

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:

IN THE MATTER OF: :

: Case No.

Grosvenor USA Limited - : 15-27A

Second-Stage PUD @ Square :

3587, Lot 840 :

:

-----:

Monday,

June 17, 2019

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 15-27A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairperson
- ROBERT MILLER, Vice Chairperson
- MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
- PETER G. MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director, Development
Review & Historic Preservation
BRANDICE ELLIOTT

D.C. OFFICE OF THE ATTORNEY GENERAL PRESENT:

MAXIMILIAN TONDRO, ESQ.

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

JONATHAN ROGERS

The transcript constitutes the minutes from
the Public Hearing held on June 17, 2019.

CONTENTS

Opening Remarks, Chairman Hood	4
Preliminary Matters	6
Presentation of the Applicant	7
Office of Planning Report	21
District Department of Transportation Report	22
Public Testimony:	
Spenser Balog, Casey Trees	24
Shanifinne Ball	32
Rebuttal	37
Vote Taken	41
Adjourn	42

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

6:15 P.M.

1
2
3 CHAIRMAN HOOD: Good evening, ladies and
4 gentlemen. This is the public hearing of the Zoning
5 Commission for the District of Columbia. Today's date is
6 June 17, 2019. My name is Anthony Hood and we're located in
7 the Jerrily R. Kress Memorial Hearing room.

8 Joining me this evening are Vice Chair Miller,
9 Commissioner May, and Commissioner Turnbull. We are also
10 joined by Office of Zoning staff, Ms. Sharon Schellin, as
11 well as Office of the Attorney General, Mr. Tondro. Office
12 of Planning staff, Ms. Steingasser, Ms. Elliott.

13 Ms. Elliott, did I get that right this time? I'm
14 going to always probably do that because I'm so used to
15 getting it wrong.

16 And then from the District Department of
17 Transportation, Mr. Rogers.

18 Mr. Rogers, is congratulations in order?

19 MR. ROGERS: Wow, news travels fast. Yes.

20 CHAIRMAN HOOD: Yes, it does. This City is a
21 small town. Well, congratulations.

22 MR. ROGERS: Thank you.

23 CHAIRMAN HOOD: This proceeding is being recorded
24 by a court reporter and it's also webcast live. Accordingly,
25 we must ask you to refrain from any disruptive noise or

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 actions in the hearing room including the display of any
2 signs or objects.

3 The notice of today's hearing was published in the
4 D.C. Register and copies of that announcement are on the wall
5 near the door.

6 The hearing will be conducted in accordance with
7 the provisions of 11 DCMR Chapter 4 as follows: preliminary
8 matters, applicant's case, report of the Office of Planning,
9 report of other government agencies, report of the ANC,
10 organizations and persons in support, organizations and
11 persons in opposition, organizations and persons who are
12 undeclared. Then we will have rebuttal and closing by the
13 applicant.

14 The following time constraints will be maintained
15 in this meeting. The applicant has up to 60 minutes, but I
16 think if you hit some of those negotiations, some of those
17 things you work with DDOT and some of the things from the
18 Office of Planning, just hit those and I think the rest you
19 can stand on the record. Organizations, five minutes, and
20 individuals, three minutes.

21 Please turn off all electronic devices at this
22 time.

23 Would all individuals wishing to testify please
24 rise to take the oath?

25 Ms. Schellin, would you please administer the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 oath?

2 MS. SCHELLIN: Yes. Please raise your right hand.
3 Do you solemnly swear or affirm the testimony you will give
4 this evening will be the truth, the whole truth, and nothing
5 but the truth? Thank you.

6 (Witnesses sworn.)

7 CHAIRMAN HOOD: Okay. For the second time, I've
8 tried to skip something, but if anybody that's here that
9 wants to testify, please register at the kiosk to my left.
10 I did omit that part.

11 Okay, Ms. Schellin, do we have any preliminary
12 matters.

13 MS. SCHELLIN: Yes, sir. Very quickly, the
14 applicant has indicated that they will stand on the record
15 since they have agreed to do everything that OP and DDOT have
16 requested. I believe OP has already submitted a supplemental
17 report stating that they are good with that. And for
18 preliminary, we have one, two expert witnesses, Mr. Andres,
19 of course, for traffic engineering. He's been previously
20 accepted. I just ask that he be accepted as an expert in
21 this case. And then Mr. Brad Lynch, that he be accepted as
22 an expert in architecture. His resume is at Exhibit 12D.
23 The Commission would consider him.

24 COMMISSIONER TURNBULL: It's actually 14F.

25 MS. SCHELLIN: Oh, it's 14F.

1 CHAIRMAN HOOD: Okay. Let's do Mr. Lynch first,
2 the expert in architecture. Any objections?

3 Okay, looking at the resume, we will give him
4 expert status.

5 MS. SCHELLIN: And that is all that staff has.

6 CHAIRMAN HOOD: Okay. All right, I think we would
7 be better served again, Mr. Freeman has mentioned and my
8 opening remarks is if you can just focus on agreements with
9 the Office of Planning and DDOT and then stand on the record
10 for everything else and then we'll ask our questions. So it
11 should take you about six minutes.

12 MR. FREEMAN: Thank you, Mr. Chairman. For the
13 record, I'm Kyrus Freeman with the law firm of Holland &
14 Knight here on behalf of the applicant. Thank you for your
15 time tonight. As you are aware, we're here seeking second
16 stage approval for what we think is an exciting building.
17 We call it Building A2.

18 We believe the record is complete and thorough.
19 With respect to the Office of Planning, they submitted a
20 report dated June 13th, marked as Exhibit 25 of the record.
21 Their report indicates that -- so OP submitted a report a
22 week prior to that. Their report dated June 13th indicates
23 that we have provided all of the information that the Office
24 of Planning has asked for and they now recommend approval of
25 our application. And they go through and list the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 information that they ask for which we have provided: one,
2 confirmation of the amount of affordable housing; two, a
3 matrix providing the status of public benefits and amenities;
4 three, shadow studies that show the Neal Place Park; and
5 four, they ask for a site plan that shows green space
6 throughout the project. So we've provided all of that to the
7 Office of Planning. They've attached it to their report and
8 indicate that they recommend approval of our application.

9 With respect to DDOT, DDOT also recommended
10 approval of the application, subject to two
11 clarifications/additions. One is clarification on how \$200
12 per residential unit TDM will be allocated. We have provided
13 language to DDOT and we're still kind of working out the
14 final tweaks, but I think we're in complete agreement on how
15 that money will be funded and provided. I'm happy to read
16 the condition if you'd like.

17 Secondly, they asked for a commitment to provide
18 three EV charging stations, rather than just the supportive
19 conduits and infrastructure, which equates to approximately
20 one electric car charging station per 50 vehicle spaces. So
21 we've committed to provide those three EV charging stations.
22 We've relayed that commitment to DDOT and we show on our
23 plans that we are providing three EV charging stations. So
24 again, we've responded to and have agreed to two points
25 indicated in the DDOT report.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 So with that, we believe the record is full and
2 we're happy to answer any questions. Thank you.

3 CHAIRMAN HOOD: Okay. Thank you very much. Is
4 there anyone here who is in opposition of this case? I
5 didn't see anything to that effect in the record. Okay.

6 Commissioners, any follow up questions or
7 comments?

8 Vice Chair Miller.

9 VICE CHAIR MILLER: Thank you, Mr. Chairman.

10 Thank you for all the information you've provided
11 in response to the Zoning Commission's previous questions and
12 request for information, as well as those by the Office of
13 Planning and DDOT and all of your work and community outreach
14 with the Advisory Neighborhood Commission and responsiveness
15 to their concerns.

16 I only have one question and that relates to the
17 -- well, maybe there's more than one, maybe one or two
18 questions, but the question related to the flexibility that
19 you're requesting on the -- because of the habitable space,
20 one of the changes is the habitable space on the rooftop
21 which I'm happy to see, the activation up there. That was
22 the whole purpose of the -- that went to the penthouse
23 regulations. And the other purpose was that it triggers, the
24 affordable housing requirements at 50 percent median family
25 income level on site. I think it's eight percent. And it

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 only comes out to 638 square feet or something. But you're
2 asking for a little flexibility to do a housing production
3 trust fund contribution instead. And under the formula, that
4 comes to about \$102,000 according to the information you
5 provided which I don't think is very much that would
6 subsidize, that would go -- I don't think it would completely
7 subsidize a 50 percent MFI unit even if only at 638 square
8 feet.

9 Why can't you put the -- why can't you include
10 that affordable housing requirement in this building since
11 there already is other affordable housing in this building
12 pursuant to the IZ regulations?

13 MR. FREEMAN: So thank you, Commissioner Miller.
14 So our request was to provide a contribution or the unit
15 within the building.

16 VICE CHAIR MILLER: Right.

17 MR. FREEMAN: So we haven't completely determined
18 that we were providing a unit within the building. We just
19 asked for that flexibility because it's been approved in
20 other for sale PUDs. I think the challenge is making sure you
21 can find a purchaser that is able to purchase at that AMI
22 level.

23 But again, we haven't decided one way or another.
24 We just ask for the flexibility consistent with what has been
25 granted in other projects.

1 VICE CHAIR MILLER: Maybe you can provide that
2 precedent. I don't recall our providing that flexibility, but
3 I trust you that you're more familiar with that, since you
4 were probably the one who asked for it.

5 I'm not inclined to support that flexibility. I
6 think every square foot that we can get in to an income mix
7 for a new residential building is at an affordable level and
8 I think it's important. And I know we allow the Housing
9 Production Trust Fund contribution in the case of renovations
10 or an office building, obviously, where it's triggered from
11 the habitable space, but I wouldn't be inclined to support
12 the flexibility without more information on where we provided
13 it in the past or why it's so difficult to find somebody who
14 wants to buy. Even in this case, it's a small unit at the
15 50 percent MFI level.

16 MR. FREEMAN: If I might, I'm happy to submit this
17 in writing if you'd like. The Zoning Commission previously
18 granted this flexibility in Zoning Commission Case 17-14 and
19 14-07B. I can find the specific citations, but those are the
20 two orders where it was previously granted.

21 VICE CHAIR MILLER: Okay. I'll take a look at
22 that.

23 CHAIRMAN HOOD: Can you tell me what 17-14 -- I
24 just can't remember the numbers, what street, where was it
25 at?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. FREEMAN: I can look up the order.

2 CHAIRMAN HOOD: I thought you had them in front
3 of you.

4 MR. FREEMAN: No. I'm just looking at a list of
5 them.

6 CHAIRMAN HOOD: We can look it up.

7 VICE CHAIR MILLER: But other than that, I think
8 it's a good project. I always would like to see more
9 balconies, but I see that there are some and I think that
10 helps the design.

11 What is the size mix of the housing -- the bedroom
12 size mix of the total housing mix for this A2 Building if you
13 know? How many one bedrooms, two bedrooms, studios?

14 MR. FREEMAN: So we are -- here we are. So I'm
15 happy to let --

16 VICE CHAIR MILLER: You can provide that for the
17 record if you don't have it right there.

18 MS. STEWART: Sure. I'm Ryan Stewart with
19 Grosvenor, the applicant and we're looking at page A2310
20 that's been submitted, the architectural plan. And if you
21 kind of look through the mix here, it's 36 studio units, 142
22 one bedrooms, 46 two bedrooms, and 15 three bedrooms, to
23 comprise 239. And then the IZ units are, of course, an
24 allocable share of those. So it's three studio IZ's, 11 one
25 bedroom, 6 two bedroom, and 1 three bedroom.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 VICE CHAIR MILLER: Thank you for that
2 information. Appreciate it. I have no further questions,
3 Mr. Chairman.

4 CHAIRMAN HOOD: Thank you. Any other follow-up
5 questions or comments?

6 Commissioner May?

7 COMMISSIONER MAY: So explain the \$200 that DDOT
8 was asking questions about. I mean what did you agree to do?
9 You said you had language. What was the language?

10 MR. FREEMAN: Thank you, Commissioner May. I'll
11 just read. Prior to the issuance of a Certificate of
12 Occupancy for Building A2, the applicant shall demonstrate
13 to the Zoning Administrator that it has purchased or
14 otherwise provided \$200 for each residential unit up to a
15 maximum of \$52,000 for a bike share, car share membership
16 and/or SmarTrip card at the initial sale of each unit. So
17 the goal is \$200 per unit and that \$200 could include a
18 multiple.

19 COMMISSIONER MAY: And DDOT has agreed to that
20 particular language?

21 MR. FREEMAN: As far as I understand, yes.

22 COMMISSIONER MAY: All right. So I have another
23 question and this is a statement about how good the project
24 is overall because I don't have a whole lot of really deep
25 big questions. But on A522, there are pictures of very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 beautiful and highly questionable in terms of functionality
2 bike racks. So what's the idea with those things? I mean
3 especially the ones like the vertical -- the one to the
4 right.

5 MR. FREEMAN: We're pulling it up.

6 COMMISSIONER MAY: Okay.

7 MR. FREEMAN: So thank you, Commissioner May. I
8 think what A2522, those images are just intended to show bike
9 racks, but the actual bike racks that we are installing will
10 be standard DDOT approved bike racks.

11 COMMISSIONER MAY: So you're just going to do the
12 standard inverted U?

13 MR. FREEMAN: Yes.

14 COMMISSIONER MAY: Okay. They're nothing special,
15 but they're highly functional. And the one on the right is
16 particularly non-functional if you have -- unless you have
17 a long U-lock or a cable lock. And cable locks are not good
18 things to have in the city. I've lost a couple of bikes with
19 U-locks. So that's pretty minor. I've got nothing else.

20 CHAIRMAN HOOD: All right, Mr. Turnbull.

21 COMMISSIONER TURNBULL: Yes. Thank you, Mr.
22 Chair.

23 Thank you for your wonderful presentation. I
24 would agree with the Vice Chair regarding the affordable
25 unit. I think in this particular case, I would be reluctant

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 to grant the flexibility also. I think that this is
2 basically an all-residential building. It's not mixed use
3 to the extent that it's got a lot of commercial and
4 everything else in it.

5 I would suggest that in this particular case that
6 we really try to accommodate the IZ unit on site rather than
7 going with the trust idea.

8 The other -- I don't have many questions either.
9 Commissioner May is. I think I'm pretty well satisfied with
10 the overall architecture of the building and the way it
11 looks.

12 If I understand, you also from what you provided
13 us, you're not doing solar because of the depth of what
14 you're providing for the plantings and that they won't
15 survive or something underneath solar panels? Is that right?

16 MR. FREEMAN: We can have our civil engineer,
17 Brian, come up and answer that question. But we do have
18 solar panels on our penthouse.

19 COMMISSIONER TURNBULL: On the penthouse, but not
20 on the roof area.

21 MR. FREEMAN: Brian, you want to come up and we
22 can talk through the sheet.

23 MR. WERRELL: Good thanks. So we did originally
24 look at solar on top of the green roof.

25 CHAIRMAN HOOD: Can you identify yourself?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. WERRELL: Yes, sorry. Brian Werrell with
2 Bohler DC. We are the civil engineer.

3 So there's a couple of challenges with that. You
4 were asking a question about plant viability. We were
5 looking at solar on top of the green roof. The green roof
6 sections that were provided on top of the roof are intensive
7 sections, so the plantings that we'll be choosing for that
8 are designed for additional retention, so the plantings will
9 be higher in nature, so that would raise the solar even
10 higher above the green roof section. We're required a
11 minimum of 12 inches from the bottom of the solar to the top
12 of the plant. So it rises the solar up further. Because of
13 that, we were looking at different places on the roof outside
14 of the green roof to place the solar.

15 COMMISSIONER TURNBULL: And so the only place
16 right now that you have it is on the penthouse, is that
17 correct? Okay.

18 MR. FREEMAN: That is of an amount that will --
19 that is comparable to one percent of energy generation.

20 COMMISSIONER TURNBULL: Okay. You're also not
21 providing the plaza -- the plaza fountain. I wonder if you
22 could talk a little bit about that. You've got in on the
23 record, it's in the documents, but I wonder if you could
24 explain a bit on it for the record? It has something to do
25 with bio retention and storm water control also.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. FREEMAN: Sure, let me just say two things,
2 well, one thing, and then I'll let our landscape architect
3 respond to that.

4 Prior to tonight or subsequent to our hearing
5 tonight, we have a revised Neal Place Park plan that includes
6 additional green space. So if you look at kind of sheet 38
7 which is on your screens, that area where you see the number
8 12, all that is additional space. Before that was hardscape.
9 We now are planning for that to be grassy area in order to
10 make the park more functional. So that is a new sheet that
11 we've provided in response to the Office of Planning
12 concerns.

13 So now I'll let our landscape architect describe
14 the challenges of also doing a water feature.

15 MS. DIALS: Sure, thanks. My name is Grace Dials.
16 I'm with SCAPE Landscape Architecture, part of the applicant
17 team here. Thank you for your question.

18 As he mentioned, we have included a grassy area
19 to help increase the functionality.

20 COMMISSIONER TURNBULL: Is this a grassy area like
21 a -- just a decorative area or is this actually regular
22 grass, or is this a specific type of grass?

23 MS. DIALS: It's intended for passive use, yes.

24 COMMISSIONER TURNBULL: Okay.

25 MS. DIALS: So if someone would like to come and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 hang out and picnic on the lawn area, then they can do that.

2 COMMISSIONER TURNBULL: Okay.

3 MS. DIALS: This is in direct response to one of
4 OP's requests to make -- to expand the function of the park.
5 We had also considered a water fountain or a water feature.
6 The issue when the water feature is combined or trying to
7 exist within the planting area, the water feature is a clean
8 water system and the bio retention area is a gray water
9 system, and so those two uses are incompatible. And so when
10 we were considering a water feature within the planting
11 areas, it was not feasible.

12 COMMISSIONER TURNBULL: What is the primary
13 hardscape you're using?

14 MS. DIALS: It's going to be an exposed aggregate
15 concrete.

16 COMMISSIONER TURNBULL: Okay. All right, thank
17 you.

18 CHAIRMAN HOOD: In the ANC report, it mentioned
19 that they've asked you all to present something about -- this
20 is what it says, the one request made by the Commissioners
21 to the applicant was to study and propose design solutions
22 to prevent birds from flying into the glass windows.

23 I looked in your second submission. I didn't see
24 it. Is it in there? In your supplemental submission. I was
25 just wondering how you -- if you can verbally respond and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 tell me how you resolve that or what you propose or you think
2 might help resolve that.

3 MR. LYNCH: Thank you, Commissioner for the
4 question. I think that -- we're still working out what
5 possibilities we have for it. Typically, the science behind
6 this is doing some kind of frit system on the lower floors
7 and then there's also the possibility of doing a high level,
8 high frequency sound system. But we're still looking at what
9 we can fit into the project which is sensible and that we'll
10 save as many bird lives as possible.

11 CHAIRMAN HOOD: Okay. All right, so we want to
12 make sure before any final orders are issued that it mentions
13 or talks about that that is going to be dealt with or
14 proposed.

15 I was more interested in how did you do it, but
16 since you're still working on it, we're still going to make
17 sure that the ANC's concern is noted and also attended to.
18 They put it in the letter. I can tell you this letter that
19 they sent, I think really shows a lot, says a lot about this
20 applicant and how you all work with the community. They
21 really sing a lot of praises. So we want to make sure that
22 we at least look into what they ask.

23 Who presented in front of the ANC? So the people
24 who really did a good job and presented and got to the
25 community, they're not here. Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. FREEMAN: Ms. Bloomfield was there.

2 CHAIRMAN HOOD: Ms. Bloomfield, okay. Well, Ms.
3 Bloomfield, a great job, because this letter really echoes
4 that you all were really straight forward and explained
5 everything to them. So great job over there.

6 All right, I don't have any further questions.
7 Any follow up?

8 MR. FREEMAN: Mr. Chairman.

9 CHAIRMAN HOOD: Yes.

10 MS. STEWART: Mr. Chairman, just to respond to
11 your question on that, just to elaborate a little bit
12 further. We actually have chosen a glass for the building
13 that is low reflectivity. We don't think that's going to be
14 the full solve on the bird feature, but I do want to point
15 that out that it could help.

16 Also, we are going to move forward with the sound
17 mitigation measure, so we can certainly provide additional
18 detail for that after this meeting to make sure you have
19 that.

20 MR. FREEMAN: We'll specify it and if approved,
21 we would specify that.

22 MS. STEWART: Correct.

23 MR. FREEMAN: We will provide sound frequency that
24 helps mitigate birds flying into --

25 CHAIRMAN HOOD: I just want to make sure the ANC's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 one comment was attended to and also on the final what you
2 all were doing for future cases. We can mention that to
3 others as well. Okay, so I think that's fine, as long as we
4 are attentive to their concern.

5 All right, is anyone --

6 MR. FREEMAN: I'm sorry, Mr. Chairman, I hate to
7 interrupt you, but we just have one more point to make.

8 CHAIRMAN HOOD: Sure.

9 MS. STEWART: I also want to note that we are
10 comfortable moving forward with providing the 50 percent AMI
11 unit for the penthouse IZ. It's the one within the building,
12 correct, within the building. It will be one unit of that
13 size requirement.

14 CHAIRMAN HOOD: Okay. All right. Any follow-up
15 questions on that?

16 Okay, is there anyone here from ANC 5D? Okay, I
17 will get to their report later.

18 Let's go to Office of Planning and DDOT at this
19 time, Ms. Elliott and Mr. Rogers.

20 MS. ELLIOTT: Thank you, Mr. Chairman. Good
21 evening, Commissioners. The Office of Planning did have a
22 couple of issues that have been resolved. And I just wanted
23 to make sure that one in particular makes it on the record
24 just for the purpose of reiteration and that's regarding the
25 affordable housing provision and making sure that that was

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 consistent with what was in the order.

2 The applicant has provided a table that we've
3 attached to our supplemental report demonstrating that the
4 square footage does match up the amount of square footage
5 that was proffered during the first stage PUD matches in
6 terms of the 80 percent and 50 percent AMI levels. So we
7 just want to make sure that that's clear and on the record.

8 And we also appreciate the applicant's willingness
9 to provide the penthouse units in the building and I guess
10 we'll stand on the record recommending approval and I'm happy
11 to take any questions you have.

12 CHAIRMAN HOOD: Thank you. Mr. Rogers.

13 MR. ROGERS: Good evening, Mr. Chairman, members
14 of the Commission. For the record, I'm Jonathan Rogers with
15 the District Department of Transportation.

16 DDOT has just a few minor comments to make this
17 evening. One is a point of clarification. We understand our
18 report had some inaccurate numbers in terms of the building
19 program, number of units, retail space size, so I just wanted
20 to acknowledge those inaccuracies. The contents of our
21 report, and the findings do not change. Those are reflective
22 of the actual program.

23 In terms of some of the discussion here tonight,
24 DDOT concurs with the discussion about the bike racks and the
25 preference for standard, inverted U-locks as being perhaps

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 not the flashiest, but the most functional and is glad that
2 the applicant is proposing the standard bike rack to be
3 included for the short term bicycle parking spaces.

4 And in terms of the \$200 TDM fund, DDOT and the
5 applicant are in agreement on the usages of those funds and
6 we'll work with the applicant to refine the language moving
7 forward. So with that, I'd be happy to take any questions you
8 may have.

9 CHAIRMAN HOOD: Thank you, both. Any questions
10 of either Office of Planning or DDOT?

11 Not seeing any, does the applicant have any
12 questions of either one?

13 MR. FREEMAN: No, sir.

14 CHAIRMAN HOOD: Okay, not seeing anyone here from
15 ANC 5D, any other government reports?

16 Did I see something in here from DOEE?

17 MR. FREEMAN: I think in the Office of Planning's
18 report they described the fact that there was an interagency
19 meeting and DOEE was there and we provided the information
20 that DOEE asked for.

21 CHAIRMAN HOOD: All right. I know I saw it
22 somewhere. Okay. Any other government reports I may be
23 missing?

24 All right, ANC letter. As I've noted previously,
25 let me find it again. ANC 5D really is very complimentary

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 of the applicant and has voted to support based on the
2 foregoing: ANC 5D strongly supports the application and
3 enthusiastically requests that the Zoning Commission approve
4 the application. Thank you for giving great weight to ANC
5 5D's recommendation. And there's more in the letter, more
6 detail and I think the letter, that exhibit, speaks for
7 itself.

8 Do we have any organizations and persons who are
9 here in support?

10 Do we have any organizations and persons who are
11 here in opposition?

12 Any organizations and persons who are here who are
13 undeclared?

14 Okay, undeclared. Okay. Identify yourself and
15 the floor is yours.

16 MR. BALOG: Would I be able to put five minutes
17 on the clock as an organization.

18 CHAIRMAN HOOD: You're the only one here. I'll
19 give you six minutes.

20 MR. BALOG: All right. I have copies as well, if
21 you'd like those as well.

22 CHAIRMAN HOOD: Okay.

23 MR. BALOG: Good evening, Commissioners. My name
24 is Spenser Balog. I'm here with Casey Trees. I am a
25 sustainable development associate with Casey Trees. Casey

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Trees is a Washington, D.C. based nonprofit with a mission
2 to restore, enhance, and protect the tree canopy of the
3 nation's capital. To fulfill this mission, we plant trees,
4 monitor the city's tree canopy, and work with decision
5 makers, developers, and residents to encourage tree planting
6 and protection.

7 We are dedicated to helping the District reach its
8 40 percent tree canopy goal by 2032. As a city, we can
9 achieve this goal with sustainable development projects that
10 protect existing trees and achieve a net gain in tree canopy.

11 Washington, D.C. is rapidly changing to
12 accommodate the influx of residents moving into the city to
13 experience the multiplicity of cultures and character found
14 within the District. Areas such as Union Market have become
15 an epicenter for creativity supporting a diverse array of
16 experience through art, food, and entertainment. As Union
17 Market has evolved, housing developments have followed. To
18 support this development, tree canopy and open green space
19 in the greater NoMa neighborhood has become increasingly
20 rare, putting dense areas with large expanses of impervious
21 surface at greater risk of heat related climate change
22 effects.

23 We were very pleased to see green roofs and bio
24 retention used to mitigate storm water and the urban heat
25 island effect within this parcel of Florida Market.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Moreover, we are extremely excited to see trees on structure
2 planned for the residential rooftop garden of Building A2 as
3 seen in figure 1.

4 Green roofs greatly assist with storm water
5 management, storing and filtering storm water on site, while
6 cooling the buildings and lowering energy costs at the same
7 time. By incorporating trees into these storm gardens,
8 benefits can be maximized by providing shade to the area and
9 helping to filter air quality as well.

10 Providing many new trees to the site, the rooftop
11 and plaza garden bio retention will help to make this site
12 resilient in the face of D.C.'s worsening climate change
13 projections.

14 We do have a few recommendations that we'd like
15 to present to the Zoning Commission today. It is not our
16 intention to delay this project or inhibit the development
17 of the site, however, we recommend that before the Zoning
18 Commission approve the second stage PUD for Building A2 of
19 the development site, the developers consider the following.
20 To incorporate advanced tree growth systems, primarily, to
21 maximize canopy benefits street trees need to grow quickly
22 and have long, healthy lives. We recommend suspended
23 sidewalks using soil cells or structural soils in Neal Place
24 Park Plaza as seen in figure 2. Doing so will allow the tree
25 roots to spread and access a greater volumes of soil than

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 traditionally provided in planter boxes and tree pits.
2 Paired with permeable pavement, the at-grade trees within the
3 plaza will be able to thrive and provide a garden oasis for
4 residents and visitors to enjoy.

5 And second, we recommend the consultation of Casey
6 Trees Urban Trees Selection Guide, as we support the use of
7 appropriate trees and bio retention systems. Trees uptake
8 and filter rainwater before it enters the drainage system,
9 reducing polluting overflows into the Potomac and Anacostia
10 Rivers.

11 Certain trees are adapted to thrive in wetter
12 conditions and they're specialized in capturing and storing
13 rainwater. We're requesting a detailed specifies selection
14 plan and recommend that the development team consult their
15 species selection guide to ensure that the right trees are
16 planted in the ideal places to provide them with long,
17 healthy lives.

18 Providing ample soil space to support large canopy
19 trees will ensure cooler temperatures throughout the site and
20 effectively meet the goals of the Climate Ready DC plan while
21 beautifying the site and providing mental and physical health
22 benefits to residents.

23 We are appreciative of the developers' existing,
24 sustainable considerations and we look forward to working
25 with the development team on these suggestions. We believe

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that adopting these commitments will help to make Union
2 Market more resilient in the face of worsening climate change
3 effects and make this project a shining example of innovative
4 green design.

5 Thank you for the opportunity to testify.

6 CHAIRMAN HOOD: Your last name is pronounced
7 Balog? Okay, Mr. Balog, let me ask you, have you talked to
8 this applicant before today? I'm sure you have.

9 MR. BALOG: I haven't before today.

10 CHAIRMAN HOOD: Okay, and I mentioned this before
11 to Casey Trees. I think it would be better if we have these
12 conversations earlier. You can go out to the ANCs. Some of
13 the ANCs you might want to watch. For the last three weeks,
14 they've been -- some of the community folks are having
15 problems with trees. So you be careful when you go in there
16 now because it's tearing up their pipes and their homes and
17 everything. You go there to talk about trees, so it might
18 not be -- so I don't want to set you up. But I will tell you
19 that I think it's a good discussion. I think trees are very
20 healthful to the community, especially our environment, our
21 breathing and everything. But I think that these
22 conversations need to be had before you come down here in
23 front of us.

24 I don't want you stop coming, but I want to make
25 sure that we give this applicant and all other applicants an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 opportunity, a fair chance, to be able to consider some of
2 your recommendations.

3 Now let me ask this about Casey Trees. I've been
4 watching them on the weekends and I've even helped them some
5 years ago, but once we plant the trees, is there a
6 maintenance program in place or is that just then incumbent
7 upon the neighborhood? I'm just curious how that works.

8 MR. BALOG: The trees that we plant through our
9 tree community, we have community tree plantings and we do
10 fee-for-service trees. We do pruning throughout the year
11 during the off-season when we're not planting, and we manage
12 these trees in a survival study. So we track these trees to
13 see which ones are surviving. We accumulate all of that data
14 and we are releasing it for the public consumption.

15 So we've done inventories on trees that we may or
16 may not have planted. We've put those into a consolidated
17 map, but the trees that we are planting, either fee for
18 service or providing free through RiverSmart Homes program
19 or through community tree plantings, we are monitoring those
20 to maintain their health and longevity over time.

21 And if I may, on your point about coming earlier,
22 I did assume this role in February and the ANC meeting for
23 this was back in the fall and our tracking has greatly
24 evolved over time to be able to track the ANC meetings and
25 other community meetings to be able to see the developments

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 that are happening earlier in the process. Unfortunately,
2 I'm coming into a position where a lot of these things may
3 have fallen through the cracks prior, but we are working on
4 strengthening those systems in place.

5 CHAIRMAN HOOD: Okay, again, that was not a knock
6 on you. I've actually also mentioned it previously. I've
7 even thought about stopping in on 12th Street to talk with
8 Casey Trees about making sure that you follow. So I mean I
9 applaud your work. I've had a chance to work with Casey
10 Trees in the past, but I just wanted to make sure we had a
11 maintenance schedule as well when we put trees down and do
12 stuff like that.

13 So hopefully, I'll continue to keep mentioning it
14 that we give the applicant, and let's get with them earlier
15 because there are a lot of things I'm sure that they can use
16 some of their expertise to help move forward this project.

17 I believe Mr. Freeman, you all probably have not
18 seen these recommendations yet?

19 MR. FREEMAN: No, sir.

20 CHAIRMAN HOOD: So we want to make sure that we're
21 fair.

22 Is this a two-vote case?

23 MR. TONDRO: It's one vote sir.

24 CHAIRMAN HOOD: I get confused, one, two. Okay.
25 So I would just ask that you all just review this. I don't

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 know where others are.

2 Commissioner May seems to think you all can answer
3 this in your rebuttal.

4 MR. FREEMAN: We did.

5 CHAIRMAN HOOD: Oh, well, but anyway, I want you
6 all to keep coming down and let's try to work on -- we're
7 going to work together and try to do it earlier, so we can
8 import some of this good information to the applicant's case
9 as well.

10 MR. BALOG: Thanks. And we'll work on doing that
11 earlier.

12 CHAIRMAN HOOD: Anything this office can do, just
13 reach out to Sara Bardin and Ms. Schellin, okay? All right.

14 Any questions? Any questions for Casey Trees?

15 Does the applicant have any questions? Okay.

16 All right, is there anyone else who would like to
17 testify? Not seeing anybody, Mr. Freeman, do you have any
18 rebuttal?

19 MR. FREEMAN: We do. We want to take a second
20 just to look at the recommendations. I will say this is the
21 first time we've received these comments. Our landscape
22 architect is a national expert and they designed our
23 plantings to be sustainable and durable. I'm always happy
24 to take additional input.

25 CHAIRMAN HOOD: So why don't we take three minutes

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 so you can look at the report. I don't do no fly by night
2 stuff. Let's look at the report, three minutes and then you
3 all can respond. Okay? Let's take three minutes.

4 (Whereupon, the above-entitled matter went off the
5 record at 7:14 p.m. and resumed at 7:16 p.m.)

6 CHAIRMAN HOOD: Hold on a second. Before we go
7 any further. The young lady who was at the kiosk, did you
8 want to testify? Okay, come on up and let's do that now,
9 then we can go to rebuttal.

10 Before you have a seat, let's swear her in. Not
11 that we don't believe you, but that's our process.

12 MS. SCHELLIN: Do you solemnly swear or affirm the
13 testimony you will give this evening will be the truth, the
14 whole truth, and nothing but the truth? Thank you.

15 (Witnesses sworn.)

16 MS. BALL: Hello.

17 CHAIRMAN HOOD: How are you? Identify yourself?

18 MS. BALL: My name is Shanifinne Ball and I live
19 over in the Union Market neighborhood. I live on 5th Street.

20 I'm here today because most of the times I don't
21 even get notifications about these meetings that are taking
22 place. I just happened to get wind of it today and decided
23 to come out and speak my truth.

24 I live on the corner of 5th Street and Florida
25 Avenue and since these projects have taken place, my property

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 has been damaged and it has not been fixed and no one seems
2 to care. And it's continually being damaged throughout these
3 projects that are surrounding me. Not to mention that I
4 cannot sit on my front porch anymore because of the dust and
5 debris and the asbestos that is always on my porch that I
6 clean off weekly.

7 My retainer wall to the side of my house has been
8 hit by a dump truck and destroyed. My car, sitting on the
9 street, with no occupancy, was hit by a dump truck and
10 destroyed. Who had to pay for that? Me.

11 Where is my safety net in this community with all
12 this development? Where is my safety net? Who is looking
13 out for me as a citizen?

14 When they came and redid the alley, they destroyed
15 my driveway and the back of my yard. They chopped it up,
16 threw the pieces of cement over in my yard and left it like
17 that and it's still like that to today. Where is my safety
18 net? Who is going to help me? Who is going to come in and
19 fix the damages that's being incurred to my property by these
20 surrounding companies.

21 We actually had a video of one of the dump trucks
22 that hit my car and the driver did this to us. But
23 unfortunately the pixels broke up and we couldn't get the
24 name of the company off the side of the truck. And he kept
25 going. And that cost me out of my pocket which I don't have.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 I'm struggling. I'm ill. And I have to live with the noise
2 every day.

3 The rat infestation has manifested tremendously
4 since they're digging across the street because now they're
5 just running rampant. Of course, yes, we had the rat problem
6 before, but now it's extreme. There's no time I can walk out
7 my back door and not see a rat in my yard versus where I
8 could walk out before and maybe one here or there. Now it's
9 a everyday thing. So I'm just asking who helps me. I'm a
10 part of the community.

11 CHAIRMAN HOOD: Do you want me to answer that for
12 you?

13 MS. BALL: Yes, I would love an answer. Who helps
14 me?

15 CHAIRMAN HOOD: Let's just go down to discovery
16 and I hear what you're saying and I'm actually very appalled
17 of what I'm hearing. What is your address?

18 You're at 5th and --

19 MS. BALL: Fifth and Florida.

20 CHAIRMAN HOOD: Okay, you're at 5th and Florida.

21 MS. BALL: 1224 5th Street, right on the alley.

22 CHAIRMAN HOOD: Let me ask you, do you go to your
23 ANC meetings?

24 MS. BALL: Yes, I do.

25 CHAIRMAN HOOD: Okay you can fill that out when

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 you are finished. And you've talked to your ANC, your
2 Commissioner?

3 MS. BALL: I've had maybe two discussions. Like
4 I said, I'm not well, so I can't get out to everything and
5 whatever I hear about or through the grapevine or somebody
6 in the Union Market neighbors tells me about, I try to go to
7 if I'm not, you know, down and ill.

8 CHAIRMAN HOOD: So I'm trying to think and Vice
9 Chair Miller, maybe you can help me out. Is it DCRA when you
10 have issues like that? I know you can call your Ward 5
11 MOCRS. I know the MOCRS do it, but I mean let's get into the
12 government now.

13 And let me just say this, you don't always have
14 to attend, you can call on the phone which I know you
15 probably are doing because I know some ladies in this city
16 that do some damage on the telephone, trust me, because
17 they've done some and they've actually done some for me. So
18 I know it's about being persistent. If you're not mobile and
19 you can't move around and get to all these places, some time
20 you might have a little more time on the phone. I believe
21 it's DCRA. I don't know if somebody else up here knows a
22 little more about than I do, but I think it's an office
23 within DCRA where you can register that complaint. I'm not
24 sure exactly what the office is.

25 And then also the Ward 5 MOCRS, Dominique

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Chestnut. Tell him I gave you his name. He's very good. The
2 man has two great folks in Ward 5. Dominique Chestnut and
3 Malik. I can't remember Malik's last name. But that's what
4 their job is to assist residents who are having problems.
5 And I'm hoping that it wasn't this developer because he's
6 sitting in front of me. So I'm sure it wasn't you all, was
7 it?

8 MS. BALL: Who is to say?

9 MR. FREEMAN: We're not even in construction.

10 CHAIRMAN HOOD: I'm just saying, so I don't know
11 who -- which one it would have been. It's probably one of --

12 MS. BALL: And then what makes it bad is our
13 street clearly has signs up and down that they are not to
14 come up and down the street with those dump trucks and they
15 do anyway.

16 CHAIRMAN HOOD: So we need to make sure that
17 enforcement is getting there. I'm sure there are signs that
18 says over a certain ton or certain load, right.

19 MS. BALL: Yes.

20 CHAIRMAN HOOD: You have to put the pressure to
21 get people to enforce those signs. I've had to do that as
22 well, so my only suggestion to you because we're dealing with
23 land use and development, but there's also a part of the
24 government which is enforcement, when you have those kind of
25 problems. It may be a little bit burdensome on the resident,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 but remember we're residents, too, so we have to do some of
2 these same things. You have to call DCRA. There's a
3 department there you can register that complaint. But I
4 would start with the Ward 5 MOCRS. Start with them and they
5 can assist you. Let them know that you can't make all these
6 meetings and tell them what some of your concerns are and
7 they will do the legwork for you.

8 MS. BALL: Okay.

9 CHAIRMAN HOOD: Okay? That's just my suggestion
10 for you.

11 MS. BALL: So if you don't mind, could you write
12 down those names for me? That you mentioned.

13 CHAIRMAN HOOD: I will write them down for you.

14 MS. BALL: Okay, I appreciate that.

15 CHAIRMAN HOOD: Okay.

16 MS. BALL: Thank you.

17 CHAIRMAN HOOD: Any other questions up here? Does
18 the applicant have any cross? Okay. I mean not cross, any
19 questions?

20 MR. FREEMAN: No, sir.

21 CHAIRMAN HOOD: So we were going to do rebuttal
22 and that's what we will do, rebuttal and the tree.

23 MR. FREEMAN: Just one quick point you may want
24 to -- Ms. Ball is actually in ANC 6, Ward 6.

25 CHAIRMAN HOOD: Oh, she's in Ward 6.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MR. FREEMAN: Right. Our project is in Ward 5.

2 CHAIRMAN HOOD: You need to talk to the Ward 6
3 MOCRS and I'm sorry, I don't know that. I'll be able to find
4 out who they are for you and then I will -- I don't know how
5 I'll get the information, but I'll work with you.

6 MR. FREEMAN: And it's ANC 6C if she wants to
7 reach out to her ANC Commissioner.

8 CHAIRMAN HOOD: 6C. Where did I get 5? Oh,
9 because you were -- okay, I got it.

10 MR. FREEMAN: She's about three blocks from the
11 site.

12 CHAIRMAN HOOD: Okay. It's three blocks from your
13 site?

14 MR. FREEMAN: Approximately.

15 CHAIRMAN HOOD: So that's a whole other issue.
16 Did you get a notice about this meeting?

17 MS. BALL: No.

18 MR. FREEMAN: She's not within 200 feet.

19 CHAIRMAN HOOD: So you're not within 200 foot.
20 So you have another issue. I'll have to put my other DC
21 government hat on. Okay. I'll help you.

22 MR. FREEMAN: Thank you. So we'll now respond to
23 the tree comments.

24 MR. WERRELL: I'll start. Again, Brian Werrell
25 with Bohler Civil Engineer. So two items, the streets that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 are actually private streets, they have been designed in
2 conjunction with DDOT and UFA. So the street trees along the
3 curb are being designed with an extended soil volume panel
4 to strengthen that root zone. So those are the street zones.

5 The bio retention in the plaza is actually
6 designed with a two and a half foot deep media section which
7 is 12 inches deeper than the minimum required for bio
8 retention. So it should add for better plant viability and
9 tree growth.

10 MS. DIALS: Thank you. And to follow up with
11 that, again, Grace Dials with SCAPE Landscape Architecture.
12 One of our firm's core tenets is native planting and we are
13 really based in ecology and so plant selection that makes
14 sense and adds to the regional biodiversity is absolutely at
15 the forefront of our plant selections and planting designs.

16 So while we have not developed a specific tree
17 list yet, we will absolutely use the recommendations provided
18 in this guide and also our knowledge and experience with
19 native trees in this area for the bio retention areas.

20 And then the street trees, we will also look to
21 the Union Market streetscape design guidelines which outlines
22 a list of urban street trees which are well suited for a
23 street environment.

24 Thank you.

25 CHAIRMAN HOOD: Was your question answered? As

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 long as his question was answered.

2 Any other questions on that up here? You are
3 satisfied. We're going to try to get those things in the
4 pipeline earlier as well. Okay.

5 All right, anything else?

6 MR. FREEMAN: No.

7 CHAIRMAN HOOD: I just want the young lady to
8 know, excuse me, I just want you to know that my colleagues
9 are very helpful. They have looked and found out who the
10 Ward 6 MOCRS is, not that we weren't paying attention, but
11 we also want to make sure that we help our residents as well
12 because all work together. So I appreciate that and I just
13 wanted to put that on the record.

14 Okay, Mr. Freeman.

15 MR. FREEMAN: So thank you, Mr. Chairman, members
16 of the Commission. As you heard, the record is complete.
17 We've responded to and provided all the information requested
18 by the Office of Planning. We have worked with DDOT to
19 address their two comments. We have withdrawn our
20 flexibility such that the 50 percent AMI unit will be within
21 the building. In fact, we show it as being on the second
22 floor on sheet A2-310.

23 We confirm that we will install a quote sound
24 system that help mitigate issues with birds and you've heard
25 our rebuttal in terms of the steps we're doing to make sure

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 trees grow healthy and that we're utilizing the right
2 species.

3 So with that, we believe the record is full and
4 we would ask the Commission to take final action to approve
5 our application. Thank you.

6 CHAIRMAN HOOD: Okay. Thank you, all, very much.

7 Let's see if we have any follow up questions and
8 comments up here? The only thing is noting that we're going
9 to -- not on this applicant, but I don't want Casey Trees to
10 think that we're disqualifying their comments. I'm hoping
11 that you all will continue to look at the record for that
12 case, look at the recommendations that they have made.

13 All right, so colleagues, we've had this in front
14 of us. What is your pleasure? Are we ready to vote?

15 Okay, so with that, I would move that we approve
16 Zoning Commission Case No. 15-27A and ask for a second.

17 VICE CHAIR MILLER: Second.

18 CHAIRMAN HOOD: It's moved and properly seconded.
19 Any further discussion? Any further discussion? Any further
20 discussion?

21 All in favor?

22 (Chorus of ayes.)

23 Any opposed?

24 (No response.)

25 Ms. Schellin, would you please record the vote.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: Staff would record the vote 4 to
2 0 to 1 to approve final action in Zoning Commission Case No.
3 15-27A. Commissioner Hood moving, Commissioner Miller
4 seconding, Commissioners May and Turnbull in support.
5 Commissioner Shapiro, not present, not voting.

6 CHAIRMAN HOOD: Ms. Schellin, do we have anything
7 else before us?

8 MS. SCHELLIN: That's it.

9 CHAIRMAN HOOD: If anybody wants to see me, I will
10 be leaving out by myself shortly. With that, this is
11 adjourned.

12 (Whereupon, the above-entitled matter went off the
13 record at 7:29 p.m.)

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Hearing

Before: DCZC

Date: 06-17-19

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701