

GOVERNMENT OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR PUBLIC HEARING  
CASE NO. 25-15

+ + + + +

MONDAY

MAY 18, 2026

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened via teleconference, pursuant to notice at 4:11 p.m. EDT, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

- PAUL YOUNG, Zoning Data Specialist
- ELLA ACKERMAN, Acting Secretary

OFFICE OF ZONING LEGAL DIVISION STAFF PRESENT:

- HILLARY LOVICK, ESQUIRE
- BRIAN LAMPERT, ESQUIRE

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## ALSO PRESENT:

KYRUS L. FREEMAN, ESQUIRE, Holland and Knight  
MADELINE WILLIAMS, ESQUIRE, Holland and Knight  
KAREN THOMAS, DC Office of Planning  
KARLA M. LEWIS, ANC 5E Commissioner  
MONTY BERHANE  
DAVID ROBERTSON

The transcript constitutes the minutes from the  
Regular Public Hearing held on May 18, 2026.

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(4:11 p.m.)

CHAIRMAN HOOD: Good afternoon, ladies and gentlemen. We are convening and broadcasting this public hearing by video conferencing, and, again I want to apologize to everyone. You can blame that one on me. My name is Anthony Hood, and I am joined by Vice Chair Miller, Commissioner Wright, Commissioner Imamura, and Commissioner Stidham. We're also joined by the Office of Zoning staff, Ms. Ella Ackerman, as well as our Office of Zoning Legal Division, Ms. Hillary Lovick and Mr. Brian Lampert. We 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 -- webcast live and -- via Webex and YouTube Live. The video will be available on the Office of Zoning's -- Office of Zoning's website after the hearing. Accordingly, all those listening on Webex -- 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 -- definitely not call me -- or with your telephone call-in line, then please call our OZ Hotline

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1 number at 202-727-0789 to receive Webex log-in or call-in  
2 instructions or if you have not signed up to testify. All persons  
3 planning to testify must have signed up in advance and will be  
4 called by name at the appropriate time. At the time of sign-up,  
5 all participants will complete the oath or affirmation required  
6 by Subtitle Z-408.7. If you wish to file written testimony or  
7 additional supporting documents during the hearing, then please  
8 be prepared to describe and discuss it at the time of your request  
9 when testifying.

10           The subject of this evening's hearing is Zoning  
11 Commission Case Number 25-15. This is the Florida and Q Street,  
12 LLC map amendment from the MU-4 to the MU-7A at Square 5094, Lot  
13 103, again, 1600 North Capitol Street Northwest. Again, today's  
14 date is May the 18th, 2026. I hope I have all that right. Give  
15 me one second.

16           VICE CHAIR MILLER: I think it's to the MU-7B zone,  
17 just --

18           CHAIRMAN HOOD: What did I say? I thought I said MU-  
19 7. Okay. From the MU-4 to the MU-7B, if that's correct. Okay.  
20 Thank you. The hearing will be conducted in accordance with the  
21 provisions of 11-Z DCMR, Chapter 4, as follows: preliminary  
22 matters; applicant's case -- the applicant has up to 60 minutes,  
23 but I believe we can do this in about 20 minutes, and I would  
24 ask the applicant to hit the highlights; I know we do have some  
25 opposition, but I'd rather focus on the issues, as opposed to

1 just in general, unless my colleagues feel otherwise -- report  
2 of government agencies; report of the Office of Planning; report  
3 of the ANC -- I think we have two ANC's in this particular case --  
4 testimony of organizations -- who have responded -- testimony of  
5 organizations and individuals, each five minutes and three  
6 minutes, respectively; and we'll hear in the order from those who  
7 are in support, opposition, and undeclared; then we'll have  
8 rebuttal and closing by the applicant.

9 At this time, the Commission will consider any  
10 preliminary matters. Does the staff have any preliminary  
11 matters?

12 MS. ACKERMAN: Yes, I do. All right. So this case  
13 was set down on February 26th at our public meeting. Since then,  
14 we've had a few exhibits that I want to mention. Exhibit 12 and  
15 14 came in prior to set down, but they're from ANC 5E, the report  
16 and resolution both stating they are opposed to the map amendment.  
17 Exhibit 16 and 17 is a cover letter and prehearing statement from  
18 the applicant. Exhibit 23 is the OP hearing report recommending  
19 approval. OP did send in a corrected report at Exhibit 28. And  
20 at Exhibit 24 is DDOT's report stating they have no objections.

21 Next are proffered expert witnesses. We only have one  
22 this evening, Brandice Elliot, but she will not be presenting for  
23 the applicant tonight. Lastly, the applicant is represented by  
24 Kyrus Freeman and Jessica Bloomfield of Holland and Knight. They  
25 are planning a 15-minute presentation, unless the Commission

1 prefers something else. That's all. Thank you.

2 CHAIRMAN HOOD: Okay. Thank you. Let's bring up Mr.  
3 Freeman and his team, and they can begin. And, again, I would  
4 ask the applicant to especially hit some of the concerns that I  
5 saw raised in ANC letters.

6 MR. FREEMAN: Good afternoon. This is Kyrus Freeman.  
7 I'm a partner with the law firm of Holland and Knight here on  
8 behalf of the applicant. I'm joined to my immediate right by  
9 Madeline Williams, also of Holland Knight, who's assisting me on  
10 this case. Mr. Chairman, did you want us to start, or I missed  
11 what you said. I'm sorry.

12 CHAIRMAN HOOD: Oh, I'm sorry. You can go right ahead  
13 with your presentation. You may begin.

14 MR. FREEMAN: Okay. Mr. Young, if you could pull up  
15 our slide deck, I'd appreciate it.

16 (Applicant's PowerPoint presentation shared on  
17 screen.)

18 MR. FREEMAN: And I will -- I will not go through each  
19 of these line by line, in order to get through it as quickly as  
20 possible, but, certainly, feel free to stop me or slow down --  
21 slow me down, if I'm going through -- too fast through the slides.  
22 As you know, here's our Case Number 25-15. We're seeking a map  
23 amendment from MU-4 to MU-7B.

24 Next slide please. The site is at the intersection of  
25 North Capitol and Florida. It's a land area of 18,894 square

1 feet. It's located within the Bloomingdale Historic District.  
2 It's currently vacant.

3 Next slide please. Next slide please.

4 (Brief pause.)

5 MR. FREEMAN: Next slide please. Can you hear me?  
6 Thank you. So --

7 MR. YOUNG: Yeah. Sorry. The slide's not changing.

8 MR. FREEMAN: It's changed now. Thank you. So we're  
9 here for a map amendment. The standard of review, as the  
10 Commission is well aware, that the map amendment is not  
11 inconsistent with the Comprehensive Plan. In this case, the  
12 record clearly indicates that we are not inconsistent with the  
13 Comp Plan's other policies, including the Small Area Plan. What's  
14 interesting about this case, in 2021, the Council changed the  
15 FLUM designation of the site to mixed-use, medium-density  
16 residential/moderate-density commercial. The proposed MU-7B zone  
17 is specifically indicated in the Framework Element as being  
18 consistent with this designation, and, in fact, I think a couple  
19 of Commissioners even agreed at setdown, indicating that our  
20 proposed zone is fully consistent with the Comp Plan designation  
21 for the site. Next slide please. It's -- the slide's not  
22 advancing. Mr. Young.

23 MR. YOUNG: are you on slide six?

24 MR. FREEMAN: I was, yes. So, again, our site is mixed-  
25 use, medium-density residential/moderate-density commercial.

1 The MU-4B residential FAR and commercial FAR is consistent with  
2 this FLUM guidance. Next slide please. In terms of the policy  
3 map, we're within a mixed-use Main Street Corridor, which, again,  
4 is consistent with our proposed zoning.

5 Next slide please. Comparison of existing and proposed  
6 zoning. Again, we're currently MU-4; we're going to MU-7B, which  
7 is approximately 15 feet more in height and approximately 1.5  
8 more in FAR. I will note, although this site was originally  
9 subject to a PUD, that PUD order has expired some time ago, and  
10 that approved project allowed up to 4.5 FAR and 86 feet of  
11 building height, so we're actually not achieving the same amount  
12 of height that was previously approved for the site.

13 Next slide. I'm not going to go through all of these.  
14 Our record includes a detailed Comp Plan analysis, and the Office  
15 of Planning reports include a detailed Comp Plan analysis, but  
16 I'll just say the map amendment is consistent with and help  
17 advances many goals in the Comp Plan, over 65.

18 Next slide please. As I indicated, we're within the  
19 Mid-City East Small Area Plan, which has identified our site as  
20 a key redevelopment opportunity area, and one of the goals is to  
21 encourage the development of infill vacant lots. So our proposed  
22 map amendment supports the mixed-use infill goals stated in the  
23 Small Area Plan for this site.

24 Next slide please. I think the ANC is here, so you  
25 will hear from them, but we're within the Bloomingdale,

1 | Eckington, and Truxton Circle community. Some of those community  
2 | priorities have been the preservation of the neighborhood  
3 | character and diversity, increased affordable and family-sized  
4 | housing, support for businesses and corridor revitalization,  
5 | improved pedestrian safety. And our proposed MU-7B rezoning, it  
6 | enhances and advances a number of these goals. It enables mixed-  
7 | use development; provides additional housing -- will provide  
8 | additional housing more than would be delivered as a matter-of-  
9 | right; aligns with -- aligns the growth with transit-accessible  
10 | corridors; and expands housing opportunities.

11 |           Next slide. This is in much more detail in the OP  
12 | report, but we looked at the map amendment, obviously, through a  
13 | racial equity lens, and our map amendment helps to advance  
14 | citywide goals of providing more affordable housing across the  
15 | District. Our planning area has actually exceeded the target,  
16 | but, citywide, at least as of -- as of this date, the city was  
17 | still slightly below the housing targets.

18 |           Next slide please. So, as you know, Commission, you  
19 | look at a number of indicators when evaluating a map amendment.  
20 | The map amendment will not result in any direct or indirect  
21 | displacement, and it has a positive impact on housing,  
22 | transportation, access to opportunity, community and amenities,  
23 | and environmental. Again, I'm not going to read all of those,  
24 | in response to the Chairman's comment to hit the highlights, but  
25 | happy to answer any questions on this, as we move forward.

1           Next slide please. So some of the -- some of the  
2 questions or comments in the record were about the location of  
3 the site relative to the FLUM boundaries. As the Commission  
4 knows, the FLUM boundaries are -- run along corridors to signal  
5 planning intent at the District and neighborhood scale. It does  
6 not function as a zoning map or a regulatory line of demarcation.  
7 So locations, you look at them and the -- can give them a  
8 contextual evaluation. And, in this case, I think, again, the  
9 record indicates that the FLUM policies, as it relates to our  
10 site, are certainly advanced by the map amendment, not  
11 necessarily by whether the site is, quote-unquote, centrally  
12 located. We're squarely within the FLUM designation for the  
13 site, and the FLUM clearly applies to our site.

14           Next slide please. This is just a repeat of the record  
15 at Exhibit 3E. And, again, I'd reference the Office of Planning  
16 report go through much detail to indicate how the map amendment  
17 is not inconsistent with the FLUM, the Generalized Policy Map,  
18 many elements of the Comp Plan and the Small Area Plan. I would  
19 highlight, again, the FLUM changed in 2021 through an extensive  
20 legislation -- legislative process that included public outreach,  
21 and, ultimately, the Council approved the new FLUM for our site.  
22 There was a question about whether we should do a PUD, as if that  
23 would be the only possible way to achieve additional density,  
24 but, as the Commission is aware, applicants have the right to do  
25 either a PUD or a map amendment. A PUD is typically requested

1 when folks are trying to get more density above what the new zone  
2 would allow for and are seeking flexibility from some sort of  
3 development or design standards, which is not the case here. The  
4 applicant is prepared to move forward with the map amendment and  
5 hopefully deliver a project consistent -- at some point  
6 consistent with the MU-7B zoning parameters.

7           Next slide please. The Office of Planning goes through  
8 this in detail. I'm happy to come back to this slide, if you  
9 want, but, again, the proposed MU-7B is squarely within the range  
10 of densities called for in the moderate-density commercial  
11 category and directly advances the Comp Plan policies regarding  
12 having mixed-use balanced development on the site.

13           The last point I'll make, there's a question about the  
14 size of our site relative to other map amendments. As I'm sure  
15 the Commission is aware, you've approved many map amendments for  
16 properties larger than our site, for properties smaller than our  
17 site, and there is no minimum or maximum land area for a map  
18 amendment.

19           Next slide please. So we look at potential  
20 inconsistencies. This rezoning and ultimate development is  
21 potentially inconsistent with the Comp Plan goal of having net  
22 zero housing. The Commission -- the Court of Appeals has said,  
23 okay, there can be inconsistencies, so long as those are  
24 outweighed by other policies. And, in our case, I think the  
25 record indicates that any inconsistency is far outweighed by our

1 consistency with the FLUM, Policy Map, policies of the Area  
2 Element, et cetera, the Small Area Plan, and the Housing Equity  
3 Plan.

4           Next slide please. As Ms. Ackerman indicated, the  
5 Office of Planning has submitted a report in support of the map  
6 amendment. They have found that our rezoning is not inconsistent  
7 with the Comprehensive Plan, that the MU-7B zone is the most  
8 applicable zone. And since the FLUM calls for medium-density  
9 commercial and medium-density residential, our site would be  
10 subject to IZ Plus, which rewards affordable housing production.

11           Next slide. DDOT also recommends approval of the  
12 application. They found that the rezoning could allow for  
13 additional housing, 34 more units, 3,797 square feet more of  
14 retail, and that any additional trips would have a minimal impact  
15 on the network, and those -- and those trips would be manageable,  
16 and, in fact, that the rezoning would support nearby transit,  
17 generate additional foot traffic, and support nearby businesses,  
18 all of which are consistent with DDOT's approach and goals for  
19 infill sites. Their report included a number of things that we  
20 would have to do as the site is redeveloped, and the owner would  
21 certainly work with DDOT and fulfill all of those requirements  
22 in moving forward with development of the site.

23           So next slide. In conclusion, the map amendment is not  
24 inconsistent with the Comprehensive Plan, as viewed through a  
25 racial equity lens. Any potential inconsistencies with any

1 individual Comprehensive Plan policies are far outweighed by the  
2 consistency with the FLUM and Generalized Policy Map, consistency  
3 with other Comprehensive Plan priorities, the Small Area Plan,  
4 and the Housing Equity Report. So that concludes our direct  
5 presentation. Thank you, and happy to answer any questions.

6 CHAIRMAN HOOD: Okay. Thank you, Mr. Freeman. Before  
7 we start going to questions, and I think I'll go to Commissioner  
8 Wright today -- before we start asking, can you speak to the  
9 ANC's position? Can you just -- just talk a little bit about  
10 the ANC for 5E. I thought it was two ANC's. I think I got that  
11 wrong, but, anyway 5E.

12 MR. FREEMAN: So I don't want to speak for the ANC, but  
13 we have met with the ANC. I think a lot of the ANC's concerns --  
14 I should say, this site has a long history. It was a PUD. those  
15 PUD had some extensions and ultimately elapsed, but the PUD is  
16 no longer valid. The ANC's position has been that we should  
17 build that PUD, but that's not where we are today. That PUD  
18 elapsed. The applicant is now moving forward with the map  
19 amendment, which, in our mind, in our view that we just went  
20 through, is fully consistent with the District's requirements and  
21 we meet all of the standards for the map amendment.

22 I think the ANC, if you read their materials, have a  
23 view about the owner, the applicant. In our case is a map  
24 amendment is not tied to an individual. A map amendment, again,  
25 is about consistency of the proposed zone with the applicable

1 | planning documents and it runs with the land. So those are the  
2 | two major issues that we heard from the ANC; again, one that they  
3 | would have preferred the PUD to have been built, and, two, that  
4 | they probably have a have a different view of the applicant,  
5 | based on their experience with him.

6 |           CHAIRMAN HOOD: Okay. I do know that -- I've sat on a  
7 | number of cases here at Truxton Circle, and I know -- and so I  
8 | get where the ANC and the community are. You know, I'm not  
9 | necessarily pertaining to the view of how they feel about the  
10 | applicant. I'm more concerned about predictability and being  
11 | consistent with the community.

12 |           So, anyway, I want to hear what others have to say, and  
13 | we'll go from there, because I thought the last one that this --  
14 | I think it was either the last one or the one before last, I just  
15 | knew would have been a win-win for that neighborhood. I just --  
16 | I just -- you know, here's the thing. I'm not putting no money  
17 | into a game, so I can't tell somebody what to do and what not to  
18 | do. I just have to look at it from a zoning perspective. But I  
19 | know the community was -- I believe there was a lot of support  
20 | there for that last one, but just unfortunate that -- you know,  
21 | I can't -- I can't even manage my own pocketbook, so I can't talk  
22 | about nobody else's pocketbook. So, anyway, I'll leave it at  
23 | that. All right. Let me go to Commissioner Wright; then I'll  
24 | come to Commissioner Imamura. Thank you.

25 |           COMMISSIONER WRIGHT: Thank you. You know, my concern

1 that we had talked about prior to setdown was the information  
2 that the ANC had presented about the fact that they believed or  
3 hoped that this property was going to be acquired by the city  
4 through eminent domain and that, by implementing this map  
5 amendment, we were essentially increasing the value, such that  
6 the city tax dollars would -- more city tax dollars would need  
7 to be spent to acquire the property. However, we did reach out  
8 to folks in the city government, who essentially said, you know,  
9 there is, you know, perhaps a possibility at some point in the  
10 future of considering acquisition of this property, but nothing's  
11 going to be happening soon. And they essentially said, you should  
12 proceed with considering this map amendment.

13           And, you know, I hear that, and I think that, you know,  
14 we have been -- we asked for information, and we have been given  
15 the information that we asked for. And, you know, it is  
16 unfortunate that if and when, at some point in the future, the  
17 city does move to acquire this property, there will be, I'm sure,  
18 a higher value placed on it because of this map amendment, but  
19 that's the way it is.

20           There's no law against proceeding. You know, it would  
21 probably be more of an issue if there was a current, you know,  
22 court case for eminent domain or something that was really  
23 imminent, but there isn't. So, you know, I think we need to  
24 proceed with this as we would with any map amendment. And, again,  
25 I think the applicant and the Office of Planning analysis have

1 definitely shown that this seems to be consistent with the  
2 Comprehensive Plan and the FLUM, so I don't know that we have a  
3 lot of reasons to object to this. It does feel like it is -- it  
4 is consistent.

5           The two things that I think are positives is that the  
6 Office of Planning is recommending IZ Plus, and I believe that I  
7 would -- I haven't heard any objection to IZ Plus from the  
8 applicant, and I would definitely support IZ Plus. Even though  
9 this particular part of the city has already gone above and beyond  
10 its housing goals, I think that, you know, having a good quantity  
11 of affordable housing in this location would be a positive. It's  
12 very close to various transit options. It's a good place, I  
13 think, for IZ Plus to be located.

14           The other thing that gives me some -- again, assuages  
15 some of my concerns is that it is within a historic district, so  
16 that any new project and the design of any new project will need  
17 to be reviewed and approved by the city's Historic Review Board.  
18 And, you know, again, I think that if this had been a PUD, and  
19 perhaps when it was a PUD, which was before my time, you know,  
20 there was also the ability to look at design issues, and that  
21 will happen through the historic preservation process. So that  
22 gives me -- again, that assuages some of my concerns about this  
23 not being a PUD. I also understand, from what I've read in both  
24 the applicant's materials and the Office of Planning materials,  
25 if and when this project -- this map amendment results in a new

1 project, there would be a variety of required improvements to the  
2 sidewalks and to the streetscape, and that any project happening  
3 on this site would be required to make positive improvements to  
4 the sidewalk and the streetscape, which would improve the  
5 pedestrian experience. So I guess my only really question for  
6 the applicant is, of all the things I just sort of recited, is  
7 there any aspect of that, that you disagree with or you -- where  
8 you think I've got it wrong.

9 MR. FREEMAN: Of course, I would never disagree with  
10 anything you said, Commissioner Wright, nor did you -- would you  
11 ever have gotten anything wrong. I would -- I would just say,  
12 for the record, that the applicant confirms that they -- we're  
13 aware and are subject to IZ Plus. There was a question about  
14 that. Yes, we are subject to IZ Plus, and we're acknowledging  
15 that on the record.

16 COMMISSIONER WRIGHT: Great. So that's really -- those  
17 are my only comments. And, you know, again, I sort of wish that  
18 this PUD had been able to move forward, but it didn't and -- but  
19 there are some controls in place, if this map amendment does get  
20 approved and a project, either by the current owner or by a new  
21 owner. If that moves forward, there are some things in place  
22 that will help make the project, hopefully, as good as the PUD  
23 that had been previously approved, including the historic review,  
24 the streetscape improvements, the IZ Plus, et cetera. So that's  
25 it, in terms of comments. Thank you.

1 CHAIRMAN HOOD: Thank you. Commissioner Imamura, and  
2 then Commission Stidham can go next.

3 COMMISSIONER IMAMURA: Thank --

4 CHAIRMAN HOOD: Okay. Commissioner Imamura.

5 COMMISSIONER IMAMURA: Yes. Thank you, Mr. Chairman.  
6 And thank you, Commissioner Wright, for bringing up a number of  
7 issues that I had also wanted to raise. Mr. Freeman, thank you  
8 for your succinct presentation tonight. A couple things, I guess,  
9 building off of Commissioner Wright's comments. I share her  
10 point of view that the HPRB review provides sort of that, I think,  
11 checks and balances that citizens or residents are looking for.  
12 This is a great example when agency -- when review agencies  
13 review -- work in concert with one another for the best outcome  
14 of the residents here. And so, while I can understand residents  
15 preferring the PUD -- the previous PUD, to have their input out  
16 of concern for, say, maybe scale, mass, appropriateness,  
17 character, that is where the HPRB will certainly weigh in.

18 I'm also in agreement that this potential map amendment  
19 will bring public realm improvements to the neighborhood.  
20 Certainly, I think I read in the report by OP that this also  
21 unlocks -- MU-7B unlocks an increase in 60 percent in IZ  
22 incentives there, so -- which I think was probably reflected in  
23 the numbers that Mr. Freeman showed for 34 additional units and  
24 almost 3,800 square feet in additional retail space.

25 I am, however, perhaps not understanding, or fully, the

1 | views of those who submitted letters in the record in opposition,  
2 | and I think Mr. Freeman used, they have a view of the owner  
3 | perhaps over the past 20 years, since 2006, that there's just  
4 | been inactivity here to move this forward and that they don't  
5 | want the owner to be rewarded for a delay here. But, to be clear,  
6 | it's not a reward; it's really about bringing this particular  
7 | parcel in alignment with the Comprehensive Plan and the FLUM map,  
8 | which I think it's clearly laid out that it is bringing this  
9 | into alignment with the FLUM map here.

10 |           The potential Comp Plan inconsistency that the  
11 | applicant had raised with the net zero energy-efficient housing,  
12 | I think, just to add a little more clarity to this, in that OP  
13 | had stated that really any new by-right building would be required  
14 | to meet the District green building and storm water management  
15 | and energy-efficiency requirements at the time of construction  
16 | anyhow. So I'm not in full agreement that there is a potential  
17 | inconsistency there. I think, at construction, it'll be brought  
18 | into alignment with those policies as well.

19 |           So, with that, Mr. Freeman, I don't have any comments  
20 | or questions here. Those were just the thoughts that I wanted  
21 | to share and echo Commissioner Wright, who was probably more  
22 | articulate at stating some of the facts of this particular map  
23 | amendment here. But, again, I just wanted to reiterate that this  
24 | is a good example where government is working together in concert  
25 | here for these kinds of reviews, and, again, HPRB and the Zoning

1 Commission working together here to, you know, bring this  
2 particular map amendment and potential project in the future.

3 I guess I do have one question though for you, Mr.  
4 Freeman. Your presentation laid out very clearly all the facts  
5 here, but what it I haven't heard is why now -- why now, after  
6 20 years, the PUD that had been put forward in '06, and I think  
7 there was an extension in 2023 that was given, so why now?

8 MR. FREEMAN: So I had to confirm the date of -- that  
9 the -- that the last order expired, but a key thing that has  
10 changed was the Comp Plan -- 2021 Comp Plan. So we're although  
11 five years later, but we're -- that the last PUD expired, and  
12 we're now looking for how best to move forward with the site,  
13 because the owner wants to see the site developed, so we are now  
14 doing a map amendment in order to, hopefully, get the map  
15 amendment approved to be able to unlock the density that can be  
16 permitted under the MU-7B zone now, since the PUD has expired.

17 COMMISSIONER IMAMURA: Right. I guess I was -- you had  
18 identified a five-year sort of delay, right, since the 2021  
19 update, and so that's what I was really trying to get at. So  
20 what were the -- what are the circumstances that are bringing  
21 this forward today versus why not sooner?

22 MR. FREEMAN: I'd have to -- I'd have to double-check  
23 the date that the PUD expired. My recollection, it was 2023,  
24 but I just -- I just need to double-check that, Commissioner  
25 Imamura. I can -- I can confirm that for you, but it was -- once

1 | the PUD expired, we needed to pivot to figure out how best to  
2 | move forward, and that's why we're now here with the map  
3 | amendment. I couldn't tell you -- I can't tell you the exact --  
4 | why didn't we file it in 2025, instead of 2024. I don't know  
5 | that there's a definitive answer.

6 |           COMMISSIONER IMAMURA: Okay. All right. Thank you,  
7 | Mr. Freeman. Mr. Chairman, I yield back.

8 |           CHAIRMAN HOOD: Okay. Thank you. Commissioner  
9 | Stidham, any questions or comments?

10 |           COMMISSIONER STIDHAM: I do, and one is sort of a  
11 | follow-up to Commissioner Imamura, the why now question. You  
12 | know, I guess there were -- and part of that question is to  
13 | understand where the community is coming from. There seemed to  
14 | be an expectation. They were talking to the owner. The owner  
15 | made promises that certain things would happen in certain time  
16 | frames, and then nothing happened. So I understand that the PUD  
17 | expired, but why did it expire without any action on the owner's  
18 | part?

19 |           MR. FREEMAN: So thank you for that question. I want  
20 | to, you know, answer it respectfully, within the context of our  
21 | map amendment. I think folks see an empty site and think nothing  
22 | is happening on the site, but the owner had an approved PUD; was  
23 | actively looking to kind of get financing for that; looking at  
24 | ways to maybe modify that in order to make sure it penciled out;  
25 | COVID happened; the downturn effects of COVID; construction

1 costs. You're seeing and approving extensions every month here,  
2 so even now is not necessarily a great time for new development.  
3 So why now is, the PUD expired; we wanted to kind of get our map  
4 amendment in order, in place, so that when the market starts to  
5 improve, we'll be ready to, hopefully, move forward with the  
6 development of the site in a -- in a manner that's consistent  
7 with the MU-7B zone. And that's kind of what we're working  
8 towards.

9 COMMISSIONER STIDHAM: Okay. Thank you for that. I  
10 assumed it was something along those lines, but it's good to hear  
11 for sure. The other piece -- and maybe I completely missed it --  
12 on I think it's slide 11 of your presentation, it talked about  
13 community guidance and engagement, but it really doesn't speak  
14 to the engagement part of it. You identified the impacted  
15 communities and what the community priorities were, but what  
16 community engagement have you done around this project?

17 MR. FREEMAN: Around the map amendment?

18 COMMISSIONER STIDHAM: Around this map amendment.  
19 Sorry.

20 MR. FREEMAN: Around the map amendment, we've met with  
21 them three times. They --

22 COMMISSIONER STIDHAM: When you say "them", you mean  
23 the ANC or --

24 MR. FREEMAN: We met with the ANC three times. They've  
25 ultimately voted to not support the map amendment. We're actually

1 going back to the ANC tomorrow night. I don't know if the  
2 Commissioners are on -- are on the call or are on the meeting  
3 tonight, but we're going back to the ANC tomorrow night. We've  
4 met with -- we're trying to get in front of the Councilmember.  
5 So there have been a number of meetings with the ANC, with the  
6 Councilmember about this site and use and development of the  
7 site. I can tell you -- and that has been over a number of years.  
8 And I'm sure the Commissioners will -- that may be part of the  
9 frustration, but I've been working on this site since 2006ish,  
10 so if I were to add up all of those meetings about the use of  
11 the site, it'd be long, but, as it relates to the map amendment,  
12 specifically, we've met with them three times and have a fourth  
13 meeting scheduled for tomorrow.

14 COMMISSIONER STIDHAM: Okay. Thank you. Chairman  
15 Hood, I don't have anything more.

16 CHAIRMAN HOOD: Okay. Thank you. Vice Chair Miller,  
17 any questions or comments?

18 VICE CHAIR MILLER: Thank you, Mr. Chairman, and thank  
19 you, Kyrus Freeman for that presentation, and thank you to my  
20 colleagues for your comments and questions. I generally agree  
21 with your comments and would have asked some of your questions.  
22 You recall that I voted against setting this down back in  
23 February. I think I was the last one to be called on to vote,  
24 and I knew it was going to be set down, so it was kind of an easy  
25 no vote, because I wasn't stopping anything from moving forward,

1 | but I was doing -- but I voted against setting it down, because  
2 | the ANC 5E asked us to vote against setting it down, for the  
3 | reasons articulated by Commissioner Wright or repeated by  
4 | Commissioner Wright tonight and the general mistrust of this  
5 | applicant, who had an approved PUD with the community support 20  
6 | years ago, got seven or eight extensions from this Zoning  
7 | Commission, and allowed it to expire. So there were questions  
8 | about why that didn't proceed.

9 |           There were many years where the economy was great and  
10 | there was a lot of development happening. There were multiple --  
11 | a record number of cranes all around the city, but not on this  
12 | site in Ward 5. So I can understand the distrust of an applicant  
13 | coming forward now with a map amendment, especially when one year  
14 | ago the Mayor and Council put in the Budget Support Act an  
15 | authorization for eminent domain for this site to get it developed  
16 | by somebody else, but this is where the city acquired it, and  
17 | get -- and get it developed. So I'm not sure why it didn't  
18 | proceed during those 20 years, when there were -- when the economy  
19 | was good for many of those years. Can you explain that? What  
20 | was it? Was there was something in the PUD -- the public benefits  
21 | that made it unfeasible?

22 |           MR. FREEMAN: So there are a few things. So just, for  
23 | example, on the -- on the benefits, with one of the last  
24 | extensions, the applicant actually paid out of all of those  
25 | amenities to the groups that were getting amenities under the

1 PUD, so, no, it wasn't the benefits, because the applicant  
2 actually funded those, even without being able to move forward  
3 with the development of the site, so, no, that wasn't it. I  
4 don't know that I want to get through all of the -- all of the  
5 specifics, but the building was concrete; the design was of its  
6 time; the site was a gas station that required substantial work  
7 with Exxon Mobil in order to get kind of approval to actually  
8 move forward with development of a site. That approval actually  
9 came later than we actually got the PUD approved.

10           The PUD, ultimately, expired in 6/2023. From the time  
11 the PUD was approved until the time it expired, it was then  
12 included within a historic district. It was not within a historic  
13 district at the time it was originally approved, so we went back  
14 to modify it after going through HPRB. So it's not as though  
15 the owner kind of just got this PUD approved and sat on its  
16 rights. The owner was actually active and engaged and tried to  
17 move forward with the PUD.

18           So I don't -- I don't know, Commissioner Miller, if  
19 that fully answers your question, but we do have a timeline that  
20 shows every single thing we were doing to try to advance the  
21 development of the site from the original approval up until the  
22 point it expired. And we did for -- I don't know how I can  
23 document this, other than saying it. We were in the process of  
24 filing our map amendment before we learned anything about this  
25 potential eminent domain. We didn't learn about that until it

1 | was, like, in the newspaper. We were well prepared, in terms of  
2 | process -- preparing this application before news of the eminent  
3 | domain issue.

4 |           VICE CHAIR MILLER: Okay. Well, I appreciate that  
5 | response. The -- does this applicant intend to develop this  
6 | site?

7 |           MR. FREEMAN: Yes. In fact, we are in the middle of  
8 | trying to -- and, again, this is for informational purposes. I  
9 | don't know that it's directly related to --

10 |           VICE CHAIR MILLER: No, but the map amendment  
11 | facilitates a certain type of development, kind of not too  
12 | dissimilar from what the PUD facilitated, so I just wanted to  
13 | know, if it facilitated development, this applicant intends to  
14 | proceed with or does he intend to sell it off or what.

15 |           MR. FREEMAN: We intend to move forward with  
16 | development of the site. We are working on trying to figure out  
17 | how to clean it up and activate it now, because I think that's  
18 | one of the concerns that the community has, is about the time  
19 | it's been vacant, so we're working on what we call a short-term  
20 | interim use plan, and we do have a schedule and an estimated  
21 | timeline for moving forward with permanent development of the  
22 | site.

23 |           VICE CHAIR MILLER: Okay. Thank you for that. So  
24 | you're meeting with the ANC 5E tomorrow night. I certainly  
25 | wouldn't be prepared, Mr. Chairman, to move forward with any

1 | proposed action this evening without hearing from the ANC and  
2 | maybe from the applicant about the results of that meeting. Maybe  
3 | they can come to -- come to an agreement on proceeding forward,  
4 | and that would be great, but -- so I'm -- I appreciate that you  
5 | are meeting with them again. I'm not sure why we scheduled this  
6 | before or how that got scheduled after our scheduled hearing. It  
7 | would have been helpful if that had happened before. But on the  
8 | eminent domain, so you say you didn't know about it before you  
9 | read about it in the news media and you had already filed -- were  
10 | preparing your map amendment. What have you heard about it since?  
11 | What's happening now? Have you heard about -- that it's  
12 | proceeding or -- Mr. Chairman, is the -- is DMPED going to be  
13 | here tonight? You asked at setdown that the Office of Planning  
14 | representative -- I think you asked and our own staff that DMPED  
15 | be here. Are they here tonight to talk about the process?

16 |           CHAIRMAN HOOD: Was this the case I asked that? I  
17 | can't remember.

18 |           VICE CHAIR MILLER: Yes, it was.

19 |           CHAIRMAN HOOD: Okay. Ms. Ackerman, are they here?

20 |           MS. ACKERMAN: I don't have anyone signed up from DMPED  
21 | though.

22 |           VICE CHAIR MILLER: Not surprising.

23 |           CHAIRMAN HOOD: Okay.

24 |           VICE CHAIR MILLER: But disappointing. Okay. What  
25 | have you heard about the eminent domain process, Mr. Freeman?

1           MR. FREEMAN: We -- since we read about that, we've  
2 been meeting with DMPED, and based on what our conversations and  
3 our meetings, we are not anticipating the District to move forward  
4 with eminent domain.

5           VICE CHAIR MILLER: Do you know whether it's funded in  
6 the budget that is currently before the Council?

7           MR. FREEMAN: It is not.

8           VICE CHAIR MILLER: Okay. Well, thank you for that  
9 response. I would like to have asked DMPED that question and  
10 more questions about that, so I appreciate your response. I  
11 don't have any other questions, Mr. Chairman.

12           CHAIRMAN HOOD: Thank you, Vice Chair and all -- to all  
13 my colleagues. I really appreciate all the questions and  
14 comments. I'm kind of torn. Again, as I stated earlier, I can't  
15 tell somebody what to do with their own pocketbook, but people  
16 have a right to do what they want to do with their land. But  
17 here's the issue I'm having. I'm having a problem with  
18 predictability.

19           When I look at the letters -- and I believe this --  
20 help me, Mr. Freeman. Wasn't this a gas station? It's been so  
21 long ago. I stopped in there when I was 16 years old to get some  
22 gas. So anyway -- and I am now 62 years old, but I don't know  
23 how long all that's been, but, anyway, let me just ask this  
24 question. What concerns me is this is just not an ANC 5E issue,  
25 because I've never heard a letter that says, "Letter in Opposition

1 | from a Normal DC Resident". I have read that line over and over  
2 | again and question -- and I'm not trying to be funny. I'm just --  
3 | okay. What does a normal -- what is a normal DC resident? All  
4 | of us are normal. We might have our different ways. And I'm --  
5 | then I'm sitting there questioning myself. And I appreciate Mr.  
6 | Neuendorf -- I hope he's here, because I'd like to know -- "Letter  
7 | in Opposition from a Normal DC Resident". I think I get it,  
8 | because he lives in Ward 3.

9 |           So, Mr. Freeman, I think this site is -- and I think  
10 | what he's trying to say -- and I'm not putting words in his mouth,  
11 | but I'm trying to figure out what the normalty is of it -- is  
12 | that this area is affecting more than just those in Ward 5 or  
13 | who pass it. People across the city ride down there and they  
14 | see that big open area, which, at one time, it was promised to  
15 | be developed, so I can I kind of understand with the ANC. And I  
16 | don't even know if -- and this is probably newer ANC members;  
17 | they probably were not the ones who initially were excited about  
18 | this, and we dealt with the ice house and everything across the  
19 | street. So here we are in the same place.

20 |           So let me ask you this. You said you all have done  
21 | engagement, even during -- through this whole time. I mean, you  
22 | have a timeline, but, with the timeline, do you -- do you have --  
23 | and forgive me, because I'm having all kinds of problems right  
24 | now. Do you have the backup documentation that you've submitted  
25 | to us as well showing us that you've done it; not just giving us

1 a timeline, but is the backup documentation in here somewhere?

2 MR. FREEMAN: I can certainly submit it. Again, the  
3 dates that I mentioned were the two ANC 7 -- two ANC 5E meetings  
4 and one ANC 5F on this application. I cited those three dates  
5 on this specific application.

6 CHAIRMAN HOOD: Okay.

7 MR. FREEMAN: And then a meeting tomorrow night --

8 CHAIRMAN HOOD: So let me cut you -- let me cut you  
9 off. Let me cut you off. I heard you say "this application".  
10 What I don't -- I think you made the assertion that the applicant  
11 has been keeping in tune with the community throughout this whole  
12 process. I want to see something prior to this application. I  
13 want to see how they have been -- how he has been working, or  
14 she or whoever it is, has been working with them processing.  
15 Just, you know, show me the proof. I want to -- I want to verify  
16 it. And I know that might not necessarily be germane to what  
17 we -- what's in front of us. I hear the argument, but, you know,  
18 sometimes we have to be good stewards of what we do.

19 And I think one of my colleagues mentioned trust. I  
20 need the verification that you have been keeping this community  
21 in tune, because I can guarantee you that this ANC is different  
22 from the one that I saw 20 years ago. That's the long -- that's  
23 the good part about being around so long; you know who -- when  
24 things change. And, here, we have some of the same issues. So  
25 let's see if we can -- let's see if we can get -- just prove

1 to -- prove to -- I want proof here, because when I see somebody  
2 giving me a letter saying "Normal DC Resident", I'm still  
3 perplexed about that. What is a normal DC resident? And I came  
4 up with my own conclusion. Anyway, I'm going leave that alone.

5 Mr. Freeman, I appreciate your due diligence on this  
6 application, but I want to make sure that the applicant has been  
7 doing his due diligence and showing the community, so we can keep  
8 that trust. And I, too, Vice Chair, am not ready to move forward  
9 because, practically, I don't even know where I am with all this,  
10 because this is quite a bit. Okay. I'm done. Commissioner  
11 Imamura.

12 COMMISSIONER IMAMURA: Thank you, Mr. Chairman. I'm  
13 in agreement with you and Vice Chair Miller about moving forward  
14 tonight or not moving forward until we hear more from the ANC  
15 that they're meeting with tomorrow. And so, Mr. Freeman, my  
16 question is a follow-up to some -- your statement about plans  
17 that you all have for short-term or immediate use to clean up  
18 the site. Can you go into a little more detail about that?

19 MR. FREEMAN: I don't -- I don't know if this is the  
20 right forum to do that, in part, because we haven't presented  
21 that to the community yet. So, for example, when we last met  
22 with the community, we had a proposed use that the community  
23 kind of were not in support of, so we decided to not move forward  
24 with that proposed short-term use, and we will be presenting to  
25 the ANC another potential short-term use tomorrow night, which

1 is kind of like a community gathering space. But, again, I  
2 don't -- I don't know that I want to get too far ahead of that,  
3 Commissioner Imamura, because we have not yet spoken to the agency  
4 about it.

5 COMMISSIONER IMAMURA: Okay. No, that's fine. I'm  
6 satisfied that with that response. Here's what I would say. The  
7 goal to -- and I didn't mean to cut you off. Our goal of the  
8 community use is to establish a use that is not permanent, so  
9 that we can then move forward with alternate development of the  
10 site, consistent with the MU-7B zoning regulations. So we've  
11 been kind of trying to balance that.

12 COMMISSIONER IMAMURA: Great. Thank you very much for  
13 that response, Mr. Freeman. I think, to Vice Chair Miller and  
14 Chairman Hood's comments about sort of this -- and you had  
15 mentioned, there's sort of this timeline that you all have been  
16 keeping track of, I think that would just be helpful to see over  
17 the course of time. And I guess what I'd like to also just  
18 comment on is that, given the letters in opposition, what they  
19 did state is that they are for development, just with a different  
20 owner, but you can't always select the owner based off of their  
21 character here, and planning is about a future state and whether  
22 it's -- and that's -- you know, a future physical state, and so,  
23 really, that's what this is about, is just, again, making sure  
24 it's in alignment with the Comp Plan and the FLUM here. And,  
25 you know, we're not here to dictate who the developer is or what

1 the city may or may not do. It's about, again, Comp Plan  
2 consistency here, so -- and bringing the city into a better  
3 position. So, anyway, that was a little bit of a tangent, but  
4 I think that timeline would be helpful to see.

5 CHAIRMAN HOOD: I want to thank all my colleagues and  
6 I want to thank Commissioner Imamura for bringing this back to  
7 what we're here for, but I'm going to leverage it. I want to  
8 see some proof. So we're going -- we're going to -- we're going  
9 to do that for now. I would like to see some proof, because I  
10 think that's where that distrust came in, but Commissioner  
11 Imamura is 100 percent right of why we are here and what's in  
12 front of us. Anyway, looking forward to getting the report  
13 tomorrow, Mr. Freeman, from that meeting. And I don't know how  
14 this all aligned up. I don't -- I don't even know if one had  
15 anything to do with the other. I guess continued conversations,  
16 I don't know, because it does seem funny that we have the hearing  
17 before the meeting tomorrow, but I don't know if one had anything  
18 to do with the other, so I'll just leave it at that. Any other  
19 questions or comments from my colleagues?

20 (No response.)

21 CHAIRMAN HOOD: All right. Give me one second. Do we  
22 have anyone here who wants -- the ANC, Ms. Ackerman -- cross-  
23 examination, not the report. I think Ms. Lewis -- Commissioner  
24 Lewis is supposed to be here.

25 MS. ACKERMAN: Do you want me to pull her up?

1 CHAIRMAN HOOD: Yeah, pull her up. And, right now,  
2 it's just -- Ms. Lewis, if you can hear me, Commissioner, it's  
3 only right now for -- it's only for any cross-examination  
4 questions. You will be able to do your presentation in a few  
5 minutes.

6 COMMISSIONER LEWIS: Okay. Thank you very much,  
7 Commissioner Hood. Let's see. Where do I begin? I think perhaps  
8 why -- okay. With regards to the Exxon station that was  
9 previously there in 2006 -- can you hear me, because sometimes  
10 people have difficulty.

11 CHAIRMAN HOOD: Yes, we can hear you.

12 COMMISSIONER LEWIS: Okay. I just want to make sure.  
13 Thank you so much. In 2006, you said that there were some issues  
14 with the Exxon station that you had to overcome; yet, the Florian  
15 at One Florida Avenue Northeast was also an Exxon station that  
16 was owned by the same developer, but it was sold to, I believe,  
17 Douglas Development and almost ten years or a decade or more  
18 later and he was able to -- the same Exxon gas station put a  
19 development there, and there's still nothing on the site at 1600  
20 North Capitol Street Northwest. So why is that?

21 MR. FREEMAN: I'm not able to answer what the  
22 restrictions were on the other site. I didn't work on that site,  
23 so I can't give you any -- I can't really tell you what happened  
24 on that site compared to what happened at this site.

25 COMMISSIONER LEWIS: Well, I know and understand that

1 the only thing that needed to be done was that they needed to  
2 dig below the tanks that were there, so that doesn't take 20  
3 years to do, does it? the other thing that was brought up is  
4 that in 2023 -- 2023 is when the PUD expired. You had -- there  
5 was more -- there was time to do the development at that time.  
6 They mentioned COVID. How did -- how did COVID stop you from  
7 developing? Because there was so much development going on at  
8 that time, I want to know why or how that stopped the developer.

9 MR. FREEMAN: So, respectfully, I'm trying to -- so the  
10 PUD has expired and our ability to build that project has expired.

11 COMMISSIONER LEWIS: No, no, no, not in -- not  
12 before -- not during COVID. We're talking about COVID.

13 MR. FREEMAN: During --

14 CHAIRMAN HOOD: So what we're going to do -- let me do  
15 this, Commissioner Lewis.

16 COMMISSIONER LEWIS: Yes.

17 CHAIRMAN HOOD: Let's -- if you ask him a question,  
18 let's give him the time to ask (sic). And some of your questions,  
19 I understand the frustration. We want to give him an opportunity  
20 to respond. And, also, I think you all are meeting -- I think  
21 you said tomorrow night you all are meeting.

22 COMMISSIONER LEWIS: Uh-huh.

23 CHAIRMAN HOOD: Some of this can -- the  
24 frustration -- I'm not trying to say when to do the  
25 frustration, but some of this probably can happen tomorrow

1 tonight, and that will save all of us some time tonight. I think  
2 you all will probably make more headway in some of the line of  
3 questions I'm hearing thus far tomorrow night, and then you all  
4 can give us a report. But, anyway, go right ahead, Commissioner  
5 Lewis.

6 COMMISSIONER LEWIS: Okay. I mean, they -- he stated  
7 that there were -- there were issues during COVID; then he stated  
8 something about financing. The developer told me on many  
9 occasions that he would do his own financing. He's a billionaire.  
10 So what type of financing issues were you having that prevented  
11 the development during this 20-year period?

12 MR. FREEMAN: So, again, as of today, that project has  
13 expired, so I can bring -- and when we did extension requests,  
14 we described all of our efforts to move forward with the  
15 development at those times, so I'm happy to share that information  
16 with you. I don't want to tell you one thing specifically and  
17 be incorrect, but I'm happy to pull our extension applications  
18 and go through what we were doing during those time frames to  
19 try to move forward with development of the site.

20 COMMISSIONER LEWIS: Another question that I heard  
21 about was, since the PUD expired in 2023, what have you done with  
22 the community? And, in 2024, we met with the community, as well  
23 as the Council, and it was supposed to be immediate -- immediate  
24 activation of the lot, and here we are in 2026, and there's still  
25 been no activation. Why is that?

1           MR. FREEMAN: So, again, respectfully, trying to stay  
2 within the context of the map amendment case, but, as you know,  
3 Commissioner Lewis, part of what happened during that time frame  
4 was there was a survey to try to identify a use. As you may  
5 recall, when we last met with you, we talked about a potential  
6 use. That use -- you know, folks didn't like that use. So two  
7 things have to happen. One, we have to find a tenant; two, that  
8 tenant has to be willing to execute a lease that -- and, three,  
9 they have to then be able to move forward with their steps for  
10 licensing and permitting. So all of those things have taken  
11 time.

12           As you recall, when you and I last spoke, we talked  
13 about a potential food truck use. People did not like that food  
14 truck use, so we had to pivot to a new use. We now have found a  
15 new operator that we will be presenting to you tomorrow night.  
16 Hopefully, you and the ANC will find that use acceptable, and the  
17 Councilmember will find that use acceptable, but we -- you know,  
18 we have to go out and find the operators, because the owner would  
19 not be operating the interim use. So that that has taken,  
20 unfortunately, longer than we would have wanted it to take, but  
21 the applicant has been out making efforts to try to find what we  
22 call an interim use operator for the site.

23           COMMISSIONER LEWIS: Okay. In your presentation, you  
24 mentioned that there were no direct or indirect displacement as  
25 a result of the development, but is it not true that there's no

1 | direct or indirect displacement because you never did the  
2 | development project, correct?

3 |           MR. FREEMAN: So when doing a map amendment, the Zoning  
4 | Commission looks at whether the map amendment will result in  
5 | direct displacement. and there is no direct displacement in this  
6 | case, because the property is vacant, so that's why there's no  
7 | direct displacement in this case.

8 |           COMMISSIONER LEWIS: Right, and that's my point, right;  
9 | it's vacant, so there's no displacement. It shouldn't have been  
10 | vacant.

11 |           CHAIRMAN HOOD: So, Commissioner Lewis, let me --

12 |           COMMISSIONER LEWIS: Okay. Yes, my frustrations will  
13 | be vented tomorrow.

14 |           CHAIRMAN HOOD: Yeah, please, and I want you to get  
15 | them all out, because we have a narrow scope of what we look at,  
16 | but I hear you loud and clear. I don't want you to hold back,  
17 | so I'm saying this now, you know, all that; work with what they're  
18 | doing and you all work together, but get it out tomorrow, because,  
19 | as Mr. Freeman and also my colleague, Commissioner Imamura, has  
20 | mentioned, there's a certain scope that we're looking at, whether  
21 | this is consistent with the Comp Plan, and it's already proved  
22 | that it's not inconsistent. But before we even get there, I  
23 | understand the community has other issues, long before we even  
24 | get to that point, so let's deal with that -- some of that  
25 | tomorrow night.

1           Do you have any Comp Plan question issues tonight? If  
2 not, some of those questions, I think, are more in line for maybe  
3 tomorrow night. And I'm hoping, Mr. Freeman, that the applicants  
4 don't just send you. I can't tell him what to do, but it'd be  
5 good if he comes and conversates with the community, and I don't  
6 know if he's listening or not, but -- or somebody from his office  
7 directly, as opposed to his Council. I think they would  
8 appreciate that more. All right. So, Commissioner Lewis, you  
9 have anything else

10           COMMISSIONER LEWIS: Yes.

11           CHAIRMAN HOOD: -- to do with the Comp Plan?

12           COMMISSIONER LEWIS: With regards to the Comp Plan,  
13 none at this time.

14           CHAIRMAN HOOD: Okay. Thank you. So I'm looking --  
15 tomorrow, we're going to be looking at results of that meeting.  
16 We're hoping that -- Commissioner Lewis, that the community --  
17 you all can work together and get over maybe some of the  
18 frustrations. And I'm hoping, Mr. Freeman, that whatever's  
19 decided in those meetings, whether it's in front of the Commission  
20 or whoever -- whatever agency it's in front of, that the applicant  
21 and the community all make good on their promise and do the best  
22 they can to move forward, because from the normal DC resident,  
23 he says that he's been waiting a while. He lives in Ward 3, so  
24 I would -- I would love to hear what that means, because I know  
25 he has an explanation for us -- or he or she. I can't remember

1 the name. All right. Any other questions or comments,  
2 Commissioner Lewis? Are you good?

3 COMMISSIONER LEWIS: Yes, I'm good.

4 CHAIRMAN HOOD: Okay. Okay.

5 COMMISSIONER LEWIS: No, well, actually, I'm not good.  
6 That's why we're here. I'm not good.

7 CHAIRMAN HOOD: Okay.

8 COMMISSIONER LEWIS: But I don't think you can -- you  
9 can do anything about that.

10 CHAIRMAN HOOD: Okay. All right. Well let's -- good  
11 luck tomorrow night with you all's meeting, and we're looking  
12 forward to getting a response back pertaining to what we have in  
13 front of us. All right. Ms. Ackerman, do we have anyone else --  
14 oh, no, I'm sorry. Do we have the Office of Attorney General  
15 here?

16 COMMISSIONER LEWIS: Well, excuse me. Sorry. Did you  
17 want me to do my statement now or --

18 CHAIRMAN HOOD: There's a process. Once I go through  
19 the OAG --

20 COMMISSIONER LEWIS: Okay.

21 CHAIRMAN HOOD: -- District Department of  
22 Transportation, the Office of Planning, you're right after the  
23 Office of Planning. I'm going to come back to you, so you can  
24 hang around for a minute. You got time? You have time?

25 COMMISSIONER LEWIS: Yes, I have time.

1 CHAIRMAN HOOD: Okay. Give us a few minutes. We'll  
2 come right back to you.

3 COMMISSIONER LEWIS: Okay. Thank you.

4 CHAIRMAN HOOD: Okay. Thank you. Ms. Ackerman, do we  
5 have anyone from OAG here?

6 MS. ACKERMAN: No, we don't. No DDOT or OAG, but we  
7 do have Office of Planning.

8 CHAIRMAN HOOD: Okay. Let's bring up Office of  
9 Planning. We have Ms. Thomas. Ms. Thomas, whenever you're ready,  
10 you may begin -- or Ms. Brown Roberts. I'm not sure. Ms. Thomas,  
11 is it you?

12 MS. THOMAS: Yeah.

13 CHAIRMAN HOOD: Okay.

14 MS. THOMAS: You hear me?

15 CHAIRMAN HOOD: Yes, we can hear you. You go right  
16 ahead.

17 MS. THOMAS: Okay. Yes. Good afternoon, Mr. Chair and  
18 members of the Commission. For the record, Karen Thomas on behalf  
19 of the Office of Planning, and we are recommending approval of  
20 the proposed map amendment with IZ Plus to rezone 1600 North  
21 Capitol Street Northwest from the MU-4 to the MU-7B, as detailed  
22 in our report. We provided a comparative analysis, which was  
23 based on the existing MU-4, the formally approved MU-5A, and the  
24 proposed MU-7B zone, as both the proposed and the formally  
25 approved zone are called out in the Framework Element of the Comp

1 Plan, as discussed in our report. The MU-7B zone was analyzed  
2 to be the best alignment with these designations, as it allows a  
3 4.0 FAR for residential or 4.8 FAR with IZ, and a 2.5 FAR non-  
4 residential, which directly corresponds to the Framework  
5 Element's guidance for both medium-density residential and  
6 moderate-density commercial categories as -- through the -- as  
7 designated, rather, under the FLUM.

8 Our analysis shows that the MU-7B is not inconsistent  
9 with the Comprehensive Plan, and it is the most appropriate zone  
10 for this site. The MU4 predates the 2012 -- 2021 -- sorry --  
11 FLUM update and no longer reflects the corridor's intended scale.  
12 MU-5A, the previously approved PUD zone, provided a similar  
13 height and residential intensity, but MU-7B better matches the  
14 commercial density envisioned for North Capitol Street, and it  
15 provides a stronger IZ incentive structure to deliver affordable  
16 housing. So the proposed rezoning would advance multiple Comp  
17 Plan priorities, including land use, which supports infill and  
18 corridor intensification, transportation, enabling transit-  
19 oriented development, housing by increasing the supply and  
20 expanding affordability in a high-opportunity area, economic  
21 development by supporting neighborhood-serving retail, and  
22 historic preservation, insuring compatibility through HPRB review

23 From a racial equity perspective, the proposal does not  
24 create direct or indirect displacement. The site is vacant, as  
25 we well noted, and future new mixed income houses not included

1 | under previous approval will help relieve pressure on existing  
2 | housing stock. IZ Plus is appropriate here, given the area's  
3 | high-opportunity characteristics and the District's ongoing  
4 | affordable housing goals and neighborhood-serving commercial uses  
5 | at a scale envisioned for an arterial corridor.

6 |           In summary, the MU-7B zone is a measured incremental  
7 | step above the previously approved MU-5A, not inconsistent with  
8 | the -- with the Future Land Use Map, the Framework Element, and  
9 | the Mid-City Area element. And so, for these reasons, we are  
10 | recommending approval of the map amendment from MU-74 (sic) to  
11 | MU-7B with IZ plus. Thank you, and I'm available for any  
12 | questions.

13 |           CHAIRMAN HOOD: Thank you. Thank you, Ms. Thomas.  
14 | Appreciate the report. I do have a quick question, before I go  
15 | to Commissioner Wright. Ms. Thomas, is somebody going to that  
16 | meeting tomorrow to explain -- I guess you all have already been  
17 | out there, but to explain to the ANC -- and I know they used to  
18 | have -- the Office of Planning used to have coordinators, like  
19 | when Deborah Crane was around. I'm not sure if they still have  
20 | those Ward Office of Planning folks that would go out to the  
21 | community. Is somebody from Officer of Planning going to that  
22 | meeting tomorrow?

23 |           MS. THOMAS: MOCA?

24 |           CHAIRMAN HOOD: MOCA. Well, not necessarily MOCA.  
25 | They used to call them something else. I know -- I'm familiar --

1 I'm definitely familiar with MOCAs, but it's somebody -- it's  
2 somebody from Office of Planning. I don't think the Office of  
3 Planning called them MOCAs, but the MOCAs I know are the Mayor's  
4 office representatives. I know about the MOCAs, but I'm saying  
5 the Office of Planning used to have, like, somebody from Ward 1  
6 and 2, and I remember Deborah Crane was Ward 5. Do we have  
7 somebody that does something like what Deborah Crane did, whether  
8 it's called MOCAs or what, that can go out tomorrow, because I  
9 know you all probably don't do all that, but somebody who can  
10 explain to them what's in front of the Commission. That's kind  
11 of what I'm looking for.

12 MS. THOMAS: To be to be clear, we have neighborhood  
13 planners. I could let them know that this meeting was taking  
14 place. We had no idea. I didn't have any idea until this  
15 meeting, but I will -- I can inform the neighborhood planners.  
16 And we were not invited to that meeting.

17 CHAIRMAN HOOD: Okay. If we could and if upper  
18 management says it's okay, I think it would be beneficial. I  
19 know they're going to be talking about some other things, but I  
20 think, as my colleague and others have mentioned, I think it'll  
21 be beneficial that -- for people to know exactly what the  
22 Commission's faced with, so we won't get the bottom end of the  
23 stick, like we normally get, but I think it's important to  
24 understand what we actually -- what we're dealing with. So if  
25 the neighborhood planners can go out tomorrow and explain what --

1 | in front of the Commission, I think it would be great. Now, the  
2 | other stuff I know is going to come up, but I think that'll be  
3 | very helpful to us. All right. Commissioner Wright, any  
4 | questions?

5 |           COMMISSIONER WRIGHT: Thank you. I appreciate the  
6 | Office of Planning's report. I don't have any additional  
7 | questions.

8 |           CHAIRMAN HOOD: Okay. Commissioner Imamura, any  
9 | questions?

10 |           COMMISSIONER IMAMURA: No. Thank you, Mr. Chairman.  
11 | Ms. Thomas, I appreciate your report. It was done very well and  
12 | very logically walked through the argument. And so I also want  
13 | to comment that I appreciate the comparison chart that you  
14 | provided in your report, as well, of the various zones, and so  
15 | just thank you very much. I yield back. Thank you, Mr. Chairman.

16 |           CHAIRMAN HOOD: Thank you. Commissioner Stidham.

17 |           COMMISSIONER STIDHAM: Sorry. I had trouble coming off  
18 | mute. No. Thank you for being here, and I do not have any  
19 | questions.

20 |           CHAIRMAN HOOD: Thank you. Vice Chair Miller.

21 |           VICE CHAIR MILLER: Thank you, Mr. Chairman. And thank  
22 | you, Karen Thomas, for your comprehensive report, and I  
23 | appreciate all the Comprehensive Plan consistency analysis, and,  
24 | as Commissioner Imamura said, particularly the comparative  
25 | analysis of MU-4 versus MU-5A, which was previously approved with

1 the PUD versus MU-7B, which is proposed here. That was very,  
2 very helpful, and I think it does make a very strong case for  
3 the Comprehensive Plan consistency.

4 MS. THOMAS: Thank you.

5 CHAIRMAN HOOD: I, too-- Ms. Thomas, as always, I thank  
6 you for a very well done report, so we appreciate your report.  
7 Let's see --

8 CHAIRMAN HOOD: I had one question I meant to ask. I'm  
9 sorry. I know this isn't in Miss Thomas's or OP's bailiwick,  
10 but since you're here representing the Executive Branch, and  
11 DMPED did not come -- did not accept or did not know about -- or  
12 I don't know -- about the Chairman's request that they appear at  
13 this hearing, do you know if there's any movement on that eminent  
14 domain authorization which was in last year's Budget Support Act,  
15 which is still law for this site, and whether they're in the  
16 current budget that's now pending before the Council -- the  
17 current Mayor's budget that -- whether there's any funding  
18 allocated for site acquisition, pursuant to eminent domain, for  
19 this site? If you don't know the answer to that question, if we  
20 can -- if we can get -- we had an answer a year -- I guess several  
21 months ago that it wasn't proceeding, a very opaque statement  
22 from DMPED that they gave to you, that you gave to us, that  
23 nothing was happening there, but I think if we can get a  
24 reiteration of what -- of what the status is, if anything, on the  
25 eminent domain issue with this site and whether the budget

1 allocates -- current budget -- proposed budget allocates funding  
2 for that, I would appreciate that that.

3 MS. THOMAS: Okay. That's fair. We don't know at this  
4 time, but I'll be happy to follow up.

5 VICE CHAIR MILLER: Thank you.

6 MS. THOMAS: Thanks.

7 CHAIRMAN HOOD: So, in all fairness, I'm not sure if  
8 our request was passed on. I just need to check with Sharon on  
9 that. Ms. Ackerman, we can -- we can -- I don't want to put it  
10 on you or anybody else. I want to make sure that what we're  
11 saying is right. I want to make sure our request was passed on.  
12 I don't think -- I think they would have responded, if it was,  
13 or even in writing or even -- at least told us they weren't  
14 coming. I don't think they just would -- I want to make sure we  
15 did what we were supposed to do. So, all right, I just want to  
16 make sure I put that on the record. So, Ms. Ackerman, we'll  
17 follow up with Ms. Schellin and see if that request went out.  
18 All right. Okay. Thank you.

19 Mr. Freeman, you have any questions of the Office of  
20 Planning? Ms. Thomas come back. We need you to answer questions.

21 MR. FREEMAN: No, no questions for the Office of  
22 Planning. Just, as always, thank them for their review and  
23 thorough report.

24 CHAIRMAN HOOD: Okay. Thank you. And, Commissioner  
25 Lewis, you have any questions of the Office of Planning?

1 COMMISSIONER LEWIS: No, I do not have any questions.  
2 Thank you.

3 CHAIRMAN HOOD: Okay. Thank you. And, Ms. Lewis, see  
4 if you all can get the neighborhood planner out there tomorrow,  
5 so you can work it from your end as well. I know Ms. Thomas is  
6 going to do her best.

7 COMMISSIONER LEWIS: Okay.

8 CHAIRMAN HOOD: All right. Okay. Thank you. Ms.  
9 Thomas. We appreciate you, as always. All right. Ms. Ackerman,  
10 let's go to -- oh, I'm sorry. Commissioner Lewis, you can --  
11 it's time for your report.

12 COMMISSIONER LEWIS: Okay. So my report is not a  
13 report; it's more of my testimony. You have received the  
14 resolution. You have received the Form 130. You have received  
15 the cover letter. That all expresses that ANC 5E is not in  
16 support of this map amendment for this developer. And I  
17 understand what is happening and what has been stated, with  
18 regards to the future use, you know, the FLUM and -- but we're --  
19 while you're looking at what is not inconsistent with the  
20 Comprehensive Plan, the residents here are looking at the  
21 inconsistency of this developer, the promises that he has made  
22 to the residents over this last 20 years. So, if you would allow  
23 me please, I just have to get this off of my chest.

24 All right. So, again, good afternoon, Chairman Hood,  
25 Vice Chair Miller, Commissioners Wright, Imamura, and Stidham.

1 I'm representing ANC 5E. I am the Commissioner for ANC 5E02,  
2 formerly 5E06, since 2019. The property at 1600 North Capitol  
3 Street Northwest is within my Single Member District. I know  
4 that the lawyers for this case presented to you how the request  
5 for the map amendment from a MU-4 to 7B is not inconsistent with  
6 the Comprehensive Plan. They're very good with finding loopholes  
7 in the DC regulations, as well as regulations that support the  
8 cause for their client. That's what they get paid to do.

9 I'm here to represent the voice of the ANC 5E Commission  
10 and the community. I have been a resident in the community for  
11 40 years. For the first 20 years, I was a patron of the gas  
12 station that was previously at the property. Since 2006, the gas  
13 station has been defunct and the property has been vacant. This  
14 vacant property was an eyesore to our community. For many years,  
15 the lot was basically a drug market and a haven for drug addicts.  
16 There are many residents in the community that have reached out  
17 to me to state how they were terrified to walk past that lot. in  
18 addition to the drugs, there have been murders, stabbings, and  
19 assaults at this location. The community has been traumatized  
20 by the lack of development at that site.

21 The owner of the property at 1600 North Capitol Street  
22 Northwest also owned the gas station that was where The Florian  
23 is located, at One Florida Avenue Northeast. I believe that the  
24 property was sold to Douglas Development. I'm not really sure,  
25 so please don't fact check me on that. But it's just

1 | incomprehensible that the gas station at that property was sold  
2 | more than a decade later, and yet the new owner and developer  
3 | was able to complete the project before the developer of -- at,  
4 | you know, 1600 North Capitol Street Northwest.

5 |           DC laws and regulations do not compel developers to  
6 | develop. This is -- this issue is political; it's not regulatory.  
7 | Year after year after year, the DC agencies followed the  
8 | regulations. Zoning, yourself, historic, yet there is nothing  
9 | standing at this site. We felt that eminent domain was the only  
10 | way forward, but because this is an election year, it seems  
11 | another pass has been granted to the developer. It's just a  
12 | crying shame that the residents of DC cannot rely on the  
13 | government officials to help our community.

14 |           While OP and Zoning are concerned with what is not  
15 | consistent with the Comprehensive Plan, who is looking at  
16 | enforcing when a developer has been inconsistent through the  
17 | development -- inconsistent with following through on development  
18 | projects that have been approved and that have gone through all  
19 | of the protocols for -- you know, to start development, and then  
20 | the development is not complete.

21 |           I know I heard one of the Commissioners mention, you  
22 | know, this is not about rewarding, but, yeah, it is. Bad behavior  
23 | of development should not be rewarded. By approving the map  
24 | amendment from MU-4 to MU-7B for the current developer, you send  
25 | a message to other developers that they could do the same thing.

1 So -- and I'm not going to take up much more of your time, but  
2 just, in closing, I just want to state that the community -- we  
3 want housing. Yeah. Do we want housing? That's why we're  
4 frustrated, because we've wanted housing for the past two  
5 decades, and it has not yet occurred. And why should we trust --  
6 why should we trust what is being put forward to us now again,  
7 since it's the same developer who's been telling us again and  
8 again and again -- I mean, I mentioned on my Form 130, you know,  
9 in 2007, there was an extension; in 2009, there was an extension;  
10 in 2011, there was an extension; in 2013, there was an extension;  
11 in 2016, there was an extension; in 2018, there was an extension;  
12 in 2019, there was an extension; in 2021, there was an extension;  
13 and 2022, another extension; and then he let it expire, only  
14 because he wanted to do a map amendment.

15 All of this time we could have had housing. All of  
16 this time, you know, some of the people that are homeless today  
17 could have had a place to stay, had he gone through with the  
18 development of this property. So my request to you is to -- I  
19 know we're going to come back at another time, and I know it's  
20 not inconsistent -- it doesn't appear to be inconsistent; OP says  
21 it's not inconsistent; DDOT says it's not inconsistent; the  
22 regulations say it's not inconsistent. What's inconsistent here  
23 is this developer, and we cannot take chances on him. I mean,  
24 after all, he stated to the community, he doesn't care. If he  
25 wants to give it to his, you know, future generation, he'll leave

1 | it as a lot. It's not hurting his pocket at all, so he knows  
2 | that.

3 |           So, in closing, I thank you. I heard each and every  
4 | one of you. I know that you feel the frustration of the  
5 | community, and I thank you for hearing the residents, hearing the  
6 | ANC, the pain and everything that we have had to put up with,  
7 | but we'll see what will happen tomorrow, but I believe that the  
8 | community still stands in that there is a distrust issue. There's  
9 | an issue of trust with this current developer, and that, you  
10 | know, we would not mind another developer coming and moving in.  
11 | Give it to Douglas. I mean, he did something with that Exxon  
12 | station that's across the street. We wouldn't mind if it were  
13 | somebody else, but this this developer, we just -- we just -- we  
14 | just had it with him. He has just, basically, worn out our  
15 | patience. We've done everything that we possibly could to agree  
16 | with him, to get him to move, and that did not happen, so we do  
17 | not see that really happening now. So thank you very much for  
18 | listening to me, and I look forward to coming before you again  
19 | at the -- at the next hearing.

20 |           CHAIRMAN HOOD: Okay. Thank you, Commissioner Lewis.  
21 | Let's see if we have any questions or comments. Commissioner  
22 | Wright, any questions or comments?

23 |           COMMISSIONER WRIGHT: No, no comments.

24 |           CHAIRMAN HOOD: Commissioner Imamura, any questions or  
25 | comments?

1                   COMMISSIONER IMAMURA:  No.  Thank you, Commissioner  
2 Lewis, for your impassioned speech.

3                   COMMISSIONER LEWIS:  Thank you.

4                   CHAIRMAN HOOD:  Commissioner Stidham.

5                   COMMISSIONER STIDHAM:  Thank you, Commissioner, for  
6 being here this evening.  No questions.

7                   CHAIRMAN HOOD:  And Vice Chair Miller.

8                   VICE CHAIR MILLER:  No, no questions.  Thank you.  Thank  
9 you, Commissioner Lewis, for your engagement with your community  
10 and your participation here this evening.  I'm not sure we're  
11 going to have another hearing.  We want to hear -- I'll leave  
12 you to the Chairman, but we're going to -- we want to hear what  
13 the results are of your further discussions, and we are hopeful  
14 that they're more -- I want to be more optimistic than you are  
15 about the -- leading to a positive result, but I understand where  
16 you're coming from.

17                   COMMISSIONER LEWIS:  Uh-huh.  Thank you.

18                   CHAIRMAN HOOD:  So while I don't know you as well,  
19 Commissioner Lewis, but I do know some of the people; Ms.  
20 Thompson.  I do know Kirby Vining.  I do know the work that  
21 they've done in this city for years, and I know that you all  
22 don't take this lightly, and I'm sure the rest of the  
23 Commissioners that I may not know, you all are working real hard  
24 down there.  Because I will tell, you when this first came in  
25 front of me some years ago, none of them were on the Commission.

1 This is a whole different Commission. I want to say that our  
2 former Councilmember -- I mean, well, soon to be former, but our  
3 current Councilmember, Anita Bonds, was the Chair of ANC at that  
4 time, so that tells you how far back I go.

5 COMMISSIONER LEWIS: Yeah.

6 CHAIRMAN HOOD: And I remember having some of these  
7 same conversations. We all were excited. And I was on the  
8 Commission; I was excited. But I'm -- I was listening to your  
9 passion, as mentioned by one of my other colleagues. We  
10 appreciate it, but, again, the courts look at -- they're not  
11 going to say, we pick who the developers -- they're going to say  
12 the Zoning Commission did this, the Zoning Commission didn't do  
13 that, and they're going to send it back to us, or either they're  
14 going to vacate our order; it's all kinds of things, so we have  
15 to follow the law. But, meanwhile, we're pushing -- we're pushing  
16 to try to get as much out as we can. And I -- and I hear you,  
17 and I don't disagree with you, and that's why I'm trying to figure  
18 out where -- what I want to even do with this, so I'm looking  
19 forward to tomorrow, but I do know that, you know, when the courts  
20 look at us, they're going to -- they're not going to say ANC 5E;  
21 they're going to say the DC Zoning Commission. And we have to  
22 make sure we follow the law.

23 COMMISSIONER LEWIS: Can I say something?

24 CHAIRMAN HOOD: Sure.

25 COMMISSIONER LEWIS: Okay. And I understand. I do

1 understand that, which is why I also stated that there is  
2 something very wrong with DC regulations that would allow this  
3 to happen for 20 years. We followed -- we followed the process.  
4 We followed the protocol. We did -- we did everything that we  
5 were supposed to do. You did everything that you were supposed  
6 to do. We were trying to get this development done, but it did  
7 not work. So what needs to be done, in terms of the Commission --  
8 Zoning Commission and the regulations to insure that this will  
9 not ever happen again anywhere within the District of Columbia?

10 CHAIRMAN HOOD: Okay. I appreciate that Ms. Lewis, but  
11 I'm going to push back a little bit on you. We -- as I -- as I  
12 mentioned in my latest confirmation hearing two weeks ago, there  
13 are some things that the Council had -- and I'm pushing it on  
14 them -- some things that the Council -- a lot of people think the  
15 Zoning Commission -- you know, I -- we get calls about alleys not  
16 being paid; I get calls about snow not being -- we get all --  
17 but that's not in our jurisdiction. But what is in our  
18 jurisdiction is land use, and you're exactly -- I'm not  
19 disagreeing with you. You and I are saying the same thing. It's  
20 how do we do it, and I think we have an excellent Councilmember  
21 who's in tune to what's going on, because you and I live -- I  
22 live in Ward 5 as well. And tomorrow, hopefully, some -- one of  
23 his representatives and let's figure out a way to do exactly what  
24 you're saying. I don't see -- I don't think -- I don't see  
25 nothing wrong with it, but we have to do what -- we have to do

1 | what's in front of us. We can't tilt it. The regulations are  
2 | there. We have a defined -- and I'm sure my counsel would tell  
3 | me if I'm wrong, what I'm saying -- we have a defined criteria  
4 | we have to look at. But the question was asked to me, well, when  
5 | you all do this -- that is not -- the people -- the governance  
6 | the governors of that are the lawmakers, and we have people --  
7 | and, Rob, you can correct me, if I'm wrong -- it's not necessarily  
8 | the Zoning Commission in some of these situations; sometimes it's  
9 | our Council, it's our Mayor. And, in this case, the Council and  
10 | the Mayor saw that the Comprehensive Plan was consistent and that  
11 | was -- and, Rob, you can correct me, if I'm wrong, because if  
12 | I'm wrong, I'm wrong, but you can correct me, because I'd like  
13 | to make sure it stays right. But, anyway, it's enough said on  
14 | that. Looking forward to -- in other words, what I'm saying is  
15 | we're not a one shoe -- there's not a one-size-fits-all. We  
16 | can't -- we can't do it all. We do -- we can do what's in front  
17 | of us and what we have, as far as our regulations go, but there's  
18 | some other departments, some other Council, and some other areas  
19 | that can handle some of this legal stuff. But, anyway, looking  
20 | forward to tomorrow's meeting. I wish you all well. And that's  
21 | why I want the neighborhood planning to come out, so you can see  
22 | exactly what is actually in front of this Commission this evening.  
23 | So we get your frustration. I'm not discounting that. We get  
24 | it. We get it.

25 |                   COMMISSIONER LEWIS: Thank you.

1 CHAIRMAN HOOD: All right. Anybody have any follow-  
2 up -- any questions on follow-up?

3 (No response.)

4 CHAIRMAN HOOD: Okay. Where was I at? Where am I at.  
5 Okay. Mr. Freeman, do you have any questions of Commissioner  
6 Lewis?

7 MR. FREEMAN: No, Chairman Hood.

8 CHAIRMAN HOOD: Okay. So we all -- y'all going to all  
9 be smiling tomorrow. And if I didn't have something else to do  
10 I would stop by and sit in the meeting, just to see how the  
11 engagement went, but then I'd probably alienate myself from being  
12 able to participate, so anyway -- all right. Thank you. Thank  
13 you, Commissioner Lewis.

14 COMMISSIONER LEWIS: Thank you.

15 CHAIRMAN HOOD: Good luck tomorrow.

16 COMMISSIONER LEWIS: Thank you.

17 CHAIRMAN HOOD: All right. Ms. Ackerman, do we have  
18 anybody here who wants to testify in support, opposition, or  
19 undeclared?

20 MS. ACKERMAN: Yes, we have two individuals who signed  
21 up to testify in support, although I think only -- I think one  
22 left. We only have one left, but I'm going to call both names,  
23 just so it's on the record.

24 CHAIRMAN HOOD: Okay.

25 MS. ACKERMAN: First is David Robertson and Justin

1 Johnson. I do not see Justin. If he does come back on, I will  
2 add him,

3 MR. FREEMAN: Justin is -- I'm sorry. Justin is on the  
4 applicant's team, so he I think he might have --

5 MS. ACKERMAN: Yeah, it didn't say that on there, but,  
6 okay, that's fine. I'll bring up David then.

7 CHAIRMAN HOOD: So this is in -- so do we have anyone  
8 here in opposition to, Ms. Ackerman, other than the letters that  
9 we had?

10 MS. ACKERMAN: No, the only one who signed up in  
11 opposition was the ANC.

12 CHAIRMAN HOOD: Oh, who signed up. Okay. All right.  
13 So let's go with Mr. Robertson. You may begin whenever you're  
14 ready.

15 MR. ROBERTSON: Hi, everyone. I would like to speak  
16 in conditional support of rezoning this plot from MU-4 to MU-7B.  
17 Much like what's been said, I think that it's -- we deserve to  
18 have the space to give this back to the community, despite the,  
19 perhaps, untrustworthy nature of the developer. The site sits  
20 at the intersection of Truxton Circle, Bloomingdale, and  
21 Eckington.

22 I have interest in both Truxton Circle and  
23 Bloomingdale, where I live now. It is at -- it is -- it  
24 serves -- North Capitol Street currently functions as a barrier  
25 dividing the neighborhoods, but this could be a real catalyst by

1 | changing this -- changing this into a more dense and highly  
2 | walkable neighborhood. This is the kind of corridor that we  
3 | would need with high-density mixed-use, transit-accessible with  
4 | the 80 bus right there. This this would help extend and catalyze  
5 | the neighborhood beyond just that intersection, but up and down,  
6 | even towards New York Avenue. I want to be direct about my  
7 | concern. The straight map amendment is not the way that I would  
8 | want to go about this. As mentioned, the PUD expired many times  
9 | and that would be the path forward. And I would urge the Council  
10 | to use every -- the Commission to use every bit of leverage that  
11 | it has to make sure that this plot actually is developed in  
12 | reality. Thank you very much.

13 |           CHAIRMAN HOOD: Thank you, Mr. Robertson. Let's see  
14 | if we have any questions for you and your conditional support.  
15 | Commissioner Stidham. I'm sorry. Commissioner Wright.

16 |           COMMISSIONER WRIGHT: No questions. Thanks.

17 |           CHAIRMAN HOOD: Okay. Commissioner Imamura.

18 |           COMMISSIONER IMAMURA: No questions.

19 |           CHAIRMAN HOOD: Commissioner Stidham.

20 |           COMMISSIONER STIDHAM: None from me either.

21 |           CHAIRMAN HOOD: Okay. And Vice Chair Miller.

22 |           VICE CHAIR MILLER: No questions. Thank you for your  
23 | participation.

24 |           CHAIRMAN HOOD: I, too, don't have any questions. Let's  
25 | see. Mr. Freeman, any questions?

1 MR. FREEMAN: No questions.

2 CHAIRMAN HOOD: Okay. And, Commissioner Lewis. Has  
3 Commissioner Lewis left? Was she --

4 COMMISSIONER LEWIS: I'm still here. I do -- I do have  
5 questions.

6 CHAIRMAN HOOD: Okay. Do you have any questions?

7 COMMISSIONER LEWIS: Yes, I do. So he mentioned that  
8 he has interest because he lives in Truxton -- around Truxton  
9 Circle or Bloomingdale. Are you an ANC 5E resident?

10 MR. ROBERTSON: Yes, I live in Bloomingdale.

11 COMMISSIONER LEWIS: You live in Bloomingdale?

12 MR. ROBERTSON: Yep.

13 COMMISSIONER LEWIS: Okay. So you mentioned that it  
14 would improve walkability. How much so will it -- will it improve  
15 walkability?

16 MR. ROBERTSON: Well, I know that I -- every time I try  
17 to go to, for example, Union Market, I know that there's a very  
18 big sort of chasm, as you walk down past North Capitol. There's  
19 just not that many people; there's not that many businesses.  
20 Granted, maybe walkability wasn't the right word, but I think it  
21 would improve the presence of people on the street. I think it  
22 would improve the ability for retail to move into the area.  
23 There's just a big gap between, you know, all the development  
24 that's on U street, even coming down towards Eebee's Corner; then  
25 there's a big gap all the way down to Union Market. And I think

1 bringing an anchor like this, with improved retail on the -- on  
2 the base floor, which The Florian doesn't even have, could serve  
3 as a catalyst for that whole -- up and down North Capitol that  
4 really does need that -- does need that support.

5 COMMISSIONER LEWIS: Okay. Are you aware that the --  
6 I guess the previous plans had a retail in the bottom space that  
7 was left undeveloped for 20 years?

8 MR. ROBERTSON: I'm fully aware, yeah. I've actually  
9 done plenty of research to see that the things have expired, and  
10 I -- again, I want to call out that I do understand the tension,  
11 that if this was a different person coming before the before the  
12 Commission, that we would be feeling differently, but I do think  
13 that it's not -- that we need to perhaps just move forward, and,  
14 hopefully, this is a way to do.

15 COMMISSIONER LEWIS: So how do you think that moving  
16 forward is going to help this case?

17 MR. ROBERTSON: I think we're -- it sounds like we're  
18 pretty much in agreement that the end result positively for the  
19 neighborhood would be development, and, I guess, not approving  
20 it is a step -- I can't see how that pushes us forward to that  
21 outcome.

22 COMMISSIONER LEWIS: But, again, how -- if he hasn't  
23 developed over 20 years, approving this map amendment, how do you  
24 think that this is going to help with the development?

25 MR. ROBERTSON: Well, to be honest, it gives him a

1 clear financial incentive to do so, which, again, I don't think  
2 is -- you know, maybe it's to his own gain, but if we're looking  
3 out for the community benefit, it puts the math on the right side  
4 of things, or at least in the right direction, knowing that, you  
5 know, construction costs have been going up. And, in some  
6 instances, maybe it just doesn't pencil, and, you know, I don't  
7 have the details on that and I would love to see them, but, at  
8 the end of the day, if we're trying to push forward to get a  
9 positive outcome, which is the development of this space,  
10 allowing for more ability to build more on the site improves the  
11 economics. And, again, I'm not saying that this person is --  
12 would do it, but it certainly would inch us closer in the right  
13 direction, and I would hope that there's other ways to make that  
14 happen, too, with all the public pressure that we, as community  
15 members, can put on them.

16 COMMISSIONER LEWIS: Okay. You mentioned construction  
17 costs, right, that are rising. Are you aware that the current  
18 developer used construction costs as an excuse for not previously  
19 developing?

20 MR. ROBERTSON: I mean, it -- that kind of supports  
21 what I'm saying, in the sense that maybe it doesn't pencil out.  
22 At the end of the day -- although we assume, you know, spillover  
23 benefits from development from any case, at the end of the day,  
24 if this specific site doesn't pencil, for whatever reason, that's  
25 a reason why they wouldn't move forward. And, again, I'm not

1 | sure that's the right way to think -- that's exactly what's  
2 | happening here. It sounds like, obviously, this developer has  
3 | two decades of not supporting moving forward, but I'm sort of  
4 | trying to look at it without that as an incumbrance to making my  
5 | decision about what's right for the community.

6 |           COMMISSIONER LEWIS: Uh-huh. How long have you lived  
7 | in this community

8 |           MR. ROBERTSON: I've lived here three years. Well,  
9 | actually, I've owned places in Truxton Circle and Bloomingdale  
10 | since 2020, but in Bloomingdale, specifically, for three.

11 |           COMMISSIONER LEWIS: Okay. So you haven't been here  
12 | very long, so you probably weren't privy to some of the issues  
13 | that the other community members have gone through in previous  
14 | years. Okay.

15 |           MR. ROBERTSON: I think that's a little bit vague, and  
16 | I'm not sure that precludes me from having an opinion, so I take  
17 | issue with that.

18 |           COMMISSIONER LEWIS: No, you have an opinion. Okay.  
19 | I'm not saying -- everyone has opinions. Okay. So I have no  
20 | further questions at this time.

21 |           CHAIRMAN HOOD: Okay. I want to thank you both.

22 |           COMMISSIONER LEWIS: Except for I just want to note  
23 | that I don't believe we have an 80 bus anymore, since the new  
24 | plan -- Metro plan. Okay.

25 |           MR. ROBERTSON: Well, there's still a bus that goes

1 down North Capitol, so that was the one I was referring to.

2 COMMISSIONER LEWIS: Okay.

3 CHAIRMAN HOOD: All right. Okay. Thank you both. We  
4 appreciate the cross-examination. Let me see. So we don't have  
5 anyone else, right, Ms. Ackerman?

6 MS. ACKERMAN: Let me check again to see if anyone else  
7 has signed up last minute. No, that's all then.

8 CHAIRMAN HOOD: Okay. Ms. Ackerman, not right now, but  
9 before I close out, I'd like for you to tell us our next case,  
10 so start looking for that. I don't want to -- I have enough  
11 problems, so just if you can start looking for that, so I can  
12 announce our next case and the date. All right. Mr. Freeman,  
13 you have any rebuttal or closing?

14 MR. FREEMAN: Thank you, Mr. Chairman. I think -- I  
15 think -- I think everyone's heard today -- everyone said that  
16 what's before the Zoning Commission is a map amendment for this  
17 site, and that the map amendment is not inconsistent with the  
18 standards for which the Zoning Commission has to evaluate map  
19 amendments. So I certainly appreciate, like, the questions about  
20 eminent domain, which is -- which, by all indications, is not  
21 happening. I certainly appreciate the ANC's comments and concerns  
22 about the prior PUD, but that that PUD has expired. And I think  
23 Commissioner Lewis said she knows that the map amendment is not  
24 inconsistent. So I think the record is clear that the applicant  
25 meets the standards for the requested map amendment. I understand

1 that you will not be taking proposed action tonight, so I would  
2 just request that the Commission schedule us for the next  
3 available date to, hopefully, vote to approve the case. Thank  
4 you.

5 CHAIRMAN HOOD: Thank you, Mr. Freeman. There were  
6 some things that we asked for. We hope to get that, whenever we  
7 come up with our dates. And you can work that out or look at  
8 the transcript or work that out, because I know there's some --  
9 I asked for some proof of the engagement, even during that whole  
10 process, so that's one of the things I know, and I know others  
11 have asked for some stuff as well. So you can always work with  
12 staff, and they can help you get that. All right. Miss  
13 Ackerman -- colleagues, any other questions or comments?

14 (No response.)

15 CHAIRMAN HOOD: Okay. Ms. Ackerman, do we have dates?

16 MS. ACKERMAN: Yes, we do, whenever you're ready.

17 CHAIRMAN HOOD: Yes, you can go right ahead.

18 MS. ACKERMAN: All right. So I have it as the applicant  
19 may provide an update on the ANC 5E meeting by three p.m.,  
20 Thursday, May 28th, and ANC to provide any responses by three  
21 p.m., Thursday, June 4th. The Zoning Commission will consider  
22 proposed action at the June 11th meeting. And how do those dates  
23 sound for everyone?

24 MR. FREEMAN: Could you repeat them? I was trying  
25 to --

1 MS. ACKERMAN: No, it's okay. Yeah. So I have the  
2 applicant may provide an update on the ANC 5E meeting by three  
3 p.m., Thursday May 28th. And then ANC --

4 MR. FREEMAN: Is that the ANC and the other stuff that  
5 the Commission asked for, in terms of the information about the  
6 prior engagement and timeline?

7 MS. ACKERMAN: Yeah, anything that the Commission has  
8 requested.

9 MR. FREEMAN: Okay. Thank you.

10 MS. ACKERMAN: And then Thursday, June 4th, by three  
11 p.m., the ANC 5E can provide any response they would like. Then  
12 we will consider proposed action at the June 11th meeting.

13 CHAIRMAN HOOD: Okay. We all on the same page,  
14 Commissioners?

15 VICE CHAIR MILLER: And I had asked, Ms. Ackerman, for  
16 OP to try to get an update, if any, of the status of the -- and  
17 the domain issue and budgeting, if there's any budget for that  
18 currently.

19 MS. ACKERMAN: I have sent a message to Sharon as well.

20 VICE CHAIR MILLER: So I don't know what date they may  
21 have, but -- and how that fits in, but I just want to make sure  
22 that --

23 MS. ACKERMAN: I guess it would just depend if they  
24 respond.

25 VICE CHAIR MILLER: If they have anything.

1 MS. ACKERMAN: Yeah, so

2 MS. LOVICK: Sorry. Excuse. I just want to ask a  
3 clarification question, Commissioner Miller. Are you asking for  
4 that before you're ready to consider proposed, or is that  
5 something that could just come into the record before final; the  
6 OP update? I guess I'm just trying to understand, is -- what is  
7 your timetable on --

8 VICE CHAIR MILLER: I think it's a pretty easy question  
9 and a pretty easy answer. I think they could get it to us  
10 opaquely or clearly within a -- within the time frame that --  
11 before proposed action.

12 MS. LOVICK: Okay. Great. I just wanted to clarify  
13 that.

14 VICE CHAIR MILLER: Thank you.

15 MS. LOVICK: Okay. Thanks.

16 CHAIRMAN HOOD: And, also, Ms. Ackerman, let's make  
17 sure that we did make the request to DMPED. Okay? So let's --

18 MS. ACKERMAN: Yes.

19 CHAIRMAN HOOD: Okay. All right. Commissioner Lewis,  
20 is -- are those dates fine with you?

21 MS. ACKERMAN: She's not brought up, but I can bring  
22 her up now.

23 COMMISSIONER LEWIS: Yes. I was saying that I could  
24 not unmute. Yes, those dates are fine with me. That is -- oh,  
25 sorry. June 4th, the ANC is expected to -- you're expected to

1 receive ANC's response by June the 4th.

2 MS. ACKERMAN: Yes, by three p.m.

3 COMMISSIONER LEWIS: Uh-huh. Three p.m. Okay. Thank  
4 you.

5 CHAIRMAN HOOD: All right. It looks like we're all on  
6 the same page. I appreciate everyone's participation, but,  
7 before we leave this hearing, I'm going to ask Ms. Ackerman to  
8 tell us when we meet again and what the case is.

9 COMMISSIONER LEWIS: Wait. May I? Okay. Sorry. I  
10 may have -- if he's expected to respond on the 28th, we are not  
11 going to meet again until the third Tuesday in June, and that's  
12 the only way -- we would have to vote -- we would have to vote  
13 to respond or reply, so it would not be until the third -- sorry,  
14 I have to look at the calendar.

15 CHAIRMAN HOOD: So if you -- Commissioner Lewis --

16 COMMISSIONER LEWIS: Yes.

17 CHAIRMAN HOOD: -- let me say this. You all -- what  
18 we basically asked you for was just an update on the meeting.

19 COMMISSIONER LEWIS: Uh-huh.

20 CHAIRMAN HOOD: You all have to meet to give us an  
21 update?

22 COMMISSIONER LEWIS: No, I guess --

23 CHAIRMAN HOOD: We know your position --

24 COMMISSIONER LEWIS: Uh-huh. Uh-huh.

25 CHAIRMAN HOOD: -- unless something drastically --

1 something miraculously changes tomorrow.

2 COMMISSIONER LEWIS: Okay. Okay. No, just not to  
3 provide an update, no, but if it requires anything that we need  
4 to vote on and to agree, anything new, we would need to vote on  
5 it, and that would not happen until June 16th.

6 CHAIRMAN HOOD: Right. Right. Okay. If we see that --  
7 if you feel that way, just let us know, and we we'll deal with  
8 it then, but I think all we need right now from you all is just  
9 a progress report of what happened at the meeting on tomorrow  
10 night.

11 COMMISSIONER LEWIS: Okay.

12 CHAIRMAN HOOD: And tell Alice she can -- tell her to  
13 give her night up; she can come on and have a hearing. Tell her  
14 I said to give a night up, so we can get your report. Anyway,  
15 just tell her I'm just joking. All right. So I think we're all  
16 good, so let's see how this comes out, and we'll deal with it  
17 accordingly. Okay. Ms. Ackerman, could you tell us when we meet  
18 again? And I think it's Thursday, but can you tell us when we  
19 meet again?

20 MS. ACKERMAN: Yes. The next day we will meet is on  
21 Thursday, May 21st, for Case Number 25-18, which is  
22 Champlain -- I don't know how to pronounce it -- Street  
23 Partners, LLC, it will be considered, which is only three days  
24 away.

25 CHAIRMAN HOOD: Okay. All right. Well, thank you very

1 much. I want to thank everyone for their participation and all  
2 those in this discussion tonight. Looking forward to some  
3 progress for tomorrow from ANC 5E, as well as the applicant.  
4 With that, I want to thank everyone for their participation, and  
5 we will see you all Thursday, if you join us. Have a nice  
6 evening.

7 (Whereupon, the above-entitled public hearing was  
8 adjourned at 6:02 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. 25-15

Before: DC Zoning Commission

Date: 05-18-26

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