
8 moving forward for the future redevelopment of this site.

9 MR. TUMMONDS: I think I'd also like to add a little  
10 bit -- or have Mr. Vincent add a little bit of discussion about  
11 the economic reality.

12 MR. VINCENT: Yeah. Thank you. The economic reality  
13 here is that a less dense building is not financially viable, and  
14 it's going to result in no housing being built at this site,  
15 which is across the street from the Metro. The economics work  
16 because of putting density on this site. We think density is  
17 appropriate at this site, again, across the street from the Metro.  
18 In terms of building height, we think density on Monroe Street  
19 is the most -- makes the most sense to put it there, as opposed  
20 to, you know, around, you know, 9th and Lawrence and 10th Street,  
21 near those homes. And the reality is, under a map amendment, IZ  
22 Plus doesn't work. IZ Plus is -- would make this a not -- you  
23 know, would make this project not financially viable and, again,  
24 result in no housing, no affordable housing across the street  
25 from the Metro. You know, as we all know, we have a housing

1 crisis. Forty-five percent of District renters are cost-  
2 burdened. We need -- the solution is to provide more housing,  
3 and housing near infrastructures such as transit is where we  
4 think it makes sense.

5 MR. TUMMONDS: And I might add, too, I know we've  
6 discussed -- when we talked about, you know, the ability of this  
7 project to do 15 percent IZ, which we think is significant, I  
8 think we're also facing the reality of our current market. And  
9 I know there's been a lot of press about how in 2024, per the  
10 Washington DC Economic Partnership's Annual Development Report,  
11 2024, there were only 932 rental housing units beginning  
12 construction. That was down 79 percent from the 4,774 units that  
13 started construction in '23. Interestingly enough, every year  
14 before that going back to 2015, developers started at least 5,000  
15 units in the District. So these -- the layering of requirements  
16 are truly -- they're impacting our ability to continue to develop  
17 housing. And a 79 percent drop in 2024 is significant. And I  
18 think for the -- what is interesting to see, you know -- the  
19 Zoning Commission knows better than anybody, you see the number  
20 of projects that are coming before you that are proposing housing,  
21 and it's a much different environment than we had in 2015, when  
22 you guys were seeing a lot of PUDs.

23 VICE CHAIR MILLER: Right. And I agree with everything  
24 you've said, Mr. Tummonds, and you, Mr. Vincent. Just -- but  
25 just -- what is the difference in FAR between the matter-of-right

1 MU-5B FAR and the PUD-related FAR and the -- you can do matter  
2 of right FAR with IZ or you were saying it had to be IZ Plus --  
3 it would be IZ Plus?

4 MR. TUMMONDS: No, I'm sorry. Yeah. So through this  
5 PUD process, we are not achieving any additional density, so the  
6 MU-5B matter-of-right --

7 VICE CHAIR MILLER: I'm trying to understand, what are  
8 you achieving, other than --

9 MR. TUMMONDS: Well, we -- yes, exactly. So we need  
10 to do a map amendment anyways, right, because the existing zones  
11 are not MU-5. So the decision between -- so how do we get there;  
12 map amendment or PUD-related map amendment? And so we started  
13 with a discussion that Mr. Detman was talking about with OP, and  
14 they said, just given the history of the site, we think that it's  
15 likely that the Zoning Commission and the community would like  
16 to have some ability to weigh in on the appearance of this  
17 building, truly, just as the way we heard from Commissioner  
18 Imamura, Commissioner Wright, and Commissioner Stidham this  
19 evening and saying, you know, we like the idea of the sculpting.  
20 You don't get that in a -- in the straight map amendment, right?  
21 We don't get the undergrounding. We don't get the pushing the  
22 building back and creating a better Monroe Street appearance.  
23 So --

24 VICE CHAIR MILLER: Yeah. I understand the public  
25 benefits. I'm just trying to understand what you're benefitting

1 from, from the PUD. Is it more density or --

2 MR. TUMMONDS: No. It's a difference. I'm sorry.  
3 There's a -- so if we did a straight map amendment, IZ Plus would  
4 come into play, and IZ Plus would put us at 20 percent.

5 VICE CHAIR MILLER: But you're saying -- and so Mr.  
6 Vincent was saying there would be no housing, because it  
7 economically doesn't work at 20 percent. Is that what you're  
8 seeing?

9 MR. TUMMONDS: Correct. Correct.

10 VICE CHAIR MILLER: Okay. I was just trying to  
11 understand what the argument is.

12 MR. TUMMONDS: I'm sorry. We'll put it straight back  
13 to you. Yes.

14 VICE CHAIR MILLER: So the difference -- so you're  
15 saying it's zero housing versus 233.

16 MR. TUMMONDS: And 36 -- and 36 IZ units.

17 VICE CHAIR MILLER: And I recognize that -- is it five  
18 percent are three-bedroom units? Did I read that somewhere?

19 MR. TUMMONDS: That is correct

20 VICE CHAIR MILLER: Yeah. So that's commendable. Okay.  
21 And if it were an MU-5A map -- PUD-related map amendment, as the  
22 200 Footers are suggesting as an alternative, that, I assume  
23 you're going to say, doesn't economically work. How much housing  
24 would you lose in that or is it going -- you're going to say it's  
25 going down to zero, because it just doesn't economically work at

1 all?

2 MR. TUMMONDS: So an MU-5A map amendment would limit  
3 us to 70 feet in building height versus the 75. And so maybe I  
4 will push that off to Mr. Walters, because we were having a  
5 discussion about -- because that seems like, oh, you know, it's  
6 five feet, there's not a big impact, but I'll let him talk about  
7 just the impact that he had for the Monroe Street Market PUD.

8 MR. WALTERS: We were having that discussion, and it's  
9 bringing back memories of -- we were also the architects for the  
10 Block E that recently had the Harris Teeter open in it -- not  
11 Harris Teeter, I'm sorry -- Trader Joes. That building was  
12 limited to 70 feet in height. It is the same height and -- or  
13 number of stories. What it forced us to do was use very shallow  
14 floor trusses, only 12 inches in height. It is extremely  
15 difficult. This is probably way more detailed than you want to  
16 know, but even getting fire-rated radiant dampers that go on the  
17 one-hour floor-ceilings, almost 99 percent of them are tested for  
18 18-inch trusses, and it took a lot to find one that would work  
19 for a 12-inch truss, and I was, frankly, getting pretty nervous  
20 about that. So it was -- it's a very tight, tight thing to cram  
21 six stories within the 70 feet.

22 Also, when we do things -- that -- those buildings do  
23 not have terracing in them. They are straight extrusions all the  
24 way up. When we do terracing in this type of construction, what  
25 we like to do is, in the trusses under the building, we thicken

1 | them in thickness; we make them at like another six or eight  
2 | inches taller, and then when we go down to the terrace, we step  
3 | them down to the normal height. So we need -- you know, that 75  
4 | feet is not only giving us the advantage to have kind of normal  
5 | trusses, but it also is giving us the ability to create that  
6 | terracing that we have throughout the building and to make it  
7 | work. You can't just walk out of an apartment directly onto the  
8 | same roof level; we have to have folds down to allow for flashing  
9 | and raised pavers with drainage underneath, very, very complex  
10 | issues and we need depth of floor structure to achieve that kind  
11 | of situation. Sorry for getting into the weeds, but it --  
12 | sometimes we have to.

13 |           VICE CHAIR MILLER: No, I appreciate the weeds. We're  
14 | in for the weeds. Okay. I guess I've exhausted that topic for  
15 | now. On the alley, in a previous proposal back 10 years ago --  
16 | 12, 15 years or whatever, you was using the existing 9th Street  
17 | curb cut to get into the project and do all the servicing and  
18 | loading and parking and -- is that correct? And I know -- we  
19 | all know DDOT's opposition to new curb cuts, although that was  
20 | an existing -- I think they're existing curb cuts on 9th and  
21 | 10th. I don't know. Just give me a little bit of your dialogue.  
22 | Did you try to get the 9th Street or is the neighbor's -- there's  
23 | other neighbor's opposition to that, as opposed to putting this  
24 | out -- all this servicing behind the six rowhouses, their parking  
25 | and their decks and their -- you have a big property; you could

1 have put it somewhere else.

2 MR. TUMMONDS: Well, I do think that -- I would say  
3 since the last time we were before DDOT with this PUD project,  
4 DDOT's views on the ability to allow, or to grin and bear it, I  
5 might say, allowing some of these curb cuts, has been  
6 strengthened. I think that they -- and you probably see this as  
7 much as anybody -- they are much more stringent on that idea,  
8 that view that if there is an alley, you should be accessing the  
9 building from that alley. And so we did pose that early on. And  
10 some of the -- one of the questions Mr. -- or Commissioner Imamura  
11 had with Mr. Walters was, what were some of the things and  
12 iterations -- we did have that and knowing that (indiscernible)  
13 was there before, and DDOT was strident -- and I think we're  
14 comfortable in saying "strident" -- that we don't do that  
15 anymore; we do not support that; that is not something we want  
16 to do.

17 So I think if we -- there's really kind of two issues  
18 there of the use of the alley and then the massing of the  
19 building. We think by widening the alley -- I think it's one  
20 thing if we were saying that we're just keeping this 10-foot wide  
21 alley and then putting this use, I could see there might be some  
22 concerns. But I think recognizing that, we're widening the alley,  
23 turning it into a 20-foot alley. I think that is important.  
24 Some of the things that were in the ANC 5B resolution that talked  
25 about assuring the alley's safety, we started that with the

1 modular speed bumps that Mr. Solomon and Mr. Walters talked  
2 about -- talked about providing. So decreasing the speed with  
3 which the cars in the alley -- and another thing we've talked  
4 about, which was important as well, is just the number of vehicles  
5 that have been going in that alley by having 55 parking spaces,  
6 right? You may remember before, we had a hundred-some --  
7 double -- two-X-plus, because we had another -- we had below-  
8 grade parking as well. So we think by just having 55 parking  
9 spaces, the number of vehicles that are actually using that alley  
10 are significantly less than the previous design, whether cars  
11 were also coming in off Lawrence and one of the other streets.  
12 So I think by limiting the number of vehicles coming to the site,  
13 widening the alley, adding the speed bumps, we think those are  
14 all actions that we've taken to help assure that it is safe back  
15 in the alley.

16 VICE CHAIR MILLER: Well, I appreciate that response.  
17 And while we all do respect DDOT and understand where they're  
18 coming from, I think we share some of the frustration of the  
19 development community of trying to use an existing curb cut for  
20 that kind of access that has perhaps less adverse impact upon  
21 adjacent residential neighborhoods. I guess that's it for now.  
22 Thank you very much. I appreciate -- and I align myself with  
23 some of the design comments of my colleagues, particularly  
24 Commissioner Wright, so -- to the extent I can understand them,  
25 which is limited, but thank you.

1           CHAIRPERSON HOOD: Thank you. I just had a few  
2 questions. Mr. Tummonds, were you the counsel in this case  
3 previously with another applicant?

4           MR. TUMMONDS: Same applicant and same counsel, so,  
5 yes, I was.

6           CHAIRPERSON HOOD: Okay. For some reason, I thought  
7 it was another developer early on, on this case. Okay.

8           MR. TUMMONDS: No, it was Horning and Menkiti were the  
9 same --

10          CHAIRPERSON HOOD: Okay. Okay. So good. I'm going  
11 to ask you this question. Now -- and I've been hearing -- one  
12 of the parties has been saying for years how -- the way the court  
13 decision came out -- I said this then -- it's not us versus them,  
14 because our job is to do the best interest of the District of  
15 Columbia as the Zoning Commission. That's what I was doing then,  
16 and that's what I'm still doing. But is it a true fact that you  
17 all decided not to defend what was going on in court and that's  
18 how we got to where we are? Did you all just -- if I'm not  
19 mistaken, did you all just drop it and say you didn't want to  
20 fight no more in court and move on, and that's why it's been  
21 empty all these years? Is that a correct assessment?

22          MR. TUMMONDS: That is a not correct assessment.

23          CHAIRPERSON HOOD: So you didn't just drop it? Y'all  
24 didn't fight it?

25          MR. TUMMONDS: Oh, yeah, we went to -- you remember

1 | there was -- this went to the Court of Appeals three separate  
2 | times, and each time, unfortunately, for me, you know, when I  
3 | made the oral arguments before the DC Court of Appeals, they --  
4 | DC Court of Appeals couldn't get beyond the FLUM thing. So not  
5 | only did we fight it, like the applicants then, the applicant  
6 | now, they hired me and my firm to defend the decision of the  
7 | Zoning Commission. And you may remember -- and it's -- what's a  
8 | little frustrating about that comment, too, is that it's -- when  
9 | we go to the Court of Appeals, right, the Office of the Attorney  
10 | General is typically there to help defend the decisions of the  
11 | Zoning Commission, but, in fact, what happens a lot of times is  
12 | the applicant, who then hires counsel to serve as intervenor to  
13 | defend the decisions of the Zoning Commission. So in a lot of  
14 | ways, that is exactly the opposite.

15 |           CHAIRPERSON HOOD: Okay.

16 |           MR. TUMMONDS: We fought -- this applicant fought  
17 | really hard to defend all three approvals of the Zoning Commission  
18 | for 901 Monroe.

19 |           CHAIRPERSON HOOD: Okay. Because I was -- I was told  
20 | years later that the applicant decided just not to keep going  
21 | back to court and dropped it. And I know that the residents and  
22 | I also know that the applicant and the Zoning Commission put a  
23 | lot of time and effort into it. And I'm not admonishing; I'm  
24 | just trying to figure out why those -- because I believe that  
25 | some of the attributes in the previous cases, for me, were

1 outstanding, especially for that area. And I know it was like a  
2 50/50 popularity contest or whatever. We don't do popularity;  
3 we go by the regulations. But I know that -- I just know that I  
4 think that we were getting somewhere, and I appreciate what I see  
5 here today, but I do have a couple of questions. On 9th,  
6 Lawrence, and 10th Street and Monroe Street, what I really need  
7 to see is -- I'm not going to say real time -- and maybe  
8 Commissioner Imamura knows about this better than I do, but I'm  
9 going to ask for it, because I've asked for it previously in  
10 other cases. I need a perspective -- unless you can point me to  
11 one, because I have not seen one in the file -- a perspective  
12 that shows the current conditions and how that building will drop  
13 down in there; you know what I mean?

14 MR. TUMMONDS: Yeah.

15 CHAIRPERSON HOOD: Jus like a cheat sheet for me to be  
16 able to understand what's going on. I'll just call it that,  
17 yeah.

18 MR. TUMMONDS: Well, I think we can -- we can prepare  
19 that, that specifically addresses what you're looking for,  
20 because, yes, we have worked on cases where you've asked for  
21 that, so I think we know exactly what you're looking for.

22 CHAIRPERSON HOOD: Right. Right. I want to see the  
23 relationship of what's going on across -- I want to see the  
24 relationship on Monroe. I want to see the relationship on 9th  
25 Street. I want to see the relationship on 10th and Lawrence

1 Street. And then, also, if you can include in that -- I know  
2 you're going from 10 feet to I think 20 feet in the alley. I  
3 just -- and, for me, I want to know how I'm going to evolve and  
4 move around that area.

5 MR. TUMMONDS: Uh-huh.

6 CHAIRPERSON HOOD: Because I know how that area is  
7 right now, and I also know the Monroe -- architectural drawing  
8 showing Monroe Street, for me, it's not a true representation,  
9 because as you go up the hill -- and I want to see coming down  
10 the hill. I'd like to see a little more. Don't do a whole lot,  
11 but let me just see a couple more of those views with the building  
12 dropped down and in a real perspective.

13 And then the shadow study, I'm not sure if I -- I'm not  
14 sure if I agree with the shadow study, and I'm not an expert,  
15 but let's bring the shadow study back up, Mr. Young, please. And  
16 I'll ask your architect, Mr. Walters -- I think that's -- is that  
17 your name, Mr. Walters?

18 MR. WALTERS: Yes.

19 CHAIRPERSON HOOD: Okay. And forgive me if I'm asking  
20 redundant questions. We started asking questions probably about  
21 45, 50 minutes ago, so I'm going to be asking some of the same  
22 ones now. Can you - can you run through that shadow study very  
23 quickly for me again, because I don't -- I don't -- I'm not going  
24 to say I don't believe it; I understand it, but I don't think  
25 it's -- for me, I don't believe it's accurate. But if you can

1 | run through that for me, I would appreciate it.

2 |           MR. WALTERS: Okay. The column on the left is at the  
3 | equinox, March 21st and September 21st. Those are the days that  
4 | have equal amounts of light and dark and they're even. And both  
5 | of days in March and September, the shadows behave identical as  
6 | they move through the day. So at the top image in that column,  
7 | that is taken at noon -- 12 noon. The sun is almost due south --  
8 | coming from due south. It is not, you know, its highest in the  
9 | sky; it's kind of the mid-highest it gets in the year, and that's  
10 | where you're seeing shadows only casting kind up the page to the  
11 | north.

12 |           And then the bottom one represents three p.m., so the  
13 | sun is spinning around. It's lowered in the sky; it's gone down.  
14 | And that's where you're seeing the shadows start to come into the  
15 | courtyards and then be cast across the alley and out onto 10th  
16 | Street, because the sun has moved -- you know, it's moved to the  
17 | north. And, you know, the sun kind of goes up in a big arch  
18 | around to the south and comes back down, so it's resulting in  
19 | the shadows being cast to the east. Is that -- the middle --  
20 | the middle slide is literally last Saturday. It is the longest  
21 | day of the year. The sun is the highest. The sun rises the  
22 | farthest up to the north and sets the farthest up to the north  
23 | on the west side.

24 |           So this top slide, again, the sun's coming from due  
25 | south at noon. You get little shadows, because the sun's moved

1 up in the sky quite a lot. And then the same sort of thing  
2 happens in the afternoon, as the sun moves around to the west.  
3 You -- except, in this case, it's kind of even more accentuated.  
4 You get more sun into the courtyards. You still do get the  
5 shadows into the alley and onto 10th Street.

6 And then, lastly, the last column is December 21st, the  
7 shortest day of the year. The sun is the lowest in the sky. It  
8 rises very far to the south in the eastern sky, and then it stays  
9 very low and it sets very far -- sets farther to the south in  
10 the western sky. So you get -- this is when you get the longest  
11 shadows of the year, the least amount of daylight. So the top  
12 one represents the sun shining, again, directly from the south;  
13 you know, big shadows in the -- in the courtyard and out on Monroe  
14 Street. And then at the bottom, you're seeing, again, the shadows  
15 into the courtyard and long shadows. And then we do go across  
16 the alley and we are going up onto the roof of the townhomes at  
17 three p.m. You know, we're -- again, we're almost at the -- at  
18 sunset in the day, so long shadows. What -- can you help me  
19 understand what it is you don't believe or is it getting more  
20 examples, as I think both Commissioner Wright and Commissioner  
21 Stidham asked for, or is there something in particular?

22 CHAIRPERSON HOOD: No. I think -- I think -- I think  
23 I understand it a little better. I think I'm good.

24 MR. WALTERS: Okay.

25 CHAIRPERSON HOOD: While -- when I say I don't believe,

1 | it's not that I don't believe what you're saying; I'm just saying  
2 | I just didn't believe the outcome or the results. But I think I  
3 | was more -- at the bottom right, the winter solstice, is the one  
4 | I had the real questions about.

5 | MR. WALTERS: Yeah, and it's --

6 | CHAIRPERSON HOOD: But I appreciate that further  
7 | explanation.

8 | MR. WALTERS: Generally, everything we do at that -- I  
9 | mean, anytime we do one for time of year, it's -- you know, the  
10 | shadows are long on the 21st of December.

11 | CHAIRPERSON HOOD: That makes sense. I think I got it  
12 | now. I was just concerned about the shading. I will ask this.  
13 | Back to Mr. Tummonds -- thank you, Mr. Walters. Mr. Tummonds,  
14 | the Supreme Court I believe says that you don't -- we don't --  
15 | well, I don't know what they might say now, but in the past they  
16 | said you don't buy a view. Is that still -- well, I guess maybe  
17 | you don't know either. Maybe that's not a fair question, because  
18 | I don't know what's going on now, but in the past they said that  
19 | people -- we don't buy a view. Is that still, to your  
20 | knowledge -- well, that's -- it might be a loaded question,  
21 | but --

22 | MR. TUMMONDS: Right. You know, I think with the  
23 | guidance we really have -- that you really have is the Comp Plan  
24 | guidance. And I think, you know, Mr. Dettman did a really good  
25 | job of describing the balancing that the Commission does in a PUD

1 project with the Comp Plan guidance and what those impacts are  
2 and the transition from more dense development to less dense  
3 development. And I think that's what we've tried to show, and I  
4 think we will respond to Commissioner Wright's questions and  
5 Commission Stidham's questions and to continue to show how I  
6 think we are appropriately addressing the Comp Plan and its goals  
7 for having development near Metro Stations like we have, and  
8 then, also, reflective of the lower density housing around it.

9 CHAIRPERSON HOOD: Thank you. Thank you for that, Mr.  
10 Tummonds, but I will tell you all what my sticking point is in  
11 this area. Well, I know you're right across from Metro, and I  
12 believe that the -- and I know all over the city -- not just here  
13 in Brookland, but all over the city, that we're building big  
14 around Metros. That's always been the plan, and I think that  
15 plan works. But my concern has always been, how do we mitigate  
16 the traffic issues. In this area, traffic is already tight.  
17 That's why I asked for those perspectives --

18 MR. TUMMONDS: Uh-huh.

19 CHAIRPERSON HOOD: -- because I know how those streets  
20 run. And it's getting to the point where some people are staying  
21 away from that area due to that. And I know some of the people  
22 who were in opposition or had some concerns were basically talking  
23 about traffic. I want Mr. Solomon -- if he can explain -- you  
24 know, I don't necessarily think I need an explanation, but I want  
25 to know, in those perspectives, how is traffic going to move

1 around; how is the pedestrians and how are the cars going to  
2 flow; you know, how do we see it? Is there going to be a backup,  
3 we got to wait for the -- because we got one bicycle lane there  
4 that's a protected bicycle lane. Those are the kind of issues  
5 that I'm concerned, because, to me, that exacerbates the problem.

6 MR. TUMMONDS: Yeah, and I think --

7 CHAIRPERSON HOOD: And we want to make sure that  
8 Brookland continues to flow.

9 MR. TUMMONDS: Yeah. I think a couple of things that --  
10 you know, specifically, to address the traffic, it starts with  
11 only providing 55 parking spaces for 233 residential units, so  
12 there isn't the driver of that many vehicles driving to the site.  
13 That's a first step. We've coupled that with -- there were some  
14 concerns that were raised. Commissioner Amin, who did a fantastic  
15 job in this case working with us, working with the community,  
16 said "I hear what you're saying about the number of parking  
17 spaces, but I don't want people to still drive a car." So what  
18 we said -- "drive a car and live in this area." So we said,  
19 "Okay. We'll agree to an RPP restriction." So limit the number  
20 of spaces, limit RPP restrictions; we'd have the TDM Plan that  
21 Mr. Solomon discussed.

22 And then with regards to pedestrian travel, one of the  
23 ways we make it easier for pedestrians to get around is not have  
24 the curb cuts on the surrounding streets, right, wider sidewalks  
25 along Monroe Street; those are all attributes to make it more

1 comfortable, easier for people to walk, to bike, get to the site  
2 by mass transit, and not have those more cars coming into the  
3 system that you mentioned.

4 CHAIRPERSON HOOD: Okay. Just two more comments and  
5 we're going to move on, because I do want to hear from the public.  
6 Mr. Tummonds, the -- you mentioned about the RPP. You all --  
7 most of the Commission members and everybody knows why I'm with  
8 RPP. Yeah, I know we got it there. I don't want to put anybody  
9 on Promiseland, but have you all thought -- and I'm just asking --  
10 have you all thought about the lease agreements? You know,  
11 some -- I don't even know if that works; I know that we've tried  
12 this on the Commission -- about putting -- after you get to your  
13 threshold that people come after that. And I don't even know --  
14 it may be illegal. I mean, not illegal, but it may be -- may  
15 not be -- you may not -- it may not be right to do it, but some  
16 developers have put the agreements not to have -- on the lease  
17 not to have a car. And I don't know legally if we can do that.  
18 I know that has been done or talked about. I don't even know if  
19 it even works. I'm just trying to give the community some  
20 assurances about this traffic issue and parking in the  
21 neighborhood, and I would ask that we continue to look at that.  
22 I know DDOT has been --

23 MR. TUMMONDS: Yeah, we can do that.

24 CHAIRPERSON HOOD: I know DDOT has given the sign-off.  
25 I know, you know, your applicant's made the case. I'm looking

1 | at the record. But the residents that live around there are in  
2 | real live situations, and I want to try to see if we can help  
3 | address that. And I do want to say this. I appreciate  
4 | everybody's comments, but I really appreciate the thoughtfulness  
5 | of ANC 5B, who are the elected leaders, and I get that. You all  
6 | are the elected leaders, but, also, others live in the area. So  
7 | I'm going to leave it at that. That's all the questions I have.  
8 | Let me see if my colleagues have any other questions.  
9 | Commissioner Imamura.

10 |           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'll  
11 | be brief, because I know we want to get to the other comments.  
12 | But for Mr. Walters, just one comment. To build on Chairman  
13 | Hood's request for perspectives, if possible, I think what may  
14 | be helpful is if you change the pencil style, which might give  
15 | him -- give all of us a better look at what it looks like in real  
16 | time, as Chairman Hood had mentioned, so that might be helpful,  
17 | so just for consideration -- not a request, but just something  
18 | to consider -- to consider.

19 |           MR. WALTERS: More of a realistic-type filter?

20 |           COMMISSIONER IMAMURA: Yes. I think that would be  
21 | helpful to just kind of communicate what it is that the Chairman  
22 | and others, myself included, are looking for.

23 |           The second thing I just want to quickly mention to my  
24 | colleagues is that I think there -- we've had a number of PUD  
25 | cases, especially in Neighborhood Conservation Areas, where --

1 Mr. Dettman tonight had addressed that, and I felt like I was in  
2 church when a Pastor's talking, you feel like they're talking  
3 directing to you. I share my concerns -- the concerns that  
4 Commissioner Wright and Commissioner Stidham had commented about,  
5 in terms of its mass and height and scale and pulling back,  
6 sculpting it further. Again, many cases where I have expressed  
7 similar concerns. The reason why this one is different is because  
8 the design -- and I believe good design can provide a solution  
9 to any problem.

10 I think that, you know, Mr. Walters had discussed sort  
11 of the issue though that there is a reality in just the difference  
12 of five feet, right, between 70 and 75 feet, so -- and about how  
13 things pencil out. And there was a comment that Mr. Walters had  
14 made about strategically carving spaces out where the -- you  
15 know, the formula would still work -- the economic formula would  
16 still pencil out to bring this project to fruition. The comment  
17 about -- and I -- you've probably -- everybody's seen me probably  
18 stare offscreen here, but I've been staring at the perspective  
19 for quite some time. And when we have parties in opposition,  
20 you know, with concerns about height, scale, mass, I do look  
21 carefully and think closely about this, but the difference about  
22 this project here, the design solution is anchored in  
23 proportions. And I know a lot of the Commission, the public,  
24 we've all commented about reducing things by one -- you know, one  
25 level, one floor, or pulling it back. Here, the reason why I

1 think -- in my opinion, what I think is that it would be  
2 difficult, just because of the proportions of the window bay --  
3 the bays and the windows, the horizontal banding. I think it  
4 will change the design such that it won't have that same  
5 proportion or feel. There may be a solution there, but I just  
6 wanted to put that out there. You know, I don't know where this  
7 case will lead, but sometimes pulling a floor back doesn't always  
8 work out with the design solution or pencil out with the economics  
9 of it. I would think that the cornice would have to be dropped  
10 a whole floor. That would just change the proportion entirely,  
11 so it would certainly have a different feel and a different look  
12 altogether, and it may not even be the same design solution. So  
13 I would ask though for the ANC -- they did -- one thing that may  
14 be of horse-trading here, that ANC 5B did ask and Commissioner --  
15 Vice Chair Miller did mention, you know, the five percent of  
16 three-bedroom -- family-sized three-bedroom units and ANC 5B  
17 asking for ten percent. You know, maybe part of that -- the  
18 ongoing dialogue there of trying to maintain the design  
19 integrity, as proposed, but looking at other ways to increase the  
20 number of family-sized units, so -- all right. Mr. Chairman,  
21 thank you.

22 CHAIRPERSON HOOD: Thank you. And, Mr. Tummonds, did  
23 I hear -- did somebody say something about retail; you're going  
24 to do some slight retail on one?

25 MR. TUMMONDS: (Nods head affirmatively.)

1 CHAIRPERSON HOOD: Okay. I did hear that. Okay.

2 MR. TUMMONDS: So, yeah. So what we're doing is we  
3 have those five live/work units, and then in -- based on  
4 discussions with the ANC, we said, "You know what we'll do? Those  
5 two live/work units at the end" -- basically the ones that wrap  
6 around the corner of 10th and Monroe -- "we will market those as  
7 retail, about 1,800 square feet, for 18 months; 12 months before  
8 the building delivers and six months after, and use our best  
9 efforts to market those as retail." Because, as we've said kind  
10 of all along, our concern is that if we make it all retail and  
11 it doesn't fill up, if it remains vacant, we've lost all of the  
12 goals of activating Monroe Street. And, truthfully, Monroe  
13 Street Market is seeing increased retail vacancy; 12th Street has  
14 the vacancy. There's been a lot of news in the press about, you  
15 know, two real kind of restaurant institutions, Brookland's  
16 Finest and Brookland Pints, have gone out. So I think that has  
17 always been our concern about diving full headlong into retail,  
18 but giving us that flexibility. We think we've come with a kind  
19 of elegant solution and we want to give credit to the community  
20 for helping us get there, and we think we've come up with a nice  
21 solution on that.

22 CHAIRPERSON HOOD: Okay. Great. Thank you. Any other  
23 questions, colleagues?

24 (No response.)

25 CHAIRPERSON HOOD: All right. Ms. Schellin, when we're

1 in person, you usually give me a cheat sheet, so I'm going to do  
2 my best.

3 MS. SCHELLIN: I sent you a cheat sheet.

4 CHAIRPERSON HOOD: Oh, okay, you're already on it. All  
5 right. Give me one moment.

6 MS. SCHELLIN: I'm already on it.

7 CHAIRPERSON HOOD: Okay. You're already on it. Give  
8 me one second. Let me get my cheat sheet. I'm going to go by  
9 that. Give me one moment please. Okay. Hold on one second.  
10 How did you send it, Ms. Schellin? Hold on. Give me one second.  
11 Got it. Yep, you got it. All right. So, Ms. Schellin, we're  
12 going to go with proponents. Let's go to -- for cross-examination  
13 only; this is not to present your case. Let's go to -- let's  
14 bring up ANC 5B and I believe ANC 5F. We're going to go proponents  
15 first. Can we bring those representatives up; Commissioner Ra  
16 Amin -- I'm sure -- yeah, I see you got that. And also  
17 Commissioner Henschman. Okay.

18 MS. SCHELLIN: Yes, Joe Henschman.

19 CHAIRPERSON HOOD: Okay. Let's go to 5B first, and  
20 then we'll go to 5F.

21 COMMISSIONER AMIN: All right. Let's see. Good  
22 afternoon, everyone. Good afternoon, Chair Hood, members of the  
23 Commission, and members of the community. I'm sitting in my  
24 sunroom right now. It's pretty hot -- pretty hot in here. So  
25 just so that I'm clear, this is just for cross?

1 CHAIRPERSON HOOD: Yeah, if you have any questions of  
2 what you've heard. I know you probably did at the ANC meeting,  
3 but if you have any questions of what you heard from the applicant  
4 today or any reclarifying questions, this is the time to do that.

5 COMMISSIONER AMIN: Yeah, absolutely. Yeah,  
6 absolutely. And if I misdirect it, please stand to correct here,  
7 but I've been -- I had my prepared statement, of course, but now  
8 is not the time for that. But I did hear some comments that came  
9 from the Zoning Commission that were also some of the comments  
10 that we had to weigh in on and consider, you know, as the -- as  
11 the ANC where this project is going to be done. One of the  
12 comments that I want -- I just wanted to throw in there, and I  
13 think Commissioner Miller asked this question, and this would be  
14 also just to add that the community actually wanted the PUD as  
15 well. We've been in situations in this community, especially on  
16 the other end of our community, closer to the Rhode Island Avenue  
17 side, where a PUD suddenly turned into a map amendment, and it  
18 was a project -- a project that still exists, that's not the best  
19 fit for the community, and the community did not get to weigh  
20 in, and we see the results of that now.

21 CHAIRPERSON HOOD: Commissioner Ra Amin -- Commissioner  
22 Ra Amin, right now -- I get that --

23 COMMISSIONER AMIN: Okay.

24 CHAIRPERSON HOOD: -- but is there a direct question?  
25 And here's the thing. What you just stated would be good when

1 | you get ready to do your testimony.

2 |           COMMISSIONER AMIN: Right. Right. So, with that,  
3 | Chair, then I really don't have a cross, okay -- cross-  
4 | examination at this point.

5 |           CHAIRPERSON HOOD: Okay. I got you.

6 |           COMMISSIONER AMIN: Most of my stuff will be better  
7 | suited for my testimony. Thank you.

8 |           CHAIRPERSON HOOD: Sounds good. Thank you. I  
9 | appreciate it, Commissioner.

10 |           COMMISSIONER AMIN: Okay. Thank you, Chair.

11 |           CHAIRPERSON HOOD: All right. Now let's go to  
12 | Commissioner Henchman. Do you have any cross? And if you have  
13 | testimony, we'll hear it later, but do you have any cross?

14 |           (No response.)

15 |           CHAIRPERSON HOOD: Commissioner Henchman, did you  
16 | disappear off my screen? Does that mean you don't have anything?  
17 | Can anybody else see him?

18 |           VICE CHAIR MILLER: (Shakes head negatively.)

19 |           MS. SCHELLIN: I do not see him. I don't know -- oh,  
20 | there he is, there he is.

21 |           CHAIRPERSON HOOD: Okay. There he is. Okay.

22 |           VICE CHAIR MILLER: There we go.

23 |           PROPONENT'S CROSS-EXAMINATION OF APPLICANT

24 |           MR. BISHOP-HENCHMAN: I may have hit the wrong button.  
25 | Sorry about that. Thank you, Chair Hood. I just had one question

1 | for the applicant. In reviewing the record, there's some  
2 | submissions by some of the opponents, including I think the BNCA  
3 | and some of the 200 Footers about the lack of responsiveness to  
4 | their -- you know, them asking for meetings or calls and not  
5 | getting them, but, at the same time, I think the same groups are  
6 | taking credit for some of the changes made as the development  
7 | progressed, such as the ground floor retail and some of the other  
8 | things. I was just wondering if you could give perspective, from  
9 | your vantagepoint, on your engagement with some of those groups  
10 | and individuals.

11 |           MR. VINCENT: Sure. You know, as we've said in our  
12 | supplemental submission, we've met with the community many, many  
13 | times on this project, over 17. We kicked off the project with  
14 | a meeting with the 200 Footers. We wanted to hear from them  
15 | first, as the most impacted neighbors. We then met with, you  
16 | know, the ANC many times. We were at the Farmer's Market. We've  
17 | met with the neighbors, you know, on their front porches. We've  
18 | you know, had a lot of engagement with them, and we're proud of  
19 | the process we've run on the community engagement.

20 |           MR. BISHOP-HENCHMAN: Nothing further, Chair Hood.  
21 | Thank you.

22 |           CHAIRPERSON HOOD: Okay. Thank you. Ms. Schellin,  
23 | let's go to parties in opposition. We only have two parties in  
24 | opposition? I forgot that quick. Oh, yeah. Okay.

25 |           MS. SCHELLIN: Yes, sir.

1 CHAIRPERSON HOOD: Okay. Let's go to the 200 Footers  
2 first.

3 MS. SCHELLIN: Barbara Kahlow I believe. She'll  
4 correct us if she is not going to be the one to cross, but I  
5 believe that's going to be Barbara Kahlow.

6 CHAIRPERSON HOOD: Okay. Ms. Kahlow, good evening.  
7 You may begin when you're ready. Ms. Kahlow, are you ready?

8 MS. KAHLOW: I'm ready. Somehow you don't see me. I  
9 don't know how you don't -- I don't know how you see me, but,  
10 okay, how do I put myself on? Ah, start video on the bottom.

11 CHAIRPERSON HOOD: Turn your video on. If you see  
12 where -- you see where that says "Start video"?

13 MS. KAHLOW: I see it.

14 CHAIRPERSON HOOD: Look at the bottom. I don't --

15 MS. KAHLOW: I did. I don't know why it doesn't keep  
16 me -- there I am. Okay.

17 OPPONENT'S CROSS-EXAMINATION OF APPLICANT

18 MS. KAHLOW: So, for the applicant, I have questions  
19 for Mr. Vincent, whom I haven't met before. Is Mr. Vincent on?  
20 Yes. Hi, Mr. Vincent. I have a couple of questions. First, I  
21 want -- you mentioned the Construction Management Agreement, and  
22 I wanted to understand why your three-page CMA only -- it omitted  
23 17 topics in the eight-page CMA, and why would you not meet with  
24 the 200 Footers to discuss the 17 missed subjects and everything  
25 else? Why did you decide to miss -- to delete them without

1 speaking to us? I can't hear you.

2 MR. VINCENT: Yeah. Sorry.

3 CHAIRPERSON HOOD: Mr. Vincent, you're on mute.

4 MR. VINCENT: Yes. Thank you. For one, this is a  
5 different project. So the prior project was at a different time;  
6 it was a different scale; it was a different construction type.  
7 We are not doing any substantial excavation. There's no  
8 demolition. We feel that all the important elements of the, you  
9 know, Construction Management Plan that we've included provide  
10 the assurances to the surrounding community that the construction  
11 will be done in a manner that will minimize impact to them and  
12 certainly will protect them, and if there are any damages, that  
13 we will promptly reimburse them for that.

14 MS. KAHLOW: Well, we have a difference of opinion. So  
15 my question is, will you willing to meet with all of us or myself  
16 plus a few of the others on the Construction Management Agreement  
17 specifically, because we think you're missing major topics, and  
18 Guy Durant will be testifying about that. And I'd like to know  
19 if you would meet with us. I'm surprised, since it said you had  
20 to work off of the old 10-28 CMA. We never saw a markup, so  
21 we -- are you willing to meet with us on that?

22 MR. VINCENT: Yes. We've been -- we've met with the  
23 community many, many times. I've seen you on Zoom many times,  
24 never in person, but we, of course, are willing to meet with the  
25 community. We will always, you know, be willing to meet and

1 provide community engagement.

2 MS. KAHLOW: Great. Well (indiscernible) community at  
3 large; with the 200 Footers.

4 CHAIRPERSON HOOD: Let me say this. Ms. Kahlow, let  
5 me say this, let me say this. Mr. Vincent, she asked you would  
6 you all meet. You said yes.

7 MR. VINCENT: Yes.

8 CHAIRPERSON HOOD: The rest of it you could have left  
9 out of the transcript, so let's listen.

10 MR. VINCENT: A bit more concise.

11 MS. KAHLOW: Thank you. Yes, you're going to meet. We  
12 look forward to it with the 200 Footers. Second subject has to  
13 do with the 200 Footers as well. There were 24 letters in  
14 opposition in the record and they did a survey. Why have you  
15 not met with the 200 Footers to consider any of their proposed  
16 amenities for mitigation. There are zero amenities in your  
17 package that -- as they suggested it. Why have you not met with  
18 them or why did you reject all the ideas?

19 MR. VINCENT: So we've met with the community many  
20 times and we've incorporated many of the ideas into the design.

21 MS. KAHLOW: I'm sorry. That's not my question. My  
22 question was the 200 Footers did a survey and came up with  
23 specific mitigation amenities they would want. Zero are included  
24 in this proposal, zero. And we have witnesses --

25 MR. VINCENT: I disagree with that.

1 MS. KAHLOW: Huh?

2 MR. VINCENT: I disagree. We've included some of the --  
3 some of those -- that feedback in our -- in our proposed project.

4 MS. KAHLOW: Can you name three things the 200 Footers  
5 recommended as mitigation that you included? We hadn't seen any  
6 in the submission.

7 MR. VINCENT: We believe the project is -- you know,  
8 is in compliance with the Comp Plan, and we believe we've produced  
9 a great project with the input of the community, including the  
10 200 Footers.

11 MS. KAHLOW: I'm sorry. I was asking specific  
12 mitigation members as amenities; any of them that you can name  
13 that they had wanted?

14 MR. TUMMONDS: Ms. Kahlow, I believe he answered your  
15 question.

16 MS. KAHLOW: His answer is no. Thank you. Would you  
17 be willing to meet with us on this -- on the specific proposals  
18 that we had -- 20 or so different proposals we had for mitigation?

19 MR. TUMMONDS: I believe -- we believe that we've  
20 engaged with the community in a thoughtful and respectful and  
21 robust manner. We have the support of ANC 5B, ANC 5F, and we  
22 believe that this project is -- satisfies the PUD standards and  
23 is, as Mr. Dettman said, not inconsistent with the Comp Plan, and  
24 we'll continue to engage and move forward, but this is the project  
25 that we are going to continue to propose to the Zoning Commission.

1 MS. KAHLOW: So your answer is no meeting. Well, I  
2 will tell you that one of our witnesses who did the survey is  
3 going to go through the different mitigation measures, and at  
4 that point we can ask you and you can ask us why haven't you  
5 decided to do those. Thank you. That's all I have for this --  
6 for the developer. Thank you.

7 MR. VINCENT: Thank you.

8 CHAIRPERSON HOOD: Okay. Thank you, Ms. Kahlow. Let's  
9 go to Brookland Citizens Association, Ms. Schellin. Oh, Dawn  
10 Amore. Dawn Amore.

11 MS. AMORE: There we go, and I'm going to start my  
12 video. Hello. This is Dawn Amore. It's a pleasure to see you  
13 all today. I have no questions. Thank you.

14 MR. YOUNG: You're on mute, Chairman.

15 CHAIRPERSON HOOD: Okay. Thank you, Mr. Young. One  
16 second. My files closed down on me. Maybe we need to go back  
17 in person. Hold on one second. Okay. Let's go to the report  
18 of other government agencies. Ms. Schellin, do we have anyone  
19 here from other government agencies, besides OP and DDOT?

20 MS. SCHELLIN: Just OP and DDOT; just those two.

21 CHAIRPERSON HOOD: I'm sorry.

22 MS. SCHELLIN: Just those two.

23 CHAIRPERSON HOOD: Okay. Let's bring up DDOT.

24 MS. SCHELLIN: Yes.

25 CHAIRPERSON HOOD: I think Mr. Hagen is here.

1 MR. HAGEN: Good evening, Chairman Hood and members of  
2 the Commission. For the record, I'm Noah Hagen with the District  
3 Department of Transportation. DDOT has no objection to the  
4 applicant's PUD application to develop the property at 901 Monroe  
5 Street Northeast. In our June 13th report, which is in the record  
6 as Exhibit 81, we recommended approval with four conditions, and  
7 these conditions include implementation of the applicant's  
8 Transportation Demand Management Plan, with one revision,  
9 easements of the first portion of alley and a portion of sidewalk  
10 (indiscernible) private property so that DDOT can provide  
11 maintenance; and, finally, infrastructure improvements in public  
12 space to include intersection daylighting, also known as curb  
13 extensions; and adding a concrete protective barrier to the  
14 Monroe Street bike lane.

15 As you heard in the applicant's presentation, they've  
16 agreed to those conditions, and with those included in the zoning  
17 order, DDOT has no objection to the approval of this PUD  
18 application. The ANC and a group of neighborhood residents did  
19 express concerns to DDOT about the development providing all  
20 vehicle access from the existing alley. It is DDOT's standard  
21 that, when available, all vehicle access is provided from an  
22 existing public alley instead of additional curb cuts. DDOT  
23 reviewers would not recommend that the applicant alter their  
24 proposal with a design that conflicts with DDOT standards. We  
25 look forward to continuing to work with the applicant on the

1 streetscape design, public space improvements, and curbside  
2 management plan as they go through the public space permitting  
3 process. Thank you, and I'd be happy to answer any questions.

4 CHAIRPERSON HOOD: Thank you, Mr. Hagen. If we can  
5 hold up for one second, I think Commissioner Imamura, you had one  
6 more comment you wanted to make or did you already do it?

7 COMMISSIONER IMAMURA: No, Chairman. I already made  
8 my comment.

9 CHAIRPERSON HOOD: Oh, you already did. Okay. Good.  
10 Okay. All right. Let's see if we have any question of DDOT.  
11 Anybody? If you do, just -- I'm not going to say raise your  
12 hand. Okay. There you go, raise your hand. Commissioner  
13 Stidham.

14 COMMISSIONER STIDHAM: Sorry. Is it Mr. Hagen or Hagen?  
15 I'm sorry. I just don't want to botch up your name.

16 MR. HAGEN: Hagen.

17 COMMISSIONER STIDHAM: Hagen. Thank you for your  
18 report. And I understand the -- DDOT's requirement on the curb  
19 cut. I guess what I'm not understanding is its application  
20 everywhere the exact same way, no matter what the situation, what  
21 the development, or on what else is happening in the area. Can  
22 you help me better understand? It seems -- to convert this 10-  
23 foot alley into what basically is going to turn into a two-way  
24 street where there will be truck deliveries and trash pickup and  
25 cars going in to park, for a development of this size, it just

1 doesn't make a lot of sense to me to just have this one entrance,  
2 so maybe you can help me understand DDOT's application of this  
3 requirement, regardless of what the development looks like.

4 MR. HAGEN: Sure. So one, to sort of the first point  
5 is, I think you said is to sort of turning the alley into a  
6 street. This -- it's still remaining an alley, in the sense  
7 of -- you know, when we say street, like a street being, you  
8 know, a full asphalt street with a sidewalk and streetscape and  
9 curbs. It's not that. It's still just being alley. There are --  
10 you know, - 20 feet wide for an alley is  
11 reasonably wide for an alley in the District, but it's definitely  
12 not uncommon. And there is -- so that's -- I guess that's sort  
13 of the first point. The second point is, there are lots of, you  
14 know, projects or developments in the District that are accessed  
15 by alley, like garages -- 55 parking spaces accessed by a single  
16 alley. It's not uncommon. For 55 parking spaces and six row  
17 homes for one alley, that's not -- you know, from our point of  
18 view, that's not an overload in the alley.

19 The applicant's Transportation -- Comprehensive  
20 Transportation Review estimated that about -- at the peak hour  
21 in the morning and afternoon, about 23 vehicle trips or 23  
22 vehicles would use the alley, and so that's about one car, on  
23 average, every three minutes during the peak time. And it's our  
24 view that that's not overloading the alley. You know, the alley  
25 in the -- alleys in the District are made for parking access,

1 loading access, trash trucks, things of that nature, and  
2 it's -- yeah, it's our position that the alley is appropriate  
3 to handle that.

4 COMMISSIONER STIDHAM: What would the situation be --  
5 what would be the requirements that would actually cause this to  
6 be a street? Because, frankly, if it did have sidewalks, I think  
7 it would be safer for everyone around. So how -- when does that  
8 requirement change, when it's an alley with that -- those numbers  
9 of cars to be the access for those six houses and, you know, the  
10 230 people who are going to live here that are only going to  
11 drive 55 cars?

12 MR. HAGEN: So just to make sure I understand your  
13 question, you're asking sort of when -- at what point would we  
14 want it to be a street?

15 COMMISSIONER STIDHAM: Right, instead of it being an  
16 alley. I mean, it's an existing alley, so the development is  
17 not -- well, I guess they spoke with you about an additional curb  
18 cut on it with a separate entrance, and that was inconsistent  
19 with DDOT's requirements. So to use this existing alley, while  
20 they're making it wider, which is super helpful, you know, it's  
21 not feeling like it's the most appropriate way to handle an  
22 entrance into this complex. So what would -- what would be that  
23 kicked it into being a street instead of just an alley where the  
24 developer decided to add an additional 10 foot on their own?

25 MR. HAGEN: Sure. So for a -- for a street dedication,

1 we would require -- we need up -- more like -- 75 feet is our  
2 minimum for a new street, because a street comes with a lot of  
3 infrastructure that an alley doesn't, because you have travel  
4 lanes and you have parking on the sides and sidewalks and tree  
5 boxes. That space adds up pretty quickly. And, you know, I'm  
6 not sure exactly what the measurements are on this block, but if  
7 you take, you know, a 75-foot wide chunk out of it, that, you  
8 know, takes up quite a bit of space from the houses, from the  
9 apartments, from everything, so -- and the street network is  
10 already pretty dense in this area, so, yeah, just a full street  
11 dedication versus an alley, there's -- it's pretty more -- it's  
12 for a much more significant development; like 55 parking spaces  
13 wouldn't require a full street on its own.

14 COMMISSIONER STIDHAM: Okay. Thank you.

15 CHAIRPERSON HOOD: Okay. Thank you. Any other  
16 questions, Commissioners? And I know we do have a seven  
17 o'clock -- I was going to try to take a break at seven o'clock.

18 VICE CHAIR MILLER: Yes, I did have a question, Mr.  
19 Chairman. I'm sorry.

20 CHAIRPERSON HOOD: Vice Chair, go right ahead.

21 VICE CHAIR MILLER: Quickly. Does the -- does the  
22 transportation analysis by DDOT or by the applicant factor in the  
23 retail, which was a change being made in response to the  
24 community, the 2,000 square foot or 1,800 square feet, whatever  
25 it is, that they're going to try to market for retail? Does

1 | it -- does your analysis or the number of cars or (indiscernible  
2 | due to connectivity issues) analysis factor in the retail that  
3 | would -- the cars that would come -- deliveries to the retail?

4 |           MR. HAGEN: So the -- so it's my understanding is that  
5 | the retail proposal came after the applicant's transportation  
6 | statement. So from DDOT's perspective, the 1,800 square feet of  
7 | potential retail, that's below any zoning threshold for  
8 | requirements; like, that's below the parking requirement  
9 | threshold; that's below the loading requirement threshold for  
10 | retail, so, in that sense, we would not expect additional  
11 | facilities, additional loading or anything, because a retail  
12 | space of that size wouldn't require it anyway.

13 |           VICE CHAIR MILLER: Thank you for that response. I  
14 | appreciate that. I would just associate myself with some of  
15 | Commissioner Stidham's comments about more flexibility on DDOT's  
16 | part in considering an existing curb cut on -- that is on this  
17 | property right now, I think on 9th street, to be used as access  
18 | that may or may not -- it seems that may provide less adverse  
19 | impact, certainly, to the 10th rowhouses. Did you all evaluate  
20 | that or you just said we don't -- we want you to eliminate the  
21 | existing curb cut and you can use the existing 10-foot alley and  
22 | widen it and use it instead? Did you consider what the adverse  
23 | impact is on the residential homes that use that -- are the only  
24 | ones I think that use that alley right now?

25 |           MR. HAGEN: Yeah. So when a site redevelops, we look

1 at -- DDOT looks at all curb cuts on -- in that site as new, so  
2 when we look at a new project, we kind of look at the he project  
3 holistically. And because this land is being put to a new use,  
4 so, you know, DDOT will -- we'll kind of take a comprehensive  
5 look at what's there and how access can be provided, you know,  
6 to meet our standards and for safety -- for safety, for ADA  
7 accessibility, and so we tend to look at projects holistically,  
8 so just because a curb cut was there in the past or with a past  
9 development proposal doesn't mean it necessarily should be there  
10 in the future. And to address the issue of safety, the applicant  
11 has proposed speed bumps in the alley to slow vehicles driving  
12 through the alley. Also, the alley -- it's a dead-end alley and  
13 it dead-ends into the building, and generally because, you know,  
14 there's no way to get out, vehicles are not going to be moving  
15 as fast, in general, because, you know, you have to slow down,  
16 turn around, and go back, so that's sort of traffic calming, just  
17 by the nature of the shape of the building. And then, finally,  
18 the applicant has agreed to -- at DDOT's request, has agreed to  
19 provide some infrastructure improvements in the vicinity of the  
20 site, such as the bike lane protective barrier and the  
21 intersection daylighting, which will prevent parking in  
22 crosswalks, prevent -- or provide additional visibility for  
23 pedestrians crossing the street around the site, and we believe  
24 that that is an appropriate accommodation.

25 VICE CHAIR MILLER: Thank you for your response and

1 thank you, Mr. Hagen, for the DDOT report. Appreciate it.

2 CHAIRPERSON HOOD: Okay. Let's go right quick, if we  
3 can, right quick through these questions -- I mean, through  
4 the -- let's go to the applicant. Mr. Tummonds, you have any  
5 cross of DDOT?

6 MR. TUMMONDS: No cross.

7 CHAIRPERSON HOOD: Okay. Commissioner Ra Amin, you  
8 have any cross of DDOT?

9 CROSS-EXAMINATION OF DDOT

10 COMMISSIONER AMIN: Yeah, my cross to DDOT. Was it  
11 considered to have an extra speed hump on Lawrence Street, and  
12 also a stop sign on Lawrence and 9th Street that would also act  
13 as slowing down mitigations? - That was part of our request as  
14 well, to -- so were those things reviewed and considered, a speed  
15 hump on -- a speed hump or two on Lawrence Street and a stop sign  
16 on Lawrence and 9th Street -- the intersection of Lawrence and  
17 9th?

18 MR. HAGEN: Those were not things that were brought to  
19 our attention in the past, but those are definitely things that  
20 we could discuss during the public space permitting process.

21 COMMISSIONER AMIN: Yes, if we could take those into  
22 consideration. Those were requests I know from the ANC and the  
23 broader community.

24 MR. HAGEN: Sure. And with a -- especially with a stop  
25 sign, we would want to get our safety team, our traffic engineers

1 to review that, but, yeah, that's -- things like that, additional  
2 traffic calming is something we'd be happy to look at during the  
3 public space process.

4 COMMISSIONER AMIN: Okay. Thank you. No further.

5 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
6 Henschman, you have any cross of DDOT?

7 COMMISSIONER BISHOP-HENCHMAN: Yeah, just one question,  
8 Mr. Chair. On the west side of the tracks in ANC 5F, we've had  
9 a number of large buildings constructed in recent years, 701  
10 Monroe, the Gale, Quincy Lane, Bryant Street, et cetera, et  
11 cetera. Some of them have been mentioned already. Before those  
12 were undertaken, there were always voices saying, "Oh, there's  
13 not enough parking; these are going to be traffic nightmares."  
14 From our perspective, that really hasn't materialized. They seem  
15 to have worked out in line with DDOT's estimations that they gave  
16 at the time, that it wasn't going to be a problem. Is that DDOT's  
17 conclusion too or has it kind of adjusted its methodology over  
18 time? Thank you.

19 MR. HAGEN: Yeah. Excuse me. So, yeah, for this  
20 project, the applicant is providing 55 parking spaces. If I  
21 recall correctly, our preferred number of parking spaces, sort  
22 of using those formulas for this development, is about 38 or 39.  
23 And, right, like you said, we believe that that number is  
24 appropriate, given the development's size and proximity. We do  
25 not -- you know, we can't choose how much parking the applicant

1 | wants to provide, but we -- yeah, we set those numbers based on  
2 | past development history, like the project you're describing, and  
3 | the site's immediate context. So, yes, we do, and the exact  
4 | numbers may have changed slightly since those projects were  
5 | built. I'm not sure exactly when those projects were built, but,  
6 | in general, the methodology is similar.

7 |           COMMISSIONER BISHOP-HENCHMAN: Thank you, Mr. Chair.  
8 | Nothing further.

9 |           CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
10 | Wright -- this is a good -- let me finish, but Commissioner has  
11 | to leave, and she's going to assure us -- well, she -- I'm going  
12 | to assure that she's going to read the record and continue to  
13 | participate in this case to where she left off and where she  
14 | rejoins us, if we have to continue. Is that correct, Commissioner  
15 | Wright?

16 |           COMMISSIONER WRIGHT: Absolutely. And I apologize that  
17 | I have this seven o'clock hard stop, but I will about read the  
18 | record and make sure I hear all the testimony that I might miss  
19 | tonight. So thank you and good night.

20 |           CHAIRPERSON HOOD: Have a nice evening. Good night.  
21 | Okay. Ms. Kahlow, you have any questions of Mr. Hagen? Ms.  
22 | Kahlow?

23 |           MS. KAHLOW: I have -- I have several questions. It  
24 | may take as much as -- it may take as much as 15 minutes. Do  
25 | you want to break and then come back to me?

1 CHAIRPERSON HOOD: Yeah, let me do this. Hold tight.  
2 Let me go to Ms. Amore of Brookland Neighborhood Association. Do  
3 you have any questions of DDOT?

4 MS. AMORE: No, I do not. Thank you.

5 CHAIRPERSON HOOD: And did I pronounce your name  
6 correctly, Amore?

7 MS. AMORE: Yeah, you know, just think of the song, you  
8 know, "When the moon hits your eye", like the song.

9 CHAIRPERSON HOOD: I hadn't heard that song. All right.  
10 Okay.

11 MS. AMORE: You got it. Thank you.

12 CHAIRPERSON HOOD: Okay. Can we take a -- Ms. Kahlow,  
13 how much -- can we take ten-minute -- what do y'all want, 10  
14 minutes?

15 MS. KAHLOW: I need to go to the bathroom

16 CHAIRPERSON HOOD: I'm sorry?

17 MS. KAHLOW: Great. Ten minutes is great to go to the  
18 bathroom.

19 CHAIRPERSON HOOD: Oh, I wasn't going to ask what you  
20 were doing, but, okay, let me take a -- let's take a ten-minute  
21 break, and let's come back at -- let's come back at 7:11.

22 MS. KAHLOW: Thank you.

23 CHAIRPERSON HOOD: Okay. Thanks, everybody.

24 (Brief recess.)

25 CHAIRPERSON HOOD: Okay. Ms. Kahlow, you may begin

1 asking DDOT questions.

2 MS. KAHLOW: Thank you. You mentioned that there was  
3 a meeting with the 200 Footers. DDOT met with the 200 Footers  
4 on May 13th, and I'm not sure if you were there or not, but DDOT  
5 clearly stated it will look at very differently, quote-unquote,  
6 only using an alley for the sole ingress and egress, if there  
7 was any retail component added. Two days later, on May 15th,  
8 the retail component was added. Has DDOT re-estimated the number  
9 of vehicle trips for the new retail? Where will the customers  
10 park; where will the customers pick up their purchases, etc.?

11 MR. HAGEN: Yeah. So 100 -- or excuse me --1,800 square  
12 feet of retail is a very small retail space. It's about the size  
13 of a convenience store. And as I stated earlier, there's no --  
14 if that amount of retail space were to be proposed in any --  
15 really anywhere in the District, that falls below the  
16 requirements for parking and loading facilities, so we wouldn't  
17 expect anything to be provided for that little amount of retail  
18 space, because nothing would be required.

19 MS. KAHLOW: Yes, I heard you say that, but what I  
20 didn't hear is an answer to where will the customers park, since  
21 there's no parking already, the street parking is completely  
22 full, and where will the customers pick up purchases? Will they  
23 pick it up in the alley? I want to understand how this is going  
24 to work.

25 MR. HAGEN: People will park -- people will park on the

1 street and people will pick up purchases from the store. It  
2 really also depends on what kind of retail ends up in that spot,  
3 so it's -- that's not something that would be -- you could know  
4 until the specific retailer is chosen by the developer.

5 MS. KAHLOW: Thank you. In the prehearing report that  
6 DDOT had on June 13th, you estimate the number of vehicle trips  
7 for trash, move-in/move-outs, mail and parcel deliveries is only  
8 five per day for 233 apartments, probably 400 people. I live in  
9 a 51-unit apartment building and our front desk estimates a  
10 hundred packages a day from USPS, Amazon, FedEx, and UPS per day.  
11 How can -- and I, myself, get about five per week. How can you  
12 only figure five a day, when there's about 400 people? How many  
13 packages will there really be in the world, post-COVID, after  
14 Amazon has grown and so many other retail stores, like CVS, have  
15 closed? How many is a realistic estimate?

16 MR. HAGEN: Gorove Slade, the applicant's  
17 transportation consultant, said in their -- in their  
18 Comprehensive -- excuse me -- Comprehensive Transportation  
19 Review that five loading trucks would use the loading dock area  
20 every day, which sounded reasonable to us, given that many -- as  
21 we know, USPS, Amazon, FedEx, those companies often park on the  
22 street; they park on the side streets. They typically don't use  
23 loading docks, so many of those deliveries would come from the  
24 side streets.

25 MS. KAHLOW: What side streets would they be using;

1 9th, 10th, and Lawrence? And then how do they go in to deliver  
2 it? Is there a front desk in the lobby at the corner of --  
3 northwest corner at Monroe and 9th? How is this going to be  
4 processed? We have a whole processing situation so people --  
5 they know who's gotten it, and they know who's been delivered.  
6 Where -- how is this going to work, if they're not going to use  
7 the alley; how are all these packages -- 500 packages or whatever  
8 a day, how are they going to work? Where will they be delivered?  
9 And since they can't have parking, where they will be delivered  
10 and how would it be processed?

11 MR. HAGEN: DDOT does not get involved in individual  
12 buildings package processing. That's not our --

13 MS. KAHLLOW: But you estimated five per day. So did  
14 you not estimate in your five per day that any of these packages  
15 from USPS, Amazon, FedEx, and UPS would be through the alley; you  
16 think they're all going to be somehow on the side streets?  
17 They're going to park these large vehicles on the side streets  
18 and come in with it? I mean, in our building, Amazon will come  
19 in, let's say, with a huge one or two loads of stuff on a big  
20 levy -- a big thing, and there will be 20 packages every time  
21 they come in. How's that going to work for an apartment building  
22 this size, in the age where we're in now, when Amazon does about  
23 everything?

24 MR. HAGEN: It'll happen either from the alley or from  
25 the side streets.

1 MS. KAHLOW: So it's not five a day, if it's for the  
2 alley. So how much will it be? How -- what is a new estimate?  
3 I mean, since -- I'm going to talk about transportation. The  
4 transportation thing was before the retail. In this case, we now  
5 have retail in addition. We need an estimate. And why is there  
6 not a Traffic Impact Analysis? Your prehearing statement on June  
7 13th said it was not required for this project. When would it  
8 be required, when you have 500 packages a day? I mean, don't  
9 you think you need a transportation impact analysis after you've  
10 heard what I am asking?

11 MR. HAGEN: At DDOT, we have thresholds for a  
12 transportation impact study. It's either a hundred -- the two  
13 qualifying -- the two thresholds are either 25 peak period  
14 vehicle trips in or out or a hundred person trips. And the  
15 proposed development did not meet either of those thresholds.

16 MS. KAHLOW: But I'm saying they didn't consider the  
17 packages. And you put in your -- in your situation, trash, move-  
18 ins, move-outs, mail, and parcels are five a day. That's what  
19 DDOT estimated. Forget what they said. And I'm saying that's  
20 not a realistic number. So if you had a realistic number,  
21 wouldn't you need to have a TIA?

22 MR. HAGEN: Our TIA thresholds are 25 vehicle trips in  
23 or out or a hundred person trips.

24 MS. KAHLOW: And I'm saying there will be more than a  
25 hundred person trips. What I'm trying to explain, how is this

1 going to work? Where will it be logged in? Where will it be  
2 picked up by the residents? How is this going to work? I haven't  
3 seen it in any of their documents. I haven't seen it in your  
4 documents? Your documents said five a day. That doesn't even  
5 make any sense. How is it going to work, and can you please re-  
6 evaluate the entire thing, based on today's post-COVID Amazon  
7 world?

8 CHAIRPERSON HOOD: So, Ms. Kahlow, that is the  
9 question. You're asking Mr. Hagen if he would go back and re-  
10 evaluate --

11 MS. KAHLOW: Yes.

12 CHAIRPERSON HOOD: the current situation. That's the  
13 question.

14 MS. KAHLOW: And, if so (indiscernible due to cross-  
15 talk.)

16 CHAIRPERSON HOOD: They will or they won't. Then the  
17 applicant will have to come up with your resolution for your  
18 question. So next question. We good. You've made the point.

19 MS. KAHLOW: We also need a TIA. That's the other half  
20 of the question. They need to reanalyze and do a Transportation  
21 Impact Analysis. I think they said it was below the impact. And  
22 as for the speed bumps, I'm happy to hear, but we were told they  
23 were not they were not going to be in it, so it's good they're  
24 doing that. Is there anything else that you have to try to  
25 make -- to have it work? DDOT has suggested for the people who

1 live on the alley, their parking space, they have to back in,  
2 and how are they are going to be able to access it in and out  
3 when there's all these trucks coming in? How's it going -- how  
4 does it work? Do you have any other examples? We asked DDOT in  
5 our phone conversation, did you have any -- does DDOT have any  
6 other examples of dead-end alleys that have the other occupants  
7 having their own driveways off of them, and you had no other  
8 examples. Have you found any now, any other examples anywhere  
9 in DC of a dead-end alley with homes right on it?

10 MR. HAGEN: So to address the first question, the --  
11 even we would expect that with the presence of the retail, there  
12 may be one or two extra truck trips a day. It depends on the  
13 type of retail, but we wouldn't be surprised if that number went  
14 from five to maybe six. That would not -- at six truck trips a  
15 day, that would not -- even if that were the case, we would want  
16 to go back and look at -- if the development proposal were to  
17 change, we would be happy to have that conversation, but one  
18 extra truck trip a day would not interfere with residents' ability  
19 to go in and out of their parking spaces. At 23 vehicle trips  
20 an hour in the peak period, five to six truck trips would not  
21 have an impact.

22 MS. KAHLOW: All right. But you just said five to six  
23 for retail. What about all these packages that haven't been  
24 considered?

25 MR. HAGEN: I mean, five to six is the total number.

1 MS. KAHLOW: But if -- we get it every hour in my  
2 building, and we only have 51 units. Is this realistic? Can  
3 you change your model?

4 MR. HAGEN: Five to six is for using an alley of this  
5 type. Again, USPS and UPS, Amazon, FedEx, they all -- they don't  
6 always use the alley; they will often park on the side streets  
7 and bring the packages in directly to the building. That's how  
8 it is in my building. And that is (indiscernible due to  
9 connectivity) -- that they typically don't use loading docks.

10 MS. KAHLOW: You broke up.

11 MR. HAGEN: So it wouldn't have an impact on residents  
12 trying to access their parking spaces. Can you hear me?

13 MS. KAHLOW: Okay. So you broke up. I didn't quite  
14 understand, but what I couldn't figure out, when you said they're  
15 using the side streets, since the side streets all have parking  
16 full the whole time, are they going to block the street? How  
17 are they going to park? They're big vehicles. And where are  
18 they going to drop them off, and how is the whole process going  
19 to work?

20 MR. HAGEN: Typically, in the District, sometimes they  
21 use -- they -- in various neighborhoods, it works different ways,  
22 but it's not uncommon in the District to have an alley -- or to  
23 have a -- or excuse me -- to have -- you're asking about the  
24 alley -- a dead-end alley with multi-family buildings -- excuse  
25 me -- with a multi-family residential building, it's not uncommon

1 and the vehicles -- the delivery vehicles use available parking  
2 spaces. They can use -- they can use the loading dock. It's  
3 really -- it's not up to DDOT to dictate where these vehicles  
4 should go.

5 MS. KAHLOW: Can you give us examples of what we asked  
6 for, actual street addresses so we can go look at them ourselves?  
7 We asked for that and you had -- dead-end alleys that have  
8 driveways from homes up in the alley. Can you give us any  
9 examples? You had -- when we asked DDOT, they had no examples.

10 MR. HAGEN: Every site in the District is unique and  
11 there's lots of alleys serving -- dead-end alleys serving  
12 properties of a variety of uses and a variety of densities and  
13 every site is unique and the conditions and the individual  
14 density, the neighborhood -- the neighborhood context, what other  
15 uses are fronting the alley, those things all contribute to  
16 whether an alley is sufficient or not, the width of the alley.  
17 There's so many different factors that go into that.

18 MS. KAHLOW: Can you come up with any examples that we  
19 could look at, that we asked for, so we can see how it works?

20 CHAIRPERSON HOOD: Ms. Kahlow -- Ms. Kahlow, you  
21 have -- you have driven your point home --

22 MS. KAHLOW: Okay.

23 CHAIRPERSON HOOD: -- and it's left home, and then it  
24 went back home again. So let's go -- move on. We will follow  
25 up on that. You've driven it home.

1 MS. KAHLOW: Thank you. That's all for him. A lot  
2 for everybody else. Thank you. Thank you very much.

3 CHAIRPERSON HOOD: We get your point. Thank you. And  
4 I would ask the applicant to be able to respond to some of that,  
5 if DDOT doesn't, as well. All right. Where are we at now, Ms.  
6 Schellin? Oh, let's go to ANC 5B. Commissioner Ra Amin, it's  
7 time for your report.

8 MS. KAHLOW: Wait, one second. What happened to the  
9 Office of Planning? (Indiscernible due to cross-talk.)

10 MS. SCHELLIN: Ms. Kahlow, we got it. We got it.

11 CHAIRPERSON HOOD: You're right. Thank you, Ms.  
12 Kahlow, for helping me. So I know you're an expert in these  
13 matters. Let's go to the Office of Planning, Ms. Schellin. I'm  
14 still thinking about the packages and Amazon and the street, so  
15 I'm -- I got all disoriented. Okay. So, Ms. Schellin -- Mr.  
16 Jesick, go right ahead.

17 MR. JESICK: Yes. Thank you, Mr. Chairman and members  
18 of the Commission. The Office of Planning recommends approval  
19 of the PUD and related map amendment. The project would not be  
20 inconsistent with the Comprehensive Plan, including when viewed  
21 through a racial equity lens.

22 The proposed height and density are appropriate for a  
23 site directly across the street from a Metro station, and the  
24 zone height and density are not inconsistent with the medium-  
25 density residential/moderate-density commercial mixed-use

1 designation of the Comprehensive Plan's Future Land Use Map,  
2 which the Council specifically amended to allow this form and  
3 intensity of development.

4           The project would also further a number of written  
5 policies of the Comprehensive Plan through the utilization of a  
6 long-vacant lot, improving the appearance of Monroe Street,  
7 providing a connection in the urban fabric of the neighborhood,  
8 avoiding displacement, and providing affordable housing near  
9 transit and in close proximity to retail and amenities that new  
10 residents would support.

11           The largest single benefit of the PUD is the  
12 inclusionary zoning, and the applicant is providing more IZ floor  
13 area than required, 15 percent versus 10 percent. The project  
14 would also provide a number of three-bedroom units, which is also  
15 considered a benefit of the PUD. Our written report provides a  
16 summary of these and the other project benefits. And we find  
17 that the benefits of the project are commensurate with the degree  
18 of flexibility sought through the PUD. Although the applicant  
19 requests a zone change, the design only utilizes the matter-of-  
20 right height and density of the new zone, rather than the  
21 allowable PUD height and density. Also, no other zoning  
22 flexibility is proposed with the project. So, in summary, OP  
23 finds that the PUD meets the criteria for approval and recommends  
24 that the Commission approve the application. Thank you, and I'd  
25 be happy to take any questions.

1 CHAIRPERSON HOOD: Thank you, Mr. Jesick, as always.  
2 We always appreciate your report and all the work that OP does  
3 as well, as well as DDOT. Let's see if we have any questions or  
4 comments. Commissioner Imamura.

5 COMMISSIONER IMAMURA: No questions. Thank you, Mr.  
6 Jesick, for your report.

7 CHAIRPERSON HOOD: Okay. Commissioner Stidham.

8 COMMISSIONER STIDHAM: Thank you for your report. No  
9 questions from me either.

10 CHAIRPERSON HOOD: Okay. And Vice Chair Miller. You're  
11 on mute, Vice Chair Miller. You're on mute.

12 VICE CHAIR MILLER: Okay. And if I go out of video,  
13 it's because I need to. The question I have -- thank you, Mr.  
14 Jesick for the Office of Planning report. We appreciate it.  
15 Very comprehensive. My question to you is the same one to the  
16 applicant that I posed, which was what are they doing on this --  
17 I recognize all the public benefits and -- that are -- that are  
18 being provided and the amenities in this project with the PUD,  
19 but what are they -- what are they building that they could not  
20 build under an MU-5B matter of right?

21 It's my understanding, based on their response, and I  
22 may have gotten this wrong, but they would have had to do IZ Plus  
23 at 20 percent, and now they're doing a PUD-related map amendment,  
24 which they're doing more than the required amount for a PUD at  
25 10 percent, but they're -- so they're doing 15 percent, which is

1 a public benefit under the PUD regulations. But what are they  
2 building? Are they -- is there any relief that they're seeking  
3 or any -- it seemed -- your own report says that they're meeting  
4 the development standards of this MU-5B zone, and they could do  
5 it in the MU-5B zone, all of the setbacks and public benefits,  
6 if they wanted to, but they're not required to under a map --  
7 under a straight map amendment. Is there anything -- any relief?  
8 I thought I might have seen some design flexibility relief for  
9 bays and windows, but I don't even know if that would have been  
10 required -- would have been -- if that might have been allowed  
11 under a straight map amendment. It might have been. I don't  
12 know. You understand my question? I'm trying to just understand  
13 what the difference is.

14 MR. JESICK: Yes. As far as the form of the building,  
15 the massing of the building, there's nothing there that requires  
16 any sort of zoning relief or flexibility from the Commission. It  
17 could be built in this way, as a matter of right under the MU-5B  
18 zone. You're correct that the applicant has requested some design  
19 flexibility, which is standard in a PUD, but that wouldn't even  
20 be necessary in a matter-of-right development, because they could  
21 just submit their plans to the Department of Buildings and get  
22 their building permit without being subject to, you know, any  
23 Zoning Commission order referencing a set of plans that you all  
24 have reviewed and approved. So, yes, the building is not getting  
25 any extra density or height beyond the matter-of-right limits of

1 the MU-5B zone.

2 VICE CHAIR MILLER: And, in fact, they're doing less  
3 than the height that would have been allowed, and I -- so I  
4 understand the public benefits, but I appreciate your response,  
5 because I thought I might be missing something. It seems to be  
6 it's the 20 percent IZ under a map amendment versus the 15  
7 percent, which they said would make it economically unfeasible,  
8 and there would be zero housing built, if I understood their  
9 testimony, versus the 15 percent, which they say they can do with  
10 the three-bedroom units and all the other design benefits that  
11 are trying to ameliorate adverse impacts. So thank you. I  
12 appreciate your response.

13 CHAIRPERSON HOOD: Okay. Thank you. Let's see if we  
14 have any other questions. I don't have any. Mr. Tummonds, you  
15 have any cross for the Office of Planning?

16 CROSS-EXAMINATION OF OFFICE OF PLANNING

17 MR. TUMMONDS: No cross.

18 CHAIRPERSON HOOD: And, Commissioner Ra Amin, you have  
19 any cross for the Office of Planning?

20 COMMISSIONER AMIN: No cross from the ANC.

21 CHAIRPERSON HOOD: Thank you. Commissioner Henchman,  
22 you have any cross?

23 COMMISSIONER BISHOP-HENCHMAN: Yes, just one question.  
24 Would you mind elaborating on the -- how the DC policy -- citywide  
25 policy about development around Metro stations applies to this

1 development and how you were thinking about it in that respect?

2 Thank you.

3 MR. JESICK: Yes, certainly. And we went into more  
4 detail on this in our written reports, but, yes, as with any PUD,  
5 we evaluate the proposal against the policies of the  
6 Comprehensive Plan. And, in this case, the project would further  
7 a number of policies related to providing housing near Metro,  
8 utilizing vacant or under-utilized lots, enhancing the  
9 streetscape in neighborhoods. There are a number of policies  
10 that this project would further, including, as you say, providing  
11 housing or density near public transit, especially Metro  
12 Stations.

13 COMMISSIONER BISHOP-HENCHMAN: Thank you. Nothing  
14 further, Mr. Chair.

15 CHAIRPERSON HOOD: Thank you, Commissioner. Ms.  
16 Kahlow? Maybe I'll -- well, let me do this. Let me go to Ms.  
17 Amore, Brookland Civic Association. You have any cross of the  
18 Office of Planning?

19 MS. AMORE: I'm sorry. No, I don't have any cross.  
20 Thank you.

21 CHAIRPERSON HOOD: Okay. And I think it's Amore, not  
22 Amore (phonetic). I'm sorry. Ms. Kahlow, do you have any cross  
23 of the Office of Planning?

24 MS. KAHLOW: Yes, quite a number. Yes, I have quite a  
25 number of questions. The first question, Mr. Jesick, is that,

1 during this setdown, the Commissioners asked had you or the  
2 applicant considered any alternative zones besides this set of  
3 (indiscernible), as they put it. What other zones did OP consider  
4 and why were they not mentioned in your report?

5 MR. JESICK: Well, actually, it's not OP's role to  
6 consider other zones. We evaluate the proposal that is submitted  
7 to the Zoning Commission and provide advice to the Zoning  
8 Commission about that specific application.

9 MS. KAHLOW: Okay. Thank you. The second question has  
10 to do with the OP setdown report and your final report. Both  
11 made no mention or analysis of the many proposed amenities for  
12 mitigation from the 200 Footers in the 24 letters. Have you read  
13 them, and, if not, will you -- if you did read them, why did you  
14 not include any of the recommendations for mitigation? The  
15 developer didn't consider it, but I would think the Office of  
16 Planning would have.

17 MR. JESICK: Yes. Similarly, we review the public  
18 benefits and amenities that are presented by the applicant and  
19 judge whether those benefits and amenities are commensurate with  
20 the degree of flexibility sought through the PUD, and we came to  
21 the conclusion that, yes, the amenities presented or proffered  
22 by the applicant are commensurate with the limited degree of  
23 flexibility in this case.

24 MS. KAHLOW: So you only looked at -- for both  
25 questions, the alternative zone and the amenities for mitigation

1 of the 200 Footers, you only looked at what the developer sent  
2 you; you didn't look at the letters in the record; is that  
3 correct?

4 MR. JESICK: I did look at several letters in the  
5 record, but it is the applicant's proffer to make when it comes  
6 to the benefits and amenities, and we evaluated those proffers  
7 that they proposed.

8 MS. KAHLOW: So you don't ever -- in your report, you  
9 (indiscernible) the applicants -- you don't ever you explain to  
10 the Zoning Commission that there are other amenities they haven't  
11 considered; you don't do that ever?

12 MR. JESICK: Well, certainly, we have dialogue with any  
13 applicant, if we feel that their amenities package is falling  
14 short of the threshold needed for approval. And we are certainly  
15 not shy about making suggestions to an applicant in that  
16 circumstance. But, in this particular case, we found that the  
17 amenities proposed by the applicant met the threshold for Zoning  
18 Commission approval.

19 MS. KAHLOW: So the next thing is on page 11 of your  
20 final report, you cited a regulatory requirement, "Any potential  
21 adverse effects does not result in unacceptable project effects  
22 on the surrounding area." And my question is, did you consider  
23 the adverse effects on air and light, especially in children's  
24 bedrooms, and increased noxious air pollution because of the  
25 trucks in the alley?

1 MR. JESICK: Well, yes, we, to a large extent, rely on  
2 comments from our sister agencies in the District government, one  
3 being Department of Energy and the Environment. And I don't  
4 believe they raised the issue of excess fumes in the alley. I  
5 think, given the -- given the traffic study, which estimated a  
6 low number of truck trips in the alley, I don't -- I do not  
7 believe that that would present an unacceptable level of air  
8 pollution. Regarding light and air -- yes, go ahead.

9 MS. KAHLOW: Yeah, that was my question, light and air  
10 for children's bedrooms.

11 MR. JESICK: Yes. Certainly, anytime a neighboring  
12 property is developed, it would result in additional shadow on  
13 adjacent properties. And, in this case, as the applicant  
14 demonstrated in their sun study, there would be some additional  
15 shadow beginning in the middle to late afternoon throughout much  
16 of the year, but we did not feel that that rose to the level of  
17 an unacceptable impact, especially given the other Comprehensive  
18 Plan policies which we weighed this project against.

19 MS. KAHLOW: Thank you for explaining that. Because  
20 in the other zoning case where the BZA made a complete case about  
21 children's bedrooms, lack of the shadows. So now you --  
22 apparently, that's -- you're just -- you think it's enough.  
23 Okay. So having -- about the other letters in the record, you  
24 said -- OP in its final report, page 13, said -- June 13th report,  
25 "OP also finds the dedication of a public access easement to

1 double the effective width of the alley is a benefit." Since  
2 the 24 letters all said they considered an adverse impact and  
3 they don't -- they prefer using the 9th Street curb cut, which  
4 was in the last proposal, do you still think it's a benefit?  
5 Because nobody else does.

6 MR. JESICK: Well, certainly, we rely on our colleagues  
7 at DDOT to assess whether the impacts from the traffic generated  
8 by this development would result in negative impacts to the  
9 transportation network. And we do believe, however, that  
10 widening the alley, whether it's this project or any other  
11 project, would provide more room for people to maneuver in the  
12 alley and would, therefore, be a benefit, regardless of, you  
13 know, what the exact nature of the project is on the other side  
14 of the alley.

15 MS. KAHLOW: Thank you. Did you read any of the 200  
16 Footer letters -- I missed that answer -- where they explained  
17 the alley is the problem?

18 MR. JESICK: I did read some of the letters, yes.

19 MS. KAHLOW: And that didn't change your view?

20 MR. JESICK: It did not.

21 MS. KAHLOW: Thank you. Thank you for answering my  
22 questions.

23 CHAIRPERSON HOOD: Okay. Thank you, Ms. Kahlow. All  
24 right. Now I think we're ready to move to Commissioner Ra Amin,  
25 ANC 5B's presentation; then we'll go to ANC 5F, in that order.

1 MS. SCHELLIN: Did Ms. Amore -- did everybody else  
2 question OP?

3 CHAIRPERSON HOOD: Yeah, I went to Ms. Amore first,  
4 before I went to Ms. Kahlow.

5 MS. SCHELLIN: Okay. Great.

6 CHAIRPERSON HOOD: Let's bring up Commissioner Ra Amin  
7 and let him do his report.

8 COMMISSIONER AMIN: Again, good evening. Oh, I'm  
9 sorry. I'm hearing a slight echo. Let me know if everybody else  
10 is hearing that. Maybe we need to make some adjustments. But  
11 good evening -- good evening again, Chair Hood and members of the  
12 Commission and community. As noted, I'm Commissioner Ra Amin,  
13 and I've been designated to represent ANC 5B, as well as the  
14 constituents of 5B04 on the Zoning Case Number 24-15. On behalf  
15 of ANC 5B and the residents of 5B04, I'm requesting that the  
16 Zoning Commission approve Zoning Case Number 24.15, the  
17 consolidated PUD and zoning-related map amendment. I make this  
18 request with the majority support from the residents of the  
19 impacted and surrounding community after an extensive public  
20 engagement process.

21 As a matter of practice, the SMD, ANC, the Development,  
22 Zoning, and Land Use Committee conducted an extensive, extended,  
23 and transparent public engagement and review process, which  
24 included, but not limited to, the Brookland Neighborhood Civic  
25 Association, the 200 Footers, and ANC 5F. Depending on who you

1 speak with, some will say that this case started 17 years ago;  
2 some will say 14, others 10; some 10 months, and I believe you  
3 can still find some in our community that will say that they  
4 never heard of this case or the location that we're discussing  
5 today.

6 I've led the public engagement process and review  
7 process this time around, from August 2024 up until now, with the  
8 commitment to continue the process throughout this stage, while  
9 I'm the ANC Commissioner and a resident of this community. The  
10 process included virtual meetings, all recorded; in-person  
11 meetings, sign-in sheets available; walking tours around the  
12 site, sign-in sheets there; walk audits with neighbors; tabling  
13 at the Farmer's Market; meetings with the BNCA, Brookland  
14 Neighborhood Civic Association, ANC 5F, and the DZLU -- 5B DZLU  
15 Committee.

16 We've also conducted meetings with all of our  
17 businesses along the Monroe Street corridor, as well as the 12th  
18 Street corridor. We've spoken with all our community partners,  
19 that being (indiscernible) and WABA, Deaf-REACH, Casey Trees,  
20 DCTV, Friends of Noyes Park, the Farmer's Market. And we also  
21 spoke with all the schools around our area too; Noyes Elementary  
22 School, Luke Seymour High School, Saint Anthony School and  
23 Churches. So we've done a very extensive and thorough review  
24 throughout this process.

25 We also held several meetings with DDOT and

1 OPPORTUNITY. Personally, I've had three meetings Councilmember  
2 Parker, two in-person and one over the phone, where we  
3 specifically focused and talked about this project and making  
4 sure that we are hearing and meeting the needs of our community.  
5 Constituent service directors from Councilmember Parker's and  
6 Councilmember McDuffie's teams have been present in all of our  
7 meetings. Our meetings -- we've had meetings in various venues  
8 and forums at different times of the day and evenings -- and  
9 evening, on weekdays and weekends, to assure that everyone could  
10 and would have the opportunity and option to connect with me, the  
11 ANC, or the project team that was -- that's responsible for this  
12 development.

13 I've also had weekly conversations or, as we call them,  
14 check-ins with the project development team that became biweekly  
15 check-in phone conversations between February and -- between  
16 February and May, where we reviewed comments from the tabling at  
17 the Farmer's Market, activity on the website, e-mails that have  
18 come in, phone conversations, one-on-one in-person meetups, as  
19 well as the community meetings.

20 Maybe not lastly, but as you heard from others, you can  
21 see why the ANC supports this community project. I'm honored to  
22 have this -- to be a part of this historic opportunity and to  
23 lead the Commission on the 901 Monroe Street PUD and related map  
24 amendment. I want to thank for the Commission for their time,  
25 but, before I say that, I did -- I've been taking notes throughout

1 | this, and I have some response that I wanted to at least put in,  
2 | because some of the -- I appreciate all the comments that have  
3 | come from the Zoning Commission, and these are some of the same  
4 | comments that we've had to consider as the ANC. And I've made a  
5 | few notes around this.

6 |           So to Commissioner Miller's comments about why the PUD  
7 | and not the map amendment, as I started out saying earlier, Chair  
8 | and Commission, that, actually, the community was relieved and  
9 | excited to engage in the PUD process. We've been involved in  
10 | other PUDs. We've done them well, and we know how they go. But  
11 | we've also had situations in the past on the other end of our  
12 | community where conversations that started out as PUD agreements  
13 | turned into map amendments, and, as a result of that, the  
14 | community is now living with projects in our community that's not  
15 | the best suit for our community here. And all of these areas  
16 | that we could have addressed in a thorough and open -- a public  
17 | engagement process, we did not get the opportunity, like  
18 | construction management plans, waste management plans, pick-up  
19 | and drop-off sites, parking for the residents of the building,  
20 | so RPP status, all of those things can and will come up if you  
21 | don't have a thorough community engagement process.

22 |           The other thing that I want to address here is about  
23 | the concern about the construction management plan. ANC --  
24 | again, ANC 5B has done other projects and done -- and been  
25 | involved in other PUDs. We're very confident that we will be

1 | able to implement a very strong construction management plan. At  
2 | no time did the ANC ever feel like we were being slighted or  
3 | ignored during that part of the process. We have a construction  
4 | management plan that has been agreed upon, along with a demolition  
5 | plan, which we would not necessarily need in this -- in this  
6 | particular situation. And one of the things that we wanted to  
7 | do here is to make sure that we implemented that plan, but also  
8 | we were able to tweak that plan as it best suited for this  
9 | particular project. So not at any time has the ANC ever felt  
10 | like the project team or anybody else was trying to slight the  
11 | 200 Footers or the community from being involved in the  
12 | construction management plan.

13 |           The other concern that we had as a community, we were --  
14 | we were very concerned about having curb cuts on 9th Street.  
15 | There was never a real clear consensus or majority of the  
16 | community that said that they wanted the curb cuts on 9th Street.  
17 | We never really came -- we talked about it, we looked at it at  
18 | so many different ways. As the traffic studies -- well, you  
19 | don't even have to do a traffic study to just stand on the corner  
20 | on 9th and Monroe and see it's probably one of the busiest  
21 | intersections in our community. It's across from the Metro, so  
22 | you have the buses going in and out there; you have traffic --  
23 | motor vehicles and bicyclists and pedestrians all using that  
24 | intersection time -- at any given time.

25 |           The concerns that we took in, as the ANC, that any

1 | slight backup at ingress and egress on 9th Street would create --  
2 | would make that 9th and Monroe Street intersection more dangerous  
3 | than what we were already experiencing. And the other part, a  
4 | curb cut on 9th Street also took away valuable and much needed  
5 | parking in our community. That curb cut would probably take away  
6 | I would say approximately three spaces, where we gained parking  
7 | spaces with this Lawrence -- with the alley being extended on  
8 | Lawrence Street, so that's something that the community thought  
9 | that we could get behind. That 9th Street parking is used by  
10 | the community for simple things like shopping on Monroe Street  
11 | or shopping at the Farmer's Market on the weekend, but it's also  
12 | used by residents if they know that they're coming home late from  
13 | the Metro in the evening or it's going to be inclement weather  
14 | and they want their vehicles a little closer to the Metro station.  
15 | A lot of us use that Catholic University/Brookland Metro Station  
16 | that are not necessarily in comfortable walking distance and  
17 | especially if we're getting off the Metro after dark and in  
18 | inclement weather, so we were very aware that -- what that 9th  
19 | Street curb cut could do as well.

20 |           And the other thing I wanted to address about as we  
21 | move forward with the discussion about retail coming to the Monroe  
22 | Street corridor, that's also something that we're not as  
23 | concerned with, because if you -- if you do a walk audit or a  
24 | survey of our community, there's always plenty of parking space  
25 | during the day on Lawrence Street and on 10th Street. Now, all

1 | the homes -- and I think it's six on Lawrence Street -- I'd say  
2 | out of those six homes, five of those homes have driveways, and  
3 | on 10th Street there's six rowhomes as well. Most of those homes  
4 | have, as you know, behind the home off-street parking as well.  
5 | So if someone's shopping on -- shopping at 10th and Monroe Street,  
6 | which we encourage them to do, double parking or taking up parking  
7 | is really just not a concern of our community. I walk through  
8 | there every single day, and there's always parking along 10th  
9 | Street, in front of those row homes, or on Lawrence Street -- on  
10 | either side of Lawrence Street. So I just want to enter that,  
11 | that that wasn't an overall concern of the community. And I  
12 | think that's it for now. I really -- I thank you for the time,  
13 | and I'm happy to take any questions from the Commission.

14 |           CHAIRPERSON HOOD: Thank you, Commissioner Ra Amin.  
15 | Let's see if we have any questions or comments. Commissioner  
16 | Imamura, you have any questions or comments?

17 |           COMMISSIONER IMAMURA: No questions. Thank you,  
18 | Commissioner Amin, for your time tonight and for -- amount of  
19 | work that you put in to prepare for your testimony today.

20 |           CHAIRPERSON HOOD: Okay. I'm obviously getting  
21 | feedback when I -- so I have to make sure that I mute immediately.  
22 | Commissioner Stidham, any questions or comments?

23 |           VICE CHAIR MILLER: And Commissioner Amin needs to mute  
24 | himself while people are asking questions.

25 |           COMMISSIONER AMIN: Yes. And, I'm sorry, I did one

1 request one more thing, Chair. I know that I'm over time, but  
2 if I could add one more comment, at least, to my testimony, if  
3 that's okay.

4 CHAIRPERSON HOOD: Go right ahead.

5 COMMISSIONER AMIN: I'm sorry. I'm getting feedback  
6 as well. Some of the comments that we did take while we were  
7 going through the public engagement process -- and this is to  
8 Commissioner Stidham's questions and concerns -- you know, we did  
9 receive, as the ANC, how come -- home come you guys are not  
10 encouraging them to go larger, bigger scale, more mass? We also  
11 took questions that said -- or comments that said, hey, this  
12 particular project, why are you supporting so much parking there,  
13 when this project is across the street from the Metro, and it  
14 should be absolutely no parking -- no parking there at all.

15 So some of the things that we had to consider, as the --  
16 as the ANC, we wanted to be involved in the community engagement  
17 process, like I said, but, also, we also knew that we wanted to  
18 find the right balance for the project, and we felt like, as far  
19 as the ANC, this project was the right balance. It was large  
20 enough to meet all the goals, the equity goals and the goals of  
21 our city, but it wasn't so large that it was going to be  
22 overpowering our community as well, because we did have voices  
23 in our community that wanted us, as the ANC, to support a larger  
24 project. So we were constantly in a place where we were trying  
25 to find the right balance for our community as well.

1           So if that helps anything, and especially to  
2 Commissioner Stidham's comment about large in scale. And,  
3 finally, I say that the public engagement process was thorough,  
4 and I do appreciate everyone that was involved, and I appreciate  
5 the BNCA's role. They were included from the beginning, never  
6 excluded from any conversations or any meetings, as well as the  
7 200 Footers and -- as well as the 200 Footers. So we really ran  
8 a very thorough public engagement process. And I think I can  
9 stop there.

10           CHAIRPERSON HOOD:           Okay.           Hold tight.  
11 Commissioner       -- Mr. Young, make sure we're not getting any  
12 feedback.

13           COMMISSIONER AMIN: I'll mute myself, Chair.

14           CHAIRPERSON HOOD: Commissioner Stidham, did you have  
15 any questions?

16           COMMISSIONER STIDHAM: No, I did not. Thank you, Mr.  
17 Amin, for your time and all of your work on this case.

18           CHAIRPERSON HOOD: Okay. And Vice Chair Miller, you  
19 have any questions.

20           VICE CHAIR MILLER: Thank you, Mr. Chairman. I have  
21 no questions, but I also want to thank Commissioner Amin for all  
22 your service -- public service to your community and for  
23 expounding on the public benefits, community engagement that  
24 would -- was involved in the PUD process that might not have --  
25 would not have been there necessarily in a straight map amendment

1 process. And I appreciate you going into -- I was going to ask  
2 you the question about the 9th Street curb cuts, since one of  
3 the opposition party status people said they were unanimous that  
4 it should -- that that access to the project should be from 9th  
5 Street. I appreciate you telling that your community was maybe  
6 divided or -- and all the problems that currently exist  
7 trafficwise on 9th Street, so we understand the balancing that  
8 you're doing. That's what we do all the time, and we appreciate  
9 your work in that regard. Thank you.

10 CHAIRPERSON HOOD: Commissioner Ra Amin, I, too, want  
11 to say, I think your testimony -- any of your testimony in front  
12 of the Commission, but your points today were very helpful. I  
13 want to make sure that I have your written -- do you -- did you  
14 provide your -- I do have ANC 5B's report. Did you provide your  
15 written testimony of what you just said?

16 COMMISSIONER AMIN: I did not, Chair, submit that  
17 written, but if it is necessary, I will submit that in writing  
18 as well.

19 CHAIRPERSON HOOD: Yeah, if --

20 COMMISSIONER AMIN: I know it's after the records are  
21 closed, but it's up to -- if the Commission instructs me to do  
22 that, it will be done.

23 CHAIRPERSON HOOD: I'm asking you for your  
24 comments -- your testimony today. If you don't mind writing --  
25 if it's not too much of a problem, if you don't mind writing that

1 out, I'd appreciate it. And I appreciate the engagement, and  
2 I've heard the track record and I've followed it, and I think  
3 you all have covered every corner. I appreciate the work that  
4 5B and you, personally, have done in that ANC. And that is a  
5 testament to the work that you all have done, so keep contributing  
6 to the betterment of your neighborhood, so thank you for doing  
7 that. But I do want your -- I do want your testimony in the  
8 record.

9 COMMISSIONER AMIN: It will -- it will be submitted,  
10 along with the sign-in sheets of everyone who attended all of our  
11 meetings as well.

12 CROSS-EXAMINATION OF ANC 5B

13 CHAIRPERSON HOOD: Okay. Thank you. Let's see if we  
14 have any cross from anyone else. Mr. Tummonds, any cross from  
15 the applicant?

16 MR. TUMMONDS: No cross.

17 CHAIRPERSON HOOD: Commissioner Henchman, any cross  
18 from ANC 5F?

19 COMMISSIONER BISHOP-HENCHMAN: No, sir.

20 CHAIRPERSON HOOD: And Ms. Dawn Amore from Brookland,  
21 any cross?

22 MS. AMORE: No cross, sir. Thank you.

23 CHAIRPERSON HOOD: And Ms. Kahlow, any cross from the  
24 200 Footers?

25 MS. KAHLLOW: Yes quite a number of questions, quite a

1 number. First, I'll start with what you said today, Mr. Amin.  
2 You said the ANC supports this process. I thought that there  
3 was only conditional support; they supported it if and only if  
4 certain four conditions were met. Isn't that the more accurate  
5 representation of what ANC 5B said, conditionally support?

6 COMMISSIONER AMIN: And I think -- I think that you  
7 have that in our -- it's on record what we support, Ms. Kahlow.

8 MS. KAHLOW: I'm sorry. That's a yes or no question.  
9 Didn't ANC 5B conditionally support with four condition?

10 COMMISSIONER AMIN: Ms. Kahlow, I think that if you  
11 look at the Form 129 and the resolution, it says attached to  
12 it -- I think that answers your question. Thank you.

13 MS. KAHLOW: And it's time to respond to what you said.  
14 You also said today that a majority supports -- you have majority  
15 support from the surrounding community. Do you have any evidence  
16 in the record that anybody who is immediately surrounding  
17 actually supports this without change? All the 200 Footers I  
18 know of support development definitely, but they want changes to  
19 mitigate the problems. Do you have any evidence of anyone around  
20 that does support it without change?

21 COMMISSIONER AMIN: Yeah. Yes, Ms. Kahlow. We ran a  
22 very extensive public engagement process. To my knowledge, it  
23 is 33 -- and I could be corrected here -- 33 200 Footers that  
24 are officially listed. And I'm not sure -- like, you say -- you  
25 say there's 24 letters. One of the questions that the ANC asked

1 | in our -- and it wasn't our meeting; it was the April meeting  
2 | that was conducted by the BNCA -- how many of those letters came  
3 | from the same household, and that question could not be answered.  
4 | So we were just trying to get a better understanding; was there  
5 | two letters coming from that household that gave them that number  
6 | of 24.

7 |           MS. KAHLOW: That didn't answer my question, but I will  
8 | ask you about the 24 letters. The 24 letters from the 200  
9 | Footers, not all of whom signed the party request, did you read  
10 | them? Because there were 24.

11 |           COMMISSIONER AMIN: Yes, yes, I did get to see some of  
12 | them. Ms. Kahlow, there are 20 -- there's over 2,100 people  
13 | living in SMD 5B04, and there's 14,000 and probably nine living  
14 | in ANC 5B, if that helps give you some perspective.

15 |           MS. KAHLOW: I do redistricting. The last four decades  
16 | I have done it for my neighborhood, so I'm very familiar with  
17 | those numbers. I'm asking you for any evidence --

18 |           CHAIRPERSON HOOD: Ms. Kahlow, we realize the  
19 | redistricting you've done. I've done that too. We can all talk  
20 | about our congressmen, but let's -- my lawyer -- my legal counsel  
21 | gets on me about letting all this fluff into the Council, and I  
22 | get it. Believe me, I get drilled on it. So let's keep it to  
23 | zoning. You and I both worked on redistricting.

24 |           MS. KAHLOW: Okay. I will. Let me -- I asked a  
25 | question I didn't get an answer for. You said majority support.

1 | Is there any evidence that the majority supports? We don't know  
2 | of any. We haven't seen it in the record of the people  
3 | surrounding. Do you have any evidence when you made majority  
4 | support?

5 |           COMMISSIONER AMIN: And, Ms. Kahlow, I think if there  
6 | are 20 -- I think if you look in the record, you see there's more  
7 | letters of support in the record than there's letters of  
8 | opposition in the record.

9 |           MS. KAHLOW: They're not from the surrounding people.  
10 | Thank you. You didn't have evidence. Okay. As for the  
11 | opposition letters, they included a survey of the -- of what the  
12 | community wanted for mitigation measures. What were your --

13 |           MR. RITTING: Can I interrupt your testimony, Ms.  
14 | Kahlow?

15 |           CHAIRPERSON HOOD: Hold on one second, Ms. Kahlow.  
16 | Hold on one second. Let me go to my legal counsel, Mr. Ritting.

17 |           MR. RITTING: Yeah. Ms. Kahlow, you made a statement  
18 | that was not a question. And I just wanted to say on the record  
19 | that this is cross-examination. You are to ask one question at  
20 | a time; you are to allow the witness to answer the question; and  
21 | you are not to make other statements during cross-examination.  
22 | Thank you.

23 |           MS. KAHLOW: Thank you, Mr. Ritting. That's good  
24 | advice. I'm not a lawyer. Thank you.

25 |           CHAIRPERSON HOOD: So, Ms. Kahlow, you got the one-on-

1 one that I get all the time.

2 MS. KAHLOW: No, I appreciate it.

3 CHAIRPERSON HOOD: Let's follow -- let's follow his  
4 mandate. Thank you.

5 MS. KAHLOW: In the survey, there were many  
6 recommendations for mitigation measures. Did you consider any  
7 of those and propose those to the developer?

8 COMMISSIONER AMIN: Yes. Yes, we did. And if you'll --  
9 whether you refer to the FAQ that was done by the BNCA in  
10 November, if you refer to the DZLU Committee's meeting notes and  
11 resolutions, you can see that the 200 Footers, as well as the  
12 BNCA, all of the recommendations, comments, and concerns were  
13 reviewed and considered and addressed.

14 MS. KAHLOW: Thank you. Since the benefits and  
15 amenities only include financial contributions to four  
16 organizations, why were there no benefits to the immediately --  
17 for mitigation members (sic) for the immediately adversely  
18 affected 200 Footers?

19 COMMISSIONER AMIN: I think that the 200 Footers -- I  
20 think that that's probably a question that you should ask the 200  
21 Footers, if the 200 Footers were engaged in the proper package  
22 discussion, which they were definitely invited. As I indicated,  
23 it was a very thorough and open process, so if they don't see  
24 them reflected in the benefits package -- but I would beg to  
25 differ there. If you -- if you think about our proper package,

1 | it's the Greater Brookland Intergenerational Village, which  
2 | benefits our seniors; it's the Washington Area Bicycle  
3 | Association; it's Deaf-REACH; it's Casey Trees; and it's also a  
4 | study to -- how do we better or incorporate the abundant green  
5 | space that we have across the street. And some of those things  
6 | actually came up, like about the use of green space, and that  
7 | was directly from a 200 Footer. The use of a green space was  
8 | something that we took from a comment from someone who was a 200  
9 | Footer, and we started to look at that green space around our  
10 | area and how we were going to use that green space as well.

11 |           MS. KAHLOW: Thank you. Did you hold any meetings  
12 | independently, without the developer, with the 200 Footers who  
13 | are your constituents, to hear their concerns?

14 |           COMMISSIONER AMIN: The only meetings that I had that  
15 | the 200 Footers did not have was the first initial meeting, which  
16 | was done on August the 8th, and that was the meeting that when  
17 | the -- that was the meeting that when Horning DC and Menkiti  
18 | reached out to me, as the ANC Commissioner, and invited me over  
19 | to their offices to meet and to -- and review the first draft of  
20 | their plans, which is not the draft that we're looking at today.  
21 | But I should also add to that, when I received that invitation,  
22 | I reached out to the then-President, as the Chair indicated was  
23 | Caroline Petty, and told her that I was taking this meeting and  
24 | that I hoped to follow up with a second meeting with her, as  
25 | the -- as the then-president of the BNCA. And Caroline Petty

1 notified the 200 Footers, Guy Durant, and -- to tell that the 901  
2 Monroe Street project was back on the agenda. So when I took my  
3 first meeting -- again, it was August the 8th in the afternoon --  
4 the 200 Footers' first meeting was already scheduled, and that  
5 was September the 4th.

6 MS. KAHLOW: Thank you. Was the September 4th meeting  
7 without the developer; just you and the 200 Footers? I'm not  
8 aware of that. That was my question. Was any --

9 COMMISSIONER AMIN: No, that -- the 200 -- the 200 --  
10 the September 4th meeting was with the -- was with the developer,  
11 but -- so I made myself available, like I said in my testimony,  
12 to the 200 Footers, as well as the BNCA. Throughout the entire  
13 process, I made myself available, I mean, through my e-mail,  
14 through my phone number. I'm at the Farmer's Market every single  
15 weekend. And some weekends I was with the developers, but more  
16 than not, I'm there without the developers. And the 200 Footers  
17 chose not to contact me, engage me, and I was told in the  
18 September meeting by two 200 Footers that someone else represents  
19 them. They said, "Oh, another person is our representative."  
20 Caroline Petty went to the 200 Footers and said to them, "Who's  
21 representing you? You should be working with the ANC and the  
22 BNCA on this project." This was said to the 200 Footers in --  
23 after the November meeting with the BNCA, and it was said to the  
24 incoming president of the BNCA, which is Ms. Dawn Amore, and  
25 said, "Hey, you guys should be working closely with the ANC on

1 | this, the SMD on this, and the BNCA on this." That was Ms.  
2 | Petty's outgoing advice to the 200 Footers, and we got no -- we  
3 | got no response from that.

4 | I sent other community members and the former President  
5 | of BNCA, Dan Schramm, and asked him to -- if he could engage the  
6 | 200 Footers and see what exactly what they were advocating for  
7 | as a community. He got no response -- he got no response either.  
8 | So we did do a very active outreach to the 200 Footers, and the --  
9 | and the 200 Footers chose not to be as active, even though I have  
10 | them on record attending every single meeting that we -- that we  
11 | ever had, but as far as working directly or one-on-one with me,  
12 | they just did not reach out, they did not take that opportunity.  
13 | And, again, we're very large. We're the largest SMD in 5B, so I  
14 | had other constituents that were saying, "Commissioner Ra, we  
15 | support this. Continue moving this forward for our community.  
16 | Get this across the line. It's been too long. It's been over  
17 | ten years, and so they said, "Hey, we want this done," and they  
18 | were giving me their feedback along the way. So I hope that  
19 | helps you, Ms. Kahlow.

20 | MS. KAHLOW: Yes. Now I'll turn to another subject,  
21 | the Construction Management Agreement. Did you compare the  
22 | eight-page CMA from the old version in 10-28 and the three-page  
23 | CMA in the current supplemental submission from the developer?  
24 | Have you made that comparison?

25 | COMMISSIONER AMIN: I did not sit down with both of

1 | those documents at the same time. I have reviewed those  
2 | documents. I did not sit down -- again, I -- again, we've worked  
3 | on a construction management plan before. We have a very good  
4 | construction management plan in place. In 5B04 and ANC 5B, this  
5 | is not our first PUD. We also have a very good demolition plan  
6 | in place as well. I was a hundred percent confident that we  
7 | would work -- we would have a really good construction management  
8 | plan in place. And we were never slighted. I never felt at any  
9 | time that the developers were trying to get around us or not work  
10 | with -- not work with the community on the construction  
11 | management plan.

12 |           MS. KAHLOW: Well, I want to give an example that maybe  
13 | you can help me understand. In the old CMA -- I'm quoting --  
14 | "Traffic and construction plan. At no time are trucks permitted  
15 | to queue or idle in residential areas along 9th, 10th, and  
16 | Lawrence Street, nor are workers allowed to individually  
17 | congregate, queue, or idle in the residential areas between seven  
18 | a.m. or eight a.m., start of the construction day." So where  
19 | were the construction workers parked?

20 |           COMMISSIONER AMIN: Again, Ms. Kahlow, we have  
21 | implemented all of that in our previous construction management  
22 | plan, and we're ready to address that at any given time. If --  
23 | I don't know if this is germane to it, but if you refer to PUD  
24 | 22-04, you can see that construction and demolition management  
25 | plan in there that we worked with, and all of those things about

1 construction workers, arrival time, where they park, and all of  
2 that stuff is included, and that project is scaled to be three  
3 times as big as this project, Ms. Kahlow.

4 MS. KAHLOW: Thank you. Where will the construction  
5 vehicles queue and not idle before the day's starting hour of  
6 construction for this project?

7 COMMISSIONER AMIN: I'm sure that will be -- I'm sure  
8 that will be worked out.

9 MS. KAHLOW: Okay. So the last time, Mr. Amin -- or  
10 Commissioner Amin, the Zoning Commission realized how important  
11 a Construction Management Agreement was, it was embodied in the  
12 order. I think the 200 Footers would like the same consideration  
13 now. Are you willing to work with us to be sure that we have  
14 the full set of subjects, the 17 subjects that were dropped, et  
15 cetera, and to have one that can be embodied in the order?

16 COMMISSIONER AMIN: Yeah. The short answer to that is  
17 absolutely yes. I've always been willing to work with -- in and  
18 for this community, so I don't -- I never feel like that's in  
19 question. So the short answer is yes, but I would like to add  
20 to that, that this is not the same project that the community  
21 reviewed ten years ago.

22 MS. KAHLOW: I agree. There's -- for example, the  
23 alley was not touched ten years ago, and that's why there's so  
24 many more issues now. But thank you so much for answering my  
25 questions, and I look forward to having you work with the 200

1 Footers.

2 COMMISSIONER AMIN: Yes. Thank you, Ms. Kahlow, for  
3 your questions.

4 CHAIRPERSON HOOD: Thank you, Commissioner Ra Amin. We  
5 appreciate your testimony and also in answering the questions  
6 that were asked. Thank you very much. All right. Let's move  
7 to the next Commissioner. Commissioner Henschman, we're ready for  
8 your report.

9 COMMISSIONER BISHOP-HENCHMAN: Thank you, Mr. Chair.  
10 Can you hear me okay?

11 CHAIRPERSON HOOD: Yes, we can.

12 COMMISSIONER BISHOP-HENCHMAN: Perfect. Well, thank  
13 you members of the Commission for granting us party status in  
14 this matter and insuring that 14,000 residents to the west of the  
15 project are heard. Commissioner Amin said it all very well. I  
16 certainly, first, want to thank him for his leadership in bringing  
17 the developer and the community together to find the common ground  
18 that works for the vast majority of residents. I hope that the  
19 Zoning Commission will support that work by our ANCs and grant  
20 the 5B and 5F support with conditions great weight.

21 In addition to the outreach that Commissioner Amin  
22 mentioned and that the applicant mentioned, I just want to note  
23 that this project was heard five times by ANC 5F, twice by our  
24 Zoning and Development Committee in November 2024 and in June  
25 2025, and three times by the full Commissioner -- the full 5F

1 Commission in November 2024, December 2024, and June 2025. On  
2 all five occasions, we had a public comment period, and we heard  
3 from proponents and opponents. We heard from Commissioner Amin,  
4 and we kept in close touch with Commissioner Sun, as the  
5 discussions progressed this year.

6 As Commissioner Amin said, we heard -- in that process,  
7 we heard many of the issues that have been raised in the record  
8 and today, and we used our judgement to represent the  
9 neighborhoods, as elected officials, in shaping the proposal.

10 ANC 5F represents the west of the tracks, and we do  
11 have experience with buildings of this type of density, parking,  
12 massing, traffic, and even the package delivery issues. We've  
13 got the 603-unit Gale building; the 457-unit Judd and Weiler  
14 building; the 345-unit Bryant Street, Phase One; and the 158-  
15 unit six-story 701 Monroe building just two blocks from this  
16 site. We're happy to have brought this experience to the process,  
17 and that knowledge helped inform our judgment, as elected  
18 representative of the community, that this project is not too big  
19 and is not inconsistent with the Comprehensive Plan.

20 Our resolution of support, which we've submitted to the  
21 record, cites conditions which overlap some of ANC 5B's. One is  
22 the construction plan that the -- that the representative of the  
23 200 Footers just mentioned. Another is ground floor retail,  
24 which we know in our neighborhood is an important contributor to  
25 success and eyes on the street. Additionally, the moving of the

1 drop-off zone from Monroe to 9th benefits both communities, as  
2 that protects an important thoroughfare that connects Brookland,  
3 Edgewood, and Eckington. We're also grateful that the applicant  
4 wanted to do this right, as far as the community is concerned,  
5 by engaging in the PUD process rather than going it alone as a  
6 pure map amendment. In short, the duly elected officials on both  
7 sides of the track, who, together, represent 28,000 people, and  
8 when we make these decisions we have to think about 28,000 people  
9 and not just a small subset, support this project with the stated  
10 conditions. I hope that the Zoning Commission will respect this  
11 determination with great weight. Thank you.

12           CHAIRPERSON HOOD: Thank you, Commissioner Henschman.  
13 And, again, I want to also commend ANC 5F. You all are our  
14 frontline workers, and we appreciate all the volunteer work that  
15 you all do as a Commission. And I know you all are relatively a  
16 new 5F, and Ward 5 is a relatively new Commission. I only know  
17 because Ms. Kahlow mentioned about working on redistricting. I  
18 helped working on that as well. So we appreciate your testimony  
19 and your comments and all the work that you all do. Let's see  
20 if my colleagues have any other questions or comments.  
21 Commissioner Imamura.

22           COMMISSIONER IMAMURA: Thank you, Mr. Chairman. No  
23 questions. Thank you, Commissioner, for sharing your experience  
24 with ANC 5B and for the time that you spent to prepare your  
25 testimony tonight, and thank you very much for your service in

1 the community.

2 CHAIRPERSON HOOD: Commissioner Stidham.

3 COMMISSIONER STIDHAM: No questions or comments and  
4 echo the words of Commissioner Imamura. Thank you.

5 CHAIRPERSON HOOD: Vice Chair Miller.

6 VICE CHAIR MILLER: Thank you, Mr. Chairman. I share  
7 the views of my colleagues in thanking you for all your work in  
8 the community and your testimony and your work on this case and  
9 other cases and your testimony this evening. Thank you.

10 CHAIRPERSON HOOD: Okay. Thank you. Let's go -- Mr.  
11 Tummonds, the applicant have any cross?

12 MR. TUMMONDS: No cross.

13 CHAIRPERSON HOOD: Okay. Commissioner Ra Amin, you  
14 have any cross?

15 COMMISSIONER AMIN: No cross, Chair.

16 CHAIRPERSON HOOD: I was about to say Commissioner  
17 Henchman, but I know you don't have any cross for yourself. Ms.  
18 Amore, do you have any cross?

19 MS. AMORE: I have no cross. Thank you.

20 CHAIRPERSON HOOD: Okay. Ms. Kahlow, do you have any  
21 cross?

22 MS. KAHLOW: No, I do not. Thank you.

23 CHAIRPERSON HOOD: Okay. Thank you. All right.  
24 Commissioner Henchman, thank you again for all the work that you  
25 all do.

1 COMMISSIONER BISHOP-HENCHMAN: Thank you.

2 CHAIRPERSON HOOD: All right. Ms. Schellin, let me --  
3 one second. All right. Let's go to persons in support.

4 MS. SCHELLIN: Actually, we have one party in support.

5 CHAIRPERSON HOOD: Oh, party. Okay. We have a party  
6 in support.

7 MS. SCHELLIN: ANC 5F.

8 CHAIRPERSON HOOD: Which party?

9 MS. SCHELLIN: ANC 5F.

10 CHAIRPERSON HOOD: Didn't they just do -- hold on, Ms.  
11 Schellin. I'm already confused.

12 MS. SCHELLIN: Did they do their report already? I'm  
13 sorry. I didn't listen. I was -- I've been creating --

14 CHAIRPERSON HOOD: I know -- I know  
15 (indiscernible) -- all right.

16 MS. SCHELLIN: So you pulled them up as an ANC instead  
17 of a party. Okay.

18 CHAIRPERSON HOOD: Yeah, I pulled them up as an ANC,  
19 because it was coming right behind --

20 MS. SCHELLIN: Sorry I missed that.

21 CHAIRPERSON HOOD: Okay. All right. Let's -- do we  
22 have any persons here in support?

23 MS. SCHELLIN: So you're confusing me. So now it's  
24 individuals; you're correct.

25 CHAIRPERSON HOOD: Right, individuals. We would have

1 | gotten -- we would have ended up in the same place anyway.

2 | MS. SCHELLIN: Exactly.

3 | CHAIRPERSON HOOD: Okay. So let's bring the persons  
4 | up who are here in support.

5 | MS. SCHELLIN: How many would you like?

6 | CHAIRPERSON HOOD: How many do we have?

7 | MS. SCHELLIN: Quite a few in support.

8 | CHAIRPERSON HOOD: So let me -- let me take a tab from  
9 | my colleagues. Are we going to go to nine? Are you all -- you  
10 | all tell me what you. I'm fine either way. Let me -- let me  
11 | start off with Vice -- let me start off with Commissioner Imamura.

12 | COMMISSIONER IMAMURA: Mr. Chairman, I think we cap it  
13 | a nine o'clock and come back fresh, as you stated at the beginning  
14 | of the case.

15 | CHAIRPERSON HOOD: Okay. So we're going to --  
16 | Commissioner Stidham.

17 | COMMISSIONER STIDHAM: Yeah, I think nine o'clock is  
18 | about my limit tonight.

19 | CHAIRPERSON HOOD: Okay. And Vice Chair Miller --  
20 | well, nine o'clock is the limit.

21 | VICE CHAIR MILLER: I'm fine with nine.

22 | CHAIRPERSON HOOD: Okay. Nine o'clock. All right.  
23 | And, Ms. Schellin, can we announce the next date?

24 | MS. SCHELLIN: It will be -- it will be July 7th at  
25 | four o'clock p.m.

1 CHAIRPERSON HOOD: Okay. One these same platforms.  
2 I'm going to see how far we get. I will do another -- and I  
3 would ask my colleagues to remind me at quarter to nine; let's  
4 see where we are and see if we can finish at least something  
5 where we can start off fresh somewhere else. So I know that  
6 sounds very vague, but I can't predict it. All right.

7 MS. SCHELLIN: Okay. So you want me to call four, six?

8 CHAIRPERSON HOOD: How many do we have total; you know?  
9 About 20?

10 MS. SCHELLIN: Well, actually, you know what? Maybe  
11 it won't be as -- oh, wait a second. I'm going to say about 25  
12 to 28 in support on the list.

13 CHAIRPERSON HOOD: In support?

14 MS. SCHELLIN: Yeah.

15 CHAIRPERSON HOOD: Okay. I was trying to let others  
16 go, if they wanted to, but they better stick around. Okay. Let's  
17 start off and I'll do another session at about a quarter to nine.

18 MS. SCHELLIN: Okay.

19 CHAIRPERSON HOOD: All right. So we'll start with the  
20 first four. Call the first four. Let's do four at a time.

21 MS. SCHELLIN: Okay. Richard Moller, John  
22 Leibovitz -- I know I'm going to mess this one up -- Philip  
23 Tizzani, Elizabeth Knox. Mr. Young, do we have four?

24 MR. YOUNG: Yeah, we got all four.

25 MS. SCHELLIN: Okay. Great.

1 CHAIRPERSON HOOD: Okay. I'm going to go -- Ms.  
2 Schellin, we got five -- or four?

3 MS. SCHELLIN: We do. Mr. Moller was first.

4 CHAIRPERSON HOOD: Okay. Sometimes I'll go by who I  
5 see on my screen.

6 MS. SCHELLIN: Okay. Sure.

7 CHAIRPERSON HOOD: Yeah. Let me go with Ms. -- now she  
8 moved -- okay. Ms. Knox. Ms. Knox, if you could go first please.

9 MS. KNOX: Sure. Good evening, Chairman Hood and  
10 members of the Commission. My name is Elizabeth Knox. I live  
11 just a few blocks from the project site in Brookland. I have  
12 lived in Brookland for 17 years. I am a parent of four children  
13 and I'm invested in the future of this neighborhood, not just for  
14 my family, but for the broader community that we're a part of.  
15 I'm going to start by saying I see the concerns. I've heard the  
16 neighbors who have legitimate worries about things like increased  
17 traffic and all of the unknowns that always accompany  
18 development, and I think it's possible to hold those concerns  
19 alongside support for this project.

20 I have watched Menkiti and Horning revise and rework  
21 this plan over time, incorporating real feedback from sidewalk  
22 width to compact parking to underground utilities for the tree  
23 canopy. And this project brings much needed housing, both  
24 affordable and market rate, close to the Metro. I don't think  
25 you could get closer to the Metro in a walkable and vibrant part

1 of the neighborhood. And so I also care deeply about the climate  
2 impact, and we know that denser, transit-oriented housing like  
3 this is a powerful tool that we have to reduce emissions and  
4 build a more sustainable future. I know this project isn't going  
5 to solve everything and it's going to be impossible to address  
6 all of the concerns -- no single project can -- but it moves us  
7 in the right direction. It's a chance to turn a vacant lot into  
8 something that adds to the fabric of Brookland, and it's a small  
9 and meaningful way to live out our shared values of equity,  
10 climate responsibility, and thoughtful growth. So thank you for  
11 your time, for all that you give to our community, and I urge  
12 you to support this project.

13 CHAIRPERSON HOOD: Thank you. If you can hold tight,  
14 we may have some questions for you.

15 MS. KNOX: Sure.

16 CHAIRPERSON HOOD: Let me go to Mr. Leibovitz. Mr.  
17 Leibovitz.

18 MR. LEIBOVITZ: Chairman Hood and the Commissioners,  
19 thanks for the opportunity to testify in support of the  
20 application. I'm a nearby Brooklander. I live at 12th and  
21 Kearney Street. When I first saw the plans for 901 Monroe last  
22 fall, I was excited that the empty lot would finally get a  
23 building on it. However, I also saw room for improvement. The  
24 design presented a wall of windows, but no doors to the  
25 surrounding residential blocks. The parking lot, while smaller

1 | than the previous version, would invite more large vehicles to a  
2 | neighborhood that has been plagued by traffic violence. And,  
3 | unlike the previous incarnation, which featured more than 12,000  
4 | square feet for ground floor retail, the new proposal did not  
5 | include any retail space, a change that seemed incompatible, to  
6 | me, with the Brookland Small Area Plan. So I sent the developers  
7 | a memo with my analysis, and I proposed a few solutions. About  
8 | a month later, their revised plan included some of my  
9 | recommendations, adding doorways on Lawrence Street and shrinking  
10 | many parking spaces to be compact car only. The developers also  
11 | introduced live/work units on Monroe Street.

12 |           While this concept was intriguing to me, I was still  
13 | concerned the project would fail to provide the retail  
14 | connectivity and street activation needed at this highly  
15 | strategic location across from Brookland/CUA station, which  
16 | bridges Monroe Street Market to the west with the historic 12th  
17 | Street business corridor to the east. I took my concerns to the  
18 | community. Nearly 120 neighbors signed my petition to add a  
19 | retail component to 901 Monroe. This led to even more dialogue  
20 | and a compromise. The developers agreed to offer 1,800 square  
21 | feet on Monroe Street to retail tenants for at least 18 months,  
22 | starting one year before the building is complete. If no retail  
23 | tenant is found during this time, the space can revert to  
24 | live/work units.

25 |           The compromise brings three benefits. First, it opens

1 a window of opportunity to find a true retail tenant; second, it  
2 hedges the developer's risk that -- if no tenant can be found;  
3 and, third, it insures that the bones of the building are retail  
4 capable, should -- over the long term, should market conditions  
5 change in the future. The details are memorialized in a letter  
6 I submitted to the record and in the applicant's revised PUD  
7 application. The developers assured me they would have every  
8 incentive to find a retail tenant during the 18-month period, but  
9 we did discuss the possibility that a disobliging landlord might  
10 try to make the lease unmarketable, so we agreed that the offer  
11 terms must be commercially reasonable. Based on our discussions,  
12 I understand "commercially reasonable" to mean that 901 Monroe  
13 will offer the space to any reasonably qualified tenant on terms  
14 and conditions typical of a motivated lessor in the submarket,  
15 such as a competitive rate compared to comparable properties,  
16 customary incentives -- for example, a tenant improvement  
17 allowance -- and without any poison pills.

18 In summary, because we were able to reach this  
19 agreement around retail-flexible space and because of the healthy  
20 dialogue and iterative project revisions that proceeded it, I'm  
21 happy to support the project. Once again, thanks for giving me  
22 some of your time and for your service to the District. And,  
23 with your permission, I would like to submit a written copy of  
24 my oral testimony to the case file for your reference, as I  
25 misunderstood the rules and thought it would automatically

1 | happen.

2 |           CHAIRPERSON HOOD: Yes. Please submit that. He has  
3 | authorization to do that. So thank you, Mr. Leibovitz. Let's  
4 | go to Mr. Tizzani. Hopefully, I pronounced that right. If not,  
5 | correct me please.

6 |           MR. TIZZANI: You did, Chairman Hood. Thank you very  
7 | much to you, and thank you to all the Commissioners who are taking  
8 | the time on a late night to hear some of our testimony for those  
9 | of us that live in ANC 5B. As a resident of this ANC, I first  
10 | just want to start off and express how grateful I am to our ANC's  
11 | leaders, specifically Commissioner Amin and Commissioner Sun, for  
12 | the they've done over many months to really get the broad range  
13 | of opinions that people in this community have about the future  
14 | of this vacant lot.

15 |           I do want to sort of focus my time on community support,  
16 | as I have separate comments that I've submitted in the case record  
17 | about this project's compatibility with the current FLUM that was  
18 | enacted by our Council and, you know, city policy and  
19 | Comprehensive Plan as of 2021. But, in terms of community  
20 | support, I think you could just look at the case record and see  
21 | the overwhelming support in our community from neighbors far and  
22 | wide that really want to see every possible bit of the space  
23 | maximized for housing, specifically.

24 |           The project -- those proposing the project mentioned  
25 | the closure of Brookland Pint, as well as Brookland's Finest, and

1 | these are existential losses for our community, right? Like, we  
2 | want to be a community where we have amenities, where we can go  
3 | to a restaurant or we can bring our dog, bring our kids and  
4 | socialize. We're losing some of these spaces. And what is an  
5 | anecdote to these trend? It's more neighbors that can frequent  
6 | these businesses and make the neighborhood the vibrant community  
7 | that I think we all love about living in Brookland.

8 |           I also want to sort of specifically highlight ANC 5B's  
9 | resolution and the conditions in the resolution, and,  
10 | specifically, to some of Commissioner Wright and Commissioner  
11 | Stidham's concerns about some of the respect to the surrounding  
12 | area. The ANC's subgroups and the ANC, as a whole, specifically  
13 | considered the issue of setbacks and in the ANC resolution there  
14 | is a provision that conditions support on actually retaining the  
15 | alley massing that is in the project. And I think what I would  
16 | like the Commission to appreciate is that not only is there  
17 | support for the project at its current density, but the loss of  
18 | any units of housing would represent a material loss to the  
19 | majority of those in this community that want to see this project  
20 | move forward, so that was specifically included in the ANC  
21 | resolution for the reasons that I've just described.

22 |           You know, I also want to say that, you know, I think  
23 | that there's going to be some opposition, of course. There's  
24 | going to be a range of decisions that the Commission's going to  
25 | have to weigh, but I really do hope the entirety of this

1 community's views on this site will be considered as much as the  
2 views of any others in the area. And I thank the Commission for  
3 their time.

4 CHAIRPERSON HOOD: Thank you. If you could hold tight,  
5 we may have some follow-up questions or comments. I think the  
6 last -- and who was called first is last, and I'm sorry about  
7 that. Mr. Moller -- I think it's Mr. Richard Moller.

8 MR. MOLLER: Hi, good evening. Can you all hear me?

9 CHAIRPERSON HOOD: Yes, we can hear you now, yes.

10 MR. MOLLER: Well, yeah, thank you, Mr. Chairman and  
11 the members of the committee, and thank you for the thoughtfulness  
12 from our ANC. I am -- want to testify in full support of this  
13 project. You know, I think housing affordability, as we all  
14 know, is a pretty pressing issue of our time, and I think this  
15 project provides much needed housing, especially on a site that's  
16 currently unutilized right next to one of our community's biggest  
17 assets, which is the Metro station.

18 I also am very interested in economic development and  
19 how the additional density will support a lot of struggling  
20 businesses, especially along 12th Street and along the Monroe  
21 Street corridor. I also, you know, understand some of the  
22 concerns the community has with the massing and scaling, but I  
23 think the development team has done a good job of addressing  
24 those. And as me personally, I would like to see more density  
25 near transit. I do understand some of the concerns and hear

1 that, but I think that with the application, as the development  
2 team has adjusted it, addresses a lot of those concerns.

3 I also appreciate the thoughtfulness that went into the  
4 community outreach and how the community feedback was  
5 incorporated into the project. And I also want to say, you know,  
6 the -- a lot of the environmental benefits that are part of this  
7 project -- you know, we talk about climate and how that's tied  
8 to housing, and I think this project definitely provides a lot  
9 of the elements to help with our climate goals, as a community.  
10 And I just urge the community to approve this project and thank  
11 everybody for their time.

12 CHAIRPERSON HOOD: And I want to thank this panel. We  
13 appreciate your thoughtful comments. I'm getting feedback.  
14 Anyway, let's see if we have any questions or comments.  
15 Commissioner Imamura.

16 COMMISSIONER IMAMURA: No questions. I just want to  
17 thank all of you for participating in the public process to help  
18 shape the outcome of this case and, yeah, again, really appreciate  
19 your time this evening. Thanks for sharing your story and your  
20 views with us.

21 CHAIRPERSON HOOD: Okay. Thank you. Commissioner  
22 Stidham.

23 COMMISSIONER STIDHAM: No questions or comments, and,  
24 again, thank you for your time tonight.

25 CHAIRPERSON HOOD: And Vice Chair Miller.

1 VICE CHAIR MILLER: Thank you, Mr. Chairman. Yeah,  
2 thank each of you for your community engagement and testimony  
3 here this evening. It's very helpful.

4 CHAIRPERSON HOOD: All right. Let's see if we have any  
5 cross of any one of the panelist. Mr. Tummonds.

6 MR. TUMMONDS: No cross.

7 CHAIRPERSON HOOD: Commissioner Ra Amin.

8 (No response.)

9 CHAIRPERSON HOOD: Commissioner Ra Amin, you have any  
10 cross of the panel?

11 COMMISSIONER AMIN: No, I don't. Sorry. I stepped  
12 away to feed the dogs. No, I don't.

13 CHAIRPERSON HOOD: Okay. All right. I understand.  
14 All right. Commissioner Henchman, any questions -- or cross?

15 COMMISSIONER BISHOP-HENCHMAN: No, sir. I did have a  
16 procedural question for you at the appropriate time.

17 CHAIRPERSON HOOD: Sure. Sure. Hold on. Let me go  
18 through this right quick. Well, yeah, what's your procedural  
19 question? Let's do that right quick.

20 COMMISSIONER BISHOP-HENCHMAN: There's a proponent  
21 witness that wasn't able to stay, but it was one -- this is the  
22 Friends of the Metropolitan Branch Trail, but was wondering if  
23 they could have Commission's permission to submit a written  
24 statement instead.

25 CHAIRPERSON HOOD: Do you know what the name is? Can

1 | you give me their name?

2 |           COMMISSIONER BISHOP-HENCHMAN: Friends of the  
3 | Metropolitan Branch Trail, and I think it would be Gordon Chaffin  
4 | would be their Executive Director.

5 |           CHAIRPERSON HOOD: Okay. Yes, certainly no objections,  
6 | unless I see my colleagues with any objections.

7 |           (No response.)

8 |           CHAIRPERSON HOOD: Okay. Yeah, they can submit it.  
9 | Thank you for putting that on.

10 |           COMMISSIONER BISHOP-HENCHMAN: Thank you, sir.

11 |           CHAIRPERSON HOOD: All right. Ms. Amore -- Dawn Amore  
12 | from Brookland Civic?

13 |           MS. AMORE: No cross. No comments.

14 |           CHAIRPERSON HOOD: Okay. And Ms. Kahlow, 200 Footers.

15 |           MS. KAHLOW: I only have one comment. I want to thank  
16 | John Leibovitz for getting the retail and all the effort you did.  
17 | That was wonderful. Thank you so much.

18 |           CHAIRPERSON HOOD: Okay. All right. Again, I want to  
19 | thank this panel. We appreciate all the engagement and all the  
20 | work that you all are doing. Thank you. All right. Ms. Schellin,  
21 | can you call four more?

22 |           MS. SCHELLIN: Yes, sir. Rory O'Sullivan, Simon  
23 | Frewer -- sorry, my computer's moving slowly here; come on, page  
24 | two -- then I have Nick Cheolas and David Nolan. Is that  
25 | four, Mr. Young; all four?

1 MR. YOUNG: Yes.

2 MS. SCHELLIN: Okay. Great.

3 CHAIRPERSON HOOD: Okay. Let's start with Mr. Nolan  
4 please.

5 MR. NOLAN: Hi. Thank you very much for this  
6 opportunity, Chairman Hood. I appreciate it. My name is David  
7 Nolan. I am nearly a 25-year resident of Brookland. This is my  
8 second testimony in favor of this project. I was here more than  
9 a dozen years ago. I think we were in person back then. And  
10 I'm just as much in favor of this project then as I am now.  
11 Obviously, over a quarter of a century in Brookland, I've seen  
12 an awful lot of changes. The vast majority of them have been  
13 excellent and have made my life better in so many ways. I can  
14 now walk to a cinema, which was not something that has happened  
15 since I lived in Logan Circle before then.

16 You've heard -- and I'm not the first person to mention  
17 this -- that since this panel -- or since this project last came  
18 up, we've had some neighborhood bars and restaurants open and  
19 they've closed again. And I know Tony Tomeldan from Brookland's  
20 Finest and Asher Denan (phonetic), who was manager of Brookland  
21 Pints, and, while they both cited many reasons in their closure,  
22 the lack of sufficient foot traffic on the poorer nights was  
23 significant, because the good nights that they had, they don't  
24 make up for those. And, as was mentioned earlier by one of the  
25 previous testifiers, they were existential to those people who

1 | felt that they -- that those two -- those two neighborhood  
2 | amenities were very significant positives.

3 |           So we have now a prime location right beside a Metro  
4 | station that has been vacant for more than a dozen years. It's  
5 | deeply disappointing -- and I'm not blaming anybody on this  
6 | call -- it's deeply disappointing that the city hasn't done more  
7 | to fill that hole and put a whole pile of people who desperately  
8 | need housing. And, as we know, the housing supply is insufficient  
9 | for the people who live here; hence, the very high cost of rental  
10 | and purchasing property. So I just think, in general, it's not  
11 | a great advert for the city that when they drive -- when all  
12 | those cars that go along Monroe Street every morning and every  
13 | evening see a vacant spot right by a Metro station. I always am  
14 | disappointed when I pass other Metro stations around the city,  
15 | where I see low-rise buildings, because they are the places we  
16 | need to be building high-rises. We need to push as many people  
17 | as possible right beside a Metro Station, so that we get the  
18 | density, where people can walk to the Metro and get to work very  
19 | easily. I take that Metro 8, 10, 12 times a week, and it's a  
20 | great amenity, and we should be making more use of it. So I  
21 | think on an economic level, a population level, a transit level,  
22 | it improves the livability of the entire neighborhood for  
23 | everybody, not just the people who live in the block, for those  
24 | of us who've been living here for a short and long time, because  
25 | it will introduce more amenities so that we can -- all of our

1 lives will be better. And thank you again.

2 CHAIRPERSON HOOD: Okay. Thank you, Mr. Nolan. Hold  
3 tight. We may have some questions. Let me go to Mr. O'Sullivan.

4 MR. O'SULLIVAN: Thank you, Chairman Hood. Can you  
5 hear me okay?

6 CHAIRPERSON HOOD: Yes, we can.

7 MR. O'SULLIVAN: Well, thanks again, and thanks to the  
8 Zoning Commission for the opportunity to speak tonight. Again,  
9 my name's Rory O'Sullivan. I live on 12th and Hamlin, about four  
10 blocks from the property, and I'm here speaking as both a member  
11 of the Zoning, sort of, Subcommittee on Land Use and Development  
12 of ANC 5B, as well as just a member of the public. And one thing  
13 that really struck home for me, as we were going through many  
14 community conversations that have led up to this hearing, is that  
15 I started a new job a couple of months ago, and my cubicle  
16 neighbor I found out was actually a near-neighbor. She lived  
17 three blocks away in Brookland on Kearney Street, also not very  
18 far from this proposed project. But I also found out she was  
19 planning to move. And so it turned out her partner -- they love  
20 the neighborhood, they love Brookland, but they were renting a  
21 basement -- an English basement apartment and were hoping to move  
22 up to a -- live in an apartment building with some more light,  
23 and the would have loved to stay there, but there were few options  
24 in the neighborhood that really met that need, and they ended up  
25 leaving a few weeks ago, at the end of May, for Hyattsville, over

1 the city line.

2           And that -- I think that experience really speaks to  
3 the need for more housing options of all different types in our  
4 neighborhood, so that we can reduce the shortage out there. And,  
5 honestly, why is it that there's just such strong local support  
6 for this project? I think if you were to tap the average  
7 Brookland resident on the shoulder and ask them, you know, what  
8 they think of 901 Monroe, you'd almost certainly get a response  
9 of, you know, "Why has that lot been empty for 15 years? And,  
10 absolutely, let's put a bunch of new homes and have some new  
11 neighbors, you know, on that lot right across from the Metro."  
12 And that's why you're seeing, you know, overwhelmingly unanimous  
13 support from both of the local ANCs in favor of resolutions in  
14 support of this project.

15           I think one thing -- an additional thing to keep in  
16 mind is that, you know, despite the fact that we actually have a  
17 number of people on this call, I think you would have even more,  
18 you know, people writing in or able to speak, but it's  
19 particularly hard for, you know, renters, like my friend, who've  
20 moved away, for families of children, and particularly for people  
21 who would benefit from some of the additional affordable units  
22 and, you know, maybe working multiple jobs and not have time to  
23 show up and sit for a five-hour Zoning Commission hearing, and  
24 that, although they may not have that kind of time, they  
25 definitely vote. And I really honestly believe that's why you're

1 | seeing overwhelming support from the elected officials in the  
2 | neighborhood.

3 |           And just quickly, the final point I want to make on  
4 | that is that the proposal you're seeing in front of you reflects  
5 | the number of compromises that take into account legitimate  
6 | concerns, you know, across the spectrum from all over the  
7 | community and that, you know, it's no accident that Commissioner  
8 | Amin, who has, as you've heard, spent months -- it seemed like  
9 | he was doing an event every week or sometimes more, you know,  
10 | out at the -- out at the Arts Walk almost every Saturday and a  
11 | number of other community events. And I think, you know,  
12 | balancing the needs -- those of us that might want even more  
13 | homes and, you know, more affordability, and those are some of  
14 | the other concerns, and that, ultimately, the number of benefits  
15 | we have secured I think was reflected in the ANC proposal, and  
16 | so I would just ask that you please approve the proposal that  
17 | had unanimous support by our community's local representatives.  
18 | Thank you.

19 |           CHAIRPERSON HOOD: Okay. Thank you. Let's go to Mr.  
20 | Cheolas. Hopefully, I pronounced that correctly, Cheolas or --

21 |           MR. CHEOLAS: Good evening, Chair Hood and members of  
22 | the Commission. My name is Nick Cheolas. I am a current Edgewood  
23 | resident, about six blocks from the project site, and a former  
24 | ANC Commissioner for the northeast part of Edgewood from 2019  
25 | through 2021, and, in that role, I had involvement with a number

1 of ZC and BZA cases, particularly the Portrait Square townhomes  
2 off of 7th and Irving; Hanover 8th Street project, which is about  
3 four blocks away from this project site, on 8th Street and  
4 Jackson; and the Saint Paul townhomes off of 4th Street Northeast.  
5 I've come to all of those projects and this one from a pretty  
6 simple personal and political philosophy that we should build  
7 neighborhoods that people want to live in, and then allow people  
8 who live in the neighborhoods who want to be there. I think that  
9 is particularly true in this case, where you have a lot that has  
10 sat empty for more than a decade and directly across from a Metro  
11 station. I think those two dynamics are very important to the  
12 context of this project.

13           The practical effect of this project is threefold.  
14 One, there's more homes for people. Second, there's more  
15 customers for local businesses. You've heard many times about  
16 Brookland Pint and Brookland's Finest, the latter of which,  
17 coincidentally, was opposed and protested by many in this  
18 community when it opened in 2013 and was mourned widely when it  
19 closed just a few months ago.

20           This project also fills a real gap in between the  
21 Brookland and Edgewood neighborhoods. It's a gap that is  
22 palpable, when you're walking down Monroe Street. It's a gap  
23 that served as an obstacle to things like the Trader Joe's that  
24 opened in May and was widely celebrated by many in this community  
25 as well, and in a building that was opposed at the time it was

1 approved, I think, in 2009.

2 I do want to acknowledge and state outright that I  
3 respect everybody who's written in and testified in opposition.  
4 I respect them as individuals in neighborhoods or as neighbors.  
5 It is -- I have two points on that front. One is, it's a bit  
6 difficult to reconcile the parade of horrors weaving their way  
7 through many of the letters and testimony in opposition; with my  
8 personal experience, particularly, with the 360 apartments that  
9 now exist or opened I think two or three years ago on 8th Street  
10 Northeast. I think, you know, we've heard a lot about traffic  
11 concerns. The 8th Street building with 360 units and about 160  
12 parking spaces is unique in that you can tell visually how many  
13 vehicle trips are generated by a large apartment complex, and I  
14 assure you, in my day-to-day experience, it is negligible, the  
15 trips that are actually generated by an apartment complex, as  
16 opposed to hospital traffic, charter school traffic from the  
17 broader neighborhood. The second point is that while I respect  
18 every suggestion and concern raised, it is not practical or  
19 possible to address all of them at once and alleviate every single  
20 one.

21 In closing, I consider myself lucky to live in this  
22 community, and I look forward to welcoming more neighbors who can  
23 do that with me. Thank you very much.

24 CHAIRPERSON HOOD: Okay. Thank you. Let's go to Simon  
25 Frewer. Hopefully, I'm pronouncing that correctly. If not, you

1 can correct me.

2 MR. FREWER: You got that right. Can you hear me, see  
3 me?

4 CHAIRPERSON HOOD: Yes, we can hear you.

5 MR. FREWER: Okay. Great. So Simon Frewer. I've been  
6 a resident in the Brookland neighborhood for 17 years. I  
7 testified the first go-round, about 13 years ago. I remember it  
8 well, because my wife was pregnant with our second child. I've  
9 lived in the neighborhood, worked in the neighborhood, and have  
10 walked past that open space now for a good 12 years -- 11, 12  
11 years now, and there's not any day that goes by where I don't  
12 think to myself, like, what the heck are we doing here; we've  
13 got to figure something out for this space, for the community,  
14 for the city.

15 And, really, I think what I'm going to say is somewhat  
16 redundant of what others have said, but I would say, number one,  
17 we need more density to keep the businesses -- not just the  
18 businesses that are there thriving, but to bring new businesses  
19 in. It feels like, out of the gate, about 17 years ago when I  
20 first moved there, a lot of businesses were coming in, and then  
21 we never really progressed past that, despite some development  
22 in other blocks.

23 Number two, I think the fact that the development team  
24 has listened to the neighbors and taken into account a lot of  
25 their concerns and done their best to accommodate something

1 that's both financially viable, but, hopefully, appeals to some  
2 of the requests that the neighbors had, I think that, for me,  
3 goes a long way to saying we've got a good partner in the  
4 community to make this happen. And then I think it's crazy that  
5 there's this phenomenal piece of property that you could do so  
6 much with, that's a stone's throw away from a Metro, that's so  
7 close to downtown, that, for me, the number of people that will  
8 be Metroing and living in that building, relative to what is a  
9 very real concern for me, the traffic concern, the first way  
10 overweighs any concern around additional traffic there.

11 So thank you to the Commission for putting together a  
12 really meaningful and lengthy few hours together.  
13 Congratulations to growing a phenomenal process here. And,  
14 again, I'll just go on the record as saying I'm a huge proponent  
15 of this, and, like others have said, we'd be very, very excited  
16 to welcome a whole lot of new neighbors and businesses to the  
17 neighborhood because of this project, so thank you for the time.

18 CHAIRPERSON HOOD: Okay. Thank you. Thank you all.  
19 We really appreciate you all taking time and sticking with us and  
20 giving us your comments in support of this application and all  
21 the comments that you have and working through years of this.  
22 Let's see if any of my colleagues have any questions or comments.

23 (No response.)

24 CHAIRPERSON HOOD: Okay. I'm not seeing any. Mr.  
25 Tummonds, do you have any cross with any of this panel?

1 CROSS-EXAMINATION OF INDIVIDUAL PROPONENTS

2 MR. TUMMONDS: No cross.

3 CHAIRPERSON HOOD: Commissioner Ra Amin, do you have  
4 any cross of any of this panel?

5 COMMISSIONER AMIN: No cross.

6 CHAIRPERSON HOOD: Commissioner Henchman, you have any  
7 cross of any of this panel?

8 COMMISSIONER BISHOP-HENCHMAN: I have one question for  
9 Mr. O'Sullivan, if he's still there.

10 CHAIRPERSON HOOD: Sure. Mr. Sullivan.

11 COMMISSIONER BISHOP-HENCHMAN: He mentioned he's a  
12 member of 5B's -- ANC 5B's Zoning Committee. And I just had a  
13 question on -- it's been stated in the record and I think from  
14 the counsel for the 200 Footers that their concerns about massing  
15 and traffic and, I guess, package delivery have been -- not been  
16 heard and been ignored. And I was wondering if he could speak  
17 to whether those items came up in any of the ANC 5B zoning  
18 discussions.

19 MR. O'SULLIVAN: Thanks, Joe. Definitely, except for  
20 the packaging. The packaging one is a bit new. But, certainly,  
21 the discussion about the curb cuts, I think we had extensive  
22 discussions. And as Commissioner Amin and also Commissioner Sen,  
23 who did not have a chance to join us tonight -- I believe he's  
24 on a plane -- also took those concerns to DDOT, and I think came  
25 away with a similar answer. We did go through in detail weighing

1 | the concerns around massing. and I think the Commission has heard  
2 | I think a lot of the similar points essentially. I think, as  
3 | you've heard, there's a strong desire for more neighbors,  
4 | particularly to support local businesses, and that if any place  
5 | at all, that it would be near the Metro. Obviously, the concerns  
6 | about the 200 Footers, you know, very clearly aired about some  
7 | of the massing, and we felt that, you know, over time this  
8 | building struck the right balance, in terms of, you know, weighing  
9 | those pros and cons.

10 | I think the -- it was known before, even before it got  
11 | to our committee, the developers had made it -- made the change  
12 | so that you couldn't have a parking pass on the street if you  
13 | lived in the building, and it think it was something that  
14 | responded pretty early to the traffic. And a lot of our focus  
15 | in our last hearing, particularly around the vote and the  
16 | recommendations to the ANC, I think is reflected in those final  
17 | recommendations and conditions as well, that the developer, as  
18 | you've heard tonight, is pretty open to addressing.

19 | COMMISSIONER BISHOP-HENCHMAN: Thank you. Nothing  
20 | further, Mr. Chair.

21 | CHAIRPERSON HOOD: Okay. Thank you. Let's go to Dawn  
22 | Amore, from Brookland Civic. Any cross of this panel?

23 | MS. AMORE: No cross. Thank you.

24 | CHAIRPERSON HOOD: And, Ms. Kahlow, 200 Footers, any  
25 | cross of this panel?

1 MS. KAHLOW: No cross.

2 CHAIRPERSON HOOD: Okay. All right. Thank you, all.  
3 And I'm sorry to do this. And let me, first of all, thank this  
4 panel. We appreciate you all sticking with us and taking the  
5 time. But I think I tried to signal as much as possible that we  
6 were going to be stopping at nine o'clock, and if I take another  
7 panel now, it would be after nine. I'm going to be respectful  
8 of my colleagues, who will be coming back on July the 7th with  
9 me. So what I would like to do at this point, Ms. Schellin, is  
10 ask anyone who's -- since we're going to start where we are on  
11 the list that we already have in support and we're going to finish  
12 that list out; and then we'll go to our party in opposition; and  
13 then we'll go to the persons in opposition; and after we get  
14 through all of that and cross and everything, then we'll go to  
15 rebuttal and closing by the applicant. Is that agreeable to my  
16 colleagues?

17 COMMISSIONER STIDHAM: (Nods head affirmatively.)

18 COMMISSIONER IMAMURA: (Nods head affirmatively.)

19 VICE CHAIR MILLER: Yes.

20 CHAIRPERSON HOOD: All right. Ms. Schellin, if  
21 anybody -- because I tried -- we tried to signal as much that  
22 we're going to stop at nine, so I'm hoping nobody's upset. If  
23 you do, you can call Ms. Schellin and register your complaint,  
24 and she will let me know, because she will. And I do want to  
25 know if you're upset, because I tried to signal as much -- because

1 | there may be a better way we can do this. But call her tomorrow  
2 | or something, and she will get the message to me. So, again, I  
3 | want to apologize to those who've been waiting. We were going  
4 | to try to continue to do it, but we're human and we want to make  
5 | sure that we're fresh and we give everyone due consideration.  
6 | So, with that, Ms. Schellin, can you announce the date again;  
7 | July the 7th at -- or I'll announce it -- July the 7th at four  
8 | p.m. on these same platforms.

9 |           CHAIRPERSON HOOD: That is correct.

10 |           CHAIRPERSON HOOD: Okay. So, with that, I'll see  
11 | everyone July the 7th, and we will pick up where we are at on  
12 | our list, in support -- those in support. Have a nice evening.

13 |           (Whereupon, the above-entitled public hearing was  
14 | adjourned at 8:57 p.m.)

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

This is to certify that the foregoing transcript


In the matter of: Public Hearing - Case No. 24-15

Before: DC Zoning Commission

Date: 06-23-25

Place: Webex Videoconference

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



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Deborah B. Gauthier