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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of Zoning
Board of Zoning Adjustment

PUBLIC HEARING CASE NO. 19452

Wednesday, March 1, 2017

441 4th Street, N.W.
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220-South
Washington, D.C. 20001

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Board Members:

- FREDERICK HILL, Chairperson
- LESLYEE WHITE, Board Member
- CARLTON HART, Board Member
- ROBERT MILLER, Zoning Commission
- CLIFFORD MOY, BZA Secretary

Office of Planning

- MAXINE BROWN-ROBERTS

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

2 MR. MOY: All right, Mr. Chairman, I believe
3 we're back to the, I guess the trilogy of the shelter
4 cases. So, the next one would be Application No.
5 19452 of D.C. Department of General Services,
6 advertised and captioned for relief for special
7 exception under the M -- rather, MU use requirements,
8 Subtitle U, Section 420.1F, parking requirements of
9 Subtitle C, Section 701.5, open court requirements,
10 Subtitle G, 202.1, lot occupancy requirements,
11 Subtitle G, Section 404.1, rear yard requirements,
12 Subtitle G, Section 405.2, variances from loading
13 requirements, Subtitle C, Section 901.1, floor area
14 ratio requirements, Subtitle G, 402.1, and the height
15 requirements of Subtitle G, Section 403.1. This would
16 allow the addition to an existing building and operate
17 a short-term family housing facility, MU-4 Zone, 1700
18 Rhode Island Avenue Northeast, Square 4134, Lot 800.

19 CHAIRPERSON HILL: Okay, great. Thank you,
20 Mr. Moy. Let's see now, here. Let's wait until we
21 all get kind of settled in. Okay.

22 If you could please introduce yourselves from
23 my right to left, please?

24 MR. BROWN: David Brown for the Citizens for

1 Responsible Options.

2 MR. VANPELT: I'm Dan VanPelt, Principal of
3 the Gorove/Slade Associates.

4 MR. MOODY: Ryan Moody with Moody Graham
5 Landscape Architecture.

6 MS. GILLIS: Greer Gillis, Director,
7 Department of General Services.

8 MS. ZEILINGER: Laura Zeilinger, Director of
9 Department of Human Services.

10 MS. MAZO: Samantha Mazo, Zoning counsel for
11 the applicant.

12 MS. MOLDENHAUER: Meredith Moldenhauer, land
13 use counsel for the applicant with the law firm of
14 Griffin, Murphy, Moldenhauer, and Wiggins.

15 MR. YOUNG: Rashad Young, City Administrator
16 for the District of Columbia.

17 MR. MCGHEE: Martin McGee, Architect, R.
18 McGhee and Associates.

19 CHAIRPERSON HILL: Okay. Ms. Mazo, so I guess
20 are you presenting to us on this case?

21 MS. MAZO: Yes. Yes, I am.

22 MR. TURLEY: If I could interrupt? My name is
23 Matt Turley. I'm a citizen. I was told I could make
24 a request at the beginning, when this case was called,

1 for a rescheduling --

2 CHAIRPERSON HILL: Okay. Okay. That's okay.
3 That's okay. Just give me one second. Just you can
4 just have a seat there for one second. Okay?

5 All right. So, we were going to go in a
6 particular order, but now this gentleman wants to say
7 something so, if you could, just -- you can just pull
8 your chair up right there. Mr. Brown, if you wouldn't
9 just mind sharing your microphone.

10 Sir, have you been sworn in?

11 MR. TURLEY: I was sworn in earlier today.

12 CHAIRPERSON HILL: Okay. So, what would you
13 like to say?

14 MR. TURLEY: Yeah, my name is Matt Turley.
15 I'm a resident of Ward 5. I make it clear, I am not
16 part of the party in opposition. I would request that
17 this case be rescheduled. I have watched throughout
18 the day of witnesses both in support of the City's
19 application and in opposition have had to leave due to
20 family and job requirements. So, due to that I'd like
21 to request that the hearing be rescheduled with
22 appropriate notice for the community so that the
23 community members can come back and provide, fairly,
24 their input.

1 CHAIRPERSON HILL: Okay. Actually, Mr.
2 Turley, this is the first time I've ever had anybody
3 do this in this particular way. So, I don't know, is
4 that a formal request from someone? I mean, this is
5 somebody just kind of walking up, you know? I don't
6 think this is the way that this goes about, correct?
7 You know?

8 So, Mr. Turley I --

9 MR. TURLEY: I thought I'd try.

10 CHAIRPERSON HILL: That's all right. So, Mr.
11 Turley, I appreciate your comment, but we're going to
12 keep moving forward here. And honestly, as far as
13 fairness goes, we have -- we're doing the best we can.
14 You know, but I do appreciate your comments.

15 MR. TURLEY: Noted. Thanks.

16 CHAIRPERSON HILL: All right? Okay. So, you
17 need to put on your microphone there.

18 MS. MAZO: A few preliminary matters for the
19 record. First is that Director Zeilinger has already
20 been accepted as an expert in the prior case, 19540.
21 I would ask that the Board again accept her as an
22 expert in this case, 19542.

23 Also, just a very minor matter, but a sign was
24 posted on the site on February 2nd, long before the

1 sign posting. We believe at some point intermediate,
2 the sign came down. It was reposed on Monday, the
3 27th. And I just wanted to make that clear on the
4 record and just to ask the Board to waive any sign
5 posting requirements or maintenance requirements.

6 It's very clear from the voluminous record in
7 this case, we have about 190 exhibits now, that
8 there's significant community knowledge of the case
9 and so accordingly, if the sign was taken down at some
10 point, that has not caused prejudice to any resident,
11 and certainly not prejudice to the party in
12 opposition.

13 CHAIRPERSON HILL: Okay. I don't have any
14 problem with the expert testimony. And actually, as
15 far as the waiver goes, although I would prefer
16 obviously as yourself as well, had the sign not fallen
17 down. But I also do believe there's been enough
18 public notice and so I would agree to a waiver unless
19 the Board has any thoughts about that, on that.

20 Okay. Great. So, all right.

21 MS. MAZO: Councilmember Mendelson is here to
22 speak -- I'm sorry, Chairman Mendelson is here to
23 speak on Ward 5, so we would ask to provide him a few
24 minutes.

1 CHAIRPERSON HILL: Sure. Of course.

2 [Pause.]

3 CHAIRPERSON HILL: Good evening, Chairman
4 Mendelson.

5 MR. MENDELSON: Good afternoon. Good
6 afternoon.

7 CHAIRPERSON HILL: I didn't think we were
8 going to be here, to be quite honest.

9 MR. MENDELSON: Well, you would be.

10 CHAIRPERSON HILL: Yeah.

11 MR. MENDELSON: I have some copies of my
12 statement for any of the other parties if they want.
13 It's the same statement I gave this morning, but I
14 figured that I should present it again so that if any
15 of the parties want to ask me questions, they can do
16 that.

17 CHAIRPERSON HILL: Well, thank you very much
18 for coming back and taking your time. It's very much
19 appreciated by the Board.

20 MR. MENDELSON: There is, the way I wrote the
21 statement was that there is a paragraph that deals
22 with the Ward 3 site, the Ward 5 site, and the Ward 6
23 site. So, if it's okay with the Board I will review
24 the statement as I gave it this morning, but skip the

1 Ward 3 site and talk about the Ward 5 site.

2 CHAIRPERSON HILL: That would be great. Thank
3 you.

4 MR. MENDELSON: Again, for the record, I'm
5 Phil Mendelson, Chairman of the Council of the
6 District of Columbia. I was sworn in for the 3:00
7 one, do I -- I mean, the Ward 3. Do I need to be
8 sworn in again?

9 CHAIRPERSON HILL: I think it works all day.

10 MR. MENDELSON: Okay.

11 CHAIRPERSON HILL: Thank you.

12 MR. MENDELSON: Well, I'm willing to accept
13 that.

14 My purpose in testifying is simple, to explain
15 the council's support for the location of new
16 emergency shelters for homeless families pursuant to
17 D.C. Law 21-141, which is entitled the Homeless
18 Shelter Replacement Act of 2016. Early last year
19 Mayor Bowser announced a plan to replace the use of
20 the former D.C. General Hospital as an emergency
21 shelter for homeless families. Her plan called for
22 replacing the 270 units at D.C. General with six
23 smaller shelters scattered throughout the city with up
24 to 50 units in each.

1 At the time, and this is important and it's
2 forgotten with the passage of time, there was
3 considerable anxiety that any proposal for new
4 neighborhood shelters would meet stiff opposition, and
5 this was discussed in the council's legislative
6 report, which by the way, I filed with the clerk of
7 the BZA for the record in the Ward 3 case and the Ward
8 5 case. The council committee reports, the
9 legislative reports. And there were two with regard
10 to this bill.

11 In quoting from that report, the council, the
12 current and previous mayors, advocates, stakeholders
13 and District residents from across the city have,
14 since it first opened as a shelter, sought to have
15 D.C. General closed, and a more humane shelter, or
16 system of shelters established for District families
17 experiencing homelessness.

18 Though, in the past, some residents and
19 council members have voiced opposition to the prospect
20 of having shelter facilities in their neighborhoods
21 due to unfounded concerns. Consensus has developed
22 within the council and across the city that sheltering
23 families experiencing homelessness in small, service
24 enriched facilities, in each of the wards, is the best

1 approach.

2 Spreading shelters throughout the city also
3 helps to discourage the creation of large
4 concentrations of poverty in just a few wards. And
5 although residents and councilmembers have raised
6 important concerns about various aspects of the plan
7 as proposed in the introduced version of the bill, the
8 committee of the whole agrees that developing smaller,
9 better run shelters throughout the city is the right
10 approach. Unquote.

11 The council disagreed with three of the seven
12 sites proposed by the mayor and disagreed with the
13 economics of the mayor's plan, namely that five of the
14 seven sites would be leased, that the construction of
15 the five leased shelters would be paid for by the
16 District, and that after 15 to 30 years, depending
17 upon the site and the lease therefore, the leases
18 would end and the assets at that time would revert to
19 the lessors. The city having nothing for its
20 investment.

21 Further, appraisals obtained by the council
22 determined that four of the five leases ranged from
23 slightly above market to extraordinarily above market.
24 The council held a public hearing lasting almost 12

1 hours on March 17th, 2016, over 80 witnesses, over 80
2 citizens registered to testify at the hearing, and
3 subsequently members received suggestions for
4 alternative sites.

5 Approximate a dozen alternative sites were
6 placed on the record for Ward 5. At least three
7 alternative sites were proposed for Ward 3, and there
8 were several alternatives for Ward 6 as well.

9 On May 17th, the council voted unanimously.
10 We're required to vote twice, and that was our first
11 vote. And both votes were unanimous, to direct the
12 mayor to change three of the sites in wards 3, 5, and
13 6, and to change the economic structure of the plan so
14 that all the sites would be owned, not leased, by the
15 city. At the same time the council appropriated \$125
16 million capital budget for the plan.

17 Regarding Ward 5, the council considered a
18 number of suggested locations. The mayor's proposed
19 site was widely criticized and our reasons for
20 rejecting it are detailed in the legislative report
21 accompanying Bill 21-620. And if members of the Board
22 have questions about that, I'm happy to answer them.

23 Representatives of the Langdon Park Community
24 Association identified alternative locations in a

1 March 8th letter to Mayor Bowser, and these were
2 discussed by several witnesses at the March 17th,
3 public hearing. Ultimately, council members
4 considered two locations the most preferable. One
5 called the Penn Center. The Penn Center building
6 located in Eckington at 326 R Street, and the second
7 being a former MPD precinct station located at 1700
8 Rhode Island Avenue Northeast.

9 For each, site acquisition would be easiest
10 and cheapest, since the properties are already city
11 owned and there was community support for the Rhode
12 Island site. At final reading on the legislation the
13 council dropped the Penn Center site because we
14 learned that the public library already had plans to
15 use the building as it begins renovation of the Martin
16 Luther King Jr. Library.

17 When all of the factors, all of the factors,
18 including the ones just mentioned are taken together,
19 all of the suggested locations, including the mayor's
20 proposal, were less reasonable than the 17 Rhode
21 Island Avenue Northeast site.

22 My purpose in testifying today is not to get
23 into the intricacies of the zoning relief being
24 sought, but rather to present the public policy

1 underlying the city's request before you to explain
2 the process behind our decision, and to state the
3 council's support for these sites for emergency
4 shelters. I'm happy to answer any questions.

5 CHAIRPERSON HILL: Thank you, Chairman
6 Mendelson. Does the Board have any questions for the
7 chairman?

8 MR. MILLER: I just, Mr. Chairman, thank you.

9 CHAIRPERSON HILL: Mr. Miller.

10 MR. MILLER: I just wanted to thank Chairman
11 Mendelson for coming down a second time today, and for
12 your leadership on this issue, along with Mayor
13 Bowser's leadership on this issue, and on so many
14 other issues as well.

15 MR. MENDELSON: Thank you.

16 CHAIRPERSON HILL: Does anyone have any other
17 comments or questions for the chairman? All right.
18 Does the party in opposition have any questions for
19 the chairman?

20 MR. BROWN: Just one, Mr. Chairman. Chairman
21 Mendelson, your letter makes reference to a March 8th
22 letter to Mayor Bowser, identifying alternative
23 locations Did that letter identify the Penn Center
24 building and the 1700 Rhode Island Avenue Northeast

1 building as possible alternative locations?

2 MR. MENDELSON: It identified the MPD site at
3 1700 Rhode Island Avenue. I don't believe it
4 mentioned the Penn Center site.

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

6 CHAIRPERSON HILL: All right. Again, in terms
7 of process, is the ANC here? All right. And then
8 also, is there any questions that the applicant might
9 like to ask of the chairman?

10 MS. MAZO: Sure. Thank you again for being
11 here. Can you confirm that the council endorsed 1700
12 Rhode Island Avenue and found that no other reasonable
13 alternative existed in Ward 5 to meet the project's
14 programmatic needs?

15 MR. MENDELSON: Yes. That was the -- by
16 process of elimination, we felt that there was no
17 reasonable alternative to 1700, and I'm here to say
18 that the counsel supported it because that's what we
19 specified in our legislation.

20 MS. MAZO: No more questions from the
21 applicant.

22 CHAIRPERSON HILL: Okay, great. All right,
23 well Chairman Mendelson, thanks again for coming down,
24 and appreciate your testimony.

1 MR. MENDELSON: Sure. And as I said, the
2 statement, I've submitted for the record in all three
3 BZA cases, the committee reports in the two of the
4 three cases. So --

5 CHAIRPERSON HILL: Okay.

6 MR. MENDELSON: -- thank you all very much. I
7 appreciate it.

8 CHAIRPERSON HILL: Thank you. All right. Ms.
9 Mazo.

10 MS. MAZO: Sure. Just one more very brief
11 procedural issue, which is to just ask Mr. Moy to
12 please swear in some new witnesses that have come that
13 may not have been here at 9:30 and --

14 CHAIRPERSON HILL: Sure.

15 MS. MAZO: And so --

16 CHAIRPERSON HILL: If there's anyone --
17 actually, if there's anyone here who plans to give
18 testimony from here on out, and if you haven't been
19 sworn in this morning, if you would please just stand
20 and take the oath administered by the secretary?
21 Thank you.

22 MR. MOY: Wow. Good afternoon.

23 [Oath administered to the participants.]

24 MR. MOY: Thank you. You may be seated.

1 MS. MAZO: Two other minor procedural issues.
2 The first is that the applicant in this case has
3 submitted the resumes of Ronnie McGhee, as their
4 architectural expert, and Ryan Moody as their
5 landscape architect expert at Exhibit 36C of the
6 record, and I would just appreciate the Board's
7 confirmation of acceptance of those individuals as
8 experts in those areas as identified.

9 CHAIRPERSON HILL: Yeah, I reviewed those over
10 the weekend and I didn't have any questions or
11 concerns as those people being submitted as experts.
12 Does the Board have any thoughts or questions? All
13 right.

14 MS. MAZO: And, does the opposition have any
15 questions they want to ask?

16 CHAIRPERSON HILL: I was looking for Mr.
17 Brown. Sorry. Mr. Brown, do you have any thoughts or
18 objections to those people being submitted as experts?

19 Okay, I'm sorry, you have to turn your
20 microphone on. I apologize.

21 MR. BROWN: I wasn't paying attention because
22 I knew I didn't have any objections.

23 CHAIRPERSON HILL: Okay. All right. Well,
24 thank you.

1 MS. MAZO: And as well, our traffic
2 consultant, Dan VanPelt, is here and his resume is
3 also in the record at Exhibit 30.

4 CHAIRPERSON HILL: Does the Board have any
5 questions or comments for this particular expert on --
6 no?

7 MS. WHITE: No, I've reviewed the record and
8 I'm okay with including them as experts.

9 CHAIRPERSON HILL: Okay. All right. Mr.
10 Brown, do you have any concerns about his most recent
11 expert being submitted?

12 MR. BROWN: No.

13 CHAIRPERSON HILL: Okay. Thank you.

14 MS. MAZO: Two other minor issues, just wanted
15 to raise to the Board's attention because it's a very
16 full record that has been, I know, supplemented during
17 the day. But I believe at Exhibit 180 there is a
18 letter from Council Member McDuffie in support of this
19 project.

20 And then the other procedural issue that I
21 just wanted to raise with the Board and make sure that
22 there was no concern from the party in opposition is
23 that on issues that are addressed in each ward
24 uniformly, such as the guidelines, some issues in

1 regards to the legislation that aren't necessarily
2 ward specific, we would ask the Board's indulgence to
3 allow us to rely on testimony from the case 19542, and
4 to be able to refer back to that testimony in the
5 preparation of findings in fact, and in all other
6 matters going forward.

7 As it pertains to ward specific, we will be
8 providing -- we will be providing that to the Board at
9 this time. But in terms of efficiency, we don't think
10 it's worth the Board's time at this time to resubmit
11 kind of all the more general testimony as it pertains
12 to some of the more overarching issues.

13 CHAIRPERSON HILL: Yeah, Ms. Mazo, I was
14 hoping you were going to say something like that. So,
15 I also don't have any objection to that and would
16 appreciate, you know, judicial notice in that case, or
17 in those areas.

18 MS. MAZO: Right. And to be clear, sorry,
19 that's Case 19450.

20 CHAIRPERSON HILL: Oh, okay.

21 MS. MAZO: I think I mis -- I transposed
22 numbers.

23 CHAIRPERSON HILL: You misspoke. Okay.

24 MS. MAZO: 19450.

1 CHAIRPERSON HILL: Mr. Brown, do you have any
2 objection?

3 MR. BROWN: I detect a certain commonality of
4 line of argument that I have no objection to.

5 CHAIRPERSON HILL: Okay. Thank you. We are
6 just trying to be efficient. So, but thank you.

7 All right, Ms. Mazo.

8 MS. MAZO: With that we'll start with an
9 abbreviated statement by the City Administrator and
10 move through our presentation.

11 I believe timewise, probably 45 minutes should
12 be more than sufficient in light of some of these
13 efficiencies that we're adding in to this process, so
14 if you want to give us that much time and hopefully
15 we'll be under.

16 CHAIRPERSON HILL: Okay. Under would be well
17 appreciated.

18 MS. MAZO: Us too.

19 CHAIRPERSON HILL: Thank you.

20 MR. YOUNG: Good afternoon, Chairperson Hill,
21 members of the Board of Zoning Adjustment, I am Rashad
22 Young, City Administrator.

23 I am pleased to be here today to request
24 relief for a special exception and variance from the

1 Board for the development and operation of an
2 emergency shelter in Ward 5, located at 1700 Rhode
3 Island Avenue Northeast, which will help advance the
4 shared agenda of Mayor Bowser, the Council of the
5 District of Columbia, and many District residents,
6 advocates, and stakeholders, closing D.C. General, the
7 largest family shelter in the District.

8 I'm joined today by a team of subject matter
9 experts who will each speak to their skill area.
10 Director of the Department of Human Services, Laura
11 Zeilinger, and Director of the Department of General
12 Services, Greer Gillis, the principal architect, and
13 the traffic engineer for this project will also
14 provide testimony.

15 The proposed Ward 5 shelter that is before you
16 today is on the site of a former police station and
17 will include 46 residential units, a space for on-site
18 wraparound services, and administrative offices and
19 recreational space for the children, and outdoor space
20 of the adult residents.

21 This proposal to construct a six-story
22 emergency shelter at this site is a critical element
23 of the District's eight-ward initiative to developing
24 a more effective crisis response system. We came to

1 you over the summer to seek relief for the sites in
2 Ward 4, 7, and 8, because you granted us this relief.

3 I'm excited to share that we are on track to begin
4 construction on these sites this summer.

5 The site before you today is the site we have
6 selected in Ward 5. For Ward 5 we request the Board
7 grant us variance relief for the requirements
8 regarding height greater than 50 feet, floor area
9 ratio, and loading and special exception relief from
10 lot occupancy, open court, minimum width, rear yard,
11 and parking to allow construction of an emergency
12 shelter for more than 25 persons in the MU-4 Zone
13 District at the property.

14 The architect, traffic engineer, and the
15 zoning attorney for the Ward 5 site, will delve into
16 the specifics on the details of the special exception
17 and variance request for this emergency shelter. As a
18 collective, we have worked to achieve minimum, if no
19 substantial detriment to the public good or zone plan,
20 while working to meet the administration's, council's,
21 and District residents' goal of creating an achievable
22 and tangible plan to close D.C. General in the
23 foreseeable future and replace it with smaller, safe,
24 and dignified short-term family housing across all 8

1 wards.

2 This is an exciting time. All the pieces are
3 in place. We have a clear plan, we've committed the
4 funds. We have support from the community and we have
5 the political will to make this happen. We have
6 begun, and plan to continue an extensive community
7 engagement process. It is critical that the BZA
8 approve the relief we seek today, so that we can move
9 this plan forward to close D.C. General, because our
10 residents deserve better.

11 Thank you for the opportunity to speak today.

12 I will now turn to Director Zeilinger to talk about
13 the programmatic aspects of the facility, and I'm
14 happy to take any questions. Thank you.

15 MS. ZEILINGER: Good afternoon, Chairperson
16 Hill, Members of the Board of Zoning Adjustment, Laura
17 Zeilinger, Director of Department of Human Services.
18 Pleased to be here to request relief from the Board
19 for the short-term family housing program at 1700
20 Rhode Island Avenue Northeast, which is the same
21 administrator stated, will help advance our shared
22 agenda of closing D.C. General.

23 I'm here on behalf of my -- to testify on
24 behalf of the Department, as well as an expert on the

1 issue of homelessness and emergency shelter
2 programming.

3 The testimony that I gave earlier about the
4 homelessness in the District of Columbia, the program
5 design, the 8-ward strategy, the what exactly is
6 emergency shelter and the law, the services at each
7 program site, the scale of the shelter, and the
8 programmatic needs, as well as the design features all
9 are still stand and relevant. I will jump now to the
10 community engagement portion of this testimony as it
11 relates to Ward 5.

12 Following the D.C. Council legislation
13 determining the D.C. General replacement sites, the
14 Department of Human Services worked in partnership
15 with council members and ANCs to establish membership
16 in the formation and representative community
17 stakeholder bodies, community advisory teams.

18 The Ward 5 Community Advisory Team began
19 meeting in September of 2016 to ensure the community's
20 voice was represented, beginning with the design phase
21 of the emergency shelter. Each advisor team is co-
22 chaired by the ANC chair, and/or his or her designee,
23 along with a representative from the administration.

24 In Ward 5, Christy Greenwalt, who is the

1 Director of the District's Inter-agency Council on
2 Homelessness, serves as the administration co-chair.

3 Mike Morrison, formerly Commissioner of SMD
4 5B-03, where the site is located, served as the
5 community co-chair until January, when he was replaced
6 in the SMD 5B-03 seat, and the role of co-chair was
7 taken on by Henry Makembe.

8 Additionally, we have representation on the
9 team from ANC 5B, Friends of Rhode Island Avenue, the
10 Brookland Civic Association, Council Member Kenyan
11 McDuffie's office, the Washington Legal Clinic for the
12 Homeless, our Interagency Council on Homelessness, the
13 Children's Playtime Project, Metropolitan Police
14 Department, the Mayor's Office of Community Relations
15 and Services, and the Department of General Services.

16 We talked about the role of advisory teams and
17 community feedback and input on all issues and
18 concerns related to the development of the program,
19 recognizing that each community is unique but would
20 follow the same general process for community input
21 with five core milestones, first being the advisory
22 team formation, then the design presentation and
23 input, pre-BZA submission presentation, final
24 designing construction timeline presentation,

1 developing good neighbor agreements.

2 In Ward 5, over the course of six months and
3 four meetings, we've achieved four of the five
4 milestones, and will continue discussion about the
5 development of good neighbor agreement.

6 I'll note that while there was an engagement
7 by the ANC and we have support in the record from the
8 SMD, that ANC did not take a vote on a resolution as
9 it relates to our application.

10 In addition to the Advisory Team meetings, the
11 administration hosted and participated in approximate
12 six public meetings to share information, respond to
13 community concerns, as well as a neighborhood walk led
14 by the Mayor's office of community relations and
15 services to address community concerns unrelated to
16 the site, but specific to the neighborhood, and
17 smaller meetings providing ANC commissioners an
18 opportunity to engage in one-on-one conversations and
19 have their specific questions answered.

20 The District and its architects have worked
21 diligently to take community feedback into
22 consideration and make additional changes to the
23 design to further integrate and harmonize the new
24 building with the surrounding neighborhood.

1 For example, although the existing building is
2 neither located in a historic district, nor
3 historically landmarked. The District worked closely
4 with the Historic Preservation office to integrate the
5 unique character of that building into the project
6 design.

7 In addition, the District has revised the
8 plans to include a brick exterior and a modified top-
9 floor exterior designed to better blend with the
10 character of the Brookland neighborhood, and to move
11 the entrance of the building to 17th Street Northeast
12 instead of Rhode Island Avenue Northeast. The revised
13 plans also aim to maximize use of available green
14 space as a recreation area for the residents.

15 In our next milestone, with the Community
16 Advisory Team is to develop good neighbor agreements,
17 and we have talked at length about what those are. I
18 want to repeat that here. In conclusion, the
19 community engagement process in Ward 5 was similarly
20 robust and inclusive. We're excited by the
21 opportunity to translate industry standards and human
22 empowerment to practice by proposing building designs
23 that will enable D.C. to support our families and
24 accomplish the city's goals and objectives.

1 Thank you for the opportunity to present the
2 project and I ask the Board to grant relief because
3 without the request for relief, we cannot fulfill our
4 goals, and families will unfairly have to endure at
5 D.C. General longer than anticipated. Thank you.

6 MS. GILLIS: Good afternoon, Chairperson Hill
7 and members and staff of the Board of Zoning
8 Adjustment. I am Greer Gillis, Director of the
9 Department of General Services, or DGS. Thank you for
10 the opportunity to testify today about our efforts to
11 support Mayor Bowser's goal to close the family
12 shelter at D.C. General by 2018.

13 We are here today before the BZA seeking
14 zoning relief for approval of 1700 Rhode Island Avenue
15 Northeast, as an emergency shelter for more than 25
16 persons. Section U-420.1F identifies conditions for
17 approving an emergency shelter use. The BZA may
18 approve more than 25 persons if no other reasonable
19 alternative to meet the program needs of that area of
20 the District.

21 As director of DGS, I can state that no other
22 reasonable alternative is practical to meet the needs
23 of the District.

24 We executed a solicitation for offers process

1 as an open solicitation, so sites were evaluated when
2 they were brought forward. All responses to the
3 solicitations were directed to DGS. Upon receipt of
4 the developer's submission the proposals, potential
5 sites were forwarded to DHS for evaluation.

6 In order to close D.C. General, it is
7 necessary to secure a total of 280 total units. The
8 District sought roughly 12,000 to 30,000 square feet
9 per site, preferably close to public transportation
10 and other services and amenities, and sites that are
11 economically feasible and are able to be developed
12 within the 24 to 30-month timeline. Using these
13 criteria DHS evaluated the site qualifications for
14 each potential site submitted.

15 In Ward 5 we received two proposals with only
16 one site, 2266 25th Place Northeast, to be of adequate
17 size and within close proximity to public
18 transportation, and having the capacity to satisfy the
19 program requirements. I will also note that both
20 proposals received are noted in my testimony.

21 Upon the ward, the architects attended bi-
22 weekly design meetings with both DGS and DHS
23 representatives to develop test fit layouts and
24 concept drawings. As the designs progressed, we held

1 community meetings to gather input regarding the
2 current design direction.

3 In a letter from Ward 5 Councilman Kenyan
4 McDuffie, the community submitted a list of nine sites
5 they believe to be viable options for the Ward 5
6 emergency shelter location, an evaluation of each of
7 the proposed sites was completed. Also, note that all
8 nine sites are listed in my testimony today.

9 The council legislation, last June 13th, for
10 Bill 21-0620, designation of new sites required
11 efforts to solicit, evaluate, and award new teams of
12 architects. In October, 2016, R. McGhee and
13 Associates was awarded a contract for architectural
14 and engineering services, leading the efforts for the
15 Ward 5 site.

16 As we move into the development process, as
17 the team reached significant milestones, we integrated
18 them within the advisory team and design overview
19 meetings with the Ward 5 residents. This allowed us
20 to gather immediate feedback and to incorporate
21 suggestions made by the community. The proposed
22 design showcases the existing building and the design
23 is based on input from the community and the advisory
24 team.

1 The District has and will continue to meet
2 with members of the community through design and
3 construction that will also provide monthly updates.
4 To date, we have held over a dozen meetings which
5 include the ANC, councilmembers, district leaders, as
6 well as several stakeholders and advocacy groups. We
7 also conducted community walkthroughs to understand
8 the needs of the neighborhood as a whole.

9 Continuous dialog between the District and the
10 ANC is ongoing. We look forward to continue future
11 meetings which result in a harmonious outcome for both
12 the short-term family housing residents and the
13 surrounding community.

14 In conclusion, on behalf of the mayor, I thank
15 you for the opportunity to testify today. We are
16 ready, willing, and eager to close D.C. General and
17 deliver smaller, dignified, and safe community-based
18 shelters for the city's most vulnerable population.
19 We appreciate your time and consideration, and I am
20 now available to answer any questions at the end of
21 our presentation.

22 Mr. McGhee.

23 MR. MCGHEE: Good evening, Chairman Hill and
24 board members, staff, and distinguished guests. My

1 name is Ryan McGhee, Principal of R. McGhee and
2 Associates Architects.

3 I know my credentials are listed in the
4 record, but I wanted to add the fact that I spent six
5 years on D.C. Historic Preservation Review Board. I
6 was on the Board of the National Trust for Historic
7 Preservation, and I was on the Board of D.C.
8 Preservation League, in addition to being listed as a
9 National Park Service Historic Architect.

10 I've completed numerous DGS projects with
11 similar problems, such as an existing building on the
12 site, or a historic building on the site, and did --
13 we had to perform adaptive reuse or repairs or
14 restoration to the building, and add a new building to
15 those structures. It's a similar type project that
16 we've done in the past.

17 So, this site is rather unique and unusual.
18 It has a -- it faces on Rhode Island Avenue. It has a
19 broad street across from 130 feet across Rhode Island
20 Avenue. The residential street is unusually broad
21 too, 90-foot right of way. The nearest house is about
22 110 feet from the front of the building, existing
23 building. There's a building -- there's another house
24 about 50 feet or 60 feet from the northern border of

1 the site. So, there are residential two-story
2 structures around it, but basically the building faces
3 an alley that has an auto structure, auto dealership
4 behind it, so there's a commercial structure behind
5 it. And across the street there are commercial
6 structures also.

7 So, the -- it sits on a mainly two and a half
8 story residential community, but actually, the
9 building itself is about 40 feet tall, about three and
10 a half stories tall. So.

11 The site has unusual site constraints. It's a
12 unique corner location, a significant 20-foot setback
13 on public space areas, 25 feet on the 17th Street
14 side, 20 feet on the Rhode Island Avenue side. It has
15 the main building, it has a former police station on
16 the site. And if you notice, there's a garage at the
17 rear that was for vehicle repair maintenance on the
18 site.

19 The other unique element on the site, it has a
20 control building on the upper right-hand corner of the
21 site, and a 10 or 150-foot Office of Unified
22 Communication antenna for Verizon and the Office of
23 Unified Communication antenna on the site. Both of
24 which we are trying to retain on the site.

1 The only element that will be removed on the
2 site is the rear garage, the one-story garage in the
3 back. And we've coordinated our work for Historic
4 Preservation to make that -- to make that attempt.
5 The building is not a historic building. It is not in
6 an historic district. However, we're treating it with
7 National Park Service standards when we repair the
8 exterior, restore the elements on the exterior of the
9 building. Although, we are adaptively using the
10 inside, which has already been adapted, I believe, or
11 used, several times over its lifespan.

12 If you look at the next slide there is an
13 existing condition drawing there that shows the
14 locations of buildings. Shows the -- thank you,
15 Samantha. Shows the antenna. It also shows the four-
16 story condo building to the north that's right on our
17 property line, and its courtyard is also right on our
18 property line, which assumes that anything built
19 matter-of-right would potentially close their court.

20 The existing building extends over the
21 property line on Rhode Island side corner of the
22 building. And as you can see, there's a -- it's a
23 deep setbacks on all the corners to the building,
24 gives the building some stature on the site, since it

1 was a community police station. So.

2 But we think the confluence of all these
3 constraints on the site create exceptional conditions
4 to create a building on the site. And we've tried to
5 accomplish that within the strict programmatic
6 requirements that DHS has given us.

7 So, to further look at the photographs of the
8 site, there are -- you can see the main building.
9 That's the building we will retain and the façade we
10 retained. You can see a little corner back there that
11 shows the rear of the building, and the antenna right
12 there on the antenna. That slides shows, also, the
13 four-story building before it was skinned. It's about
14 a 45 to 50-foot tall building, approximately. And you
15 can see the other -- let's see.

16 The next slide. Okay, the bottom slide there
17 shows the -- the bottom left-hand slide shows the
18 automobile tire dealership there. And the right
19 bottom slide shows the two-story structures that are
20 on the street across 17th Street, and adjacent to the
21 site beyond the apartment building, on the condo
22 building. So, that's the context of the site.

23 As you move around the site, photographically,
24 there is a -- see the plan? Go back one. Thank you.

1 Okay.

2 So, this is the overall site. You can see
3 there are a number of -- it's basically a residential
4 community. Our building is on the edge of the site as
5 are similar, similar other apartment buildings on the
6 site. They are all large apartment buildings in this
7 region, four and five-story buildings are facing Rhode
8 Island Avenue. The edge, or the corner of the
9 buildings face Rhode Island Avenue since Rhode Island
10 Avenue diagonally crosses east/west here.

11 So, our site is in the same position so we
12 felt that an apartment building on this corner is not
13 out of the ordinary here, and we look -- we took the
14 context, if you could show that one slide right here.
15 The building all the way down the end, closer -- put
16 it down, we can show next slide, we showed this -- all
17 the way down the corner on the left side there, that
18 building --

19 CHAIRPERSON HILL: Mr. McGhee, when you just
20 turn around, just make sure you speak into the
21 microphone.

22 MR. MCGHEE: Okay. I'll do that, then so.

23 CHAIRPERSON HILL: It's difficult to hear you.
24 Sorry.

1 MR. MCGHEE: So, the bottom left-hand of the
2 black and white plan drawings shows a building there.
3 That's a five and a half story apartment building
4 which is next to a four-story building, which is next
5 to two-story houses, which is, when I walked around
6 this site, I look at that as the context for what we'd
7 be working with in terms of putting a larger building
8 next to smaller buildings.

9 So, it seemed to comfortably fit the site.
10 It's been there for many years. There's a heavier
11 brick building and that's our community engagement
12 what people cited in our instructions from the public.
13 So, next slide.

14 All right. So, there are a number of other
15 photos of apartment buildings. You can see there are
16 brick buildings. They face Rhode Island Avenue.
17 Typically, they have fairly formal facades and entry
18 points. Our building, we felt after discussion with
19 HPO, and neighborhood, we thought that the 17th Street
20 side is the entrance to the building, would be our
21 primary residential side. Although, our main -- the
22 main façade of the existing building still would face
23 Rhode Island Avenue and we have a part of our building
24 that faces that on the flat relationship to Rhode

1 Island Avenue also. That was advised to us by HPO,
2 Historic Preservation Office. So.

3 All right. So, let's see. So, key elements
4 of our project are that we are taking the existing
5 control building. If you look at the elevations here,
6 this is a finished elevation of how the building will
7 work. It's sitting comfortably behind the three-story
8 building. It's set back from the back rear of the
9 building, and each face is pulled in as per Historic
10 Preservations observations, so that the coining on the
11 building is visible, the actual details of the
12 existing building will be visible all around the
13 building.

14 We also pull it back from the four-story
15 apartment building on the north to create an areaway
16 which our landscape architect will get in more detail.

17 A sort of restive area right outside of our dining
18 hall on the first floor. So, we also, you'll see the
19 150-foot tower and its location, which is right next
20 to the existing condo, the recently built condo, and
21 will also be next to our building.

22 As part of our work, we've moved the array of
23 the -- we plan to move the array of the tower up 15
24 feet to make sure it's completely above our building,

1 so that there's no chance of any problems with the
2 safety of the building. Now, we've had a study done,
3 which can be made part of the record, I'm assuming,
4 that shows that the amount of emissions on there is
5 slight. There are no emissions on the ground level,
6 which we checked out, existing right now. So, we
7 think this is a safe location for that tower to
8 remain.

9 So, but the comments made in the public about
10 the generators and all the equipment on top of the
11 one-story building, we're going to take all of that
12 off that one-story building, install that in the
13 basement of our structure, so that all that will be
14 left is that one story brick structure that's on the
15 site, and our building will actually cover that, so
16 when you walk up to the site as finished product, all
17 you will see is our building, the existing building,
18 and the antenna. You won't see any of the one-story
19 building on the site. Access will be to our building
20 on the alley side.

21 So, our building also is required to be LEED
22 Gold. So, that also relates to what can be produced
23 in terms of fumes from the building, the light, the
24 dark sky aspect of the building has to be controlled

1 so that we're trying to be a good neighbor to the
 2 community in all aspects, and LEED Gold will require
 3 us to do a lot of work in terms of storm water
 4 management, and also making this building have as
 5 light a footprint energy wise and physically to the
 6 neighbors and the neighborhood.

7 So, our building will have no access from
 8 Rhode Island Avenue so that any interior work, as you
 9 see in the courtyard there, probably the bottom right-
 10 hand corner, there's a courtyard there, but that's
 11 really for children to play in, for seating, so that
 12 they can come out and play. There will be a fence
 13 there that separates them from the community, so
 14 they'll go back inside the building and come out on
 15 17th Street. So, there's really no access and egress
 16 on to Rhode Island Avenue from the interior of the
 17 building. So, the idea is that, again, presenting a
 18 face to the community that will be a controlled fence,
 19 and we've gone through extensive discussions with the
 20 community about what type of fence and edge of the
 21 building should be there.

22 Also, we have our loading from the alley in
 23 the rear, which is where the loading for the police
 24 station also was. It runs from Rhode Island Avenue,

1 all the way through the site, and ends up on Hamlin
2 Street. In our building, it is actually 18 or 19 feet
3 wide, and it narrows down to 12 feet when it gets to
4 Hamlin, so we have three parking spaces and one
5 loading area. Not a formal loading berth. But we
6 feel that trucks can -- the vans can come in and pull
7 in and pull out with reasonable ease, and continue on
8 their way our Hamlin or Rhode Island, depending on how
9 they ingress.

10 We also have, we think that in our design
11 efforts, which we'll go over the plans in a minute,
12 the idea of creating the edges to the site that are
13 controlled landscape wise, which our landscape
14 architect will talk to in more detail, is the idea of
15 giving the building a buffer to the surrounding site.
16 So, it is set back significantly from the sidewalk
17 area. And we're going to restore that sidewalk and
18 put planting and new trees back on the site, which
19 again, we'll discuss in a minute.

20 But, if you can go to the -- do they see that?
21 That's the landscape design, which we'll discuss in
22 more detail. But the plans, this is the existing plan
23 and the new basement. So, what happens is, there's a
24 full basement in the existing building, which we'll

1 utilize for most of our mechanical equipment. We're
2 going to add a small basement under the new building
3 that also will contain the equipment needed to run the
4 antenna tower. So.

5 Our loading on the first floor will be from
6 the alley on the right side of there. You can see
7 that, and our trash comes out in a trash chute right
8 near that so it doesn't pass through the building.
9 Our main entry to the building puts our services, our
10 wrap-around services on the first floor as required by
11 DHS. So, there are no -- there's no housing, there's
12 no residential units on the first floor.

13 The green, it will stay. So, our green space
14 there, we have green space facing the 17th Street
15 side, and the Rhode Island Avenue side, and so we
16 tried to maximize the amount of green space. So, part
17 of our building overhangs these areas. So, our lot
18 occupancy is actually higher because we overhang these
19 areas. But on the ground plan we've created
20 additional green space. So, we're trying to reduce
21 any adverse effects the building might have on the
22 community. But our program requires us to have some
23 specific requirements.

24 So, we have a monitoring station has to see

1 every unit, every door opening on the floor at all
2 times. So, this gentleman has to be able to see
3 through the interior of the space. So, all the red
4 areas you see are basically going to have edges and
5 glass. So, if he's sitting there in the monitoring
6 space, he can look forward or backward and see the
7 whole space inside the building. So, that it creates
8 a larger interior court. A typical apartment building
9 might have a double-loaded corridor, single -- six or
10 eight-foot corridor, with the units on both sides.

11 In this case, that's not possible because we
12 have to have this interior series of elements and
13 amenities on each floor. So, each floor has a study
14 area, has a commons, has laundry areas and other
15 common spaces that allow the resident to feel a sense
16 of community and sense of safety and get to know the
17 other residents on the site.

18 So, each floor is sort of restricted in travel
19 once you go to the 7th floor, you're not -- the 6th
20 floor. You're not allowed to go to the next floor.
21 You had to -- you have to go down to the first floor.
22 So, the idea is to create the sense of community but
23 also not have -- you have strangers on each floor.
24 So, I did -- this creates some significant issues for

1 plan layout.

2 So, we think we've -- in many tests for
3 attempts with DHS, we've worked out a plan that meets
4 their requirements. We have 11 units that utilize the
5 existing building on two floors. The rest of the
6 floors have eight residents on each floor, for a total
7 of 46. So, let's see. What else? Anything else?

8 You want to look at the shading studies? Or,
9 actually, we can look at the -- the one other -- the
10 elevations. The elevations are brick and glass, and
11 they're actually metal frame glass. The ground floor
12 is going to be glass where we have a dining area and
13 have some staff and service and office areas.

14 The upper floor is a mansard standing-seam
15 roof, which was, the community asked for us to kind of
16 install on the site, based on some other buildings
17 around the site. We have that small mansard on top of
18 the roof. But you can notice in the sections -- so
19 the sections -- one of the practical difficulties on
20 the site is that the existing building is three-feet
21 above grade. And the first floor is 13 foot, the
22 second floor is 12 foot, and the next floor is 11
23 foot. So, we, in matching those floor heights, it
24 pushes our building taller. We don't have the girth

1 inside to have ramps and other elements inside, so
2 we're trying to comfortably match the existing
3 building's heights, maintain the floorplate, not do
4 major demolition on the site, which allows us to meet
5 the Historic Preservation guidelines.

6 All right. So, one of them, we have a green
7 area ratio of 30 percent. We meet that by about 800
8 square feet of pervious area on the ground floor, and
9 3,000 square feet of green roof. So, we do meet the
10 green area ratio. So, any other issues?

11 All right. So, I think I'll turn it over
12 to --

13 Okay. That's the shades. I forgot, the
14 shading studies. Okay, the shading studies.

15 Now, the shading studies, we did extensive
16 shading studies of this building. I think the biggest
17 test of this building is not the shadows that it
18 creates itself, but the shadows that a matter-of-right
19 building might create if built on the site. And so,
20 we have the existing -- in your package, you might see
21 the existing building shadows, which do produce some
22 significant shadows as a 30 plus foot tall building,
23 40-foot tall building. But as you see, the matter-of-
24 right building also casts shadows on almost all the

1 same locations as our building. And the extent of the
2 shadows are almost the same. So, we don't think that
3 the shadows created by our building are significantly
4 different than a matter-of-right structure would
5 cause.

6 And the apartment building to the north, even
7 though we're giving them a 10-foot area way between
8 the two to create some open space and some light for
9 our building, it is in shadow most of the year due to
10 a matter-of-right building.

11 Now, our building actually creates a few more
12 opportunities for sunlight to reach that courtyard and
13 that building. However, the idea is that the matter-
14 of-right structure as shown, just basically creates
15 the same shadow on that building as our building does.
16 So.

17 [Discussion off the record.]

18 MR. MCGHEE: Right. So, our shadow studies,
19 without going through every one, is all four different
20 times of the year, different times, three times, three
21 different times of each day. So, the typical greater
22 shadows are in early morning, and again the matter-of-
23 right building would create similar shadows.

24 So, I think Ryan can talk more about the

1 landscape design and how we tried to integrate the
2 building better into the community and take Moody
3 Graham.

4 MR. MOODY: Good afternoon, Chairperson Hill
5 and members of the Board. I appreciate the
6 opportunity to speak about the landscape today for a
7 few minutes, and answer any questions at the end of
8 the presentation.

9 The Ward 5 -- oh, my name is Ryan Moody with,
10 a principal with Moody Graham Landscape Architecture.

11 The Ward 5 family shelter landscape is
12 designed to engage the neighborhood with public space
13 gardens, reduce the stress of temporary housing with
14 accessible play and planted areas, protect site
15 resources, and embrace the historically significant
16 existing architecture. Garden planting in public
17 space and carefully articulated screen, fences, and
18 walls functions as mediators between the harsh
19 vehicular traffic of Rhode Island Avenue Northeast,
20 and the intimate courtyards of the family shelter.

21 By removing existing overgrown shrubs and the
22 chain-link fence along Rhode Island Avenue Northeast,
23 the plan will open views to the existing building and
24 allow for pedestrian friendly gardens adjacent to the

1 public sidewalk.

2 A new lawn will define the area in front and
3 to the west side of the historic building, and further
4 emphasize the front façade of the existing structure.

5 Since the building will largely be experienced at the
6 landscape level by pedestrians and vehicles, we see an
7 opportunity to improve the existing conditions and
8 build something of value to the many who pass by on
9 Rhode Island Avenue.

10 Homelessness is stressful. Gardens reduce
11 stress. These facts underscore the importance of
12 providing areas of play, relaxation, and healing
13 within the family shelter gardens, using pocket
14 planting, evergreen hedges, and carefully situated
15 small trees, the current design provides visual and
16 physical access to plants in each of the outdoor
17 areas. Flexible play areas and opportunities for
18 including elements such as a fountain, a color feature
19 wall, hanging sculpture, and a ceiling mural are
20 incorporated with the goal of reducing stress for
21 families.

22 Two large trees have significant prominence on
23 the site. A large oak tree on 17th Street and a large
24 spruce tree near the corner of Rhode Island Avenue and

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1 17th Street are both valuable assets to the project
2 and will be protected. Opportunities to plant street
3 trees at multiple locations around the site can
4 further enhance the site canopy.

5 So, the -- if we can go back just two slides
6 to the site plan, just to briefly walk through the
7 plan. As Ronnie mentioned, the entry is along 17th
8 Avenue. And the concept there is to add two new
9 street trees and enter through a garden. The lighter
10 green in front of the existing building is proposed
11 new lawn. So, removing the existing chain link fence
12 that hugs the sidewalk, plant new lawn, remove the
13 overgrown shrubs, and really showcase the historic
14 architecture. The darker green is perineal planting
15 garden spaces adjacent to the new courtyard along
16 Rhode Island Avenue.

17 As we get into the building, then there are
18 two major play spaces. The courtyard along Rhode
19 Island Avenue, and then a toddler area to the
20 Northwest corner of the site, and then an adult or
21 teen relaxation area between the proposed addition and
22 the existing architecture to the north.

23 So, the orange areas here are a current public
24 space areas that we are proposing new perineal

1 planting with low trees and shrubs. So, once again,
2 as a pedestrian walking by on Rhode Island or entering
3 the building on 17th Street, walking past a garden,
4 walking through a garden to come to your home.

5 The fencing along Rhode Island Avenue will be
6 along the property line, set back about 20 feet from
7 the sidewalk. The proposed elements here would be a
8 short brick retaining wall with a metal or other type
9 of screen on top of that. So, providing some
10 transparency through the garden, but also providing
11 the security and privacy needed for the play areas.

12 We should note that there is a curb cut along
13 17th Street, highlighted in yellow in this slide
14 that's going to be closed.

15 Sorry, one more slide. So, this is just
16 looking at, once again, the fencing along Rhode
17 Island, a short retaining wall, some type of metal
18 screen fencing, and then privacy wood fence along the
19 north and west perimeter of the project. And once
20 again, thinking about not just the experience of the
21 pedestrians, and the experience of kids in these
22 garden spaces, but also the experience of being in a
23 building and looking out on to a garden space.

24 So, I appreciate the opportunity to answer any

1 questions the Board might have at the end of the
2 presentation.

3 MR. VANPELT: Good evening, members of the
4 Board. I'm Dan VanPelt. I'm a principal with
5 Gorove/Slade Associates. We performed the
6 transportation review, working with the project team,
7 and we've been coordinating with DDOT. I'm going to
8 briefly touch on the transportation related highlights
9 of the Homeward D.C. Initiative Ward 5 Short-term
10 Family Housing Development.

11 The site is located on the 1700 block of Rhode
12 Island Avenue Northeast, between 17th and 18th
13 Streets. There are several Metro bus lines nearby,
14 with the nearest Metro rail station, Rhode Island
15 Avenue, about a mile from the site. There's seven bus
16 lines that connect to the Metro rail station where
17 there's redline service. The nearest bus stops are
18 across the street, serving the 82, 83, 86, the T-14
19 and the T-18 routes with the E-2 Route one block away
20 on 18th Street. The B8, the B9, and the H6 routes are
21 one block away on Franklin Street.

22 The nearest Capital Bikeshare station is one
23 block away, just south of the intersection of Rhode
24 Island Avenue and 18th Street. There are also car

1 sharing opportunities nearby, and walk score gives the
2 location a designation as very walkable. There's good
3 transit, it's bikeable. There's access to several
4 transportation options and services are available on
5 foot or on bike.

6 And the transportation plan takes advantage of
7 the transportation amenities and the proposed
8 transportation demand management plan will incentivize
9 the non-auto modes.

10 A transportation statement was scoped with
11 DDOT and performed for this development. The site
12 will include 46 rooms for families, and approximately
13 150 beds. Information was provided by the District
14 Department of General Services, and the District
15 Department of Human Services, and it tells us the
16 number of residents that own vehicles is extremely
17 limited. Residents are expected to primarily take
18 transit or walk, or to be shuttled to the site.

19 Information was also provided regarding
20 staffing levels and shifts. Ten staff will be onsite
21 at all times at this location with 22 to 26 staff
22 being present at peak staffing times, depending on the
23 programming that's being offered at the time.

24 The majority of staff are expected to drive.

1 However, the relatively small number of new vehicle
2 trips will not have an adverse impact on the
3 surrounding network. There's also the capacity of
4 other modes to accommodate the new non-auto trips. We
5 scoped the transportation site with DDOT and we are
6 pleased to have their support for the project. The
7 staff report states no objection and no conditions
8 from DDOT's review.

9 Under current zoning, the parking requirements
10 for the emergency shelter is 22 parking spaces, as Mr.
11 McGhee said earlier, there's three parking spaces
12 provided onsite at this location. As the site
13 constraints made more parking on the site infeasible.

14 Since not all staff was expected to be
15 accommodated on site, we reviewed the status of on-
16 street parking in the vicinity. We looked at almost
17 400 on-street spaces within a couple blocks of the
18 site and found that in the evening when neighboring
19 residents are returning home, about two-thirds of the
20 parking in the vicinity was available. We found
21 there's adequate parking available to accommodate the
22 new demand from the staff of the site that will need
23 to park on-street without having adverse impact. Much
24 of the available street parking was observed to be

1 within a block of the site.

2 The project will include a transportation
3 demand management plan, a TDM plan. This plan was
4 developed in consultation with the applicant and
5 tailoring a way to best suit the residential tenants
6 and the staff to take advantage of the non-auto
7 options afforded this location. It includes a TDM
8 coordinator, a marketing program, bicycle parking, and
9 transit subsidies for residents.

10 As Mr. McGhee said earlier, most loading will
11 occur from the alley, due to site constraints.
12 There's one 19-foot service delivery space that's
13 being provided, food and supplies. Deliveries will be
14 accommodated in this space and trash pick-up will be
15 accommodated in the alley.

16 For other loading activities, there is a 30-
17 foot -- we're proposing a 30-foot no parking zone on
18 17th Street in front of the street where a curb cut
19 currently exists. We'll turn that into an entrance
20 zone.

21 To address any concerns about truck activity,
22 a loading management plan was developed and the plan
23 will appoint a member of staff to coordinate all the
24 loading activities. I appreciate you listening to my

1 testimony and I'd be happy to answer your questions.

2 I will now just take the remainder of our time
3 to very briefly walk the Board through the relief
4 that's needed for this project. As indicated in our
5 filings the variance relief is required for the
6 height, for the FAR, and for loading. Special
7 exception relief is required for the emergency shelter
8 use, the parking, lot occupancy, the open court width,
9 and the rear yard.

10 As has been detailed before previously in the
11 prior case, this case, like the other shelter cases
12 are entitled to the public service, so to the more
13 flexible public service standard. The D.C. Court of
14 Appeals has consistently applied this standard. The
15 similar case is *Monaco v. the D.C. Board of Zoning*
16 *Adjustment*.

17 In analyzing the need for variance relief in
18 that case, said, "While a commercial use before the
19 BZA may not be able to establish uniqueness in a
20 particular way, we consider, and we say expressly,
21 that the BZA may be more flexibility when it assesses
22 a nonprofit organization which is well established
23 element of our government system. The *Monaco* Court
24 also explicitly stated that public need is an

1 important factor in granting or denying a variance.

2 The *Monaco* decision has been adopted, of
3 course, by other cases at the Court of Appeals,
4 National Black Child Development Institute is one of
5 them, as well as *Drowd v. BZA*.

6 Important to this Board, of course, is the
7 fact that this particular more flexibility public
8 service standard has been applied in numerous BZA
9 cases. Most pointedly, BZA Case 18240, the *District*
10 *of Columbia Public Library* case. In that case, it was
11 an area variance case. And in that situation the
12 Board concluded that the programmatic requirements of
13 the library constituted an institutional need that
14 contributed to the exceptional situation facing the
15 subject property.

16 In our case, there is a very strict variance
17 test, which is a three-prong test, demonstrate
18 exceptional condition, practical difficulty, and no
19 substantial detriment to the public good. Our case as
20 defined and discussed by Mr. McGhee, the property is
21 exceptional due to a confluence of factors. Of
22 course, it's a unique corner lot. It has significant
23 public space along Rhode Island Avenue and 17th
24 Street. It's a former police station built in 1923,

1 with a taller floor to ceiling height.

2 HPO has directed that a significant portion of
3 the site -- of the existing structure be retained,
4 despite the fact that it is not in a historic district
5 and is not landmarked. So, there is a historicity
6 aspect applied to this particular property.

7 Also in addition, there is the existing 150-
8 foot tall communications antenna, and an approximately
9 360-foot equipment building that cannot be removed.
10 And adding on top of that, as is directed by the Court
11 in the *Monaco* case, we also have the emergency shelter
12 programmatic needs. These do combine to create an
13 exceptional situation or condition as determined by
14 the Office of Planning.

15 There is express practical difficulty without
16 the zoning relief that's required. And certainly as
17 in terms of height and FAR. In particular, the corner
18 lot pushes the building to the side and the rear lot.

19 Retention of the former police building and the
20 antenna also creates a practical difficulty to the
21 extent that it has -- there are already structures on
22 the building that have to be retained, and the
23 inability to construct over the police station is a
24 clear practical difficulty that results directly from

1 the exceptional conditions on the property.

2 Also, as well as has been discussed by
3 Director Zeilinger and many others, there are specific
4 programmatic guidelines. One of which of course is
5 the legislation that requires up to 50 units on this
6 particular site, that the number of units on each
7 floor is approximate 10, and that there must be space
8 dedicated to on-site wrap-around services, as well as
9 other space dedicated to private and to semi-private
10 bathrooms.

11 There is no substantial detriment to the
12 public good. In this case, the applicant worked very
13 closely with HPO, as well as certain staff at CFA to
14 retain a certain significant fortune -- portion of the
15 former police station, that the design of the building
16 was designed in order to retain that and retain those
17 viewsheds.

18 The height and the bulk of the project is
19 similar to other apartment houses along Rhode Island
20 Avenue as Mr. McGhee explained, and it will not cause
21 a substantially adverse impact to light or air on the
22 adjacent uses.

23 Also, it's important to note that most of the
24 project's height and bulk will be set back from the

1 17th Street residences, due to the existence and the
2 continued height of the former police station.

3 Next, the special exception standards.
4 Clearly the Board is well aware of those, and the fact
5 that the Courts have found that special exception
6 relief is presumed to be appropriate, reasonable, and
7 compatible with other uses in the same zoning class
8 certification provided the specific requirements for
9 the relief are met, as is here. Harmonious with the
10 purpose and intent of the zoning regulations. And one
11 thing, of course, to note is that this property is
12 indeed and satisfies the emergency shelter use
13 requirement as has been testified to by Director
14 Zeilinger. Accordingly, the use and this particular
15 size is permitted by approval of a special exception.

16 In addition, obviously, it helps to make the
17 District's goal of making homelessness rare, brief,
18 and nonrecurring. Lot occupancy court and rear yard
19 are all permitted as special exceptions because
20 they're in furtherance of the comprehensive goal, the
21 Comprehensive Plan's goals, and additional -- one
22 thing also to note is that additional density and lot
23 occupancy would be permitted on the project. It was
24 built as an apartment house with Inclusionary Zoning

1 units in the MU-4.

2 There's also no adverse effects on neighbors,
3 as has been discussed, that the project itself has
4 been designed with the community well in mind.
5 There's been a significant community outreach, and in
6 retaining portions of the historic structure, that
7 also helps to preserve the light and air that's
8 available to the residences along 17th Street. And as
9 to the newly constructed matter-of-right 40, almost
10 50-foot building to the rear of the condo building,
11 our sun studies have demonstrated that any matter-of-
12 right structure on our property, and indeed most
13 likely the existing structure would cast shade on that
14 structure.

15 So, in light of the above, we're happy to turn
16 over to questions.

17 MS. MOLDENHAUER: Just to add one legal point.
18 We understand that opposition is arguing that the
19 city's prior notice that there would be need for
20 zoning relief in this case, would be somehow a bar
21 should be considered as a factor. Even if it is
22 considered as a factor, I just point the Board to the
23 *Association to Preserve the 1700 Block of N Street, v.*
24 *the Board of Zoning Adjustment*, which is a Court of

1 Appeals case. That was a case where the YMCA, another
2 public service type of use, was acquiring property at
3 the corner of 1700 and N Street in Southern DuPont
4 Circle area, where they knew at the time that they
5 purchased the building that they would most likely
6 need relief for the programmatic and institutional
7 needs of a swimming pool.

8 And so, they were asking for parking relief
9 because they needed to provide that on their site. I
10 would say that that is a similar analogy here, and
11 that obviously this is an -- there was no acquisition
12 on in regards to Decarte, in regards to the City did
13 not acquire the site. The site has been in the city's
14 inventory, and that there is a programmatic
15 requirement for them to modify this site so that it
16 can be utilized for the goals, as you've articulated
17 on the record. Thank you.

18 CHAIRPERSON HILL: Okay, great. Thank you.
19 All right. What I'm going to do again, if the Board
20 is comfortable with this, going to go ahead and turn
21 to the applicant and have them have an opportunity to
22 cross before we get to our own questions.

23 So, Mr. Brown, if you -- yeah, the opposition,
24 sorry. Mr. Brown. I'll get the name right. Yeah.

1 Did I say -- the opposition, sorry. I don't -- in any
2 case, Mr. Brown, if you could go ahead.

3 Do you know how much time you might need for
4 cross-examination? I'm just trying to keep a clock
5 moving.

6 MR. BROWN: Less time than they took.

7 CHAIRPERSON HILL: Okay. Well, I mean, you're
8 going to have 45 minutes also during your time to
9 present. So, I'll go ahead and put 15 minutes up
10 there. Is that okay?

11 MR. BROWN: All right.

12 CHAIRPERSON HILL: All right. I lost my
13 secretary, so I'm going to keep track myself. Okay.
14 Go ahead.

15 MR. BROWN: I'll start with Mr. McGhee. Mr.
16 McGhee, I'm looking at your sun studies, which came to
17 me on Monday in a submission from counsel. The issue
18 date on these sun studies is February 14th of this
19 year. Is that when you completed them?

20 MR. MCGHEE: No, we've updated the studies as
21 of about two weeks ago. That was the latest one we
22 did. I'm not sure what -- what's that you have in
23 front of you, actually?

24 MR. BROWN: I have the set that was submitted

1 as part of the applicant's response to our prehearing
2 statement on February 27th, I believe.

3 MR. MCGHEE: The set you have was the set that
4 we sent to the law firm, which is the most recent set.
5 So, it may be dated wrong on that set, so.

6 MR. BROWN: Is there an earlier set in the
7 record?

8 MR. MCGHEE: I think there is an earlier set
9 in the record. I think it had a couple of the -- it
10 had an error in one of the shadows and one of the
11 dates, I think, so we replaced it.

12 MR. BROWN: All right. Well, I'd like you to
13 turn to the sun study pages. Or you can bring them up
14 on the screen if you want, but I have a couple of
15 questions for you about them.

16 CHAIRPERSON HILL: Yeah, that would be helpful
17 if you could pull it up on the screen.

18 MR. MCGHEE: Which date are we talking about?

19 MR. BROWN: I'm talking about -- well, June
20 22nd will be fine.

21 MR. MCGHEE: Okay. This is of the proposed?

22 MR. BROWN: There are three pages for June
23 22nd. Existing sun study, matter-of-right sun study,
24 and proposed building sun study. Are you with me?

1 MR. MCGHEE: Yes.

2 MR. BROWN: All right. Let's go to the
3 proposed building sun study, and in each one of the
4 diagrams, 9:00 a.m., 12:00 p.m., and 3:00 p.m., we see
5 from the aerial view, an aerial view of the footprint
6 of the proposed building, correct?

7 MR. MCGHEE: Yes.

8 MR. BROWN: Turning back to the matter-of-
9 right sun study, we see an aerial photograph of a
10 proposed matter-of-right building that appears to me
11 to look at least from the air, to be essentially the
12 same footprint as the proposed building. Is that
13 correct?

14 MR. MCGHEE: It's similar. I mean, it's a 50-
15 foot building.

16 MR. BROWN: I'm talking about how it looks
17 from the sky. The footprint of the building.

18 MR. MCGHEE: No, you're saying -- well, you're
19 saying the conjectural building we created to be a
20 matter-of-right building?

21 MR. BROWN: Yes.

22 MR. MCGHEE: It's the same. It's basically a
23 mass at 50-feet tall. So, it's not really -- I think
24 it's --

1 MR. BROWN: Listen carefully to my question,
2 Mr. McGhee. The question is, is it the same footprint
3 as on the --

4 MR. MCGHEE: No, it is not.

5 MR. BROWN: What is the difference in the
6 footprint?

7 MR. MCGHEE: It is not matching our footprint
8 exactly. It's just, again, the mass of the square
9 footage that was in the building that we've proposed,
10 but at 50 feet, at 50 feet tall. So, we did not match
11 the square foot -- the actual footprint. It is the
12 height, though, and the face -- it faces 17th Street
13 with the same width.

14 MR. BROWN: I understand, but is there any
15 significant difference in the size of the footprint
16 between the two?

17 MR. MCGHEE: I think we put the -- it's a
18 little wider, takes up a little bit -- the court is a
19 little smaller on the Rhode Island Avenue side because
20 they've got the square footage in there to match it
21 up. It's a little bit fatter building, basically, at
22 the ground plane.

23 MR. BROWN: The lot occupancy that is proposed
24 for the building is 73 percent. And that's what the

1 zoning -- the self-certified zoning request is for.
2 What is the lot occupancy of this matter-of-right
3 building?

4 MR. MCGHEE: I don't have that offhand. I'd
5 have to look that up.

6 MR. BROWN: Would you say it's very close to
7 73 percent?

8 MR. MCGHEE: It should be close to 73 percent,
9 yes. I'd say maybe a little bit more because like I
10 said, it's a little bit squatter building, actually,
11 than the building we have.

12 MR. BROWN: All right. The lot occupancy in
13 the MU-4 Zone is 60 percent, correct?

14 MR. MCGHEE: Yes.

15 MR. BROWN: So, there's nothing matter-of-
16 right about the lot occupancy of your proposed matter-
17 of-right building, is there?

18 MR. MCGHEE: Well, the idea was to create a
19 sun study, not necessarily match all the other matter-
20 of-right issues. For example, the parking so on and
21 so forth. We didn't make a building that was small
22 enough to have the number of parking spaces, so on and
23 so forth. We wanted to get the mass of the building
24 to show how the sun would move in a matter-of-right

1 building, with some of the zoning relief that we would
2 need to make a building that size. So.

3 MR. BROWN: But despite the lower height, a
4 building that occupies 70 some percent of the lot is
5 not going to be a matter-of-right building, is it?

6 MR. MCGHEE: It's a matter-of-right as to
7 height, basically.

8 MR. BROWN: But matter-of-right as to amount
9 of lot occupied also has a significant effect on the
10 amount of sun that is received on adjacent properties,
11 doesn't it?

12 MR. MCGHEE: Well, what we tried to do was
13 create a building that had the same width along 17th
14 Street and the same width along the northern border,
15 so that the shadow could be studied in the same
16 context.

17 MR. BROWN: I'm asking you to answer my
18 question.

19 MS. MAZO: Mr. Brown, I mean, we know exactly
20 where you're going and what you're doing with the
21 record here, and so if there is a question, which I
22 can't say whether there is or there isn't, about in
23 regards to the matter-of-right massing that we are
24 providing here, then as part of the information that

1 we will provide to the Board, we can, if the Board
2 requests, we can provide a matter-of-right sun study
3 that --

4 CHAIRPERSON HILL: That's okay. So, Ms. Mazo
5 and Mr. Brown, also, we're actually listening.

6 So, the massing, again, the matter-of-right is
7 what is being discussed. So, the subject here is that
8 Mr. McGhee, your massing is not correct. Is that fair
9 to say?

10 MR. MCGHEE: It is not a matter-of-right mass.

11 CHAIRPERSON HILL: It is not a matter-of-right
12 massing, but you were saying that it was a matter-of-
13 right in order for us to compare the two together.
14 So, yes, I would like to -- Ms. Mazo, and I'm
15 listening to your point, Mr. Brown, and we are all
16 listening to your point. And something that you're
17 now, again, clarifying, Mr. McGhee, I suppose, is that
18 the -- well, nonetheless, we would like to see what
19 the massing is of the matter-of-right in regards to
20 the sun study.

21 MR. MCGHEE: In terms of meeting all of the
22 zoning requirements without relief?

23 CHAIRPERSON HILL: Yes. The matter-of-right
24 requirements.

1 MR. MCGHEE: Well, the difficulty there, sir,
2 is the parking, loading, all those other issues.

3 CHAIRPERSON HILL: That's okay. I'm sorry.
4 We're just talking about the massing.

5 MR. MCGHEE: Just the massing.

6 CHAIRPERSON HILL: Just for the sun -- the sun
7 shadow study.

8 MR. MCGHEE: We can do it.

9 CHAIRPERSON HILL: Mr. Brown?

10 MR. BROWN: Yes. Mr. McGhee, your design for
11 the site was presented to the Commission on Fine Arts
12 earlier in February. Is that correct?

13 MR. MCGHEE: Yes.

14 MR. BROWN: Have you read the description of
15 how your project was received in the February 24th
16 letter from the Commission?

17 MR. MCGHEE: Yes.

18 MR. BROWN: Were you there when the matter was
19 presented?

20 MR. MCGHEE: Yes.

21 MR. BROWN: Just using your own words, how
22 would you describe how well your project was received
23 there?

24 MR. MCGHEE: Well, the Commission of Fine Arts

1 has their opinion and they actually did not take into
2 account our programmatic issues. So, they basically
3 wanted the massing to be pushed against the property
4 line, against the apartment building, and they wanted
5 it to have a single loaded corridor, like a typical
6 apartment building. And they also wanted us to take
7 public space for more green area. And so, their view
8 of it is not one that we may be able to execute.

9 So, and my reaction to it is that, it may be
10 difficult to achieve CFA's goal for the site based on
11 their comments.

12 MS. GILLIS: And I just would like to add, in
13 harmony with what Mr. McGhee said, CFA, their
14 recommendations are just that. They come to us in an
15 advisory role. The mayor can receive recommendations
16 and then from CFA and again, with regards to DCRA,
17 they can use CFA recommendations and comments in their
18 discretion and determination. And that's how we also
19 will look at them as well.

20 MR. BROWN: Thank you, Ms. Gillis, but I don't
21 believe you've ever heard from me, any suggestion to
22 the contrary. I'm just pointing out that the advisory
23 recommendation of the Commission of Fine Arts
24 apparently is not going to be followed in this case.

1 CHAIRPERSON HILL: Yes, let Ms. Brown ask his
2 questions, okay? And let's just go ahead and answer
3 the questions that he has.

4 MR. BROWN: The rest of my questions are for
5 Ms. Gillis.

6 Ms. Gillis, I'm seeing this information about
7 proposals received regarding Ward 5 in your testimony
8 dated March 1st for the first time this afternoon.
9 This information was not included in any prior
10 submissions, was it?

11 MS. GILLIS: Yes, it should be part of the
12 public record, sir. We wanted to make sure that we
13 had this information in the testimony because of the
14 site and because of the -- especially the sites that
15 the council member had provided.

16 MR. BROWN: Let's go to page 3 of your
17 testimony. The sentence there --

18 CHAIRPERSON HILL: Hold on one second, Mr.
19 Brown. I'm going to try to find out what you're
20 talking about.

21 All right, Mr. Brown.

22 MR. BROWN: Ms. Gillis, page 3 of your
23 testimony in the middle, it says, "In a letter from
24 the councilman, the community submitted a list of nine

1 sites they believed viable options for the Ward 5
2 emergency shelter location."

3 What councilman are you referring to?

4 MS. GILLIS: Councilman for Ward 5, Kenyan
5 McDuffie.

6 MR. BROWN: And, what is the date of the
7 letter?

8 MS. GILLIS: Give us one moment. We're
9 looking for the date of the letter.

10 MR. BROWN: While you're at it, who was the --
11 from whom was the letter received?

12 CHAIRPERSON HILL: And sorry, Mr. Brown, I am
13 just kind of -- I'm trying to follow along again. So,
14 again, this is how the sites have been selected again,
15 correct? And your connection with this to the zoning
16 is what again, please?

17 MR. BROWN: It's Section 513.1B, Sub 6, the
18 alternative sites. The search for alternative sites.

19 CHAIRPERSON HILL: So, that's your argument.
20 That's what you're directing us to?

21 MR. BROWN: That's why this testimony is in
22 the record. This testimony is an attempt to show that
23 there was a search for alternative sites.

24 MS. MOLDENHAUER: No, the testimonies in the

1 record is response to some of the arguments that
2 opposition has made. We believe that the zoning
3 standard speaks for itself in regards to what the
4 Board has to evaluate.

5 MR. BROWN: Anyhow, do you have an answer to
6 my question?

7 CHAIRPERSON HILL: When the letter was
8 submitted. Is that what the question was again?

9 MR. BROWN: When the letter was submitted and
10 from whom.

11 MS. GILLIS: The letter was from Council
12 Member McDuffie. We don't have an answer at this
13 time. My team is still looking for the actual date of
14 the letter.

15 CHAIRPERSON HILL: Okay. We'll get back to
16 you, Mr. Brown.

17 MR. BROWN: Yes, I would request a copy of the
18 letter be provided to the opposition in this case,
19 since they're making representations about the letter
20 in this document rather than providing the letter
21 itself.

22 MS. GILLIS: So, I will add, it is in public
23 record. This was a part of the deliberations that
24 occurred with the counsel, and also as a part of the

1 determination from the council when they made their
2 selection and their choice for the location at 1700
3 Rhode Island Avenue. So, this isn't new information,
4 but again, we wanted to make sure that we presented it
5 just because it was something of concern to the party
6 in opposition.

7 CHAIRPERSON HILL: Okay.

8 MS. MOLDENHAUER: And I would just object to,
9 there's no discovery requirements. We're not required
10 to provide specific copies to -- as requested by
11 opposition counsel. If the Board requests it, we can
12 supplement the record.

13 MR. BROWN: I think the best evidence of what
14 transpired is the letter itself, rather than testimony
15 about the letter.

16 CHAIRPERSON HILL: Mr. Brown, let me think
17 about it. Continue with your questions. All right?

18 MR. BROWN: I'm sorry to be so
19 discombobulated, but this is what happens when you see
20 evidence for the first time at the hearing. There's
21 just been no opportunity to evaluate it. I have no
22 more questions.

23 CHAIRPERSON HILL: Okay. Sorry, go on.

24 MS. MAZO: Sorry. To be clear, these lists

1 were all in the public record as in -- as is that
2 letter that was discussed, also in the public record.

3 So, it's --

4 CHAIRPERSON HILL: Okay. So, if it --

5 MS. MAZO: -- not the first time that it's
6 been brought to light.

7 CHAIRPERSON HILL: Okay. Thank you for
8 clarifying that for us.

9 Ms. Greer. Now, I'm so tired now. Director
10 Greer.

11 MS. GILLIS: That's okay.

12 CHAIRPERSON HILL: Gillis. Director Gillis,
13 if you would submit the letter, please, for the
14 record, that would be helpful. Thank you.

15 MS. GILLIS: Will do.

16 CHAIRPERSON HILL: All right. I'm going to go
17 ahead then and turn to the Office of Planning, unless
18 -- actually, maybe we'll go through -- or do you --
19 does the Board -- I was going to go through the Office
20 of Planning and then we can go ahead and ask questions
21 of everyone. Is that all right with the Board? All
22 right. Okay.

23 MS. BROWN-ROBERTS: Good evening, Mr. Chairman
24 and members of the BZA. For the record, I'm Maxine

1 Brown-Roberts from the Office of Planning.

2 Again, I will stand on the record regarding
3 the emergency shelter at 1700 Rhode Island Avenue
4 Northeast. As outlined in our report, there are
5 several special exception and variances, which we went
6 through all the criteria for approval, and found that
7 the proposal meets all the requirements. And
8 therefore, we recommend approval and I'm available for
9 questions.

10 CHAIRPERSON HILL: Does the Board have any
11 questions of the Office of Planning?

12 No? All right. DDOT is also still here?

13 UNIDENTIFIED SPEAKER: Good evening, Chairman
14 and members of the Board. DDOT stands on the record.
15 If you have any questions, I'm available.

16 CHAIRPERSON HILL: All right. Does anyone
17 have any questions for DDOT?

18 [No audible response.]

19 Does the opposition have any questions for the
20 Office of Planning or DDOT?

21 MR. BROWN: Yes.

22 CHAIRPERSON HILL: Okay, please.

23 MR. BROWN: One question for you, Ms. Maxine
24 Brown-Roberts. Was there any certification of the

1 zoning relief in this case by the Zoning
2 Administrator, or was it self-certification only?

3 MS. BROWN-ROBERTS: I am not -- I'm not sure
4 if I saw a certification from the Zoning
5 Administrator. I don't remember.

6 MR. BROWN: So, your best recollection at the
7 moment is that it's just self-certified?

8 MS. BROWN-ROBERTS: Yes. But I'm not saying
9 that there isn't one.

10 MR. BROWN: I understand.

11 MS. BROWN-ROBERTS: It's just that I don't
12 remember seeing it.

13 MR. BROWN: I understand. Thank you.

14 CHAIRPERSON HILL: Ms. Roberts, I guess maybe
15 we can clear that -- you could let us know about that.

16 MS. BROWN-ROBERTS: Yes, we can check the
17 record.

18 CHAIRPERSON HILL: Okay. Thank you. Unless
19 the applicant can clear that up for us?

20 MS. MAZO: No, Mr. Brown is correct, there's
21 no letter from the Zoning Administrator in regards to
22 the zoning relief required for this site.

23 CHAIRPERSON HILL: Okay, this is self-
24 certified?

1 MS. MAZO: Correct, it's self-certified.

2 CHAIRPERSON HILL: All right. Thank you.

3 MS. MAZO: And in terms of self-certifying,
4 the applicant had amended its self-certification from
5 what was filed initially. The most recent self-
6 certification and the most up to date one, which
7 documents the areas of relief that we're requesting,
8 as well as the -- sorry, as well as the number of
9 parking spaces is included at -- I will get that.
10 It's included at Exhibit -- sorry, Exhibit 43, Tab B.

11 CHAIRPERSON HILL: All right. Mr. Brown, do
12 you have any more -- I'm sorry, you didn't have any
13 more questions for the Office of Planning. Do you
14 have any questions for DDOT?

15 MR. BROWN: No more questions.

16 CHAIRPERSON HILL: Okay. Does the applicant
17 have any questions for the Office of Planning or DDOT?

18 MS. MAZO: I just have three questions for the
19 Office of Planning. Ms. Brown-Roberts, can OP confirm
20 that there's no time limit for residents to stay under
21 the emergency shelter use in the regulations?

22 MS. BROWN-ROBERTS: That's correct.

23 MS. MAZO: Okay. Also, in Subtitle U, 513.1F,
24 which is the special exception standard for more than

1 25, can Office of Planning confirm that there is no
2 search requirement in order for the Board to find that
3 there's no reasonable alternative?

4 MS. BROWN-ROBERTS: As I stated in the prior
5 case, it is our belief that regarding the alternative
6 cases, that was ruled on by the council.

7 MS. MOLDENHAUER: Sorry, there was a lot of
8 back and forth earlier about the sun study. Can you
9 confirm in the MU-4 Zone that a matter of right lot
10 occupancy for an Inclusionary Zoning site would be a
11 75 percent lot occupancy?

12 MR. LAWSON: We -- excuse me. Sorry. Joel
13 Lawson for the Office of Planning.

14 We don't have that information in front of us.

15 MS. MAZO: Okay. Just sorry, one final point
16 for Ms. Brown-Roberts. Ms. Brown-Roberts, in your OP
17 report you mentioned numerous conditions that made the
18 property exceptional. But can you also confirm that
19 the following list is also included, that the property
20 has a unique corner lot location, that there's
21 significant public space along Rhode Island and 17th
22 Street, the former police station, and the existing
23 communications antenna and the equipment building
24 combined with the emergency shelter programmatic needs

1 all combine to create a confluence of -- that creates
2 an exceptional condition on the site?

3 MS. BROWN-ROBERTS: I agree.

4 MS. MAZO: I have no more questions for the
5 Office of Planning.

6 CHAIRPERSON HILL: Okay. Again, back to the
7 matter-of-right issue again. If now, whether it was
8 with IZ units or what have you, the massing and the
9 shadow study is something that we would like to see.

10 MS. MOLDENHAUER: And we can just clarify that
11 for the Board at a later date, but I just wanted to
12 make sure it was something I don't think was clearly
13 understood. But 75 percent is if this was an
14 affordable project through other government means
15 of --

16 CHAIRPERSON HILL: It wasn't clear to the
17 Board also when you were first speaking of it, and so
18 that's why I just was reiterating the fact. But thank
19 you. So, that would be great.

20 MS. MOLDENHAUER: Seventy-five percent would
21 have been permitted.

22 CHAIRPERSON HILL: Sure. Thank you.

23 MS. MAZO: Sorry, and to be clear --

24 CHAIRPERSON HILL: You can --

1 MS. MAZO: -- as well as a 3.0 FAR.

2 CHAIRPERSON HILL: You can provide that
3 clarification with the sun study, then. Thank you.

4 All right. Does the Board have some questions
5 now for the applicant and/or the Office of Planning,
6 DDOT, or the party in opposition?

7 MR. HART: Yes, Mr. Chair. Just, the
8 question, since we had such a kind of fairly extensive
9 discussion about the number of units on the floor, I
10 mean, this is the 11 for one floor, or the eight for
11 the others, I understand that it's kind of average.
12 But could you just kind of discuss that in this case
13 so we understand this, how that you could have 11
14 units on floors two and three, and then the other
15 floors are eight units?

16 MS. ZEILINGER: Just given that exceptional
17 nature of the historic part of the building, there
18 were just some very slight modifications that we
19 needed to make in order to accommodate the number of
20 units needed overall. So, there are, on two floors,
21 11 units. And then there are eight on the others.
22 So, then makes space for the program and supportive
23 services.

24 So, we stayed as close to our design

1 requirements as we possibly could, but did go over by
2 one unit.

3 MS. GILLIS: I would also --

4 MS. ZEILINGER: And we also, we could not make
5 it any smaller. We already had our initial site in
6 Ward 5, we were able to fit 50 units. Because of the
7 constraints of this site we had to come down to 46,
8 and so we really couldn't make it any smaller and meet
9 our goal of closing D.C. General.

10 MR. HART: I appreciate it. It's really just
11 making sure that -- understanding how this may be --
12 how this particular instance has some characteristics
13 and understanding what those are. So, I appreciate
14 that.

15 The next question is to Mr. McGhee. You --
16 and this is just kind of a, just a little
17 clarification. The police station is not historic,
18 but you used -- it's not an NHL, its' -- a National
19 Historic Landmark. It's not listed on the National
20 Register of Historic Places, but is it a local
21 designation for historic?

22 MR. MCGHEE: No, it has no designation at all.
23 It has no landmark status. It is eligible as one of
24 D.C. Government's buildings. So, it has the age and

1 stature, but has not been listed or even -- very
2 little information about the building at this point.

3 So, the idea is that by regulation we treat it
4 as eligible and treat it with the same level of
5 protection.

6 MR. HART: I understand that. I just was, I
7 was trying to understand where it was in the scheme of
8 things. Thank you.

9 CHAIRPERSON HILL: Director Zeilinger, so I
10 have a question for you. You had stated that there
11 was a letter from, which there is, from the SMD in
12 support, but not a vote from the ANC. Could you tell
13 me a little bit more about how that went and why there
14 wasn't a vote? Or, anyone who is happy to answer from
15 the applicant.

16 MS. ZEILINGER: Unfortunately, I'm going to
17 have to put on a hat as somebody who can testify
18 because at the table I am, and in fact amongst I think
19 everybody here -- oh, no, no, no, no, no. Well,
20 actually, can I, to respond to that question can I
21 bring up the SMD from to -- or do you want to wait --

22 CHAIRPERSON HILL: Yeah, that's okay. Let me
23 just -- I can hold off on that question.

24 MS. ZEILINGER: Okay. Because she's here

1 and --

2 CHAIRPERSON HILL: We'll have a time when
3 you'll have an opportunity to come forward.

4 Okay. So then, does anyone else have some
5 more questions, Commissioner Miller?

6 MR. MILLER: Thank you, Mr. Chairman, and
7 thank you for your presentation and persistence today.
8 Everybody's persistence and patience.

9 So, going back to Director Gillis's testimony,
10 which Mr. Brown referred to page 3, which had the
11 evaluation of the different sites, so for -- and the
12 nine sites are referenced, that Council Member
13 McDuffie had submitted. And under, when you get to
14 1700 Rhode Island, the reason for selection,
15 rejection, I guess by the executive, was that -- it's
16 listed as the size of the site. Quote, "The size of
17 the site will not," I guess it's missing a word,
18 "Allow it to produce the required number of units and
19 accommodate the Hoya Clinic. Site is still being
20 considered for other district uses."

21 So, can you just clarify? Is that referring
22 to the fact that you only could get to 46 with new
23 construction, or was it just referring to the existing
24 building that was there? That obviously wouldn't

1 accommodate anywhere near the number of -- can you
2 just clarify that statement in this evaluation? It
3 may be a matter of timing.

4 MS. GILLIS: Sure. Thank you. This was a
5 result of the preliminary assessment that was done on
6 the site when it was first brought to our attention.
7 We looked at the size of the site preliminarily.
8 Plus, also, we also looked at what the site was being
9 occupied for at that time, when we first got this
10 letter. It was occupied by a previous district
11 government agency at the time. So, that was included
12 in the site still being considered for other District
13 uses. It wasn't until afterwards it was mandated in
14 the legislation, the counsel legislation, that we
15 decided to go in and do the full search, the full
16 assessment, and then actually do the design, get an
17 architect on board to help us to see how we can make
18 better use of the site.

19 I also want to add, while I have an
20 opportunity for the clarification, that this
21 information is listed on the D.C. Website.

22 MR. MILLER: Thank you for that answer. Going
23 back and going back to Council Member McDuffie, he has
24 been noted previously, I think by the Chairman or

1 others, he did submit a letter dated today in support
2 of the project. He did note two issues, continuing
3 issues of concern to his constituents, which he asked
4 the Board to see what we could do to further mitigate.
5 And one was the 70-foot height. And maybe the --
6 maybe Mr. McGhee could just reiterate briefly how the
7 height is being mitigated due to the location, it's
8 location, or its distance from the single-family homes
9 across 17th Street, or what you've already done or
10 could be done further to, if anything, to mitigate the
11 height.

12 I guess the existing building that's on that
13 side, on the 17th Street side, is block -- is
14 already --

15 MR. MCGHEE: Well, part of the practical
16 difficulty here is that a good part of the site is
17 taken up by a building that we can't really adjust or
18 build on top of. So, and when you're trying to
19 contain the number of units per floor to a tight
20 maximum, it pushes us to this height. So, right now
21 there's nothing we can do under the programmatic
22 requirements and the idea of keeping that existing
23 building intact. So.

24 MR. MILLER: And how wide is 17th Street?

1 MR. MCGHEE: The right of way is 90 feet. And
2 our building is right on the edge of the right of way
3 where the houses on the other side are about 10 to 20
4 feet back from the property line. So --

5 MR. MILLER: And the other issue that Council
6 Member McDuffie's letter raised as a number of, I
7 guess public benefits that he says he's raised with
8 the executive. Some of -- I don't know if you've seen
9 it because it's only dated today, but he says he's
10 raised them with you or there's Rhode Island Avenue
11 streetscape improvements, including new sidewalks, new
12 paving and trees, additional -- I'm losing my battery
13 here. Additional programming and hours at the Langdon
14 Park Community Center and library, Woodbridge Library,
15 both within three blocks of the proposed facility, and
16 a number of other things. If you could just address
17 that?

18 MR. YOUNG: Sure, Mr. Miller. This is not, as
19 you know, a PUD application, and so the notion of
20 community benefits in this kind of proceeding is
21 different, and isn't something that's part of the case
22 application or what we would normally do.

23 Having said that, we have walked the community
24 with community members and our team to look at what

1 the issues are, and so while we're not presenting a
2 community benefits package in a formal way as the
3 council member has suggested and requested, what we
4 have said to the community is those things, as we walk
5 many neighborhoods across all wards of the city on a
6 regular basis that have nothing to do with the
7 development, those issues that we can support them on
8 and mitigate, we will try to do that.

9 And so, some of these issues around
10 streetscape and sidewalks are things that we have to
11 consider in the context of our capital budget for the
12 entire city. But we are willing to try to look at
13 those and look at the other programmatic requests that
14 they have in the context of his, the council member's,
15 request for his ward, and certainly what we receive
16 from many neighborhoods as to services.

17 MR. MILLER: Okay. Thank you. I think that's
18 all I have for now.

19 CHAIRPERSON HILL: All right. Great. Thank
20 you, Commissioner Miller. Does anyone have any more
21 questions for the applicant or the party in
22 opposition? No?

23 All right. Then what I'm going to do is ask
24 if there is anyone here wishing to speak in support of

1 the application.

2 All right. Can you all just raise your hands
3 and let me see how many there are of you? Three?
4 Okay. If we could just free up some chairs here for
5 the three people coming up in support?

6 [Pause.]

7 CHAIRPERSON HILL: Has everyone been sworn in?
8 No? Okay. We're going to swear you in.

9 And then, did I understand that the ANC is
10 here? Is --

11 MR. CASSIDY: [Speaking off microphone.]

12 CHAIRPERSON HILL: Okay. That's okay. I'm
13 sorry. I'm sorry. You'd have to speak into the
14 microphone anyway. But --

15 MS. MAZO: Counsel, I'm sorry. Chair Hill, I
16 just wanted to clarify that --

17 CHAIRPERSON HILL: Give me one second. Give
18 me one second. Give me one second.

19 MR. CASSIDY: [Speaking off microphone.]

20 CHAIRPERSON HILL: You can just push the
21 microphone.

22 MR. CASSIDY: Yeah. I was present at the ANC
23 meeting.

24 CHAIRPERSON HILL: Uh-huh.

1 MR. CASSIDY: The Commissioner --

2 CHAIRPERSON HILL: No, that's okay. Please
3 identify yourself and --

4 MR. CASSIDY: Joseph Cassidy.

5 CHAIRPERSON HILL: Okay.

6 MR. CASSIDY: I live in SMD 5B-03.

7 CHAIRPERSON HILL: Okay.

8 MR. CASSIDY: For the last 14 years.

9 CHAIRPERSON HILL: Okay. Mr. Cassidy, I will
10 ask you a question but I'm just trying to figure out
11 where you come in my agenda, if you don't mind. So --

12 MR. CASSIDY: Well, I'll be a witness in the
13 opposition.

14 CHAIRPERSON HILL: Oh, I see. You're going to
15 be a witness. Oh, in the opposition. Okay. All
16 right.

17 MR. CASSIDY: But I was present at the ANC
18 meeting.

19 CHAIRPERSON HILL: Okay. Okay. I appreciate
20 that. Then, we'll get to you.

21 MR. CASSIDY: Thank you.

22 CHAIRPERSON HILL: That's okay. We'll get to
23 you. I just didn't know where you were coming in
24 terms of the presentation. Thank you.

1 All right. If you could please just identify
2 yourselves from my left to right?

3 MR. MAKEMBE: Hi. Henry Makembe, ANC
4 Commissioner, SMD --

5 CHAIRPERSON HILL: Could you say your last
6 name again, sir?

7 MR. MAKEMBE: Henry Makembe, M-A-K-E-M-B-E.

8 CHAIRPERSON HILL: And you're the SMD?

9 MR. MAKEMBE: Yes.

10 CHAIRPERSON HILL: Okay.

11 MR. MAKEMBE: 5B-03.

12 CHAIRPERSON HILL: Okay. Oh, you have to push
13 the button.

14 MS. HARDING: Amber Harding.

15 MS COVENTRY: Kate Coventry (phonetic).

16 CHAIRPERSON HILL: Okay. All right. I don't
17 know if -- now see, you all haven't been sworn -- I
18 think you have been sworn in but -- oh, no? Really?
19 Oh.

20 MS. HARDING: Swore me in last time.

21 CHAIRPERSON HILL: Okay.

22 MS. HARDING: It was a little chaotic.

23 CHAIRPERSON HILL: All right. So, Mr. Moy, if
24 you could swear in the witnesses, please?

1 If you all could just stand and take the oath
2 from the secretary?

3 [Oath administered to the participants.]

4 CHAIRPERSON HILL: So, Commissioner Makembe,
5 I'm just trying to also understand this. Are you here
6 representing your SMD or yourself?

7 MR. MAKEMBE: Both.

8 CHAIRPERSON HILL: Okay.

9 [Commotion in audience.]

10 CHAIRPERSON HILL: Okay. All right. Okay.
11 Everybody -- all right. So, you're not here -- excuse
12 me. All right.

13 So, I'm going to go ahead and give you three
14 minutes. Okay? And everyone will get three minutes.
15 There's just three of you. Okay? All right. Please
16 go ahead.

17 MR. MAKEMBE: Great, thank you. And forgive
18 the jitters, it's my first time here.

19 Thank you for allowing me to testify today.
20 I'd like to take this opportunity to present my view
21 first as a private citizen, and then as a commissioner
22 for the single-member district, 5B-03.

23 First, as a resident of the District I applaud
24 the government's effort to construct short-term

1 housing for families that lack proper shelter. As a
2 resident of Brookland, living three and a half block
3 away from the proposed shelter at 1700 -- 1700 Rhode
4 Island Avenue Northeast, I support the construction of
5 the facility and encourage the Board to grant the
6 special exceptions necessary to move this project
7 forward.

8 My family and I are lucky enough to live in
9 Brookland, but I know that this is not an opportunity
10 available to everyone in our city. As a father of two
11 kids, my wife and I are extremely fortunate to be able
12 to provide a home for them to sleep, grow, and just be
13 kids. While my wife and I are in a position to
14 provide a comfortable life for our children, I believe
15 that it is incumbent upon the entire community to
16 ensure that all city youth have the basic needs met.

17 While I am aware of the concerns raised
18 regarding the heights and the density of the proposed
19 building, I do not believe that either of them are out
20 of line with the existing neighborhood, with existing
21 plan buildings and along Rhode Island Corridor.

22 I believe that more density on Rhode Island
23 Avenue will help stimulate growth which could benefit
24 all members of the community. I believe that

1 Brookland, Woodridge, and the Landgon Park
2 neighborhoods are family oriented communities well
3 suited for families in search of stability.

4 Similar to my predecessor, in tandem with this
5 project, I hope to see an increased district support
6 for general improvement to the Rhode Island Avenue
7 corridor as called for in the Comprehensive Plan. The
8 area greatly needs increased streetscape and
9 pedestrian safety improvement, job training programs,
10 and economic development initiatives.

11 Now, I would like to take a few -- I would
12 like to share a few additional thoughts in my capacity
13 as ANC Commissioner for 5B-03. Prior to my election
14 as ANC commissioner I was invited to join the
15 Neighborhood Advisory Team by my predecessor. Since
16 my selection, I have taken over as co-chair for the
17 advisory team. And since my election is November I've
18 held two single-member Districts meeting, invited DGS,
19 DHS, and their zoning attorney to present -- to
20 present once to the full ANC body meeting. I helped
21 coordinate a walking tour and have canvassed the area
22 around the site three times, personally.

23 Through my conversations with my neighbors,
24 I've identified three distinct view of the proposed

1 site. The first view is that of neighbors that would
2 completely welcome the proposed site as-is, allowing
3 all variances. The second view is that of neighbors
4 that would welcome the housing facility at the
5 location, but have concerns and reservation about some
6 aspects of the design.

7 Most of the reservations on the height of the
8 building and parking, especially given the fact that
9 there are a number of elderly neighbors residing
10 directly across from the proposed location.

11 The last view is that of neighbors who do not
12 want the proposed location at all, regardless of the
13 view that they all told about the design, the vast
14 majority of the neighborhood believes that the site
15 selection process was flawed. And even if they are in
16 favor of the ultimate outcome. So, everybody in the
17 neighborhood basically observed that the site
18 selection process was flawed.

19 Since, however, since the initial site
20 selection, DGS and DHS have gone to great length to
21 solicit community feedback. I believe that many of
22 the concerns around parking can be addressed through a
23 detailed neighborhood agreement, and as such, as ANC
24 commissioner, I would recommend that the BZA grant the

1 special exemptions necessary to move the project
2 forward, with the exception of the one regarding the
3 building height. So, of all the variances, as the
4 Commissioner, I would recommend moving forward with
5 all of them, except the one with the height.

6 I would like to finish by saying that
7 Brookland is a welcoming and diverse community that
8 can and should strongly support neighbors that are
9 experiencing difficult times. Construction of this
10 shelter is an important step in the ongoing effort to
11 providing the city's children and underserved family
12 with opportunities to achieve a better life. Thank
13 you.

14 CHAIRPERSON HILL: Okay. Thank you. And I
15 let you go until five minutes, again, because as a
16 member of the ANC you do get five minutes of time.
17 So, all right. If you could go ahead. Give me three
18 minutes here, please, on the clock, Mr. Moy. You can
19 go ahead, sorry. Oh, sure.

20 MS. HARDING: Thank you. I'm testifying on
21 behalf of the Washington Legal Clinic for the
22 Homeless, as well as in my personal capacity as a Ward
23 5 resident. And I'm testifying in support of this
24 application.

1 Since 1986, the Legal Clinic has provided free
2 comprehensive legal services to homeless or nearly
3 homeless D.C. residents. We do not take government
4 money.

5 I was appointed to the Ward 5 Shelter Advisory
6 Team by Councilmember McDuffie, and I have attended
7 every meeting. Prior to that I was a member of the
8 Interagency Council on Homelessness Design Committee.
9 My family has lived in Brookland for 12 years.

10 We support closing D.C. General and replacing
11 it with smaller, healthier, and safer shelters across
12 D.C. D.C. General is not a place that anyone should
13 ever have to live, not even for a short period of
14 time, and D.C. has, for far too long, allowed homeless
15 children and their parents to suffer from poor
16 conditions, poor design, and poor services.

17 With no clear end to our affordable housing
18 crisis and with over 600 families currently in motels,
19 we cannot close D.C. General unless we have
20 replacement shelters ready to go.

21 When the first Ward 5 site was proposed, we
22 opposed it. We did that not because the neighbors
23 opposed it, which they did, but because it was not in
24 a residential area and we believed that the shelter at

1 that site might have been harmful to the health and
2 safety of the residents at the shelter. There were no
3 nearby grocery stores or other services, and public
4 transportation options were minimal. The site was
5 surrounded by a lot of industrial usages.

6 We knew the D.C. government could do better
7 for homeless families in Ward 5. 1700 Rhode Island
8 Avenue was one of the few alternative sites discussed
9 as far back as last March, including at the March 17th
10 hearing on the shelter plan, and it was the only one
11 that turned out to be viable.

12 Unlike the previous site, this is a site that
13 is part of a vibrant neighborhood. This is on
14 multiple bus routes within walking distance of the
15 Rhode Island Metro Station, Woodridge Library, Langdon
16 Park and Rec Center. It's a great place to raise a
17 family in this city and many of us will be happy to
18 welcome the new residents of our neighborhood when the
19 shelter opens.

20 I've listened to the concerns of some
21 neighbors about the height of the building and the
22 variances being sought out for months. I've been at
23 every community meeting where it has been discussed,
24 other than the ANC 5B meeting, last week. It's more

1 than 10 meetings in less than a year.

2 I've gone over the designs. I have heard the
3 concerns about process and height and parking. I
4 understand D.C. is asking for multiple exceptions and
5 variances today. I'm not unsympathetic to the
6 concerns that have been raised, nor do I think that
7 all neighbors with concerns are against having a
8 shelter at this site.

9 I would note, though, that I have never seen
10 opposition to any other neighborhood development reach
11 this level of vitriol and hyperbole. Neighbors are,
12 for instance, characterizing a six-story building as a
13 tower that will imperil the soul of Brookland.

14 The BZA is often asked to grant variances and
15 exceptions for development where profit is the aim,
16 often at the expense of low-income communities who
17 face displacement. Here, the BZA is being asked to
18 grant relief to help those who have been displaced, to
19 soften the blow of unfettered development by building
20 a safe, humane shelter for families. That is a worthy
21 justification for zoning relief.

22 If the exceptions are not granted then D.C.
23 will have to either build a smaller shelter or find
24 another site. If D.C. builds a smaller shelter it

1 will have to reduce the number of shelter units,
2 meaning the city will not meet its statutory
3 requirements, and will be even further away from
4 meeting the real need for family shelter. Or, it will
5 have to sacrifice some of the privacy or living space
6 to the homeless families that will live in the
7 shelter. That's unacceptable.

8 If D.C. has to find another shelter site, it
9 may experience significant delay to closing D.C.
10 General or it might not be able to find another D.C.
11 owned site that works. Once again, at the expense of
12 homeless families.

13 Even if D.C. could find another site, those
14 neighbors might be even more emboldened to use this
15 zoning process to fight having homeless families in
16 their neighborhood.

17 None of the design or zoning ordinances
18 concerns I've heard should override the needs of the
19 homeless families who will live at this site. None of
20 this concern --

21 CHAIRPERSON HILL: Ms. Harding, I just want to
22 point you out, you're kind of going over your time. I
23 just want to get you --

24 MS. HARDING: I'm sorry. I'm not looking at

1 the time.

2 CHAIRPERSON HILL: That's all right. That's
3 all right. You can sum up.

4 MS. HARDING: I have two sentences.

5 CHAIRPERSON HILL: Okay.

6 MS. HARDING: Thank you. None of these
7 concerns are more important than a need to close D.C.
8 General with a sufficient number of units, the need to
9 have units that provide dignity and privacy to
10 residents, the public interest, and providing an
11 appropriate safety net for children in crisis, or the
12 desire of families to raise their children in the same
13 supportive community that I raise my children in.
14 Thank you.

15 CHAIRPERSON HILL: Okay. Thank you.

16 MS COVENTRY: Hi again, Chairperson Hill and
17 other members of the Board of Zoning Adjustment.
18 Thank you for the opportunity to testify. My name is
19 Kate Coventry. I'm a Senior Policy Analyst at the
20 D.C. Fiscal Policy Institute. DCFPI promotes budget
21 and policy choices to expand economic opportunity and
22 reduce income inequality in D.C. through independent
23 research and policy recommendations. I'm also a
24 voting member of the D.C. Interagency Council on

1 Homelessness and was an appointed member of the Design
2 Principles Committee, the committee tasked with
3 providing recommendations on design guidelines for
4 replacement units.

5 I am also a Ward 5 resident who lives in
6 Bloomingdale. So, I'm not going to go over my written
7 testimony because I'm going to do some things that
8 came up in the previous case that there was some
9 confusion about.

10 So, first of all, I'd like to talk about how
11 I've never seen so many community meetings and that
12 there were so many community meetings I was not able
13 to keep up with all of them in the three wards. I did
14 the best that I could.

15 So, I went to five different Ward 3 meetings,
16 two Ward 5 meetings, and two Ward 6 meetings, and I
17 can submit the dates for the record if you need that.

18 And so, I will say that you know, I do not disagree
19 that the site selection process was not the best, but
20 I will say that I've seen DHS and DGS work very hard
21 to meet with residents and to address their concerns,
22 and particularly so in the Ward 3 case.

23 I'd also just like to talk about the 10 rooms.
24 Now, that was a big -- 10 rooms per floor. Given

1 this site and the historical situation, we as
2 advocates, were okay with increasing that number to
3 11. But when Director Zeilinger testified earlier
4 that the advocates would be quite upset with any
5 increase in that, she was telling the truth.

6 As a member of the Guidelines Committee, the
7 10 families is quite important to us. And quite
8 frankly, it was quite important because of the
9 abduction of Ralisha Rudd (phonetic). And you know,
10 this is not an apartment building. This is where
11 people cycling in and out. It's very hard to know
12 your neighbors in that situation. And we're talking
13 about children, we're talking about people who have
14 experienced domestic violence.

15 So, we decided that 50 families was a good
16 economy of scale in the building and that 10 families
17 per floor would create a sense of community and
18 safety, and sightlines to the bathroom was definitely
19 a big priority. And I will tell you that if the -- if
20 DHS and DGS had gone above 11 families, I would have
21 sought legislation at the council to prevent them from
22 doing that.

23 So, I will say our other top priority was
24 flexible service space because kids do get turned away

1 from the Homeless Children's Playtime Project quite
2 regularly. So, I would not want to see any proposal
3 that would cut into this flexible service base.
4 Families have complex needs. We need to have all
5 kinds of services there and space for kids, because
6 this is essentially a place for kids.

7 So, I just urge the Board of Zoning Adjustment
8 to approve the zoning relief that the District is
9 asking for, and to ensure the closure of D.C. General
10 is not delayed. The D.C. General family shelter is no
11 place for families. It's no place for anybody. And
12 so, anything that would delay that is putting kids at
13 risk. And that's just not acceptable to me, or to the
14 D.C. Fiscal Policy Institute.

15 CHAIRPERSON HILL: Okay. Thank you. So,
16 we're going to turn to the party in opposition if they
17 have any questions to cross.

18 I do want to make a comment here real quick
19 again. We're going to probably take a break pretty
20 soon, just so everybody can kind of like stretch. And
21 I do -- I can't emphasize enough that we've all been
22 here all day. It's been late, and I want everyone to
23 present their arguments, present their discussions in
24 a way that again is civil, and so that we can hear the

1 facts and then decide upon them.

2 And it doesn't do anyone any good to do
3 anything other than just calmly talk about what we're
4 here to talk about. And I understand though, it's
5 been very late. I mean, I really do and I know that
6 everybody gets emotional about things. But I'm just
7 trying to ask everyone to just take a moment before
8 moving forward this evening.

9 So, after my little speech, Mr. Brown,
10 although, Mr. Brown, you've been very good all day, I
11 must say. I didn't know you were going to get a round
12 of applause, but it's good that -- it's good,
13 apparently, it's coming from your clients. So, that's
14 good.

15 So, if you could go ahead and ask your
16 questions, please, if you have any? And then we'll
17 turn to the Board.

18 MR. BROWN: I just have one question of all
19 three. It's the same question I asked before. Do any
20 of the three of you live within 200 feet of the
21 project?

22 MR. MAKEMBE: I do not. I live three and a
23 half blocks away.

24 MS COVENTRY: No, I do not. As I said, I live

1 in Bloomingdale.

2 CHAIRPERSON HILL: Okay. That's all right.
3 Okay. Great.

4 Does the Board have any questions of the
5 witnesses?

6 MR. HART: Not a question, Mr. Chair, but, Ms.
7 Coventry, wanted to thank you for that information
8 about the number of units. It's very helpful to have
9 that, to understand that a little bit more, and also
10 kind of the amount of give and kind of why you'd be
11 okay with -- or you understand that in this instance
12 it kind of makes sense that this is more of an
13 exceptional thing.

14 MS COVENTRY: Sure. And just to clarify
15 something that might not have been clear. I'm not as
16 good on verbal when I don't have it right in front of
17 me. The District also came forward and very much
18 improved the sightlines and the number of bathrooms.
19 So, that was also a factor in the 11 units being
20 acceptable to advocates.

21 MR. HART: Thank you.

22 CHAIRPERSON HILL: Okay. Does anyone have any
23 more -- oh, I'm sorry. Ms. White, you had a question?

24 MS. WHITE: Oh, not right now.

1 CHAIRPERSON HILL: All right. Okay. So, does
2 the applicant have any questions for the witnesses?

3 MS. MAZO: I do. I probably have four or five
4 questions.

5 CHAIRPERSON HILL: Okay.

6 MS. MAZO: Okay.

7 CHAIRPERSON HILL: I'm going to give you three
8 minutes on the clock since you're telling how many
9 questions.

10 MS. MAZO: Okay. Well --

11 CHAIRPERSON HILL: That's great.

12 MS. MAZO: -- these go to community outreach
13 and so the Board may --

14 CHAIRPERSON HILL: That's all right. That's
15 okay.

16 MS. MAZO: -- interested.

17 CHAIRPERSON HILL: Go ahead. Yeah, sure.

18 MS. MAZO: First of all to Amber. Amber, you
19 mentioned that you were on the Advisory Committee with
20 Commissioner Makembe. Can you just explain a little
21 bit about who was on that committee, the discussions
22 that were had with that committee, and kind of the
23 tenor of activity with that committee, please?

24 MS. HARDING: Sure. I think -- on my date.

1 Our first meeting was on October 6th, and the makeup
2 of the committee was neighborhood residents, people
3 who are close to the site and the outgoing ANC and the
4 incoming ANC, people from the Civic Association, and a
5 lot of the businesses along Rhode Island. Certainly,
6 people from the government were participating in that,
7 and the architects were actively participating in
8 that. Councilmember sent staff to the meetings. I'm
9 trying to think if I'm forgetting anybody else. And
10 then the -- Henry can fill in if I'm forgetting
11 people.

12 But the, you know, the topics were -- the
13 first meeting was very open. Anything anyone wanted
14 to share about what they were looking for in the site.
15 Or what types of design issues were of a priority to
16 the community. And then, it sort of whittled down in
17 specificity from there, I would say, in order to give
18 more feedback to the -- or input to the architects
19 prior to their design. And then they came back to us
20 with a preliminary design that we gave feedback on.

21 And then we helped plan the public meeting
22 that occurred in December. And then we had an
23 additional meeting after the public meeting to talk
24 about how that went and what we learned and what type

1 of input that we had.

2 So, I believe that there were, if you count --
3 I don't know if you count the public meeting. But
4 there were four meetings of the Advisory Committee,
5 plus the public meeting, plus two single-member ANC
6 meetings, plus the walk, and plus the two 5B meetings
7 where it was raised.

8 MS. HARDING: Sorry. This is to Councilmember
9 Makembe. Can you just very briefly, in a calm manner,
10 describe the tenor of the February 22nd ANC meeting in
11 which -- well, can you just describe what happened at
12 that meeting, please?

13 MR. MAKEMBE: Yes, and while I --

14 CHAIRPERSON HILL: Mr. Makembe, I mean,
15 Commissioner Makembe, again, briefly would be the key.

16 MR. MAKEMBE: Yeah.

17 CHAIRPERSON HILL: Thank you.

18 MR. MAKEMBE: No. Yeah. We had a, I would
19 say, a very passionate discussion. There were some
20 folks that were obviously came up willing -- opposing
21 the shelter. And there were some folks that spoke up
22 supporting the shelter. But it was a very passionate,
23 intense discussion and some folks, members of the
24 community felt the need to yell at my wife, which I

1 did not appreciate.

2 CHAIRPERSON HILL: Okay. That's all right.
3 Okay. So --

4 MS. MAZO: Sorry. Can you just very quickly
5 explain what happened with the resolution that was
6 raised at that meeting? Please?

7 MR. MAKEMBE: Which meeting? The full body
8 meeting?

9 The full body meeting, I presented -- I think
10 what's important here is I had a special session SMD
11 meeting on -- with my SMD District. I had a
12 resolution. The community did not respond well to
13 that resolution. I went back and made changes to that
14 resolution, brought it up at the full body meeting.
15 It was -- I presented those resolution, but the
16 resolutions that I presented were not seconded, and
17 therefore the ANC did not vote on any resolution.

18 However, all four of the five ANC
19 commissioners did submit letters either supporting or
20 opposing the shelter through the Board.

21 CHAIRPERSON HILL: Okay. Ms. Mazo.

22 MS. MAZO: No more questions.

23 CHAIRPERSON HILL: Okay. Great. All right.
24 Does the Board have any more questions for the

1 witnesses? No? Okay.

2 So, Mr. Brown, we're going to take --
3 everybody, we're going to take a quick five-minute
4 break. And then when we come back, Mr. Brown, we're
5 going to have your presentation. All right?

6 And again, thanks everybody for coming down
7 and please stretch.

8 [Brief recess.]

9 CHAIRPERSON HILL: All right. Let's all
10 please settle back in. Let's see.

11 All right, Mr. Brown. Mr. Moy, do you need
12 more copies of something?

13 MR. MOY: Don't worry about it. The staff
14 will take care of it.

15 CHAIRPERSON HILL: Okay. All right. Okay.
16 Oh, do you have more? Hold on one second. One
17 second. How many -- I think you needed 12. Do you
18 have 12? Okay. Mr. Moy, he has more. At least to
19 get through the hearing.

20 Mr. Brown, I'm going to go ahead and again the
21 applicant had 45 minutes. Was it 45 minutes? I can't
22 even remember how long ago it was now. Forty-five
23 minutes. And so, we're going to go ahead and put 45
24 minutes on the clock for you as well, and then see how

1 it goes. You know, if you need, you know, more or
2 less time. And so, yes, give me one second here until
3 we get the secretary back.

4 Mr. Moy, actually, could you just actually
5 start the timer, maybe?

6 MR. MOY: Yes.

7 CHAIRPERSON HILL: Forty-five minutes. Okay.
8 All right. Thank you, Mr. Brown.

9 MR. BROWN: Oh, good evening, Mr. Chairman and
10 Members of the Commission. And I haven't called you,
11 Your Honor, once all day.

12 CHAIRPERSON HILL: You know, Mr. Brown, that's
13 so funny that you mention that. I made that joke to
14 my wife the other day and she again clarified that I
15 am not a judge. But thank you.

16 MR. BROWN: We are here today to object to
17 the location of the Ward 5 homeless shelter site.
18 We're not here to object to the concept of the
19 diaspora of the D.C. General Hospital to the various
20 wards in the city.

21 I've given you another set of bullet points
22 for our opposition testimony. I will follow the same
23 format as this morning. I will summarize, in this
24 case, the 10 points on our list, and then turn it over

1 to the witnesses to testify. We'll do our best to
2 stay within 45 minutes.

3 Unfortunately, I am not able to rely on
4 incorporation by reference of earlier testimony. I
5 don't feel that would be appropriate in this case, and
6 so I have to be somewhat repetitive of matters that
7 were said this morning.

8 CHAIRPERSON HILL: That's fine.

9 MR. BROWN: First of all, the Board has full
10 power to say no to the selection of the Rhode Island
11 Avenue site. The CFRO filed a lawsuit challenging the
12 council and the mayor for failing to obtain the advice
13 of the ANC before identifying the Rhode Island Avenue
14 site as the location for the Ward 5 shelter, in the
15 shelter act. We wanted a do-over on the site
16 selection where the issues and concerns of the ANC
17 would be given great weight. In the site selection
18 process, just as this Board gives great weight to ANC
19 issues and concerns.

20 In the CFRO prehearing statement we have
21 documented for you, our failure to get the mayor and
22 council to reconsider the relevant language and the
23 shelter act dealing with Ward 5. We also documented
24 that the Mayor and the council both argued in Superior

1 Court that this Board was fully empowered to remedy
2 our concerns about site selection by turning down the
3 choice made if it does not warrant approval under the
4 zoning regulations.

5 Now, however, DGS has made a flatly
6 contradictory argument that you must regard this site
7 as statutorily mandated, location for the Ward 5
8 homeless shelter. The government simply cannot have
9 it both ways. In one form or another, citizens have a
10 right to voice their concern about whether this site,
11 out of all possibilities for government owned or
12 acquired land in Ward 5, is appropriate for a homeless
13 shelter.

14 In this form, citizens are constrained to
15 couch their concerns in the language of compliance
16 with the zoning regulations. But DGS is now trying to
17 deprive the adjacent neighbors of even those
18 compliance concerns by arguing in essence that this
19 Board has no choice but to accept the city's choice of
20 this site and provide whatever number of approvals,
21 and there are many, of zoning relief that are
22 necessary to legitimate the use.

23 This Board should reject this claim and fully
24 embrace its power to say no to this site if warranted

1 under the regulations, just as it would have for
2 dealing with any other applicant.

3 Point two, the height and FAR variances should
4 be denied as too much for this zone in this
5 neighborhood. A multitude of neighbors' letters, as
6 amplified by the testimony you will hear today,
7 details how the 70-foot, six-story height of this
8 proposed shelter will be vastly out of scale in
9 relation to the neighboring properties. Such a height
10 is extremely harmful to the intent, purpose, and
11 integrity of a zoned plan that limits height, in the
12 MU-4 Zone to 50 feet, necessitating a 40-percent
13 variance.

14 The same is true of the FAR variance, a
15 request to increase the bulk of the building from 2.5
16 to 3.1, or again, a 40.5 percent variance. Several
17 members of ANC 5B have sent letters in which they find
18 the proposed building out of scale with the
19 neighborhood. You see those in Exhibits 117 and 128.

20 The CFA also finds the building quote, "Too
21 tall for its context, appears bulky, and overwhelms
22 the historic Colonial Revival style building currently
23 on the property." That's in Exhibit 106.

24 While CFRO does not dispute that DGS is

1 entitled to a little more leeway than the private
2 sector in seeking variance relief for this public
3 service project, flexibility does not mean bending a
4 rule beyond the breaking point. Otherwise, there
5 would be no point in applying zoning standards to
6 public entities. Here, a 40 percent height variance
7 coupled with a 40 percent FAR variance is simply a
8 bridge too far, and none of the cases cited by DGS,
9 including prior board decisions, comes close to the
10 sort of extravagant variance relief sought here.

11 In addition, any relaxation of variance
12 requirements for the District Government ought to
13 have, as a precondition to relief, a convincing
14 demonstration we feel is absent here, that the
15 District is in this particular instance, limited and
16 constrained in its selection of properties so as to
17 necessitate the relief requested.

18 The District is quite unlike other nonprofit
19 entities who have been afforded limited variance
20 flexibility in the accommodation of their
21 institutional needs to the single parcel of property
22 they happen to own, and where there was no issue of
23 achieving institutional needs possibility at another
24 location.

1 Point three, the variance requests arise from
2 the presence of other uses on the property, which is
3 not an exceptional situation or condition. The height
4 and FAR variance request can be traced directly to the
5 existence of other uses on the property, a condition
6 known at the time the co-location decision was made.
7 The historic police station and antenna structure and
8 building on the property greatly complicate achieving
9 the goal of an orderly efficiently designed homeless
10 shelter on the property. And it is only if one begins
11 with the false premise that these existing conditions
12 are unavoidable that one can comprehend DGS's claim
13 that the six factors that they mention constitute an
14 exceptional situation or condition of the property.

15 Factors four and five on their list are simply
16 the existence of these two preexisting conditions.
17 Both are completely avoidable by selecting a site that
18 contains no antenna structures and no historic
19 building built for other purposes.

20 Factors one and three on their list are
21 ordinary property boundary conditions that while
22 limiting the available space for construction, are in
23 and of themselves in no way exceptional. Including
24 the presence of an alley. Wider than normal

1 sidewalks, and a corner lot configuration.

2 Factor six is the project's programmatic
3 needs. But those needs are the same wherever the
4 homeless shelter is located. It is not something
5 unique to this property. In acting on the variance
6 request the Board will be well within its rights to
7 take into account that the District brought these
8 difficulties on all by itself by selecting a site that
9 -- and was fully aware that it had all these
10 preexisting conditions and structures.

11 The *Gill Martin* case, which about an area
12 variance, says that prior knowledge of the difficulty
13 is one of many factors that you may consider in
14 reaching an area variance decision. We're not saying
15 that it's decisive, as in a use variance, but it is a
16 factor that you can consider. And the Court has also
17 distinguished between hardship arising exclusively
18 from the sole affirmative acts of the applicant and
19 hardship cost and significant part by third-parties.
20 That's the *D.S. Carte* case, 338, A2d, 1233.

21 In this case, the hardship, the difficulties
22 are caused entirely by the Board's own self-imposed
23 decision to use this site.

24 Point number four, in the MU-4 Zone, 150-

1 person emergency shelter is beyond any plausible
2 limit. DGS argues that the special exception use
3 emergency shelter fits its proposed 150-person
4 facility. After all, there is no limit on size and
5 the definition of emergency shelter in the zoning
6 regulations. So, no use variance is needed. That may
7 be so, but DGS cannot dispute that the emergency
8 shelter proposed is over six times the size of the
9 normal maximum range of the special exception in terms
10 of number of occupants in the MU-4 Zone.

11 The Board should find this size to be over the
12 unstated line in the regulations, just as it would for
13 a shelter of 1,000 occupants, and characterize it as a
14 use variance. But even if you're not inclined to do
15 that, the absence of an express limit does not mean
16 you cannot impose a reasonable limit if for no other
17 reason than by applying the rule under X Code --
18 Regulation Section X, 901.2 that a shelter of this
19 size, in this zone, would not be in harmony with the
20 general purpose and intent of the MU-4 Zone.

21 A general conclusion that the specific facts
22 of record in this case will more than adequately
23 confirm is correct here.

24 Point five. The special exception for an 80

1 percent decrease in on-site parking is unjustified
2 because the site is too small. DGS proposes three
3 parking spaces for a staff, and none for occupants and
4 visitors. The reduction from the minimum requirement
5 of 22 is 19, or 86 percent. But under Section U,
6 513.1B2, to obtain a special exception for a homeless
7 shelter with more than four occupants, the shelter
8 must meet the parking requirement. That is a special
9 exception requirement. You must meet the parking
10 requirement.

11 Reducing the parking requirement is tantamount
12 to obtaining a special exception within a special
13 exception, something that I don't think is
14 contemplated by the zoning regulations. Surely if the
15 concept of emergency shelter special exception is
16 going to be stretched to six times its normal limit,
17 there should be little or no flexibility on the modest
18 22-space parking requirement. Eighty percent
19 reduction is not flexibility. It is all but complete
20 abandonment of the parking requirement for an
21 emergency shelter of this size.

22 But even the three spaces that they have left
23 for parking, are deficient, as they are accessed by a
24 15-foot drive aisle. Whereas, if you look in the

1 zoning code the minimum standard for perpendicular
2 spaces for drive aisle width is 20 feet. Nor can this
3 19-space shortfall be justified on the basis of an
4 inventory of on-street parking. The proper evaluative
5 framework for such a reduction is special exception
6 relief under Section C, 703.2C. There's no request in
7 the application for such special exception relief.
8 And if there were, the testimony provided to the Board
9 in this case about the shortage of parking in the
10 vicinity of the site, suggests that the grant of all
11 19 spaces of relief is a dubious prospect.

12 In any case, the lack of parking space on the
13 property is directly linked to the fact that the site
14 is simply too small for a 46-unit homeless shelter, a
15 problem that could have been solved by selecting a
16 more appropriate Ward 5 site for the shelter.

17 As three ANC 5B Commissioners have noted, and
18 this is a quote from their letters, the proposed
19 project needs either a larger city-owned land
20 marketable building, or an unoccupied site owned --
21 city owned site in an R-5 Zone neighborhood.

22 Point six. The special exception for a 22
23 percent increase on lot occupancy is unjustified
24 because the site is too small. DGS proposes a lot

1 occupancy of 73 percent in the MU-4 Zone, whereas the
2 lot occupancy maximum is 60 percent. This is
3 erroneously characterized as a 13 percent increase.
4 In actuality, the increase is 13 divided by 60, or
5 21.66 percent.

6 As detailed in our prehearing statement at
7 page 13, no increase in lot occupancy would be needed
8 for the proposed project if the site were a mere 2,700
9 square feet larger. So, as with the parking
10 shortfall, the need for increased lot occupancy is
11 directly tied to the fact that the site is simply too
12 small for a 46-unit homeless shelter, a problem that
13 could have been solved by selecting a more appropriate
14 Ward 5 site for the shelter.

15 Number 7, the special exception for a 27
16 percent reduction in the open court width is
17 unjustified because the site is too small. DGS
18 proposes a 27 percent reduction in the court width,
19 claiming that a redesign to eliminate this reduction
20 would cause a loss of five living units.

21 Once again, however, the need for the relief
22 is a function of the small size of the property or
23 problem solvable by selecting a more appropriate site.
24 There would be no need for the special exception if a

1 property just seven feet wider, all else the same,
2 were being employed. And such extra width might even
3 mean achieving the shelter act goal of 50 units for
4 the Ward 5 shelter instead of just 46.

5 In addition, the CFA architectural review of
6 the building design appears to recommend eliminating
7 the court in favor of an L-shaped building, quote, "In
8 order to create a more usable floorplate to avoid the
9 awkward adjacency with the historic building and to
10 maximize usable outdoor space." Unquote.

11 Point number eight. The rear yard reduction
12 requests are incomplete and unjustified. Our
13 prehearing statement provides a detailed analysis
14 which I don't have time to repeat here. Pages 14 and
15 15, explaining how DGS is inappropriately converting
16 the north lot line of the property which has been the
17 rear lot line since at least 1922 or 23 into a side
18 lot line despite these many decades in which adjacent
19 and nearby development has justifiably relied on the
20 original designation of it as a rear lot line.

21 This would trigger a need for an eight request
22 for a zoning relief, reducing -- going back to a rear
23 lot line, because they are reducing the north side
24 rear yard line from 15 feet minimum by 3.1 feet, or a

1 21 percent reduction. But there would also be need
2 for yet another special exception. This one is 70
3 percent reduction from the requirement that windows on
4 the north side of the homeless shelter be at least 40
5 feet from the abutting building to the north. That's
6 in Section G 1201.1A.

7 This would be a drastic impact on the new
8 condominium building going up on the abutting property
9 to the north, which you will hear about from one of
10 our witnesses, which understand that witness as a
11 developer who has understandably taken advantage of
12 the south facing exposure to the old police station,
13 much further away than the homeless shelter will be.

14 Point number 9. The overly large emergency
15 shelter special exception should be denied due to
16 adverse impacts in the neighborhood. Under U,
17 513.1B4, DGS must provide the shelter -- must prove
18 the shelter will not have adverse impact on the
19 neighborhood because of traffic, noise, operations,
20 and here I'm adding something that wasn't in the last
21 case, or the number of similar facilities in the area,
22 quoting from the statute.

23 Compliance with this requirement is asserted
24 rather than demonstrated. The claim of compliance is

1 also contradicted in myriad ways by the testimony and
2 letters of abutting and nearby property owners, which
3 time does not permit me to summarize, but which you
4 will hear about.

5 Finally, point 10, the overly large emergency
6 shelter special exception should be denied given the
7 absence of evidence of a search for reasonable
8 alternative sites. We dispute that there was a
9 reasonable search for alternative sites to the Rhode
10 Island Avenue site. Especially given the enormous
11 size of this facility in relation to the standard
12 range special exception approval in the MU-4 Zone, as
13 showing that the program goals cannot be achieved by a
14 facility of smaller size at the subject location, and
15 if there is no other reasonable alternative to meet
16 the program needs of that area of the District is
17 essential.

18 The shelters for Ward 1 and Ward 4, which were
19 -- are on city acquired land after the determination
20 of where those shelters were to go. We do not know if
21 any suitable Ward 5 site, lacking any need for zoning
22 relief, or at least lesser zoning relief, could have
23 been acquired as there is no evidence of a systematic
24 acquisition effort. Nor is there any demonstration

1 that no city-owned land would adequately fill the
2 bill. So, in conclusion, I refer the Board to our
3 much more detailed prehearing statement and to the
4 letters and written testimonies of our witnesses, some
5 who are here today to emphasize for you their most
6 significant concerns about the project.

7 And again, as I reiterate our offer from
8 before, that CFRO would welcome the opportunity to
9 file a post hearing recommended findings of facts and
10 conclusions of law, as well as a summary, a
11 conclusion, a written summary concluding argument.

12 With that, I would like to turn to, first to
13 Thomas Curlin, our first witness.

14 MR. CURLIN: Thank you, David. My name is Tom
15 Curlin and I live three and a half blocks away from
16 the proposed site. I have two -- I'm sorry. Well,
17 two group houses, one former crack house which I
18 renovated on the evenings and weekends for three and a
19 half years. It's about 600-feet from the shelter.
20 Next to it is another group house. They're occupied
21 by a variety of individuals from quite a range
22 ethnically and economically.

23 And I also own another house about two blocks
24 away on Gerrard Street. The first are at the corner

1 of 16th and Hamlin. The second one -- or those first
2 two are there. The second is at 15th and Gerrard.

3 I want to start by saying, unfortunately we're
4 missing one of our best voices in terms of a witness.

5 Pastor Fred Willis is unfortunately suffering from
6 pneumonia, I understand. He would have straightened
7 all of our spines, and would have in a clear,
8 baritone, six-foot frame, six-foot, two frame,
9 addressed some of the important points that I think
10 others will elaborate on in a different tone.

11 I will as well, and I will confess first of
12 all that I am a dark vitriolic soul that speaks to
13 Brookland's soul. Let me begin by describing how
14 vitriolic I am.

15 The District's homeless rate increased 34.2
16 percent between 2009 and 2016. Quote, "The highest
17 rate of homelessness among 23 major cities," end of
18 quote, according to the U.S. Congress Conference of
19 Mayors.

20 Last year D.C. Mayor, Muriel Bowser, presented
21 a humane way forward, to build 50 family facilities in
22 all eight wards. Unfortunately, the D.C. Council
23 selected 1700 Rhode Island Avenue Northeast, a former
24 police station, after Langdon Park rejected a shelter

1 next to its warehouse and bus facilities. So,
2 clearly, I'm filled with vitriol.

3 What I want to do is focus on what I think is
4 a very important part for those of us who live in the
5 neighborhood, who have for 35 years or less, even.
6 And that is that the impact on the neighborhood really
7 speaks to your 513.1B4 that you heard our counsel
8 refer to. Especially that part about similar
9 facilities.

10 And technically the council and the Department
11 of Government Services has met that standard by not
12 creating another shelter within 500 feet. They're 540
13 feet away, as a matter of fact, from a facility which
14 was sponsored originally as a luxury condominiums for
15 seniors, and now out of those 25 units is occupied by
16 10 homeless, chronically homeless people, is the way
17 it's described on the website.

18 So, rather than read everything I have here,
19 let me just describe how many similar. And now
20 similar is a term that's very important. Similar is
21 not identical. Similar means you provide housing
22 support, medical support, educational support for
23 disadvantaged individuals while they are homeless or
24 they are seeking income assistance for housing or

1 other assistance.

2 I will speak not only of federal and state,
3 but also nonprofit, enterprises that are within a
4 matter of feet of one another of the proposed site.
5 So, the first, if you do build 1700 Rhode Island
6 Avenue, you're 550 feet from 1545 Gerrard Street
7 apartments, which again was that 25 affordable
8 apartments for seniors. It's 205 feet from 1515 Rhode
9 Island Avenue, diagonally across the street for 23
10 residents. And if you are implying the zoning
11 Inclusionary Zoning requirement of at least 10
12 percent, you have two or three apartments there that
13 are going to be for affordable income homes.

14 That is 415 feet away from the 1500 Franklin
15 Street, Veteran's Administration Community Resources
16 and Referral Center, which is quote, "A 24/7 hub to
17 combat homelessness among veterans." And that
18 building is 280 feet, so it's about 130 steps, away
19 from the National Center for Children and Families at
20 1438 Rhode Island Avenue. That used to be a grocery
21 store, a Giant grocery store, and a very small Giant
22 grocery store. And a Catholic Charities, and now it's
23 owned by the National Center for Families and
24 Children, which provides assistance for homeless

1 facilities in Northeast quadrant creates a de facto
2 social service district that undermines the ability of
3 community residents, whether in shelters or not, to
4 achieve the goal of normalization and community
5 integration.

6 So, largely what I ask you to do is to look at
7 the second half of your 15-513.1B4 section on the
8 similar facilities and the context, not of identical,
9 but as the legal profession would say, noscitur a
10 sociis, a word is known from the company it keeps.
11 And similar means similar. And many services rendered
12 by these facilities within three or four blocks of the
13 proposed site really are key to that.

14 I'm going to turn very briefly to the question
15 of traffic, which is the other -- and parking, which
16 is the other component. And that is the traffic is
17 difficult going up Rhode Island Avenue. They turn off
18 on Franklin Street one block before you hit the
19 traffic going on toward Rhode Island Avenue Metro.
20 And you have a lot of accidents there.

21 The problem with the study you have, the
22 transportation studies, it has no traffic, no
23 vehicular count. It has no accident account. It
24 focuses on staff parking. It does nothing to speak to

1 the number of EMS or fire engines that have come
2 there, the Metro access vehicles that have come to
3 that front door to take people to Metro, to relatives,
4 visitors, whatever. All that traffic is absent from
5 their transportation study and that needs to be
6 addressed.

7 So, thank you very much. I clearly think
8 there is serious consideration on this issue from an
9 impact on the community.

10 MR. BROWN: Thank you, Mr. Curlin. Our next
11 witness is Faraz Khan (phonetic).

12 MR. KHAN: Hi. Good evening, everyone. Mr.
13 Chairman, I am one of the two persons who could
14 possibly end up in this shelter if you grant these
15 variances or whatever these exceptions, because my
16 name is Faraz Khan, and me and my business partner,
17 Mr. Rosin Demani (phonetic), who is also present here,
18 own the most seriously impacted property at 2909 17th
19 Street Northeast, right next to the proposed building.
20 In fact, we are the only adjacent neighbor of that
21 property.

22 You know, we have been developing properties
23 in D.C. for a while now. The requested variances,
24 especially to go up additional 20 feet and to reduce

1 the rear setback would, if granted, would definitely
2 impact our structure, our building. Actually, as a
3 matter of by-right built brand new building if you
4 grant these variances by blocking most of the sunlight
5 from the courtyard.

6 If you look at the -- I'm sure you're familiar
7 with the design of the existing condominium building
8 that is at the finish line right now. The courtyard
9 was designed on the fact that there would never be any
10 building next to, or even close to that courtyard
11 because of the rear setbacks and this government
12 building. And, that's why we created that courtyard.

13 We have six units in that building. Every unit, it's
14 a living room, dining room, and kitchens. Windows are
15 in that courtyard.

16 Like, if you look at the picture of the model
17 that should be in the folder I provided you, that
18 could give you the real picture what's going to happen
19 to that courtyard. That picture speaks by itself.
20 Like, I don't have to explain a lot about that. If
21 you just look at that. The new building will be 70-
22 feet tall. New building will be towering over our 46-
23 feet high building and other like 20 feet, 25 feet,
24 plus minus high rest of the single-family homes on the

1 street. And it will block almost all the sunlight
2 from all the living room, kitchen, and dining rooms.

3 The lower units will be the most impacted
4 ones. Not just that, actually, I'm also providing the
5 landscape plan for our building. That was in that
6 folder. It will also hugely impact that landscaping
7 in the courtyard. We will be planting a lot of trees,
8 shrubs, and other landscaping in that courtyard, which
9 is basically based on the green area ratio required
10 and approved by Department of Environment. And we are
11 supposed to provide that. No sunlight will definitely
12 impact those shrubs or trees.

13 And other important thing is it will hugely
14 impact the sale of those condos. Like, a few
15 interested parties have already backed out, like, and
16 rest awaiting the outcome of this BZA meeting.
17 They're really concerned about the impact of this
18 proposed building on our condominiums. They're really
19 concerned about like, are we going to lose all the
20 sunlight from our living rooms or kitchens? Or like,
21 would there be like parking chaos on the street
22 because the proposed building is only providing three
23 parking spots with 50 families, like almost with staff
24 members, almost 175 people. And only providing three

1 parking spots.

2 In comparison, look at our building, six
3 units, six families, and we have three parking spots
4 at the back, required by law. I would like -- I would
5 say I strongly, strongly, I cannot emphasize more,
6 oppose the variances and exceptions due to the fact
7 that the building that requires several unreasonable
8 and unnecessary variances would end up ruining as a
9 matter of by-right built brand new building. That
10 will be really unfair. We played by the rules,
11 followed all the -- we didn't -- we had an option to
12 go to BZA, get an exception. We also compromised on
13 the courtyard. The width of the building at the
14 courtyard section, just to provide extra light to the
15 units.

16 We've played by the rules and still we could
17 end up being bankrupt. And that would be really
18 unfair. I don't have anything else to say. Thank
19 you.

20 MR. BROWN: Thank you. Our next witness is
21 David Forest.

22 MR. FOREST: Well, good evening. Excuse me.
23 My medication is wearing off here. My name is David
24 Forest. I've been a resident at 2913 17th Street

1 Northeast for seven years, and live there with my
2 wife, Dina, 70 feet from the site of the proposed
3 facility.

4 I'm also the president of a neighborhood
5 community organization, Citizens for Responsible
6 Options, representing dozens of concerned neighbors
7 who have banded together in protest because we were
8 not informed of the site selection in advance and had
9 no realistic opportunity for input.

10 I'll start by noting that one very good friend
11 and neighbor has already left the block, in part
12 because of the shelter project. Another good friend
13 is right now preparing to sell their home and leave
14 because of this project. And two more friends and
15 immediate neighbors are in the wings, considering
16 leaving.

17 So, anyone who tells you there will be no
18 impact on the property values, or on the very fabric
19 of our community is not living our reality. This
20 wouldn't be happening if the size of the proposed
21 building and the occupancy were proportional to the
22 neighborhood, say 25 people at the site. It's not
23 about the resident population, but the scale.

24 I can tell you that folks I know have gone

1 door to door around the immediate area, gathering
2 about 300 signatures in opposition to the proportions
3 of this design, with all of its exceptions and
4 residents oppose this 10 to 1. Don't be fooled by
5 form letters of support that you see uploaded to IZIS.
6 It's not even close.

7 The combination of height and yard special
8 exceptions result in blocking a significant amount of
9 direct sunlight to most of us who live on the 2900
10 block. And as you've heard, most egregiously to the
11 condominiums, sunlight is important to our mental and
12 physical health, to our plants, and our gardens. It
13 would be particularly devastating to the senior
14 residents on the west side of the street. Ms. Connie,
15 the widow who has asthma, Ms. Carolyn who has
16 epilepsy, Ms. Amy who is very sick, Howard University
17 professor, Emeritus Maddie Tabron (phonetic) and her
18 husband, who have Alzheimer's, and Ms. Delores, Pastor
19 Wilks' wife, who is blind but can perceive light. And
20 I commend you to my wife, Dina's very touching written
21 testimony about the cathartic healing that her garden
22 has given her since she lost her son.

23 There are so many things wrong with this site
24 and the design. It's not possible to do them justice

1 in the five minutes that I have, but I'll try.

2 Allowing a special exception for occupancy
3 would be like dropping some sort of strange people
4 bomb with 146 residents and 27 staff with visitors
5 coming and going; visitors who are not allowed in the
6 building. Compared to the 25 people who live on this
7 block. The influx will be overwhelming.

8 The parking study is deeply flawed; claims
9 that homeless people don't have cars and the staff
10 will use public transit, which begs the question of
11 why the city is spending millions of dollars in Ward 3
12 to service homeless who don't have cars and staff who
13 will use public transit.

14 The recent increase in high speed traffic
15 represents real dangers. The lack of a loading berth
16 is a bigger problem than anyone acknowledges. My
17 written testimony illustrates how cars and delivery
18 vans can't negotiate into the parking spots as
19 designed from the narrow alley. It's 15 feet. It's
20 not 18 or 19 feet as you heard earlier. There's no
21 garbage dumpster area identified, which means shoe
22 horning one in will degrade the outdoor spaces
23 further. They're already way too small.

24 This is all completely unnecessary. It's not

1 the last possible scrap of land in Ward 5. There's
2 Fort Totten where the District is selling land.
3 There's McMillan Park, there's land for sale down the
4 street, Virginia Williams could be expanded. It was a
5 terrible choice from the start, and no one wants to go
6 back and do the selection right, but everyone seems on
7 board to move ahead with a bad idea.

8 I don't know if you caught it earlier, but
9 Phil Mendelson actually described the selection
10 process for the site, which is they got some ideas
11 from Langdon Park residents. It turns out that it was
12 actually one resident, Kevin Malone. It's on the
13 written record. And he identified a number of sites,
14 and they looked at it and said, great, let's pick 1700
15 Rhode Island Avenue. What he didn't tell you was that
16 Rashad Young assessed the site and determined that it
17 was too small and that Christopher Weaver --

18 MS. MOLDENHAUER: I would object. I'm sorry.
19 City Administrator Young is here. He can testify to
20 facts rather than having an opposition witness trying
21 to testify to what he was saying.

22 CHAIRPERSON HILL: Okay. That's okay. Just
23 one second. Is CA Young here in the room?

24 [No audible response.]

1 CHAIRPERSON HILL: Okay. That's all right.
2 Just go ahead and finish your statement. When the
3 City Administrator is here you can repeat your
4 statement and then he can clarify if there's any
5 questions later, or respond.

6 MR. FOREST: Sure.

7 CHAIRPERSON HILL: Go ahead.

8 MR. FOREST: It's part of the written record.
9 There's --

10 CHAIRPERSON HILL: Okay.

11 MR. FOREST: -- public, public record. And
12 same thing for Christopher Weaver, letter April 11th,
13 2016, determined site was too small for the purposes.

14 All right. I'm about out of time so I'm going
15 to conclude.

16 MR. BROWN: Our next witness is Joseph
17 Cassidy.

18 MR. CASSIDY: Good evening. And thank you for
19 the opportunity to testify. My name is Joseph
20 Cassidy, and I'm a resident of 5B-03. I live in 1921
21 Kearney Street Northeast for the last 14 years. I'm
22 going to attempt to abbreviate my originally planned
23 statement in the spirit of brevity here.

24 But I did want to point out that one very

1 conspicuous salient feature of this case has involved
2 what David alluded to moments ago, a number of
3 official statements coming from the very people that
4 are asking this Board today to approve this plan.
5 These statements that I'll just reiterate briefly, all
6 speak to the impropriety of the site. And I'll start
7 with the mayor.

8 In her May 27, 2016 letter to Chairman
9 Mendelson, she describes the site as constrained and
10 urges him to make provisions for housing, at least 11,
11 so the 15 families that wouldn't fit, citing the
12 number where it would cap at 35, that the other
13 families needed to have some provision made for them
14 to be housed elsewhere.

15 And Administrator Rashad Young's comment,
16 which I also took from the public record and I won't
17 reiterate any further. And finally, my own
18 councilman, McDuffie's January 17th, 2017
19 correspondence to Directors Gillis and Zeilinger
20 conceding the unmanageable size of the project on such
21 a small property. And in his e-mail --

22 MS. MAZO: Again, I mean, I'm sorry. We
23 just --

24 CHAIRPERSON HILL: Excuse me. No, just let

1 him finish. Okay? Thank you.

2 MR. CASSIDY: In his e-mail to the Director,
3 Councilman McDuffie wrote, and I quote, "As you are
4 aware, Ward 5 residents have continued to express
5 concerns about the height of the proposed Ward 5
6 shelter. While I understand the inherent challenges
7 of getting all the units needed, and amenities on a
8 small footprint, on behalf of the impacted neighbors,
9 I ask you to expand every reasonable resource
10 available to come up with a creative way of reducing
11 the height of the building to something more
12 manageable for its neighbors.

13 Now, these same officials ask this Board to
14 approve a plan that each of them to various extents
15 has recognized is improper. On the contrary, the BZA
16 should reject the City's request for these special
17 acceptance (sic). In accordance with the recent
18 letter by Thomas Luebke, a fellow of the American
19 Institute of Architecture of the U.S. Commission of
20 Fine Arts, citing the quote/unquote, "Challenges
21 inherent to this site and the difficulty of designing
22 a new building that can reasonably meet the specified
23 program."

24 Mr. Luebke states that this CFA, the

1 Commission of Fine Arts, quote, "Observed that the
2 proposed massing is too tall for its context, appears
3 bulky and overwhelms the historic Colonial Revivalist
4 style building designed by Albert L. Harris."

5 In conclusion, he states that he anticipates
6 the submission of a new concept design that
7 corresponds with his comments. By rejecting the
8 requested special exceptions, the Board will place
9 itself in the company of many other distinguished,
10 thoughtful city planners, who authored the likes of
11 the 2014 D.C. Department of Transportation's Rhode
12 Island Streetscape master plan, and the 2011 Small
13 Area Plan.

14 Rhode Island Small Area Plan, Rhode Island
15 Avenue, Diamond of the District. These plans
16 articulate discreet prescriptions to make the Rhode
17 Island Avenue corridor an attractive destination for
18 future commercial and residential mixed use and
19 development. Notably, the small area plan, quote,
20 "Recommends that new licenses for storefront churches,
21 check cashing services, addiction treatment
22 facilities, halfway houses, and group residential
23 facilities be extremely limited or prohibited."
24 That's the small area plan at page 4.

1 In tandem, these two documents are visionary
2 guideposts for the Board today in answering the
3 question they are confronted with. The streetscape
4 master plan cites, again I quote, "One of the key
5 assets of the corridor is its fabric of existing
6 historic buildings." Master plan at page 3. And
7 recognizes the, quote, "Opportunity for the
8 preservation of the police use station." Small area
9 plan at page 14.

10 Instead, the City propose to demolish the
11 later third of this historic building in its quest to
12 realize this hastily devised project.

13 The CFA letter is also instructional here when
14 it observed, and I quote again, "When sites are
15 selected quickly initial feasibility studies may
16 reveal the specific building program's need to be
17 adjusted, requiring more flexibility and following
18 guidelines, the designs for the new multifamily
19 housing projects are tested for real neighborhood
20 sites."

21 On behalf of the nearly 300 SMD 5B-03
22 residents who petitioned in opposition to this project
23 as currently proposed, but are unable to be here
24 today, I respectfully ask this Board to acknowledge

1 the widespread citizen opposition, and join the CFA
2 while filing the -- while following the pression (sic)
3 advice of the aforementioned city planners, and deny
4 the city's request for relief vis-à-vis the special
5 exceptions to their own zoning regulations. And I
6 thank you for your indulgence.

7 CHAIRPERSON HILL: Thank you. Mr. Cassidy.
8 Correct?

9 MR. CASSIDY: Yes, sir. Thank you.

10 CHAIRPERSON HILL: So, Mr. Brown, I just
11 wanted to make sure that -- you have two more people.
12 I want to make sure they have the opportunity to
13 speak. We basically have come to the end of your 45
14 minutes. Is another five minutes going to be okay for
15 the two of them? Is that --

16 MR. BROWN: I cautioned them. I said, no more
17 than three or four minutes apiece.

18 CHAIRPERSON HILL: Okay.

19 MR. BROWN: So, I'm hopeful that we'll get
20 there.

21 CHAIRPERSON HILL: Okay. I'm going to put six
22 minutes on the clock for both of you there. Okay?
23 All right. Thank you. If you could please introduce
24 yourselves?

1 MR. BROWN: Our next witness is John Iskander.

2 CHAIRPERSON HILL: Could you say your last
3 name again, sir? You need to push the button.

4 MR. ISKANDER: Okay. Iskander, I-S-K-A-N-D-E-
5 R. First name is John.

6 So, thanks again. You all are sinking down as
7 the night goes on. Sorry. And thank you for your
8 service to us and the city.

9 A couple of things I wanted to just say as you
10 all are thinking about this. One is, a lot of people
11 have talked about the question, you know, can you put
12 in more than 25 people and the grounds that they would
13 have to meet is that there would be no reasonable
14 alternative among other things.

15 So, I mean, one of the things that's super
16 noticeable when you're just sitting here as a citizen,
17 is that in essence, the city kind of certifies itself.
18 Like, is this the only reasonable place? Like, well
19 yes, it is. Right. And it goes around in a kind of
20 circle where they ask each other effectively all being
21 offices that report back to the Executive Office of
22 the Mayor. Right? I mean, you all should of course -
23 - I mean, you're in this world much more than I. But
24 in the world that I work in, when everybody works for

1 one person at the top they tend to take that into
2 consideration.

3 Now, I'm not suggesting anything untoward, I'm
4 just saying, think about that as you think about this,
5 right? Yes, oh yes, this is the perfect place. It's
6 amazing to reflect on the fact that before the council
7 member suggested the current place, 1700 Rhode Island,
8 when the mayor suggested the place that they selected,
9 1700 Rhode Island was unacceptable. It's too small.
10 It's an inappropriate place, right? That's in the
11 record.

12 But then, and all the city people are like,
13 yeah, that's terrible. Wrong place. We can't use
14 that. It's not going to be big enough.

15 And then, when the council actually passes a
16 law and says, no, this is the right place, then all of
17 a sudden of course, the city falls in line. And yes,
18 this is the perfect place. We need to support this
19 place. The only possible alternative. There is no
20 reasonable alternative. Right? You get that kind of
21 language. Clearly that's not true, right? It's just,
22 on its face, not true, and this seems like something
23 that you all should be really thinking very seriously
24 about.

1 The thing that we have been wanting as
2 neighbors, as citizens, as residents, is for the city
3 to actually come and engage with us. That has never
4 happened. All of this talk about, oh, we've had so
5 many meetings. Those meetings have been by fiat.
6 They come and they tell us, here's what we're going to
7 do. Do you want red brick, or do you want yellow
8 brick?

9 We're like, no, we want three stories. How
10 about that?

11 Yellow brick? How about a tree? Would that
12 help you? No, we want it to be a smaller building and
13 less dense.

14 Could we extend the hours over at the Langdon
15 Rec Center for you? Right? They do those things,
16 right? A little bait and switch on us. And really
17 what we're saying is, come and talk to us. Take us
18 seriously. We're the tax payers. We're the people
19 who will live with this for 20, 30, 40, 50 years, and
20 you need to listen to us.

21 So, all of this is important for you only
22 because it goes to this issue of is this in fact the
23 reasonable, the only reasonable alternative. Clearly
24 it isn't.

1 The second thing I just wanted to very quickly
2 mention is why it is that you did not get a resolution
3 from the ANC. So, you heard from our SMD
4 commissioner. In effect, our SMD commissioner
5 challenged us several months ago, to show him that
6 there was in fact opposition. He's like, there's no
7 real opposition to this. Okay.

8 So, we went out, and my colleague will talk
9 more about this. We came back. We showed very
10 clearly, there is immense opposition.

11 Over the period leading up to this meeting we
12 all knew the BZA meeting was coming. We need to have
13 a resolution that reflects the community sentiment,
14 and effect, our SMD commissioner stalled and stalled
15 and stalled, until we got to our last meeting which is
16 on February 22nd, at which time he proposed a
17 completely unacceptable resolution without time, at
18 that point, for us to come back and get a resolution.

19 However, four of the five commissioners there
20 very clearly indicated their support for a resolution
21 and you have three letters on the record tonight,
22 saying that they oppose it. But, if we had more time
23 I guarantee you there would be an actual great weight
24 of the community on --

1 CHAIRPERSON HILL: Mr. Iskander, I -- how do
2 you pronounce it? Iskander?

3 MR. ISKANDER: That's fine. Yeah.

4 CHAIRPERSON HILL: I just, I'm just keeping
5 track of time only because it's kind of, I have to
6 then go back to the applicant. But I do want you to
7 sum up when you get a chance because actually you've
8 been -- you've woken me back up. You know, I was --

9 MR. ISKANDER: Going down.

10 CHAIRPERSON HILL: At least your tone is, you
11 know, very energetic. So, would you like to wrap up
12 before you move to your colleague?

13 MR. ISKANDER: Well, yeah. I mean --

14 CHAIRPERSON HILL: And we might come back for
15 questions with you. I'm just --

16 MR. ISKANDER: No, the only thing that I'll
17 say is that when it came up to the ANC, the ANC
18 basically -- the question was like, show we have a
19 little opposition here, sort of like Ward 3 did.
20 Right? You know, we'll have a little opposition here,
21 a little agreement there. And in fact, the city's
22 attorney was there and made that suggestion.

23 And basically, the ANC commissioners came back
24 and said, the other commissioners said, no, and they

1 rejected sort of root and stock, the proposition that
2 was being made by our SMD commissioner, the one who
3 went against the will of his own residents.

4 All right. So, just, you know, as you all
5 think about this, the ANC really actually hasn't had a
6 chance to formulate itself and its opinion and
7 thoughts here for you all. But in terms of what I can
8 convey, in terms of what I saw, right, not speaking to
9 their sort of state of mind and so on, that is a very
10 strong opposition. Something that again, there is a
11 deep opposition at the level of community. Thank you
12 very much.

13 CHAIRPERSON HILL: Okay. Thank you. He ate
14 up all your time. But I'm going to give you two
15 minutes. Okay?

16 Well, he covered many of the points that I was
17 going to cover. So, we're okay.

18 CHAIRPERSON HILL: What's your name, please?

19 MS. WEAZNER: My name is Laura Weazner. I
20 live at 1918 Lawrence Street Northeast. I am a member
21 of Single-member District 5B-03. And so, my purpose
22 to discuss with you is the petition, which you can see
23 is in Exhibit 103. I won't read it for you. You can
24 look at it, at your leisure.

1 But essentially, as John explained, we -- I
2 went to many of the meetings and Commissioner Makembe
3 made it very clear to his constituents that he was in
4 support of the shelter, and he felt that his
5 constituents shared his opinion. And we tried to
6 explain to him that we felt otherwise, and that we
7 don't agree with the special exceptions and variances,
8 and we felt dismissed.

9 So, we went to the streets and we canvassed
10 our entire SMD, and eight of us collected signatures.

11 So, the total handwritten signatures are 208. And
12 then we opened the petition up online just to 5B
13 members, and received an additional 83 signatures
14 online. So, the total number was 291 neighbors who
15 directly near this shelter, are opposed to the special
16 exceptions and variances.

17 And the petition is very clear. It's not that
18 we're opposed to the shelter, but we are opposed to an
19 enormous building that steals sunlight from the
20 neighbors and will have a direct impact on those
21 residents who are within 200 feet. So, I hope you
22 will consider that in your decision.

23 We did bring that petition to all the 5B
24 commissioners, and as well as to Commissioner Makembe,

1 asking him to pose a resolution and he chose to bring
2 a resolution to the SMD that the residents at that
3 meeting were wholeheartedly against. There was a vast
4 majority who did not support his resolution. We felt
5 the language did not support what the residents in
6 this community feel, which is that we are opposed to
7 the special exceptions and variances.

8 And so, when the 5B meeting came, the other
9 commissioners realized how the SMD actually feels, and
10 they decided to not second his resolution, which is
11 why you don't have one before you today. And that's
12 all I have for you.

13 CHAIRPERSON HILL: Thank you. Mr. Brown,
14 anything in conclusion?

15 MR. BROWN: I have nothing further to add.

16 CHAIRPERSON HILL: Okay. Great. Or, I should
17 say, thank you.

18 So, before we eventually get to the Board
19 asking questions, we're going to ask the applicant --
20 give the applicant the opportunity to cross. And so,
21 again, I'm going to try to just keep track of time in
22 general. And so, Ms. Mazo, do you have a rough idea?
23 Is 15 minutes a good place to start? That's where
24 I'm kind of thinking is a good place to start.

1 MS. MAZO: Yeah, 15 minutes is probably a good
2 place to start.

3 CHAIRPERSON HILL: Okay. Okay. So, once
4 again, right --

5 MS. MAZO: I hear my colleague and I --

6 CHAIRPERSON HILL: That's okay. That's all
7 right. That's all right. That's all right. So, I
8 thankfully do still have the microphone and somebody
9 here has the control of the timer, so I get the hook
10 eventually. But so, please ask your questions and
11 let's just, everyone let's try to answer the
12 attorney's questions. That's what they're here for.
13 And then we will try to move forward. Thank you.

14 MS. MOLDENHAUER: Maybe it's just been a
15 while, but I figured I'd ask a couple of questions to
16 opposing counsel, to just clarify because --

17 CHAIRPERSON HILL: Can you lean into the
18 microphone? I'm sorry, Ms. Moldenhauer.

19 MS. MOLDENHAUER: Sorry, I'm like --

20 CHAIRPERSON HILL: That's all right. We're
21 all shrinking apparently.

22 MS. MOLDENHAUER: I don't have a lot of room
23 to shrink. But, okay.

24 So, you indicate that the Board has the

1 authority to say no to the site. Isn't it true that
2 the Board only has the authority to accept or deny the
3 application before them?

4 MR. BROWN: That's correct.

5 MS. MOLDENHAUER: So, your statement that they
6 have the ability to say not to the site, as the site
7 that was selected by council, is not accurate?

8 MR. BROWN: Well, I would call it a bit
9 rhetorical. By basically denying you their requested
10 relief, they are in effect saying no to the site.

11 MS. MOLDENHAUER: But you've also indicated
12 that your clients do not oppose the use of a special -
13 - of an emergency shelter here. So then, you would be
14 supporting the special exception relief, but then
15 having questions regarding the variance and the size
16 and the height.

17 MR. BROWN: Gee, if I said that, I misspoke.
18 My clients are very much in favor of making sure that
19 a homeless shelter in Ward 5 is anywhere but in the
20 immediate vicinity of Rhode Island Avenue.

21 MS. MOLDENHAUER: So, just not near them.

22 MR. BROWN: Right.

23 MS. MOLDENHAUER: And so --

24 CHAIRPERSON HILL: That's okay. And by the

1 way, I'm just also being clear that I did hear the
2 first question which also, I understood as we have the
3 ability to deny the variance.

4 MS. MOLDENHAUER: The Board always has the
5 ability to deny --

6 CHAIRPERSON HILL: I just wanted to clarify,
7 right.

8 MS. MOLDENHAUER: -- any application.

9 CHAIRPERSON HILL: Just wanted to --

10 MS. MOLDENHAUER: I think that's --

11 CHAIRPERSON HILL: Just wanted to clarify
12 also. Right.

13 MS. MOLDENHAUER: Yeah.

14 CHAIRPERSON HILL: No, I appreciate the
15 question.

16 MS. MOLDENHAUER: I think it was a very easy
17 question, probably, to answer given the entire day.
18 But let me just jump back in here.

19 So, another question that you said is that the
20 exceptional conditions are unavoidable. And I just, I
21 want to go back just kind of focusing on the issues of
22 zoning. The variance is a standard that actually goes
23 to the property, not to council or site selection. It
24 goes to the property itself, and then the relief being

1 sought for this property. Is that correct?

2 MR. BROWN: Yeah, I think I understand your
3 question. Yes.

4 MS. MOLDENHAUER: You understand the question
5 and the answer is yes, or --

6 MR. BROWN: Yes.

7 MS. MOLDENHAUER: And then, I'm going to turn
8 it over to my co-counsel.

9 MS. MAZO: Okay, Mr. Curlin, I appreciate all
10 of our conversations that we've had at our meetings,
11 but I just would like you to clarify a few things for
12 me. In your Washington Post submission, and then in
13 your submission here in your discussion, you have
14 mentioned other types of uses, 1545 Gerrard Street.
15 But to be clear, none of those are emergency shelters,
16 correct?

17 MR. CURLIN: That is correct, and that's why I
18 began with a term, noscitur a sociis, a word is known
19 from the company it keeps. And similar is not the
20 same as identical.

21 MS. MAZO: Okay.

22 MR. CURLIN: So, you have technically met the
23 standard of 500 feet, but you are still abutting the
24 question, or avoiding the question.

1 MS. MAZO: Okay. That's fine.

2 MR. CURLIN: Similarly.

3 MS. MAZO: It was a, you know, quick answer.
4 Okay. Now again, if you could just help me
5 understand, because I'm getting a little confused by
6 some of your numbers that you had in your testimony.
7 So, our property is at 1700 Rhode Island Avenue.

8 MR. CURLIN: That's correct.

9 MS. MAZO: So, you say, 500 feet from that
10 property is 1545 Gerrard Street apartments. That
11 makes sense to me, a block and a half away.

12 MR. CURLIN: Yes.

13 MS. MAZO: But then you say --

14 MR. CURLIN: Excuse me if I may?

15 MS. MAZO: Yeah.

16 MR. CURLIN: It is on the opposite side and
17 one block away. So, there it's 1700 Gerrard. That's
18 where -- what's missing in their discussion about 17
19 and Rhode Island is Gerrard intersects. So, here is
20 Rhode Island, here is 17th. But dissecting that
21 intersection is Gerrard Street coming in. And so, one
22 block away is 1545. So, 1700 is on the far side of
23 the sidewalk if you will, and 1545 is on the near side
24 of the sidewalk on 16th -- on 16th Street.

1 MS. MAZO: Okay. So, maybe you can help me --

2 MR. CURLIN: Certainly.

3 MS. MAZO: -- to understand again, some of
4 these numbers a little bit more fully.

5 MR. CURLIN: All right.

6 MS. MAZO: But you said that the property at -
7 - the Violet project --

8 MR. CURLIN: Project.

9 MS. MAZO: -- at 1550 Rhode Island is 205 feet
10 away.

11 MR. CURLIN: That's from, from --

12 MS. MAZO: Where?

13 MR. CURLIN: 1545 Gerrard Street. So, if you
14 walk from --

15 MS. MAZO: Oh, so you --

16 MR. CURLIN: -- Gerrard Street --

17 MS. MAZO: So, okay. So, I understand, I was
18 confused then. I thought you meant that each of these
19 were within --

20 MR. CURLIN: No. No.

21 MS. MAZO: -- this proximity to 1700 Rhode
22 Island Avenue.

23 MR. CURLIN: No, that's --

24 MS. MAZO: But you're taking this from 1545

1 Gerrard Street, or it's all cumulative? If you could
2 just help us to understand?

3 MR. CURLIN: Yeah, certainly. We have the
4 benefit of Washington Post editor. When I wrote the
5 article, it said, from 1700, 550 feet gets you to
6 1545, or 1545 Gerrard Street, 205 feet away from that
7 is the Violet project.

8 Then you take the corner and go up to 1500
9 Franklin Street to the Veterans. That's 415 more
10 feet. You go across --

11 MS. MAZO: Sorry, and just to be clear, that's
12 415 more.

13 MR. CURLIN: Yes.

14 MS. MAZO: So, in total that's 620 feet from
15 Gerrard Street, which is another 500 feet from our
16 property. So, what you're saying --

17 MR. CURLIN: Only --

18 MS. MAZO: -- here is that -- I'm sorry,
19 again, maybe I'm dumb. Maybe I can't understand these
20 numbers. But what you're really saying, if I'm to
21 understand, is that say I pick this 500 Franklin
22 Street Veterans --

23 MR. CURLIN: All right.

24 MS. MAZO: -- Administration. It's not 415

1 feet away from Rhode Island, it's actually more
2 like --

3 MR. CURLIN: No.

4 MS. MAZO: -- 1,000 feet away. Is that
5 correct?

6 MR. CURLIN: Not quite. But you're closer.
7 My observation as you read on down is that we're
8 talking about a four-block radius, but we start with a
9 very tight focus on how closely they are to one
10 another, very similarly serviced organizations. So,
11 only if you zig-zag back and forth do you come up with
12 your cumulative number.

13 MS. MAZO: Got it. Okay. So --

14 MR. CURLIN: If you do a direct line from --

15 CHAIRPERSON HILL: Okay. Wait, give me a
16 second. Give me a second.

17 MS. MAZO: Sure.

18 CHAIRPERSON HILL: So, there's a list that's
19 been provided in testimony --

20 MR. CURLIN: Correct.

21 CHAIRPERSON HILL: -- as to similar but not --

22 MR. CURLIN: Yes, identical.

23 CHAIRPERSON HILL: Similar but not identical.

24 MR. CURLIN: Yes.

1 CHAIRPERSON HILL: So, if on submission you
2 guys would like to come back to the list and tell me
3 what you all think the number is, and you can tell me
4 what you all think the number is, that's fine.

5 MR. CURLIN: Sure. Be glad to.

6 CHAIRPERSON HILL: From the property that
7 we're speaking of. I understand what you're asking
8 about, but we don't need to go down each --

9 MS. MAZO: Yeah, no. And that's fine.

10 CHAIRPERSON HILL: -- each one.

11 MS. MAZO: It was just more, it was purely --

12 CHAIRPERSON HILL: There seems like there's a
13 discrepancy.

14 MS. MAZO: I couldn't understand. And so, I
15 just wanted some clarity. I'm not sure we need to
16 come back on any sort of submission to illustrate this
17 point, except my understanding now from Mr. Curlin is
18 that it is incorrect to read that one of these
19 locations, let's say the Brookland Manor location, is
20 450 feet away from Rhode Island Avenue, from the site.
21 Is that a correct understanding?

22 MR. CURLIN: No. No. I'm trying to lead you
23 through a neighborhood which we all live in, and we
24 can walk from one site to the next site, taking 205

1 feet steps, or 450 feet steps, or whatever. I can
2 drive --

3 CHAIRPERSON HILL: Excuse me one second again.
4 I'm sorry. Mr. Hart, did you have a comment?

5 MR. HART: Yeah. I actually, while I
6 understand the conversation that's going on, I think
7 that really it's either a map to show where all this
8 stuff is, and that way we don't have to kind of go
9 through, what is 500, 200, and whatever, because
10 really it is just to understand what this is. This is
11 all easily mappable. And if you can provide that --

12 MR. CURLIN: I can easily do it. Certainly.

13 MR. HART: -- that would be helpful.

14 MR. CURLIN: That solution.

15 MR. HART: So, I just don't think that we need
16 to get into what is more, 200, or whatever. It just
17 seems very -- we're going down the rabbit hole for
18 something that I'm not really sure is -- I think is
19 kind of easily fixed.

20 MR. CURLIN: Right. Visualized, right. I'll
21 do that.

22 MS. MAZO: Okay. Thank you, Mr. Curlin. I
23 believe those are all the questions I had for you. I
24 would like to spend a couple of minutes talking to Mr.

1 Khan.

2 Now, Mr. Khan, you testified that you've
3 developed in the area for a while. Have you developed
4 in the District for a while?

5 MR. KHAN: In the Metropolitan area, D.C.

6 MS. MAZO: Okay. So, in the District of
7 Columbia?

8 MR. KHAN: In District of Columbia too, with
9 my business partner. Yes.

10 MS. MAZO: Okay. And you mentioned, well,
11 that you didn't believe that anything was ever going
12 to be built on this site, but did you have a no-build
13 easement that you purchased to go across this site?

14 MR. KHAN: No, because of the rear setback we
15 knew that it's going to require special exception or a
16 variance, which we would fight because our building is
17 built as a matter-of-right. So, that would be really
18 unfair to block all the sunlight from a building which
19 was built as a matter of by-right by giving lot 7
20 unrealistic variances or special exceptions. Yeah.

21 MS. MAZO: Well, Mr. Khan, you said you've
22 developed in the District. Do you understand that in
23 the District that corner lots have the ability to
24 choose their rear lot line, and so accordingly the

1 rear lot line that was selected for this site, because
2 it is a corner lot, is correct? So, therefore, you
3 had really no reliance at all on zoning that you would
4 get any sort of setback from your property.

5 MR. KHAN: That could be -- yeah, that could
6 be a case, but you know, if anything someone is
7 building as a matter of by-right, I have no right to
8 contest that or protest that.

9 But my only question here is, or plea is, why
10 would you allow -- give someone variances or special
11 exceptions to ruin other buildings that were built as
12 a matter of by-right? If that was a case of by-right,
13 I wouldn't -- you wouldn't see me here.

14 MS. MAZO: Okay. That's fine. Mr. Khan,
15 clearly you understand that no side yard is required
16 in the MU-4 Zone because you built your property all
17 the way out to the side lot line as indicated by the
18 fact that there are no windows along that lot line.
19 Is that correct?

20 MR. KHAN: That's right. But I know that 70-
21 feet tall building would not be allowed by right
22 there. That will block all my, what do you call it,
23 courtyard. Yeah. It's not by-right to go 70 feet
24 above. Yeah.

1 MS. MAZO: Right. And, would you -- you
2 mentioned your landscape land and the impact on your
3 landscape plan. Would you have understood that there
4 would have been any -- and similar impact on your
5 landscape plan on a matter-of-right structure that was
6 built to 50 feet along the side yard line as it could
7 be on this site?

8 MR. KHAN: Could be, yeah. Could be.

9 MS. MOLDENHAUER: So, our firm, in addition to
10 representing the City on homeless shelters, every once
11 in a while does come before this Board representing
12 market rate developers such as yourself. And, there
13 are plenty of projects -- are you aware that there are
14 plenty of projects in the city that have courtyards
15 built right up against other market rate developments
16 on other projects?

17 MR. KHAN: I'm not sure. Like --

18 MS. MOLDENHAUER: Are you aware that
19 throughout the city, so there's like H Street or other
20 areas, where there are buildings built right up
21 against a courtyard?

22 MS. MAZO: That share a party wall.

23 MS. MOLDENHAUER: That share party walls.

24 MR. KHAN: I'm not sure about that, no.

1 MS. MOLDENHAUER: You're not sure about that.
2 So, you don't know the city well enough to --

3 MR. KHAN: No, I know the city but I'm not
4 sure if there are buildings like that.

5 MS. MOLDENHAUER: So, but you built a court
6 that's complaint to zoning, right?

7 MR. KHAN: Uh-huh.

8 MS. MOLDENHAUER: So, would that then mean
9 that that court would be adequate enough to provide
10 interior light for your lightwell?

11 MS. MAZO: As designed.

12 MS. MOLDENHAUER: As designed.

13 MR. KHAN: Yes.

14 MS. MOLDENHAUER: No matter what happens,
15 surrounding that, that is designed for purposes of
16 protecting your property and a court is wide enough
17 then, pursuant to zoning, to provide light to those
18 units?

19 MR. KHAN: Yeah.

20 MS. MOLDENHAUER: Okay. Thank you.

21 MS. MAZO: Mr. Cassidy, just a couple
22 questions. You've referenced what I think you called
23 the small area plan, and you indicated that there were
24 -- you stated that there were certain potential

1 limitations. But was one of those -- sorry.
2 Potential limitations on what could be built based on
3 certain areas of that small area plan that I don't
4 believe you identified, but did that small area plan,
5 the reference, did it in any way limit the ability to
6 construct an emergency shelter?

7 MR. CASSIDY: I'm not an expert on the small
8 area plan, counsel. But I can tell you what I've read
9 was explicitly taken from that document. And the
10 things that it prohibited and recommended against were
11 explicitly written out there. And I quoted from that.
12 Intentionally. I didn't paraphrase, I quoted. I
13 took their language.

14 MS. MAZO: All right. Thank you. No more
15 questions.

16 Mr. Forest, just a quick question. When was
17 NRG created?

18 MR. FOREST: We're not NRG. We're Citizens
19 for Responsible Options.

20 MS. MAZO: Oh, I'm sorry. Citizens for
21 Responsible Options.

22 MR. FOREST: And the people who currently make
23 up our membership began organizing in June, shortly
24 after the city council vote. But we did not become

1 Citizens for Responsible Options until later August or
2 early September when we basically felt we had run out
3 of options and needed counsel to get the city to hear
4 us.

5 MS. MAZO: Okay. And, Mr. Council -- sorry,
6 Mr. Forest, I would just ask you to respond to this
7 question in a calm manner, but the record -- there are
8 many, many letters of support in the record. Do you
9 agree with that statement?

10 MR. FOREST: How many are there? I don't
11 know. I didn't count them. I know that there is
12 redundant records in the record, the last time I saw
13 them, but --

14 MS. MAZO: Okay. So, just to be clear, your
15 testimony was that residents oppose this project 10 to
16 1.

17 MR. FOREST: I was very specific when I said
18 that. Not all residents everywhere. I said the
19 residents in the nearby area, because that's where we
20 did our polling.

21 Now, the letters of support, I don't know.
22 Some of them seem to come from close by. Some of them
23 seem to come from across town. I haven't done an
24 analysis. I haven't had time.

1 MS. MAZO: Okay. Understood.

2 MR. FOREST: I would say, compared to our
3 number of signatures in our petition, that number is
4 small.

5 MS. MAZO: But, you just admitted you hadn't
6 counted, so I'm not sure how you can make that
7 assumption, correct?

8 MR. FOREST: It's true, I didn't count but I,
9 you know, breezed through them and I didn't see
10 anything like 290 exhibits of letters of support. I
11 think my people would have alerted me if that had
12 happened.

13 CHAIRPERSON HILL: Okay. Thank you.

14 MS. MAZO: I think we're done, under our 15
15 minutes. Six minutes to -- six seconds to spare.

16 CHAIRPERSON HILL: Okay. All right. So,
17 we're up to the Board now again. So, welcome back up
18 this way. Okay?

19 Let's go ahead. Does the Board have any
20 questions for the witnesses?

21 MS. WHITE: Okay, I just wanted to --

22 CHAIRPERSON HILL: Ms. White.

23 MS. WHITE: Yes. Thank you. Just wanted to
24 have you kind of reiterate again what you believe to

1 be the adverse impacts of this project. I'm hearing a
2 lot of different things. I know there's a lot of
3 support. I know there's a lot of opposition.

4 So, I wanted to just be clear because what our
5 job is, to look at the rules and the regulations. So,
6 I'm just trying to get a sense of whether or not your
7 opposition fits within the text of the rule. Mr.
8 Brown?

9 CHAIRPERSON HILL: Mr. Brown, I'm sorry, your
10 mic is not on.

11 MR. BROWN: I've tried to reiterate the legal
12 requirements and how extreme the variances are. I
13 have left to the citizens to describe for you in their
14 own words, what they regard as the adverse
15 neighborhood impacts. And I'd rather that they answer
16 that question. I'll turn over to Mr. Forest.

17 MS. WHITE: I mean, it doesn't have to be a
18 long response. Just to kind of get me thinking in
19 terms of --

20 MR. FOREST: Sure.

21 MS. WHITE: -- what your position is.

22 MR. FOREST: Sunlight. People leaving the
23 neighborhood because of this project. The parking.
24 The increased traffic. The fact that the scale of

1 this in terms of the number of people there is
2 overwhelming to the 25 residents on our block. And
3 the proportions of this facility are just dismaying.
4 The fact that they are destroying part of the historic
5 eligible police station, which we enjoy every day, and
6 sandwiching this massive structure in between the
7 condominiums and the rest of the police station is
8 just devastating to us. And I'll defer to our other
9 testimonies.

10 MR. ISKANDER: Am I able to add one thing on
11 this, which is, Joe Cassidy referred to that document
12 that the city put out that they called Diamond of the
13 District. Rhode Island Avenue, Dimond of the
14 District, meaning like it's something you know, that
15 can be mined. And I don't know what. And we
16 colloquially call it, Diamond in the Rough, because
17 our neighborhood is like so poorly served right now.
18 It's so -- the things that we, as residents, and many
19 of us have been there for a long time, but that we
20 want are things that need time and nurturing, and a
21 loving and caring city to sort of berth into
22 existence. And it's not there now.

23 And the city has made all these plans to try
24 and make that happen. So, when you put in an

1 institution, an institution that is closed, that is
2 gated, that has security and so on, that can serve
3 those, you know, those temporary residents fine. But
4 it actually does harm to the overall development.
5 That's just one more thing for you all, and I think
6 that is really relevant to the work of the Zoning
7 Commission and for the BZA.

8 MS. WHITE: Thank you.

9 MR. CURLIN: If I might add to that
10 discussion? Really Rhode Island Avenue becomes like,
11 I don't know, the Dan Ryan Freeway. And it separates
12 our neighborhood from anybody on the other side in
13 Langdon Park, as well as people going the other way.
14 We're surrounded by Rhode Island Avenue, South Dakota
15 Avenue, New York Avenue. You can go any number of
16 avenues. Michigan Avenue, New Jersey Avenue, Florida
17 Avenue. If you wanted an avenue with an M-4 rating,
18 there are plenty of sites around. Literally, you can
19 walk down or drive down all the streets in Ward 5, and
20 you literally could get off the Dan Ryan Freeway, 694
21 miles later, if you were to stretch end-to-end all the
22 blocks we have in Ward 5.

23 We feel that that area is so concentrated with
24 large buildings which are public service buildings,

1 which have been cited by the architect as, oh, this is
2 nothing unusual. But the occupants are not neighbors.

3 When I drive to my local little CVS station right
4 across the street from say, the Veterans, and right
5 across the street from the National Center for
6 Families, for Children and Families, I have to make
7 sure I don't hit a veteran because there are no
8 sidewalks.

9 If you have a shelter there at the corner of
10 17th and Gerrard, I won't say 17th and Rhode Island,
11 I'll say 17th and Gerrard, a block and a half away
12 from several of my houses, you're going to have no
13 sidewalks. If you look at the transportation study,
14 page -- or, it's Figure 4. You'll see half the places
15 people could park as staff, are missing sidewalks.

16 And this is not something, as John was
17 mentioning, we're not well-served. We're not looking
18 for tennis courts, gardens, rooftop places. We're
19 Ward 5. We're the stubborn ornery cousins who are
20 charitable. If you go into our neighborhood you will
21 find more, you know, seminaries and monasteries and
22 churches, and everything you ever would imagine, as
23 well as public service organizations.

24 And we feel that as in the 1960s and '70s, we

1 have to stand up. We have been called filled with
2 vitriol, but we are stubborn, charitable cousins. We
3 will not sit down, just like in our '60s and '70s, we
4 had ancestors who said, we will not have a concrete
5 freeway coming from the beltway to the center city.
6 Well, it turned into public transportation, the
7 Redline.

8 MS. WHITE: Thank you.

9 CHAIRPERSON HILL: Okay. Mr. Hart?

10 MR. HART: Yeah. Thank you, Mr. Chairman.
11 Mr. Forest, one of the things that you were -- that
12 you stated in your testimony was that someone asked, I
13 guess the -- actually, it wasn't the ask. This is
14 what you were actually talking about.

15 MR. FOREST: Uh-huh.

16 MR. HART: And in terms of the number of
17 people that you would kind of the density that you
18 would kind of be okay with on this site, or maybe it
19 was your group would be okay with on this site, and
20 you said 25 people. And correct me if I'm wrong. Was
21 that an accurate statement?

22 MR. FOREST: Yeah, that would have made sense.
23 That's never been proposed by the way, for this site.

24 MR. HART: So, which is fine. Actually, the

1 question is, you were also asked about kind of
2 available parcels. And what you listed were, I don't
3 know, four or five parks. So, basically, land that
4 the city already -- the District already owns.

5 And what I'm a little bit confused by is what
6 you're proposing, or what you would be in favor of,
7 would be basically six buildings that could house 25
8 people on park land.

9 MR. FOREST: No. I didn't say that.

10 MR. HART: Well, what I'm saying is that, the
11 issue is that you have 25 people, and if they're
12 looking at 150 people about to have in this unit, you
13 have to put them at some place. And so, if you're
14 trying to look for a similar amount of units for those
15 people, you're looking at six buildings for that
16 same --

17 MR. FOREST: No, you need a lot with at least
18 30,000 square feet. And the mayor found a site that
19 was big enough, and one of the options that I said in
20 passing was, look down at Rhode Island and 13th.
21 There's 84,000 square foot lots ready for sale right
22 now.

23 It was actually looked at by the city. But
24 they, at the time, said well, it's just too expensive.

1 But, the manipulations that I'm seeing here in this
2 process, like in Ward 3, spending millions and
3 millions to get past zoning exceptions, you could buy
4 a lot like that, and you'd have plenty of room, and
5 you could put a facility that would be just the right
6 size, big playground, plenty of parking, and you know,
7 why not look for that in the first place? That was my
8 point.

9 MR. HART: Okay. So --

10 MR. FOREST: That wasn't done.

11 MR. HART: Well, but you're also saying for
12 this particular site that if it was 25 people then the
13 rest of the people would be going on to some other
14 site. If you were to only build that, that this --

15 MR. FOREST: Well, that. Yeah, right. To
16 meet the City's programming needs, yeah.

17 MR. HART: Thank you.

18 CHAIRPERSON HILL: Okay. Commissioner Miller?

19 MR. MILLER: No questions.

20 CHAIRPERSON HILL: Okay. So, I'm going to ask
21 -- by a show of hands, how many people are here
22 wishing to speak in opposition? Four. Okay. All
23 right. Okay. Thank you.

24 So, if I could get like -- if this middle

1 section here wouldn't mind just giving up their seats?

2 And by the way, thank you all very much for your
3 testimony and thank you for doing your best to remain
4 calm in a very difficult situation; in a very
5 different situation.

6 And, I'm going to remember -- I've said calm a
7 lot today. It's very interesting. But, I've decided
8 a new thing that I'm going to say is, I'm the only one
9 that gets to say calm. You know? Right? That no one
10 else get to say calm. It's going to be my word.
11 Okay? Because when everyone is using it in other ways
12 I don't think it necessarily works exactly the same
13 way sometimes. But, all right.

14 So, if we could please go from my left to
15 right, and if you wouldn't mind just introducing
16 yourselves, and -- yeah. So, that would be good.

17 Okay. Sorry. And did everyone get sworn in?

18 Okay. Okay. All right. Great. And the witness
19 cards have gone over there and -- okay. All right.

20 So, there's no one left here to testify in
21 opposition? Okay? Because I see a couple of people
22 that have been sitting here and they're not coming
23 forward, so I was just kind of curious. All right.
24 Okay. All right.

1 If you could just please go from my right to
2 left, and introduce yourselves?

3 MR. LEE: Sure. My name is Eric Lee, and I
4 live at 1620 Hamlin Street Northeast. It's about 300
5 feet from the site. I'd like to add a few comments
6 for the record, and I'd like to note that our
7 elderly --

8 CHAIRPERSON HILL: Excuse me. I'm sorry. Can
9 we just go through first and get --

10 MR. LEE: Sure.

11 CHAIRPERSON HILL: Can I just get everybody's
12 names?

13 MS. PERKINS: Hi. I'm Theresa Perkins. I
14 live at 1514 Gerrard Street Northeast, two blocks from
15 the site.

16 MR. KLINE: Dan Kline, 3109 20th Street
17 Northeast.

18 MR. STEIN: Jeff Stein, 1620 Hamlin Street
19 Northeast.

20 MS. CAMPBELL: Do I have to push this? Yes.
21 Sandra Campbell, 3310 20th Street Northeast. A little
22 further away.

23 CHAIRPERSON HILL: Okay. And, so as with the
24 parties that were in support, I'm going to give

1 everyone three minutes. And so, please, go right
2 ahead, Mr. Lee.

3 MR. LEE: Think I read the first paragraph.
4 So, I would like to add a few comments to the record
5 and I would like to note that our elderly neighbors
6 who are directly across from the site could not make
7 it tonight. I think we've already addressed that.

8 With that, my neighbors across from and
9 adjacent to the site are a mix of elderly, immigrants,
10 disabled, combat veterans, and others. They include a
11 pastor and his blind wife, they include lifelong
12 DC'ers, including those with Alzheimer's, and those
13 coping with tremendous personal loss. They are kind,
14 and they are generous. By and large, they are members
15 of one or more protected class.

16 On the other side of this equation there is
17 another group of citizens who are also vulnerable.
18 Both sides rely on the process and none of us should
19 pit one group of vulnerable citizens against another.
20 Yet, the applicant and its surrogates have actively
21 demonized my neighbors who also rely on the process to
22 have a voice.

23 Overall, I find the applicant and its
24 surrogate efforts in our ANC, deplorable. If you take

1 a step back and examine the events leading to this
2 hearing, then you will see what looks like a concerted
3 effort to restrict or eliminate input by residents
4 into the process that leads us here today.

5 Additionally, we do not and have not
6 challenged the merits of the program. We are told
7 that the program does not require this design at this
8 site. Nonetheless, the applicant and its surrogates
9 seem to have tried to suppress the residents. I do
10 not think that the mayor or city council envisioned or
11 intended for the program to deny my elderly neighbors
12 their voice.

13 I oppose the application and I absolutely
14 reject the myth that my community was engaged in the
15 process that led us here today. And I will leave you
16 with some words from Pastor Wilks.

17 As Pastor Wilks said at our SMD meeting, who
18 is representing the elderly, and who is representing
19 the poor in our SMD? Thank you.

20 CHAIRPERSON HILL: Thank you.

21 MS. PERKINS: All right. Hi, there. I kind
22 of feel like a Democrat at Trump's address to the
23 congress last night, because I would like to know how
24 many people, if people from the city could raise their

1 hand, who are in attendance who work for the city or
2 representing the city. And if we could have a show of
3 hands --

4 CHAIRPERSON HILL: That's okay. Actually,
5 it's all right. And, I'm sorry, Ms. Perkins. You
6 just have to kind of give your testimony here. It's
7 not that type --

8 MS. PERKINS: Okay.

9 CHAIRPERSON HILL: But I --

10 MS. PERKINS: I just would like the record to
11 show that the majority of people here represent the
12 city or --

13 CHAIRPERSON HILL: I don't know if that's
14 necessarily true, to be quite honest, and I can't put
15 that on the record because it's not something I can
16 like, just put down on the record. And by the way,
17 I'm not really sure where we are in this equation now
18 that you've just laid out.

19 MS. PERKINS: Okay.

20 CHAIRPERSON HILL: So, just to let you know.
21 Okay? Just to let you know. Just to let you know.
22 Okay?

23 MS. PERKINS: [Speaking off microphone.]

24 CHAIRPERSON HILL: We all live in the city.

1 Okay? We'll start there again.

2 MS. PERKINS: Alrighty.

3 CHAIRPERSON HILL: All right. But that's
4 okay.

5 MS. PERKINS: Okay. Well, that being said, I
6 appreciate your time and the opportunity to have my
7 voice heard here today in regards to the proposed
8 variances.

9 I have attended numerous meetings where the
10 architecture firm has presented their proposal. At
11 each one they repeatedly called the site problematic,
12 quote/unquote. I agree.

13 You can't get a quart into a pint pot. They
14 are trying to configure 30,000 square feet of
15 programmatic requirements into a 12,000 square foot
16 footprint. The architects have callously refused to
17 listen to any suggestions or objections to their
18 design. In meetings that I've attended they were very
19 smug and about their presumption that they would
20 automatically receive a pass on any zoning variances
21 that they might request. When I asked them about
22 this, they were like, oh, we're going to get that.
23 You know, we're not worried about that.

24 So, also I'd like to point out that the

1 PowerPoint and the scale of buildings that are
2 exhibited throughout this PowerPoint, is not
3 realistic. The proportion is entirely deceptive as
4 far as if you put the, you know, the square feet.
5 It's not correct.

6 If these variances were granted, I fear they
7 would set an untenable precedent for our neighborhood.

8 Rhode Island received the Main Street status as been
9 mentioned, making it eligible for many improvements.
10 The goal is to work towards the positive redevelopment
11 of our city's traditional business districts.

12 When this was first proposed, we were told it
13 might house 25 to 35 families. The number grew and
14 grew with each successive meeting, until we are at the
15 number of 46 families today, which they would like to
16 make 50 if it was humanly possible to provide 50 units
17 on this site.

18 We were also told that temporary housing would
19 be for 60 days. This morning I heard that the average
20 stay last year in temporary housing was 142 days.
21 That is almost five months.

22 This particular site has a building that is
23 eligible for historic designation. Therefore, the
24 architect has had to work around that building due to

1 the fact that legally they might have to acknowledge
2 that it is historic. It was the first police station
3 in the area. It is quite beautiful, and the community
4 would like it to remain intact.

5 The back of it, that they propose to build
6 over and knock off, was actually a stable that housed
7 the horses there.

8 Okay. The Commission of Fine Arts strongly
9 objects to the zoning variances requested today. And,
10 we do not object to providing shelters for homeless
11 families. We support disbursing the D.C. general
12 population. However, the DGS strategic plan seems to
13 be carved in stone. There is no flexibility in their
14 plan whatsoever. Obviously, they are already spending
15 a fortune for architecture firms, lawyers, high-priced
16 lawyers, and a huge entourage of employees to confirm
17 that they are right.

18 I, for one, am tired of being vilified for
19 disagreeing with their rigid, unbendable plan that
20 demonizes me simply because I disagree with it. If
21 city properties are to be used, there are numerous
22 options capable of serving the purpose. In fact,
23 using smaller facilities would decrease the
24 institutional feel of these buildings.

1 I live across the street from an affordable
2 housing apartment building for seniors. Construction
3 was completed last year. Of the 25 residents, 11 of
4 them were homeless. The building is a block away from
5 the proposed shelter, and there was no mention of the
6 building being used to house the homeless population.

7 My point is that DGS has an agenda and
8 everyone else be damned. Get out of the way and shut
9 up. They are blatantly ignoring the concerns of the
10 residents of the community. They are bulldozing their
11 way on to a tiny plot of land that is completely
12 unsuitable for their proposal. I suggest they learn
13 to be open to other ideas, respect the community, and
14 not force their agenda on us. We did not sign up for
15 this in any way, shape, or form.

16 To request substantial variances on eight
17 different zoning laws is unheard of. Maybe you've
18 heard of this before, but I certainly have not. This
19 is a complete travesty of democracy, the city's
20 comprehensive plan, and my personal rights as a
21 citizen. There are letters of objection from several
22 ANC representatives in 5B, where the site is located.

23 Please also note the petition with almost 300
24 signatures against these variances. I ask that you

1 please take these into serious consideration when
2 deliberating on this matter. I strongly oppose this
3 proposal, and I thank you for your consideration and
4 mindful attention to this matter, as well as the
5 privilege for your time.

6 CHAIRPERSON HILL: Thank you. All right, Mr.
7 Kline?

8 MR. KLINE: Yes.

9 CHAIRPERSON HILL: Kline? I'm going to put
10 three minutes on the clock there for you as well, Mr.
11 Kline.

12 MR. KLINE: Thank you. Chairman Hill, members
13 of the Board, it's almost 12 hours that you have been
14 listening to homeless shelters, with a little bit of
15 interruption for pizza, and I just wanted to thank you
16 for being unbelievably patient.

17 CHAIRPERSON HILL: You're going to get an
18 extra minute.

19 [Laughter.]

20 CHAIRPERSON HILL: Mr. Moy, you can throw
21 another minute on there. All right, Mr. Kline.

22 MR. KLINE: We have talked a little bit about
23 exceptional situations and conditions, and I think
24 this is an exceptional situation and condition. This

1 site is too small. Very, very simple.

2 It is too small in that there are only three
3 parking spaces when it requires 22. There is no
4 loading dock. A building of that size with no loading
5 dock? It is going to clog the street. You don't have
6 to have much of imagination to realize that. There
7 are people, over 125 people are going to live there.
8 There's going to be Metro access picking them up.
9 They're being served meals twice a day. It's going to
10 affect the street.

11 You want to talk about quality of life? That
12 is going to affect quality of life. And there's not
13 enough sunlight. If you're building a building that
14 is 40 percent taller than what is allowed, yes, the
15 Department of -- the Office of Planning suggested that
16 the sunlight is only going to be blocked during the
17 morning, but sunlight in the evening is really not as
18 much of a concern.

19 This is going to affect the people. And it's
20 not going to be a matter of ever getting better. In
21 fact, even the city acknowledges that the site is too
22 small, rather than 50 people as the 2016 legislation
23 is required, they're only putting in 46 rather than
24 putting in 10 on each floor. There's a couple of

1 floors with 11. By their own admission, it's too
2 small.

3 I don't exactly know why one doesn't seek out
4 another site, but there's no way that you can sit here
5 and say that eight special exceptions, and eight
6 variances, in order to make this overly small site
7 function, is a good idea.

8 Mayor Bowser decided, and the council agreed,
9 that we need to close D.C. General. D.C. General's
10 conditions are deplorable. Anyone who has ever been
11 there, know that. Providing reasonable housing for
12 people who are unfortunate is an important thing and a
13 great idea for the city to do. But anyone who has
14 ever been to the site of D.C. General, knows that if
15 the City wanted to, they could build right there.
16 There's plenty of room. There's plenty of room to
17 build. You could leave the hospital right where it
18 is, and until you get another structure built, then
19 you could take it down.

20 So, why are they not doing that? My guess is,
21 and I have not read it anywhere, no one said this to
22 me, and I'm not an expert, but the real estate is too
23 valuable. So, you're not going to keep a shelter
24 there. That makes sense. The city has matured. It

1 makes perfect sense.

2 In turn, you wind up with a shelter at 1700
3 Rhode Island Avenue that is 69 feet tall. And you, as
4 the BZA, have an opportunity to consider the fact that
5 once that 69-foot shelter is built, that will be a
6 precedent. That will be a precedent for the tire
7 shop, the used car lot, the transmission shop, all of
8 which are along Rhode Island Avenue, all of which
9 currently have height restrictions of 50 feet, all of
10 which are clearly going to be sites for development in
11 the near future, and all of which are going to turn to
12 this nonprofit, 69-foot special exception and call
13 that a precedent and say, we'd like to have all of our
14 buildings now 69 feet tall too.

15 And I don't think that that is something that
16 the BZA should vote for and I'm very grateful for your
17 listening.

18 CHAIRPERSON HILL: Thank you.

19 MR. STEIN: My turn. So, my name is Jeff
20 Stein. I live at 1620 Hamlin Street. I live
21 approximate 300 feet from the location of the proposed
22 Ward 5 homeless shelter planned for 1700 Rhode Island
23 Avenue. And I urge you to reject all of the variances
24 and special exceptions required to construct this

1 facility as it is currently designed.

2 I am not completely opposed to the placement
3 of a family homeless shelter at this location, but I
4 am absolutely opposed to the placement of this
5 homeless shelter as it is currently designed at this
6 location.

7 As a community representative on the advisory
8 team, tasked with community outreach for this
9 facility, I have been heavily involved in the design
10 and planning process. I have listened to the concerns
11 of countless community members and relayed that
12 information to city officials, hoping that these
13 concerns would be considered and incorporated into the
14 design of this facility.

15 I found this process to be discouraging
16 because the overwhelming response I received to many
17 of these concerns were that they were either
18 unjustified, or that they were inactionable due to the
19 constraints with the planned location of the facility.
20 In fact, I would argue that there were attempts to
21 suppress the involvement of residents most impacted by
22 the construction of this facility.

23 During one advisory team meeting I encouraged
24 city officials to conduct separate outreach meetings

1 for residents living within close proximity to the
2 site, and was told by our current ANC commissioner for
3 SMD 5B-03, that a separate meeting for these residents
4 would only slow down the project. Those notes are
5 attached to my testimony, or the meeting minutes.

6 From that moment forward, it was apparent to
7 me that the valid concerns of residents most impacted
8 by the construction of this facility were of little
9 value to the elected officials, and the city employees
10 managing the implementation of this project.

11 Zoning regulations are in place to segregate
12 uses that are thought to be incompatible, to prevent
13 new development from interfering with existing uses,
14 and to preserve the character of a community.
15 Residents rely on these regulations to ensure
16 development is moderated, and that it is consistent
17 with the master plan for an area.

18 A 70-foot tall family homeless shelter housing
19 150 individuals that provides inadequate parking for
20 those residents, employees, and visitors, is certainly
21 incompatible with neighboring single-family homes and
22 will interfere with their use. This sort of unbridled
23 development is also inconsistent with the character of
24 this quiet residential community.

1 If the shelter currently proposed is allowed
2 to be constructed, it will adversely impact the
3 neighboring home owners and community as it is today
4 and in the future. I purchased my home after a
5 careful review of the zoning and comprehensive plan
6 for this area. This shelter, as it is currently being
7 proposed, is not consistent with either of those, or
8 the zoning regulations for this area.

9 The Board of Zoning Adjustment should insist
10 that these guidelines are followed for all
11 development, otherwise, why did we even go through the
12 effort to create them in the first place?

13 There are already days when it's not possible
14 for me to find parking on the block where I live. And
15 I've also attached pictures of that in my testimony.

16 I am required to maintain the sidewalks in
17 front of my home and ensure the tree boxes are
18 landscaped, and I insist that I should be afforded the
19 ability to park within a reasonable distance to those
20 same sidewalks and tree boxes. I should not be forced
21 to walk one, two, or even three blocks to get to and
22 from my personal vehicle because of a poorly planned
23 residential building.

24 The one thing -- I know I'm over. So, the one

1 thing I'd like to mention that hasn't been mentioned
2 before is that my home sits directly between two
3 churches. On Wednesday evenings, Sundays, some
4 Saturdays, there's no parking for a block or two.
5 There's nowhere -- or funerals and things like that.
6 And that's not taken in consideration in this traffic
7 study. Adding all this additional parking for the
8 shelter, for the employees, for the visitors, and not
9 even considering the other residential buildings being
10 constructed a block from my home, there's going to be
11 no parking. There's nowhere for anyone to park some
12 days already, with 18 units going up a block from my
13 home, six more being built right around the corner,
14 and then 46 more residential units going up around the
15 corner. There just isn't anywhere else to park.

16 And I'll stop there. I know I'm over.

17 CHAIRPERSON HILL: Thank you, Mr. Stein. Ms.
18 Camel. Ms. Campbell?

19 MS. CAMPBELL: Yes, Ms. Campbell. Just like
20 the soup.

21 CHAIRPERSON HILL: Campbell. Yeah, you need
22 to push the button.

23 MS. CAMPBELL: I'm sorry.

24 CHAIRPERSON HILL: That's all right. That's

1 all right.

2 MS. CAMPBELL: Now, can you hear me?

3 CHAIRPERSON HILL: Yeah, that's great. Thank
4 you.

5 MS. CAMPBELL: Sure. I'm just going to
6 piggyback on something that Jeff said, and I have to
7 confess that I'm not that concerned, terribly, for
8 Jeff, although we do get mugged in our neighborhoods.
9 Like, we're a kind of a -- people say Brookland, and
10 it is actually Brookland, but actually it's Brookland
11 Woodridge. And I do feel like we haven't brought you
12 pictures, unfortunately, and I wonder if I could add
13 some pictures to the record. Is there some way I can
14 get you pictures later? It's a serious question,
15 because --

16 CHAIRPERSON HILL: Let me think about it. Go
17 ahead and just give your testimony if you don't mind.

18 MS. CAMPBELL: Okay. And it's because when
19 pictures are shown to you by the skilled architect who
20 knows to prepare this kind of thing beforehand,
21 they're actually quite deceptive because their wide-
22 angle lens, in part. Right? So, actually if I could
23 encourage you to visit the site, when you walk on this
24 site you think, oh my God, this really is tiny. Not

1 because the site itself is tiny, but because it's so
2 occupied already. And additionally, I don't think
3 that you get to see those small houses that are
4 adjacent to it when all that is brought is the
5 tallest. And in some cases these helpful buildings
6 along Rhode Island Avenue. They help us because they
7 have that art deco character, because they're little
8 pieces of beauty interspersed among a lot of
9 nonbeauty, frankly.

10 What I'm trying to say with that is, for
11 scale, I don't think you could get any sense of the
12 discontinuities of scale that are being proposed here
13 by the images which I do not at all say was a -- claim
14 was intentional on the part of the architect. Rather,
15 the architect has the ability to give you wide angle
16 lens pictures --

17 CHAIRPERSON HILL: Ms. Campbell, I'm only
18 interrupting you because I really want to hear what
19 you have -- I mean, as far as the photographs, I mean,
20 we do have the architectural drawings and we do have
21 an ability to really take a close look as to what the
22 neighborhood is like. I mean, is that what you
23 were -- what you wanted to get across to us?

24 MS. CAMPBELL: Yeah. Well, exactly. But

1 party, in part through words. So, but it is that that
2 I was asking if I could convey it via photographs. Of
3 course, what I really want you to do is please go
4 visit the site. But I don't think I can ask you to
5 drive across town to do that. So, I urge, if you
6 would, I urge the members of the Board to actually
7 visit the site before you make any --

8 CHAIRPERSON HILL: I don't think we're allowed
9 to, sorry.

10 MS. CAMPBELL: Oh, you're not?

11 CHAIRPERSON HILL: I don't think we're -- I
12 think we're not allowed to do independent research.

13 MS. CAMPBELL: Okay. Okay, interesting. So,
14 then could we send you pictures? Yeah. There are a
15 lot of little one and a half story bungalows. We
16 actually are -- there are some two-story houses across
17 the street on 17th. And the reason many of us have
18 come down is because our elderly neighbors cannot so
19 easily come down. I know, I'm getting there myself,
20 so we come down really on their behalf.

21 We've come down to you before, in fact, to
22 fight against variances in height on Rhode Island
23 Avenue, with the midcentury -- the midcentury. The
24 Mid-City financial redevelopment of Brookland Manor,

1 where I personally am -- John, who spoke eloquently
2 earlier, asked that this Board not allow variance in
3 height, especially fronting Rhode Island Avenue on
4 that development because we were also then concerned
5 about shadowing, the shadowing impact on the street,
6 actually.

7 In this case, I'm more concerned for my
8 neighbors on 17th, and so it's just, we do -- some of
9 us have a track record of coming down before you and
10 asking, please do not grant height variances. Again,
11 my primary reason to be here, please do not grant
12 height variances. And, I also feel very bad for Ressa
13 (phonetic) and Faraz Khan. Thank you.

14 CHAIRPERSON HILL: Thank you. Okay. Does the
15 -- well, to answer Ms. Campbell's question, I don't
16 need any photographs myself right now. Does the Board
17 need any additional photographs? Yes, Mr. Miller?

18 MR. MILLER: Yes, I do. Like in the previous
19 case where I wanted to have the applicant provide some
20 perspectives from the adjacent low-density residences
21 to the south, in that case, I was going to ask the
22 applicant as part of a post-hearing submission, and
23 the neighbors to show what each of them think is the
24 perspective from those two-story single-family houses

1 across 17th Street. So, I would like to see, or be
2 directed in the record where the exhibits that show
3 better how the height and massing looks from across
4 17th Street, from the lower density.

5 In terms of the variance test, the second and
6 third part of the -- well, not the second and third.
7 Maybe it's the third part of the variance test, the
8 substantial -- that there's no substantial detriment
9 to the public good or to the zone plan. So, I would
10 like to see -- I personally would like to see some
11 additional perspectives, just as I go forward
12 evaluating this.

13 CHAIRPERSON HILL: Okay. So, we'll just
14 clarify that at the end. Ms. Campbell?

15 MS. CAMPBELL: Well, I actually would just
16 like to add one tiny thing, which is that our power
17 was out for hours last night, so there are some people
18 in the neighborhood who would like to know if they
19 could still add a letter.

20 CHAIRPERSON HILL: I don't know yet. We'll
21 have to get back to that. But yeah, let me get back
22 to you, okay?

23 All right. Let's see. So, I'm going to let
24 the applicant cross-examine, and again, I think that

1 we've been going over a lot of the testimony in
2 previous -- you've asked previous questions of the
3 previous witnesses that seem somewhat similar. So,
4 I'm going to go ahead, you just said five minutes,
5 perhaps. I'll throw out five minutes there, and see
6 how we go with that, Ms. Mazo.

7 MS. MAZO: Yeah, and we may not take all of
8 that.

9 I have a couple questions for Mr. Kline. Mr.
10 Kline, you testified about loading and made some
11 statement -- and apologize if I don't -- if this is a
12 paraphrase, but --

13 MR. KLINE: Sure. You're fine.

14 MS. MAZO: Where you said that you didn't
15 believe that there are any other buildings of this
16 size that were -- that didn't require loading. And I
17 just was wondering if you were aware that over the
18 summer, in the Ward 5 -- sorry, the Ward 8 site, that
19 the Board did approve loading relief for another one
20 of these emergency shelter sites in Ward 8.

21 MR. KLINE: I actually wasn't referring to
22 emergency shelters. I was referring to buildings of
23 that size, housing that number of people. Typically,
24 if you're going to be serving meals and having people

1 be picked up by Metro access, it makes it a lot
2 simpler if there is a loading dock. And without that
3 I don't doubt that there have been times when that is
4 not done, but I think for the most part a loading dock
5 is a really good idea.

6 MS. MAZO: Mr. Kline, and I absolutely
7 appreciate that and I was wondering if you're also
8 aware that the applicant and with DDOT's
9 recommendation, has dedicated one of its parking
10 spaces to loading because the number -- the highest
11 number of quote/unquote, loading type vehicles, are in
12 fact smaller vans, or even cars. And so, DDOT raised
13 one of these issues to the extent that DDOT indicated
14 that they did not want any loading to occur in the
15 alley. And so, accordingly we have -- and DGS has
16 amended its plan to dedicate one of its parking spaces
17 to loading. And I just didn't know if you were aware
18 of that.

19 MR. KLINE: I wasn't aware, but I do
20 appreciate that you are clearly helping our side
21 because you're obviously indicating the fact that
22 there is neither enough parking, nor enough space for
23 loading, which is the kind of thing that I would have
24 said. So, thank you.

1 MS. MAZO: Okay. That was obviously not the
2 purpose of my statement. The purpose of my statement
3 was to --

4 MR. KLINE: I'm sure it wasn't.

5 MS. MAZO: -- was to document that DDOT
6 recommended and is in support of the proposed loading
7 space, and is also in support for the special
8 exception for parking.

9 CHAIRPERSON HILL: Ms. Mazo, by the way,
10 again, we're still listening up here. So, I did hear
11 what you were saying about the parking with the
12 loading.

13 MS. MAZO: And then following up, Mr. Kline,
14 you mentioned something that I've heard a lot in the
15 community meetings that everyone is concerned that if
16 this height is approved on this site, then what's
17 going to stop your next commercial developer to
18 come --

19 MR. KLINE: Nothing.

20 MS. MAZO: Nothing. Well, I'm not sure if you
21 were here for the Ward 3 discussion, or if you were
22 here earlier in our discussion, but do you understand
23 that this Board and even as CFRO's counsel has, you
24 know, stated, that there is a special test that gets

1 applied to this type of public service use? And so,
2 there is a specific -- there would absolutely be a
3 distinction between a public service use like this
4 one, and the relief that it could obtain, which would
5 be very, very different from what a commercial
6 developer would obtain.

7 MR. KLINE: I'm sure you are correct in
8 theory. I'm quite sure. And I'm also quite sure that
9 in theory, a building of this size could never be
10 contemplated for this size site.

11 On the other hand, the distance between theory
12 and reality sometimes allows for a developer to point
13 and say, here is a building close by. It is this
14 height. I simply want to match that height. That
15 happens throughout the city.

16 CHAIRPERSON HILL: Okay, okay, okay, okay.
17 Let's just --

18 MS. MAZO: So, Mr. Kline, you would understand
19 that obviously any such building would require BZA
20 relief and would have to come to this Board and would
21 have to work with its neighbors to obtain --

22 MR. KLINE: I'm sure they'd be here at 9:00 at
23 night too.

24 CHAIRPERSON HILL: Yeah. So, I guess what I'm

1 trying to get away from now is long questions and long
2 answers. So, specific questions, specific answer.
3 Yes. No. Do we have more?

4 MS. MAZO: One more question for Mr. Sheen
5 (sic). You indicated that there are days when you
6 come and you can't find parking. But are those the
7 same days as when there's a lot going on at the
8 church?

9 MR. STEIN: Typically, it's the church. The
10 issue with living between two churches is that we
11 never know when the events are going to occur. We
12 always know Sunday. We always know Wednesday. But
13 then there are other event days. There are things
14 like funerals. There are things like weddings. There
15 are events like the one that's coming this Saturday
16 where I'm sure my entire block is going to be filled
17 with cars from out of town, and we'll have nowhere to
18 park.

19 So, my issue with the traffic study is that it
20 looks at one point in time when it's not -- this isn't
21 like, look at business hours. This is random points
22 in time where it's kind of hard for us to know when
23 we're going to be able to park, and when we're not.
24 And adding these additional spaces that are going to

1 be needed for this site, and the additional visitors
2 and things like that, that are also going to be
3 random, makes it very hard for us to plan and known
4 when we can actually park near our homes.

5 MS. MAZO: I have no more questions.

6 CHAIRPERSON HILL: Okay. All right. Does the
7 Board have any further questions for the witnesses
8 here?

9 [No audible response.]

10 CHAIRPERSON HILL: Okay. I know I've said it
11 a lot. We really do appreciate you coming down, and
12 you've waited a really long time for just a few
13 minutes. But we are listening. We're understanding
14 what is going on with the neighborhood, and all of the
15 testimony is in the record. So, thank you all very
16 much.

17 We're going to ask the applicant for rebuttal,
18 and I only responding just because I was trying to
19 figure out how much time is a good amount of time. We
20 tried earlier with 25 minutes on the previous case,
21 and it went to 30. And so, if it's okay, I'll go
22 ahead and give a shot for 25 again. And there is a --
23 or, in addition to that, do you want to take like
24 three minutes to get kind of everything squared away,

1 and then we'll come back and maybe I can get it done
2 faster? Does that sound like a good idea?

3 MS. MAZO: That sounds like a good idea to me.

4 CHAIRPERSON HILL: Okay. All right. So,
5 we're going to take a quick, and I mean really quick.
6 Like, we're going to take five minutes. And the
7 purpose of which is so that the applicant can really
8 get their ducks in a row so we can go through rebuttal
9 quickly. Thank you.

10 [Brief recess.]

11 CHAIRPERSON HILL: All right. Okay. Thank
12 you all very much, and Mr. Brown, thanks for being
13 with us here, and you're all alone over there.

14 CHAIRMAN: Mr. Moy -- oh wonderful. Thank you.

15 MS. MAZO: Okay. Very Briefly were going to
16 touch on some issues just as a wrap up and in response
17 to some of the comments that we've heard.

18 First, I'd like to start with Mr. Dan VanPelt
19 our traffic consultant. We have heard that their
20 neighbors are claiming that there's going to be
21 adverse impact on the neighborhood because of traffic.
22 Can you please document for us the efforts that you
23 and your firm have done in order to prepare a traffic
24 statement, and also in regards to the parking

1 analysis?

2 MR. VANPELT: Sure. With any application in
3 the District, one of the first things we do is meet
4 with DDOT and talk about the application and then go
5 through a scoping exercise. DDOT has comprehensive
6 transportation review scoping guidelines. One of the
7 things that was determined for this facility and for
8 the other similar facilities is that the peak period
9 trips are less than 25 in the peak direction. And
10 because of that there's no -- DDOT doesn't require a
11 vehicular capacity analysis or look at any crash data
12 because it's seen that that that number of trips is
13 just not going to have significant impact on the
14 network. So, that's why that was not included in this
15 review or in any other short term family housing
16 projects and studies that have been completed.

17 Therefore, we did focus on the parking because
18 of the parking relief. The study area for the parking
19 study was part of that scope with DDOT. The area that
20 -- those block faces that we looked at was something
21 that we reviewed with DDOT and we're looking at the,
22 kind of the immediate walkshed, if you will, where
23 people could park.

24 We focused on a typical weekday evening

1 knowing that the primary land uses surrounding is
2 residential, and were most concerned about then what
3 the impact would be as people are coming home and
4 looking for parking spaces in the evening. One of the
5 gentlemen did testify that Wednesday evenings are a
6 bit difficult and I think our counts were actually
7 done on a Wednesday evening in early December. So, I
8 don't know if we captured some of that church activity
9 but that was one of the days we looked at. And then
10 we found of the 400, almost 400 spaces, that they were
11 about 36 percent occupied as you looked at the area in
12 entirety. And that's what allowed us to come to the
13 conclusion that the additional spaces that would need
14 to be parked on the street wouldn't have an adverse
15 impact.

16 MS. MAZO: Dan, one just quick question. An
17 issue has been raised about the drive isle width, and
18 can you document that in the zoning regulations alley
19 and drive isle are not the same thing and therefore
20 are treated differently in the zoning regulations as
21 it pertains to parking space size?

22 MR. VANPELT: Yeah. The parking spaces are of
23 legally compliant size, but the drive isle itself, for
24 parking facility the drive isle width needs to be a

1 minimum of 20 feet. But this is an alley were talking
2 about and so, that doesn't apply to allies.

3 It is not uncommon in the District to have
4 allies that are less than 20 feet, and have parking
5 off of them.

6 MS. MAZO: Next, I would like to go to the
7 fact that the one thing that hasn't been raised, and
8 we will just touch on it briefly, is the fact that the
9 facility will have no adverse impact on the
10 neighborhood because of noise. I'd first like to
11 direct my question to project architect, Mr. Ronnie
12 McGhee.

13 Mr. McGhee, in your professional experience
14 and expertise do you believe that a project of this
15 site will create objectional noise that would have an
16 adverse impact on the neighborhood?

17 MR. MCGHEE: Well, the answer to that would be
18 no. Typically, an apartment building does not create
19 a great amount of noise, and this building will be
20 LEED certified Gold, which means we have to control
21 the noise from the outside, how it affects the
22 residents on the inside. So, that will definitely be
23 a factor in reduction of noise that might come from
24 inside the building. So, we don't think it will have

1 an adverse impact on the site and neighbors. So, thank
2 you.

3 MS. MAZO: Also on the noise issue, I'd like
4 to ask a similar question to our landscape expert,
5 landscape architect, Ryan Moody. Mr. Moody, based on
6 your landscape design and your screening, can you also
7 determine in your expertise that there would be no
8 adverse impact on the neighborhood based on noise?

9 MR. MOODY: I believe that's an accurate
10 statement. The nearly 20-foot buffer of planting
11 between Road Island Avenue and the proposed play area,
12 as well as the low retaining wall and screening fence,
13 will significantly inhibit any noise coming from that.
14 And along 17th street, the 7-foot tall proposed
15 privacy fence and additionally 20-foot buffer of
16 planting area, I think will be advantageous to the
17 community as opposed to the existing chain link fence
18 that now currently hugs the sidewalk.

19 MS. MAZO: And the next question, still
20 walking through that 513.1D4, I guess. So, this
21 question is about to document that the facility shall
22 not have adverse impact on the neighborhood because of
23 operations, and I would like to direct that question
24 to Director Zeilinger.

1 MS. ZEILINGER: So, we don't expect an adverse
2 impact from the way that we're operating the program.
3 As noted in my written testimony, we operate homeless
4 services throughout the District of Columbia, and
5 often times people do not know that there is a program
6 even located there, if they weren't there during the
7 time that it was sited initially. When we operate
8 programs well, they exist in harmony with the
9 community. We will, you know we have a good neighbor
10 -- we will have a good neighbor agreement, we will
11 have community advisory teams to help us understand if
12 the neighborhood is experiencing any impact, and to
13 resolve any issues should they arise. But we have a
14 lot of confidence there really would not be any
15 negative impact that would come from the operations of
16 our programs, and things that may be of concern, I
17 have full confidence that we can handle them going in
18 and prevent them from occurring.

19 MS. MAZO: Next, Mr. Curlin, on the opposition
20 he identified what he believed to be a number of
21 similar facilities in what he stated was the general
22 vicinity of the property. I would like you to maybe
23 talk through some of those facilities and to go
24 towards the question of, would the facility shall not

1 -- our facility, I'm sorry, the emergency shelter at
2 1700 Road Island Northwest, shall not have an adverse
3 impact on the neighborhood because of the number of
4 similar facilities in the area. And that question is
5 directed to Director Zeilinger.

6 MS. ZEILINGER: So, some of the programs that
7 were noted in the opposition's witness testimony are
8 permanent housing programs and affordable housing
9 programs. So that sometimes they are providing
10 permanent supportive housing or other resident -- or
11 services and housing in residential setting.

12 They are not emergency shelter uses. We've
13 established that and I think everybody has agreed to
14 it, but what was implied by the opposition witnesses
15 is they're still a program of similar in nature, and I
16 think the only similarity is that the people in those
17 programs can't afford to pay market rate housing and
18 hire people to come in and provide them services,
19 themselves.

20 So, the neighbors talked about neighbors who
21 have -- you know, experience a range of different
22 disabilities on the block, and sort of an impact on
23 them. But I would argue that similarly speaking, the
24 city does provide resident -- you know, the ability

1 for people to access permanent housing and bring those
2 services in. The only thing that makes them different
3 is the fact that -- is means, or perhaps something
4 that may have happened in their life that preceded
5 their now living in one of those programs.

6 So, the opposition referred to a people bomb
7 that we're dropping on this neighborhood. Well people
8 are not bombs, and they are not weapons, and they are
9 not there to damage anybody around them. They are
10 simply individuals who have experienced something that
11 has caused them to be without. And similarly, folks
12 who now are in permanent housing in places you can
13 walk to from here, which is true throughout the city,
14 are really no different and there's no reason why --
15 to think that somehow our being here, as well as the
16 other programs in the neighborhood, the confluence of
17 that is somehow having a negative impact on the well-
18 being of the neighborhood.

19 MS. MOLDENHAUER: Laura, can I just redirect
20 you? And the term that I kind of say, when I say a
21 bomb is that something happens all at once. The
22 individuals that are experiencing homelessness, in
23 your experience, based on operations, they don't all
24 come in and out of the facility all at once. You

1 know, can you just address that?

2 MS. ZEILINGER: Sure. Just like any other
3 apartment building, people come and go based on their
4 schedules. And certainly, people often times are
5 leaving in the morning, just as neighbors leave in the
6 morning, and coming back at various times during the
7 day based on their schedules. But there is not --
8 it's not a 12-hour, low barrier shelter where we close
9 at 7:00 a.m. and everybody leaves and we open back at
10 7:00 p.m., and people line up outside to come back in.
11 People come and go as they do in any other
12 residential setting.

13 MS. MAZO: Sorry. And, Dr. Zeilinger, just --
14 Director Zeilinger, I just wanted to also follow up
15 with, you have mentioned a good neighbor agreement.
16 Good neighbor agreements are property specific,
17 correct?

18 MS. ZEILINGER: Yes.

19 MS. MAZO: And so accordingly, a good neighbor
20 agreement on this site could take into account the
21 fact that there may be other sites that are within the
22 vicinity, and that -- so, a good neighbor -- would you
23 expect that a good neighbor agreement would take that
24 into account and could be another way to limit any

1 potential adverse impact from the location? This
2 location?

3 MS. ZEILINGER: So, the good neighbor
4 agreement will be specific to the operations of this
5 program, and with this neighborhood. However, we've
6 seen described in other wards, if there are concerns
7 that the community has, then they bring them to the
8 community advisory team, and we've been able to be a
9 convening force to bring folks in to answer their
10 questions and concerns. So, if there is concern in
11 the neighborhood about the way other programs are
12 operating we certainly could use that community
13 advisory team structure to convene those programs and
14 stakeholders to similarly address any community
15 concerns.

16 MS. MOLDENHAUER: I'm now going to turn to a
17 CA Young to address, there were two times and the
18 opposition statements, or individual in opposition
19 statements, that there were referencing your comments
20 and your either -- actually, I'll just indicate that,
21 you know, talking about specific sites and whether or
22 not this site was appropriate. Can you address that
23 and explain how that comment was maybe taken out of
24 context?

1 MR. YOUNG: Yeah, thank you. And I do think
2 the comments, particularly about our review of 1700
3 Rhode Island was taken out of context. When we talked
4 about 1700 Rhode Island with Ward 5 at the point at
5 which we had proposed a different location, the site
6 constraint at 1700 Rhode Island was really due to the
7 fact that we had a clinic, we called it the Hoya
8 Clinic, that would be onsite at the other Ward 5
9 location.

10 So, when you talked about 50 units for short-
11 term family housing, plus the clinic, that footprint
12 then made 1700 Rhode Island not practical. When the
13 council said, you have to own your site or be on city
14 property, then we changed, we looked at then, the
15 constraints, or the size constraints differently, and
16 then we dropped the clinic, which then made 1700 Rhode
17 Island a viable location for us to consider. And by
18 the time we got to that point we had to cross the
19 threshold of considering this location for other
20 municipal uses, and decided not to do that,
21 particularly given the constraint that council put us
22 on with the legislation.

23 So, it isn't an issue of, the first site was
24 a great site, and now because council changed it, the

1 second site is a better site. We changed the program
2 significant when we dropped the clinic from the
3 conversation.

4 MS. MOLDENHAUER: Just to continue to follow
5 up on this line of questioning, I know there's been
6 questions about the degree of a search, even though
7 the term reasonable search is not in the regulations,
8 I'll use the regulations in regards to other
9 reasonable alternatives. Can you explain why the
10 city, in its review, believes that there are no other
11 reasonable alternatives?

12 MR. YOUNG: Well, first is because the city
13 with through an exhaustive process to consider
14 locations. And again, from our solicitation to our
15 use of a broker, to actually having reviewed and
16 responded to the locations that came from the Langdon
17 Community, they wrote us a letter, I actually
18 responded to that letter and talked about each of
19 those locations that they suggested, and our
20 evaluation of those locations. And really, I think
21 the argument that we've heard all day about, go
22 somewhere else, also suggests this issue of --
23 suggests that there isn't a reasonable alternative.
24 We had a site in Ward 5, and what they said is, hey,

1 we support the program but go somewhere else.

2 Now we have another site in Ward 5, and what
3 we hear is, we support the concept of the program but
4 go somewhere else. Also heard that in ward 3. We had
5 a site and Ward 3, that community said, we support it
6 but go somewhere else. Now that we're somewhere else,
7 that community also says, go somewhere else.

8 So, there really isn't an opportunity for us
9 to hit the reset button again, go through, pick
10 another location, and have what seems to be the same
11 argument about where this facility can be located.

12 MS. MOLDENHAUER: And now you said you cannot
13 do that because, what, that would jeopardize the
14 ability for the city to obtain their goals and their
15 objectives?

16 MR. YOUNG: We've got to have 280 units in
17 order to close D.C. General. If we don't have 280
18 units then we're in a much more expensive proposition
19 to providing more hotels, some of which are outside of
20 the District, for these families, or faced with the
21 prospect of running two systems, some community-based
22 sites and then a half empty and still dilapidated and
23 inappropriate D.C. General.

24 So, if we don't have the 280 sites, we don't

1 have an ability to move forward with a program that
2 makes any rational sense to deliver services and get
3 people out of -- these families out of homelessness

4 MS. MOLDENHAUER: Director Gillis, I think
5 you've been here most of the time. In any point in
6 time during the opposition's testimony, did you hear
7 anybody in the opposition identify or provide a list
8 or a recommendation of multiple other reasonable
9 potential sites?

10 MS. GILLIS: No other reasonable potential
11 sites at this point.

12 MS. MOLDENHAUER: And is that based on a
13 specific criteria that DGS has identified and
14 evaluated?

15 MS. GILLIS: That is correct. We need to make
16 sure that we look at sites that have a certain amount
17 of square footage to be able to provide the program
18 that DHS has recommended to us. It needed to be
19 within a certain proximity of public transportation
20 and other amenities. Without that, it's not a
21 suitable site.

22 I'd also I like to take the opportunity to
23 make a clarification to my earlier testimony with
24 regards to this letter. We received the letter, the

1 letter was not from Councilmember McDuffie. The
2 letter was actually from the Langdon Park Community
3 Association, dated March 8th, 2016. It is in the
4 public record.

5 We actually responded to that letter per the
6 request from Councilmember McDuffie, at the council
7 hearing on the legislation for the District sites. But
8 it was actually that letter to where the community had
9 come up with a list of potential sites. Again, that
10 just was not suitable according to our criteria

11 MS. MOLDENHAUER: Can I just -- that letter is
12 now part of the record, but is there also a place
13 that's been available publicly for anybody to find
14 that letter or other information on this process?

15 MS. GILLIS: Yes. It's been on the website,
16 our Homeward D.C. website, where we had all of our
17 information, public records on all of the information
18 with regards to this entire project, including all of
19 our searches.

20 MS. MAZO: Sorry, I just have a couple more
21 questions. The first is for Director Zeilinger.

22 You know, we've been talking quite a bit about
23 this U 513.1B6, and it talks about the program goals
24 and objectives of the District of Columbia. And we

1 have talked through the need to require the 280 units.
2 We've required -- talked through the needs to provide
3 dignified housing, but can you just elaborate on the
4 timing issue, and just how critical that is for DHS
5 and for the District to be able to close D.C. General?

6 MS. ZEILINGER: Absolutely. So, it has been
7 now, more than one year since the mayor announced our
8 initial strategy and the initial sites. We came
9 before you with the sites that were not changed by
10 council. It has taken this long to be before you with
11 the different sites. As the City Administrator
12 pointed out, if we then had to all of a sudden try to
13 find new places, we would be continuing this process
14 endlessly.

15 We have a very important goal, to close and
16 replace D.C. General. There is certainly a moral
17 imperative that we all know has been shared. That's
18 undisputed. We are just now at the third anniversary
19 of the disappearance of Relisha Rudd, and so it just -
20 - which is the catastrophe that happened that I think
21 called into question the conscience of this community
22 that we need to do better by families.

23 So, these delays that would result from
24 saying, go back, go back, go back, keep looking, keep

1 looking, you haven't looked at enough places, or how
2 about consider this one now, or consider that one now,
3 will only cause us to -- like when is enough, enough?
4 We have the goal of -- the initial plan had us closing
5 D.C. General before the 2018 hypothermia season. Now
6 we're an additional year out, at least with the
7 additional parking structure in Ward 3, perhaps even
8 longer unless we can find some other place to be able
9 for some of the families to be while we do that.

10 So, it's, we have all agreed that the
11 conditions at D.C. General are not good for families
12 and they are very costly for our department. When we
13 keep a building open, even if it's open half full, we
14 have to pay for that full building. Even with D.C.
15 General full, it costs us \$55,000 per family, per year
16 at a minimum, to shelter them in those inadequate
17 conditions. We know we can do better, but that's what
18 it means to be trying to keep a facility operational
19 and provide the level of security that is needed in
20 order to be able to operate our program in a building
21 like that.

22 MS. GILLIS: And I'd also like to add, to keep
23 D.C. General open, just the building alone, Director
24 Zeilinger referenced it, it costs us \$1.2 million

1 dollars just to keep it operating, and that's just the
2 functions of the building outside of the program that
3 Director Zeilinger mentioned

4 MS. MAZO: Okay. This question is dedicated
5 to Ronnie McGhee, our project architect. There has
6 been quite a bit of discussion in the opposition
7 about, why can't you make the building shorter. And I
8 just wanted to ask you very directly, could you make
9 the building shorter, keep the same program, and still
10 provide the 46, or up to the 50 units that are
11 required to be -- that need to be provided on site in
12 order for the full complement of the 280 units to be
13 provided throughout the district?

14 MR. MCGHEE: Well, the short answer to that
15 is, no. We'd be eight or 10 units down if you build a
16 floor. That's what we'd have to do. Thank you

17 MS. MAZO: So accordingly, you know, you would
18 say in your opinion or expert opinion, that goal and
19 objectives of the District of Columbia be those goals
20 that there is a timeliness issue, we want to close
21 D.C. General sooner, and that we need the 280 units,
22 we need dignified housing. Cannot be achieved by a
23 facility of a smaller size at the subject location.
24 Is that something that you would agree with?

1 MR. MCGHEE: I would agree with that, yes.

2 MS. MAZO: And one follow-up question, just to
3 clarify for the record. CA Young, again, the same
4 requirement says that the Board of Zoning Adjustment,
5 that an emergency shelter for more than 25 persons is
6 permitted if the Board of Zoning Adjustment finds that
7 the program goals and objectives cannot be achieved,
8 and if there is no other reasonable alternative to
9 meet the program needs of that area. Can you confirm
10 that there is no reasonable alternative?

11 MR. YOUNG: I can confirm that there is no
12 other reasonable alternative.

13 MS. MAZO: We have no more issues on rebuttal.
14 We'll take questions from the Board.

15 CHAIRPERSON HILL: Great. Actually so, thank
16 you. Before -- I am going to end with questions from
17 the Board, and I am going to let Mr. Brown go ahead
18 and cross.

19 Mr. Brown, if it's alright again, I'm going to
20 go ahead and start with just 15 minutes on the clock.
21 Does that sound good with you?

22 Okay. Mr. Moy. All right, Mr. Brown,
23 whenever you'd like to start.

24 MR. BROWN: Mr. Young, you talked about how

1 you got -- a letter came from the Langdon Community,
2 and that was one of the steps in which you're saying
3 every time somebody says, we're in favor of this
4 program but do it somewhere else, that the Langdon
5 Community's pitch to you not to have the shelter
6 located in Langley precipitated the next step, right?
7 And you wanted to bring an end to this integrative
8 process. Is that a fair summary of what you were
9 saying?

10 MR. YOUNG: Say that again please? I'm not
11 sure that that reflects what I was saying. So, ask it
12 again please?

13 MR. BROWN: You said something about how one
14 Community says, we don't want it. We support the
15 concept of shelters but not in our community, look at
16 these other sites. And then, you look at these other
17 sites, and then you find that the same process would
18 be reoccurring over and over again unless you put a
19 stop to it. Isn't that a fair summary of what you
20 were saying?

21 MR. YOUNG: Not so much precipitated by the
22 letter itself. When we started the process and went
23 to the community on the first site, which was before
24 we receive this letter, we said -- we heard, not in

1 this community, take it somewhere else. And then
2 also, the letter also said, well then look at these
3 other locations too.

4 So, I want to be clear that it isn't with the
5 -- it isn't that this letter suggested that -- made
6 that characterization that I testify to. It actually
7 happened before this letter. But the sentiment being
8 yes, the community, when we went to it and proposed
9 the site, said do it somewhere else. This letter
10 suggests, look at these other places at somewhere
11 else, and certainly this community says that as well.

12 MR. BROWN: So, the listing of alternative
13 sites that you got from Langdon was essentially biased
14 in favor of any place but Langdon. Isn't that correct

15 MR. YOUNG: I'm not making that
16 characterization. I'm just making the fact that they
17 did not want it where we proposed it, and gave us
18 other sites to look at with ultimately the city
19 council, as you know, suggesting, endorsing, and
20 including and its legislation, the site that we're
21 currently speaking about.

22 MR. BROWN: Would you agree with me that a
23 suggested list of alternative locations from the
24 Langdon Community is not a suggested list of locations

1 from the community of Ward 5 writ large?

2 MR. YOUNG: I would say that, and I would also
3 respond back to you that we went through a pretty
4 detailed and extensive process absent this Langdon
5 letter and their sites, to evaluate sites in Ward 5.

6 MR. BROWN: Question for Ms. Zeilinger.

7 MR. YOUNG: To determine the reasonableness of
8 the alternative. We had an extensive process of our
9 own.

10 MR. BROWN: Ms. Zeilinger, as I was listening
11 to the tone of your testimony I got the distinct
12 impression that some of the timing associated with the
13 work that is being done to complete this process of a
14 goal of 280 housing units, is being caused by people
15 who are questioning the propriety of some of the
16 choices that you've made; people in the community such
17 as my clients. Is that -- did I get the wrong
18 impression on that?

19 MS. ZEILINGER: So, what I am saying was that
20 we had an initial goal and project schedule that had
21 us closing D.C. General in 2018. When council made
22 the changes, and change the sites, that then delayed
23 our timeline to do that, and that further -- and I was
24 pointing out for clear understanding where that --

1 MR. BROWN: That takes us to June of last
2 year, when the council made the changes. Right?

3 MS. ZEILINGER: Correct, and that then --

4 MR. BROWN: My focus is, since that time, what
5 has been -- is it your testimony that citizen concerns
6 about some of those choices have caused delay in the
7 process?

8 MS. ZEILINGER: No. But I am basically saying
9 that change of the sites caused a delay from what is
10 our initial timeline and continued request that we go
11 somewhere else, and if the relief that we're
12 requesting is not sought, would delay us further and
13 prevent -- possibly prevent us altogether from
14 achieving the goal on D.C. General.

15 So, well right. If the site hadn't changed,
16 this would have been part of the group of applications
17 that we brought before the Board over the summer. So,
18 it was the change of the sites by council that has
19 brought -- delayed us to this -- to the place that we
20 are, and further changes would necessarily cause
21 further delays.

22 MR. BROWN: But the fact that citizens decided
23 to hire counsel and contest the applications in Ward 3
24 and Ward 5, are not why those applications were filed

1 when they were with this Board. Is that correct?

2 MS. MOLDENHAUER: I don't believe she's ever
3 said that.

4 MS. ZEILINGER: No, that's not what I said.

5 MS. MOLDENHAUER: That's not been testified
6 to.

7 MR. BROWN: I am asking whether or not --
8 whether or not that is correct.

9 MS. ZEILINGER: So no, that is -- we've
10 continue to proceed regardless --

11 MR. BROWN: Without Delay from the citizens.
12 Is that correct?

13 MS. MOLDENHAUER: Clarification on the
14 question. The question is not worded in a way that --

15 CHAIRPERSON HILL: Wait a minute. Hold on.
16 Just give me a second here. Just give me a second
17 here. So, Mr. Brown again, I've been trying to figure
18 out where you are, and also just, I got a little lost.
19 Could you again just restate it more clearly, the
20 question?

21 MR. BROWN: All right.

22 CHAIRPERSON HILL: To Ms. Zeilinger. I
23 understand in general I think, where you were going
24 but I'm not --

1 MR. BROWN: I think Ms. Zeilinger understands
2 exactly where I'm going. The question is very simple.

3 When these applications were filed with the
4 BZA, Case 19450 and Case 19452, the timing on the
5 filing of those applications had nothing to do with
6 the prospect that there might be citizen opposition to
7 those cases.

8 MS. ZEILINGER: That's correct.

9 MR. BROWN: Thank you.

10 MS. ZEILINGER: I mean, we've been working the
11 entire time in order to meaningfully address any
12 concerns that citizens have brought before us in the
13 very robust engagement process that we have testified
14 to, and that it has certainly not been our strategy to
15 proceed without concern in trying to address. But
16 we've, within the timeline that was set out before
17 ourselves, worked to accommodate both.

18 MR. BROWN: I have nothing further.

19 CHAIRPERSON HILL: Okay. All right. So then,
20 let's see. Okay. So, I guess the Board doesn't have
21 any more questions of the applicant or the party in
22 opposition. As was the last case, I guess we would
23 like to -- I would like to ask for closing statements
24 by the applicant, and also by the party in opposition

1 be written so that we can submit it and that fashion.

2 Also, as the party and opposition had
3 indicated earlier, or had indicated their possible
4 request for it, but we are going to have findings of
5 facts and conclusion of law from both parties. The,
6 let's see. I think there was a request from
7 Commissioner Miller for some photographs, I think,
8 from -- and if you can -- different angles. And I
9 think that the applicant understands what those
10 photographs are to be ask about. Yes? And then where
11 is -- is Ms. Campbell gone already? Did she -- okay.

12 MR. MILLER: Yeah, it was photographs from Ms.
13 Campbell.

14 CHAIRPERSON HILL: Okay.

15 MR. MILLER: Or, and any renderings,
16 additional renderings that the applicant's architect
17 could provide that just shows the building in context
18 with the 17th Street houses across the street.

19 CHAIRPERSON HILL: Okay. So, I'm going to let
20 the applicant supply the renderings that Commissioner
21 Miller is speaking of. And then, Ms. Campbell, I'm
22 going to leave the record open for some photographs
23 from you. Okay? For the angles that you were
24 interested in. And also, there is a map that had been

1 requested from Mr. Hart, indicating the different --
2 the locations from the testimony of Mr. Powers.
3 Sorry. Curlin. Sorry, thank you, Mr. Curlin. And
4 then also, actually, I'm going to let the applicant
5 also submit their own map if they'd like to, to the
6 same -- you know, if you do want to submit a map
7 you're welcome to.

8 You're shaking your head no, so I guess that
9 means you don't want to submit a map, which is fine
10 with me.

11 MS. MAZO: We may. I don't know.

12 CHAIRPERSON HILL: Okay, so, I'm leaving the
13 record open for you if you want to. You can both
14 submit your own maps and we'll take a look at either;
15 at both maps.

16 Then, let's see. Was there anything else?

17 MR. BROWN: Mr. Chairman.

18 CHAIRPERSON HILL: Yes, Mr. Brown?

19 MR. BROWN: With regard to leaving the record
20 open for time, I believe that there is also testimony
21 of the prospect for -- due to a power outage, some few
22 additional letters from community residents. And
23 also, the possibility that there might be some
24 definitive resolution to the question of a resolution

1 from the ANC.

2 CHAIRPERSON HILL: Well, I'll let the Board
3 make comment on this. And I don't mean to be light
4 about this, but we have a lot of information that's
5 already in the record, that's been in the record. And
6 if the power was out last night, then I don't feel
7 terribly bad for the people that didn't submit their
8 information last night, because it should have been
9 submitted way earlier than that.

10 However, the ANC is available to submit
11 anything they'd like. So, I am going to close the
12 record other than the request that the Board has asked
13 for, as well as the ANC if they want to submit
14 anything. Does the Board have any additional comments
15 on that? I'm seeing everyone -- oh, sorry, Mr. Hart.

16 MR. HART: Mr. Chair, yeah. Just one piece of
17 -- I just want to make sure that we're -- we kind of
18 finalize this. I wasn't sure if we did.

19 There was a question about the shadow study,
20 and so the matter-of-right aspect of that, if we could
21 just make sure that we get that?

22 MS. MAZO: Sure. Yeah, no. And we'll show a
23 matter-of-right -- sorry, a shadow study that
24 incorporates all the matter-of-right structural

1 massing requirements.

2 MR. HART: Thank you.

3 CHAIRPERSON HILL: Okay. And I am actually
4 just for my own clarification again, the matter-of-
5 right, the IZ, you know, so just being a --

6 MS. MAZO: It would be for the matter-of-right
7 IZ, which is a 3.0 FAR and a 75 percent lot occupancy.

8 CHAIRPERSON HILL: Okay. All right. And then
9 the timing, Mr. Moy, we're going to try to do this the
10 same as the previous one, which as I recall there was
11 -- the ANC, it's not the same one. When does you
12 all's ANC meet? Does anyone know when the ANC meets?

13 MS. MAZO: I think it's -- oh, I don't know.

14 CHAIRPERSON HILL: Okay. I'm sorry. I can't
15 -- you'd have to come step into the microphone if you
16 want to submit testimony.

17 UNIDENTIFIED SPEAKER: Typically, the third
18 week of the month. So, we could ask them to have an
19 emergency meeting, is what that would require.

20 UNIDENTIFIED SPEAKER: [Speaking off
21 microphone.]

22 UNIDENTIFIED SPEAKER: Okay. Yeah.

23 CHAIRPERSON HILL: So, could you please repeat
24 March 22nd for me?

1 UNIDENTIFIED SPEAKER: March 22nd.

2 CHAIRPERSON HILL: Thank you.

3 MS. MAZO: We're -- that's the day of the
4 hearing.

5 MS. MOLDENHAUER: Based on the -- yeah.

6 CHAIRPERSON HILL: Pardon me?

7 MS. MAZO: That's the day of the decision,
8 March 22nd.

9 CHAIRPERSON HILL: Oh, our decision. Right.
10 Okay.

11 MS. MOLDENHAUER: If you follow the schedule
12 from the prior case.

13 CHAIRPERSON HILL: So, let me think. How am I
14 going to do this? Let's just see what we can get from
15 the ANC before the meeting, if they have anything else
16 to add to the record. I'm going to leave the record
17 open for the ANC. I'm not going to wait until the
18 meeting, so -- because we're doing our decision on the
19 22nd, as the same time as the previous case.

20 Okay. All right. So, Mr. Moy, what dates do
21 we have now for submissions, and then when we're back
22 here?

23 MR. MOY: Yes. Working backwards, then as in
24 the previous case, the Board's decision on Wednesday,

1 March 22nd; filings from all parties, Friday, March
2 17th.

3 MS. MOLDENHAUER: And I believe last time we
4 had the record close for supplemental documents on
5 March 10th.

6 MR. MOY: Uh-huh.

7 MS. MOLDENHAUER: I know you're getting there.
8 Sorry.

9 CHAIRPERSON HILL: That's all right. I
10 somewhat appreciate all the help I can as long as it's
11 tempered.

12 MR. BROWN: Mr. Chairman.

13 CHAIRPERSON HILL: Yes, Mr. Butler. Mr.
14 Brown.

15 MR. BROWN: If I could borrow a line from
16 Ronald Regan? I'd hate to disable and prejudice my
17 able, young, and dual attorneys on the other side of
18 this case by having to submit findings and conclusions
19 on two cases on the same day. Probably be a lot
20 easier on them if it could be done another week.

21 MS. MOLDENHAUER: We would be more than happy
22 to do it on the same day, as we have already following
23 where we responded to your -- you filed two prehearing
24 statements, you filed --

1 CHAIRPERSON HILL: Okay. That's okay. That's
2 all right. Okay. So, we're just --

3 MR. BROWN: Perhaps I was being too subtle.

4 CHAIRPERSON HILL: Okay.

5 MR. BROWN: I was really talking about the
6 older person involved.

7 CHAIRPERSON HILL: Okay, right. You.

8 MR. BROWN: In this case.

9 CHAIRPERSON HILL: Okay. So, just let me try
10 to figure this out. So, the 22nd. When would be
11 another date? I'm lost. What date, Mr. Brown, works
12 for you?

13 MR. BROWN: At least another week.

14 MS. MOLDENHAUER: I mean, can we move forward
15 on findings of fact?

16 CHAIRPERSON HILL: Can we just give me a
17 second? Give me a second.

18 Okay. So, the date of submission, Ms. Mazo,
19 findings of facts you were trying to get at?

20 MS. MAZO: My one suggestion is that we could
21 advance the date of the filing of fact. Sorry,
22 advance the date of the finding of fact and
23 conclusionary statements in this case to a date
24 earlier than March 17th. We could potentially do it

1 March 12th. March 13th?

2 CHAIRPERSON HILL: Mr. Brown, I'm going to let
3 you --

4 MS. MAZO: March 13th?

5 CHAIRPERSON HILL: -- also chime in here, but
6 I'm just letting you know, we're getting to the 22nd.
7 That's when we're going to make our decision here.
8 So, as far as like when you guys want to submit before
9 that. So, does March 17th work for you?

10 MR. BROWN: Well, I managed to get both of the
11 prehearing statements in on the same day. I'll do my
12 best.

13 CHAIRPERSON HILL: Okay. So, Mr. Moy, did you
14 follow that?

15 MR. MOY: It sounds like we rest back to the
16 original dates. Right?

17 CHAIRPERSON HILL: So, could you repeat that
18 for me, because there's something distracting me
19 from --

20 MR. MOY: Yeah.

21 CHAIRPERSON HILL: Below.

22 MR. MOY: I'm hearing things too. Okay.
23 Decision, March 22nd; filings as cited for Friday,
24 March 17th; and for the -- from the applicant to

1 submit their, going to call it information, would be
2 by same day, March 10th? Or was that earlier?

3 MS. MAZO: March 10th works for us.

4 MR. MOY: Okay. Then, those are the same
5 dates.

6 CHAIRPERSON HILL: Okay. All right. Well,
7 then the ANC can submit all the way up until the 21st,
8 but you all are meeting supposedly on the 22nd, so you
9 guys got to talk to your ANC, then. Okay? I'll leave
10 it open for the ANC until the 21st. And then, just so
11 I got kind of confused.

12 And then when are the color photographs coming
13 in, Mr. Moy? That would be on the 10th?

14 MR. MOY: Yes.

15 CHAIRPERSON HILL: Yeah. Okay. All right.
16 Ms. Campbell, you got that? Okay. 10th. All right.

17 Okay. Well, thank you very much and I hope
18 you all get home safe.

19 [Whereupon, the Public Hearing of 19452
20 concluded.]

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