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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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6 CLIFFORD MOY, BZA Secretary

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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
25 Responsible Options.

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

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

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

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

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

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

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

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

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

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

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

25 CHAIRPERSON HILL: Okay. Okay. That's okay.

1 That's okay. Just give me one second. Just you can
2 just have a seat there for one second. Okay?

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

8 Sir, have you been sworn in?

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

10 CHAIRPERSON HILL: Okay. So, what would you
11 like to say?

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

23 CHAIRPERSON HILL: Okay. Actually, Mr.
24 Turley, this is the first time I've ever had anybody
25 do this in this particular way. So, I don't know, is

1 that a formal request from someone? I mean, this is
2 somebody just kind of walking up, you know? I don't
3 think this is the way that this goes about, correct?
4 You know?

5 So, Mr. Turley I --

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

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

12 MR. TURLEY: Noted. Thanks.

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

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

20 Also, just a very minor matter, but a sign was
21 posted on the site on February 2nd, long before the
22 sign posting. We believe at some point intermediate,
23 the sign came down. It was reposed on Monday, the
24 27th. And I just wanted to make that clear on the
25 record and just to ask the Board to waive any sign

1 posting requirements or maintenance requirements.

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

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

16 Okay. Great. So, all right.

17 MS. MAZO: Councilmember Mendelson is here to
18 speak -- I'm sorry, Chairman Mendelson is here to
19 speak on Ward 5, so we would ask to provide him a few
20 minutes.

21 CHAIRPERSON HILL: Sure. Of course.

22 [Pause.]

23 CHAIRPERSON HILL: Good evening, Chairman
24 Mendelson.

25 MR. MENDELSON: Good afternoon. Good

1 afternoon.

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

4 MR. MENDELSON: Well, you would be.

5 CHAIRPERSON HILL: Yeah.

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

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

15 MR. MENDELSON: There is, the way I wrote the
16 statement was that there is a paragraph that deals
17 with the Ward 3 site, the Ward 5 site, and the Ward 6
18 site. So, if it's okay with the Board I will review
19 the statement as I gave it this morning, but skip the
20 Ward 3 site and talk about the Ward 5 site.

21 CHAIRPERSON HILL: That would be great. Thank
22 you.

23 MR. MENDELSON: Again, for the record, I'm
24 Phil Mendelson, Chairman of the Council of the
25 District of Columbia. I was sworn in for the 3:00

1 one, do I -- I mean, the Ward 3. Do I need to be
2 sworn in again?

3 CHAIRPERSON HILL: I think it works all day.

4 MR. MENDELSON: Okay.

5 CHAIRPERSON HILL: Thank you.

6 MR. MENDELSON: Well, I'm willing to accept
7 that.

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

19 At the time, and this is important and it's
20 forgotten with the passage of time, there was
21 considerable anxiety that any proposal for new
22 neighborhood shelters would meet stiff opposition, and
23 this was discussed in the council's legislative
24 report, which by the way, I filed with the clerk of
25 the BZA for the record in the Ward 3 case and the Ward

1 5 case. The council committee reports, the
2 legislative reports. And there were two with regard
3 to this bill.

4 In quoting from that report, the council, the
5 current and previous mayors, advocates, stakeholders
6 and District residents from across the city have,
7 since it first opened as a shelter, sought to have
8 D.C. General closed, and a more humane shelter, or
9 system of shelters established for District families
10 experiencing homelessness.

11 Though, in the past, some residents and
12 council members have voiced opposition to the prospect
13 of having shelter facilities in their neighborhoods
14 due to unfounded concerns. Consensus has developed
15 within the council and across the city that sheltering
16 families experiencing homelessness in small, service
17 enriched facilities, in each of the wards, is the best
18 approach.

19 Spreading shelters throughout the city also
20 helps to discourage the creation of large
21 concentrations of poverty in just a few wards. And
22 although residents and councilmembers have raised
23 important concerns about various aspects of the plan
24 as proposed in the introduced version of the bill, the
25 committee of the whole agrees that developing smaller,

1 better run shelters throughout the city is the right
2 approach. Unquote.

3 The council disagreed with three of the seven
4 sites proposed by the mayor and disagreed with the
5 economics of the mayor's plan, namely that five of the
6 seven sites would be leased, that the construction of
7 the five leased shelters would be paid for by the
8 District, and that after 15 to 30 years, depending
9 upon the site and the lease therefore, the leases
10 would end and the assets at that time would revert to
11 the lessors. The city having nothing for its
12 investment.

13 Further, appraisals obtained by the council
14 determined that four of the five leases ranged from
15 slightly above market to extraordinarily above market.

16 The council held a public hearing lasting almost 12
17 hours on March 17th, 2016, over 80 witnesses, over 80
18 citizens registered to testify at the hearing, and
19 subsequently members received suggestions for
20 alternative sites.

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

25 On May 17th, the council voted unanimously.

1 We're required to vote twice, and that was our first
2 vote. And both votes were unanimous, to direct the
3 mayor to change three of the sites in wards 3, 5, and
4 6, and to change the economic structure of the plan so
5 that all the sites would be owned, not leased, by the
6 city. At the same time the council appropriated \$125
7 million capital budget for the plan.

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

14 Representatives of the Langdon Park Community
15 Association identified alternative locations in a
16 March 8th letter to Mayor Bowser, and these were
17 discussed by several witnesses at the March 17th,
18 public hearing. Ultimately, council members
19 considered two locations the most preferable. One
20 called the Penn Center. The Penn Center building
21 located in Eckington at 326 R Street, and the second
22 being a former MPD precinct station located at 1700
23 Rhode Island Avenue Northeast.

24 For each, site acquisition would be easiest
25 and cheapest, since the properties are already city

1 owned and there was community support for the Rhode
2 Island site. At final reading on the legislation the
3 council dropped the Penn Center site because we
4 learned that the public library already had plans to
5 use the building as it begins renovation of the Martin
6 Luther King Jr. Library.

7 When all of the factors, all of the factors,
8 including the ones just mentioned are taken together,
9 all of the suggested locations, including the mayor's
10 proposal, were less reasonable than the 17 Rhode
11 Island Avenue Northeast site.

12 My purpose in testifying today is not to get
13 into the intricacies of the zoning relief being
14 sought, but rather to present the public policy
15 underlying the city's request before you to explain
16 the process behind our decision, and to state the
17 council's support for these sites for emergency
18 shelters. I'm happy to answer any questions.

19 CHAIRPERSON HILL: Thank you, Chairman
20 Mendelson. Does the Board have any questions for the
21 chairman?

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

23 CHAIRPERSON HILL: Mr. Miller.

24 MR. MILLER: I just wanted to thank Chairman
25 Mendelson for coming down a second time today, and for

1 your leadership on this issue, along with Mayor
2 Bowser's leadership on this issue, and on so many
3 other issues as well.

4 MR. MENDELSON: Thank you.

5 CHAIRPERSON HILL: Does anyone have any other
6 comments or questions for the chairman? All right.
7 Does the party in opposition have any questions for
8 the chairman?

9 MR. BROWN: Just one, Mr. Chairman. Chairman
10 Mendelson, your letter makes reference to a March 8th
11 letter to Mayor Bowser, identifying alternative
12 locations Did that letter identify the Penn Center
13 building and the 1700 Rhode Island Avenue Northeast
14 building as possible alternative locations?

15 MR. MENDELSON: It identified the MPD site at
16 1700 Rhode Island Avenue. I don't believe it
17 mentioned the Penn Center site.

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

19 CHAIRPERSON HILL: All right. Again, in terms
20 of process, is the ANC here? All right. And then
21 also, is there any questions that the applicant might
22 like to ask of the chairman?

23 MS. MAZO: Sure. Thank you again for being
24 here. Can you confirm that the council endorsed 1700
25 Rhode Island Avenue and found that no other reasonable

1 alternative existed in Ward 5 to meet the project's
2 programmatic needs?

3 MR. MENDELSON: Yes. That was the -- by
4 process of elimination, we felt that there was no
5 reasonable alternative to 1700, and I'm here to say
6 that the counsel supported it because that's what we
7 specified in our legislation.

8 MS. MAZO: No more questions from the
9 applicant.

10 CHAIRPERSON HILL: Okay, great. All right,
11 well Chairman Mendelson, thanks again for coming down,
12 and appreciate your testimony.

13 MR. MENDELSON: Sure. And as I said, the
14 statement, I've submitted for the record in all three
15 BZA cases, the committee reports in the two of the
16 three cases. So --

17 CHAIRPERSON HILL: Okay.

18 MR. MENDELSON: -- thank you all very much. I
19 appreciate it.

20 CHAIRPERSON HILL: Thank you. All right. Ms.
21 Mazo.

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

1 CHAIRPERSON HILL: Sure.

2 MS. MAZO: And so --

3 CHAIRPERSON HILL: If there's anyone --
4 actually, if there's anyone here who plans to give
5 testimony from here on out, and if you haven't been
6 sworn in this morning, if you would please just stand
7 and take the oath administered by the secretary?
8 Thank you.

9 MR. MOY: Wow. Good afternoon.

10 [Oath administered to the participants.]

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

12 MS. MAZO: Two other minor procedural issues.
13 The first is that the applicant in this case has
14 submitted the resumes of Ronnie McGhee, as their
15 architectural expert, and Ryan Moody as their
16 landscape architect expert at Exhibit 36C of the
17 record, and I would just appreciate the Board's
18 confirmation of acceptance of those individuals as
19 experts in those areas as identified.

20 CHAIRPERSON HILL: Yeah, I reviewed those over
21 the weekend and I didn't have any questions or
22 concerns as those people being submitted as experts.
23 Does the Board have any thoughts or questions? All
24 right.

25 MS. MAZO: And, does the opposition have any

1 questions they want to ask?

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

5 Okay, I'm sorry, you have to turn your
6 microphone on. I apologize.

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

9 CHAIRPERSON HILL: Okay. All right. Well,
10 thank you.

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

14 CHAIRPERSON HILL: Does the Board have any
15 questions or comments for this particular expert on --
16 no?

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

19 CHAIRPERSON HILL: Okay. All right. Mr.
20 Brown, do you have any concerns about his most recent
21 expert being submitted?

22 MR. BROWN: No.

23 CHAIRPERSON HILL: Okay. Thank you.

24 MS. MAZO: Two other minor issues, just wanted
25 to raise to the Board's attention because it's a very

1 full record that has been, I know, supplemented during
2 the day. But I believe at Exhibit 180 there is a
3 letter from Council Member McDuffie in support of this
4 project.

5 And then the other procedural issue that I
6 just wanted to raise with the Board and make sure that
7 there was no concern from the party in opposition is
8 that on issues that are addressed in each ward
9 uniformly, such as the guidelines, some issues in
10 regards to the legislation that aren't necessarily
11 ward specific, we would ask the Board's indulgence to
12 allow us to rely on testimony from the case 19542, and
13 to be able to refer back to that testimony in the
14 preparation of findings in fact, and in all other
15 matters going forward.

16 As it pertains to ward specific, we will be
17 providing -- we will be providing that to the Board at
18 this time. But in terms of efficiency, we don't think
19 it's worth the Board's time at this time to resubmit
20 kind of all the more general testimony as it pertains
21 to some of the more overarching issues.

22 CHAIRPERSON HILL: Yeah, Ms. Mazo, I was
23 hoping you were going to say something like that. So,
24 I also don't have any objection to that and would
25 appreciate, you know, judicial notice in that case, or

1 in those areas.

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

4 CHAIRPERSON HILL: Oh, okay.

5 MS. MAZO: I think I mis -- I transposed
6 numbers.

7 CHAIRPERSON HILL: You misspoke. Okay.

8 MS. MAZO: 19450.

9 CHAIRPERSON HILL: Mr. Brown, do you have any
10 objection?

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

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

15 All right, Ms. Mazo.

16 MS. MAZO: With that we'll start with an
17 abbreviated statement by the City Administrator and
18 move through our presentation.

19 I believe timewise, probably 45 minutes should
20 be more than sufficient in light of some of these
21 efficiencies that we're adding in to this process, so
22 if you want to give us that much time and hopefully
23 we'll be under.

24 CHAIRPERSON HILL: Okay. Under would be well
25 appreciated.

1 MS. MAZO: Us too.

2 CHAIRPERSON HILL: Thank you.

3 MR. YOUNG: Good afternoon, Chairperson Hill,
4 members of the Board of Zoning Adjustment, I am Rashad
5 Young, City Administrator.

6 I am pleased to be here today to request
7 relief for a special exception and variance from the
8 Board for the development and operation of an
9 emergency shelter in Ward 5, located at 1700 Rhode
10 Island Avenue Northeast, which will help advance the
11 shared agenda of Mayor Bowser, the Council of the
12 District of Columbia, and many District residents,
13 advocates, and stakeholders, closing D.C. General, the
14 largest family shelter in the District.

15 I'm joined today by a team of subject matter
16 experts who will each speak to their skill area.
17 Director of the Department of Human Services, Laura
18 Zeilinger, and Director of the Department of General
19 Services, Greer Gillis, the principal architect, and
20 the traffic engineer for this project will also
21 provide testimony.

22 The proposed Ward 5 shelter that is before you
23 today is on the site of a former police station and
24 will include 46 residential units, a space for on-site
25 wraparound services, and administrative offices and

1 recreational space for the children, and outdoor space
2 of the adult residents.

3 This proposal to construct a six-story
4 emergency shelter at this site is a critical element
5 of the District's eight-ward initiative to developing
6 a more effective crisis response system. We came to
7 you over the summer to seek relief for the sites in
8 Ward 4, 7, and 8, because you granted us this relief.

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

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

20 The architect, traffic engineer, and the
21 zoning attorney for the Ward 5 site, will delve into
22 the specifics on the details of the special exception
23 and variance request for this emergency shelter. As a
24 collective, we have worked to achieve minimum, if no
25 substantial detriment to the public good or zone plan,

1 while working to meet the administration's, council's,
2 and District residents' goal of creating an achievable
3 and tangible plan to close D.C. General in the
4 foreseeable future and replace it with smaller, safe,
5 and dignified short-term family housing across all 8
6 wards.

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

16 Thank you for the opportunity to speak today.
17 I will now turn to Director Zeilinger to talk about
18 the programmatic aspects of the facility, and I'm
19 happy to take any questions. Thank you.

20 MS. ZEILINGER: Good afternoon, Chairperson
21 Hill, Members of the Board of Zoning Adjustment, Laura
22 Zeilinger, Director of Department of Human Services.
23 Pleased to be here to request relief from the Board
24 for the short-term family housing program at 1700
25 Rhode Island Avenue Northeast, which is the same

1 administrator stated, will help advance our shared
2 agenda of closing D.C. General.

3 I'm here on behalf of my -- to testify on
4 behalf of the Department, as well as an expert on the
5 issue of homelessness and emergency shelter
6 programming.

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

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

22 The Ward 5 Community Advisory Team began
23 meeting in September of 2016 to ensure the community's
24 voice was represented, beginning with the design phase
25 of the emergency shelter. Each advisor team is co-

1 chaired by the ANC chair, and/or his or her designee,
2 along with a representative from the administration.

3 In Ward 5, Christy Greenwalt, who is the
4 Director of the District's Inter-agency Council on
5 Homelessness, serves as the administration co-chair.

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

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

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

1 input, pre-BZA submission presentation, final
2 designing construction timeline presentation,
3 developing good neighbor agreements.

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

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

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

22 The District and its architects have worked
23 diligently to take community feedback into
24 consideration and make additional changes to the
25 design to further integrate and harmonize the new

1 building with the surrounding neighborhood.

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

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

16 In our next milestone, with the Community
17 Advisory Team is to develop good neighbor agreements,
18 and we have talked at length about what those are. I
19 want to repeat that here. In conclusion, the
20 community engagement process in Ward 5 was similarly
21 robust and inclusive. We're excited by the
22 opportunity to translate industry standards and human
23 empowerment to practice by proposing building designs
24 that will enable D.C. to support our families and
25 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
 25 as an open solicitation, so sites were evaluated when

1 they were brought forward. All responses to the
2 solicitations were directed to DGS. Upon receipt of
3 the developer's submission the proposals, potential
4 sites were forwarded to DHS for evaluation.

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

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

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

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

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

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

23 The District has and will continue to meet
24 with members of the community through design and
25 construction that will also provide monthly updates.

1 To date, we have held over a dozen meetings which
2 include the ANC, councilmembers, district leaders, as
3 well as several stakeholders and advocacy groups. We
4 also conducted community walkthroughs to understand
5 the needs of the neighborhood as a whole.

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

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

19 Mr. McGhee.

20 MR. MCGHEE: Good evening, Chairman Hill and
21 board members, staff, and distinguished guests. My
22 name is Ryan McGhee, Principal of R. McGhee and
23 Associates Architects.

24 I know my credentials are listed in the
25 record, but I wanted to add the fact that I spent six

1 years on D.C. Historic Preservation Review Board. I
2 was on the Board of the National Trust for Historic
3 Preservation, and I was on the Board of D.C.
4 Preservation League, in addition to being listed as a
5 National Park Service Historic Architect.

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

13 So, this site is rather unique and unusual.
14 It has a -- it faces on Rhode Island Avenue. It has a
15 broad street across from 130 feet across Rhode Island
16 Avenue. The residential street is unusually broad
17 too, 90-foot right of way. The nearest house is about
18 110 feet from the front of the building, existing
19 building. There's a building -- there's another house
20 about 50 feet or 60 feet from the northern border of
21 the site. So, there are residential two-story
22 structures around it, but basically the building faces
23 an alley that has an auto structure, auto dealership
24 behind it, so there's a commercial structure behind
25 it. And across the street there are commercial

1 structures also.

2 So, the -- it sits on a mainly two and a half
3 story residential community, but actually, the
4 building itself is about 40 feet tall, about three and
5 a half stories tall. So.

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

14 The other unique element on the site, it has a
15 control building on the upper right-hand corner of the
16 site, and a 10 or 150-foot Office of Unified
17 Communication antenna for Verizon and the Office of
18 Unified Communication antenna on the site. Both of
19 which we are trying to retain on the site.

20 The only element that will be removed on the
21 site is the rear garage, the one-story garage in the
22 back. And we've coordinated our work for Historic
23 Preservation to make that -- to make that attempt.
24 The building is not a historic building. It is not in
25 an historic district. However, we're treating it with

1 National Park Service standards when we repair the
2 exterior, restore the elements on the exterior of the
3 building. Although, we are adaptively using the
4 inside, which has already been adapted, I believe, or
5 used, several times over its lifespan.

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

14 The existing building extends over the
15 property line on Rhode Island side corner of the
16 building. And as you can see, there's a -- it's a
17 deep setbacks on all the corners to the building,
18 gives the building some stature on the site, since it
19 was a community police station. So.

20 But we think the confluence of all these
21 constraints on the site create exceptional conditions
22 to create a building on the site. And we've tried to
23 accomplish that within the strict programmatic
24 requirements that DHS has given us.

25 So, to further look at the photographs of the

1 site, there are -- you can see the main building.
2 That's the building we will retain and the façade we
3 retained. You can see a little corner back there that
4 shows the rear of the building, and the antenna right
5 there on the antenna. That slides shows, also, the
6 four-story building before it was skinned. It's about
7 a 45 to 50-foot tall building, approximately. And you
8 can see the other -- let's see.

9 The next slide. Okay, the bottom slide there
10 shows the -- the bottom left-hand slide shows the
11 automobile tire dealership there. And the right
12 bottom slide shows the two-story structures that are
13 on the street across 17th Street, and adjacent to the
14 site beyond the apartment building, on the condo
15 building. So, that's the context of the site.

16 As you move around the site, photographically,
17 there is a -- see the plan? Go back one. Thank you.
18 Okay.

19 So, this is the overall site. You can see
20 there are a number of -- it's basically a residential
21 community. Our building is on the edge of the site as
22 are similar, similar other apartment buildings on the
23 site. They are all large apartment buildings in this
24 region, four and five-story buildings are facing Rhode
25 Island Avenue. The edge, or the corner of the

1 buildings face Rhode Island Avenue since Rhode Island
2 Avenue diagonally crosses east/west here.

3 So, our site is in the same position so we
4 felt that an apartment building on this corner is not
5 out of the ordinary here, and we look -- we took the
6 context, if you could show that one slide right here.

7 The building all the way down the end, closer -- put
8 it down, we can show next slide, we showed this -- all
9 the way down the corner on the left side there, that
10 building --

11 CHAIRPERSON HILL: Mr. McGhee, when you just
12 turn around, just make sure you speak into the
13 microphone.

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

15 CHAIRPERSON HILL: It's difficult to hear you.
16 Sorry.

17 MR. MCGHEE: So, the bottom left-hand of the
18 black and white plan drawings shows a building there.
19 That's a five and a half story apartment building
20 which is next to a four-story building, which is next
21 to two-story houses, which is, when I walked around
22 this site, I look at that as the context for what we'd
23 be working with in terms of putting a larger building
24 next to smaller buildings.

25 So, it seemed to comfortably fit the site.

1 It's been there for many years. There's a heavier
2 brick building and that's our community engagement
3 what people cited in our instructions from the public.
4 So, next slide.

5 All right. So, there are a number of other
6 photos of apartment buildings. You can see there are
7 brick buildings. They face Rhode Island Avenue.
8 Typically, they have fairly formal facades and entry
9 points. Our building, we felt after discussion with
10 HPO, and neighborhood, we thought that the 17th Street
11 side is the entrance to the building, would be our
12 primary residential side. Although, our main -- the
13 main façade of the existing building still would face
14 Rhode Island Avenue and we have a part of our building
15 that faces that on the flat relationship to Rhode
16 Island Avenue also. That was advised to us by HPO,
17 Historic Preservation Office. So.

18 All right. So, let's see. So, key elements
19 of our project are that we are taking the existing
20 control building. If you look at the elevations here,
21 this is a finished elevation of how the building will
22 work. It's sitting comfortably behind the three-story
23 building. It's set back from the back rear of the
24 building, and each face is pulled in as per Historic
25 Preservations observations, so that the coining on the

1 building is visible, the actual details of the
2 existing building will be visible all around the
3 building.

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

7 A sort of restive area right outside of our dining
8 hall on the first floor. So, we also, you'll see the
9 150-foot tower and its location, which is right next
10 to the existing condo, the recently built condo, and
11 will also be next to our building.

12 As part of our work, we've moved the array of
13 the -- we plan to move the array of the tower up 15
14 feet to make sure it's completely above our building,
15 so that there's no chance of any problems with the
16 safety of the building. Now, we've had a study done,
17 which can be made part of the record, I'm assuming,
18 that shows that the amount of emissions on there is
19 slight. There are no emissions on the ground level,
20 which we checked out, existing right now. So, we
21 think this is a safe location for that tower to
22 remain.

23 So, but the comments made in the public about
24 the generators and all the equipment on top of the
25 one-story building, we're going to take all of that

1 off that one-story building, install that in the
2 basement of our structure, so that all that will be
3 left is that one story brick structure that's on the
4 site, and our building will actually cover that, so
5 when you walk up to the site as finished product, all
6 you will see is our building, the existing building,
7 and the antenna. You won't see any of the one-story
8 building on the site. Access will be to our building
9 on the alley side.

10 So, our building also is required to be LEED
11 Gold. So, that also relates to what can be produced
12 in terms of fumes from the building, the light, the
13 dark sky aspect of the building has to be controlled
14 so that we're trying to be a good neighbor to the
15 community in all aspects, and LEED Gold will require
16 us to do a lot of work in terms of storm water
17 management, and also making this building have as
18 light a footprint energy wise and physically to the
19 neighbors and the neighborhood.

20 So, our building will have no access from
21 Rhode Island Avenue so that any interior work, as you
22 see in the courtyard there, probably the bottom right-
23 hand corner, there's a courtyard there, but that's
24 really for children to play in, for seating, so that
25 they can come out and play. There will be a fence

1 there that separates them from the community, so
2 they'll go back inside the building and come out on
3 17th Street. So, there's really no access and egress
4 on to Rhode Island Avenue from the interior of the
5 building. So, the idea is that, again, presenting a
6 face to the community that will be a controlled fence,
7 and we've gone through extensive discussions with the
8 community about what type of fence and edge of the
9 building should be there.

10 Also, we have our loading from the alley in
11 the rear, which is where the loading for the police
12 station also was. It runs from Rhode Island Avenue,
13 all the way through the site, and ends up on Hamlin
14 Street. In our building, it is actually 18 or 19 feet
15 wide, and it narrows down to 12 feet when it gets to
16 Hamlin, so we have three parking spaces and one
17 loading area. Not a formal loading berth. But we
18 feel that trucks can -- the vans can come in and pull
19 in and pull out with reasonable ease, and continue on
20 their way our Hamlin or Rhode Island, depending on how
21 they ingress.

22 We also have, we think that in our design
23 efforts, which we'll go over the plans in a minute,
24 the idea of creating the edges to the site that are
25 controlled landscape wise, which our landscape

1 architect will talk to in more detail, is the idea of
2 giving the building a buffer to the surrounding site.

3 So, it is set back significantly from the sidewalk
4 area. And we're going to restore that sidewalk and
5 put planting and new trees back on the site, which
6 again, we'll discuss in a minute.

7 But, if you can go to the -- do they see that?

8 That's the landscape design, which we'll discuss in
9 more detail. But the plans, this is the existing plan
10 and the new basement. So, what happens is, there's a
11 full basement in the existing building, which we'll
12 utilize for most of our mechanical equipment. We're
13 going to add a small basement under the new building
14 that also will contain the equipment needed to run the
15 antenna tower. So.

16 Our loading on the first floor will be from
17 the alley on the right side of there. You can see
18 that, and our trash comes out in a trash chute right
19 near that so it doesn't pass through the building.
20 Our main entry to the building puts our services, our
21 wrap-around services on the first floor as required by
22 DHS. So, there are no -- there's no housing, there's
23 no residential units on the first floor.

24 The green, it will stay. So, our green space
25 there, we have green space facing the 17th Street

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1 side, and the Rhode Island Avenue side, and so we
2 tried to maximize the amount of green space. So, part
3 of our building overhangs these areas. So, our lot
4 occupancy is actually higher because we overhang these
5 areas. But on the ground plan we've created
6 additional green space. So, we're trying to reduce
7 any adverse effects the building might have on the
8 community. But our program requires us to have some
9 specific requirements.

10 So, we have a monitoring station has to see
11 every unit, every door opening on the floor at all
12 times. So, this gentleman has to be able to see
13 through the interior of the space. So, all the red
14 areas you see are basically going to have edges and
15 glass. So, if he's sitting there in the monitoring
16 space, he can look forward or backward and see the
17 whole space inside the building. So, that it creates
18 a larger interior court. A typical apartment building
19 might have a double-loaded corridor, single -- six or
20 eight-foot corridor, with the units on both sides.

21 In this case, that's not possible because we
22 have to have this interior series of elements and
23 amenities on each floor. So, each floor has a study
24 area, has a commons, has laundry areas and other
25 common spaces that allow the resident to feel a sense

1 of community and sense of safety and get to know the
2 other residents on the site.

3 So, each floor is sort of restricted in travel
4 once you go to the 7th floor, you're not -- the 6th
5 floor. You're not allowed to go to the next floor.
6 You had to -- you have to go down to the first floor.

7 So, the idea is to create the sense of community but
8 also not have -- you have strangers on each floor.
9 So, I did -- this creates some significant issues for
10 plan layout.

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

17 You want to look at the shading studies? Or,
18 actually, we can look at the -- the one other -- the
19 elevations. The elevations are brick and glass, and
20 they're actually metal frame glass. The ground floor
21 is going to be glass where we have a dining area and
22 have some staff and service and office areas.

23 The upper floor is a mansard standing-seam
24 roof, which was, the community asked for us to kind of
25 install on the site, based on some other buildings

1 around the site. We have that small mansard on top of
2 the roof. But you can notice in the sections -- so
3 the sections -- one of the practical difficulties on
4 the site is that the existing building is three-feet
5 above grade. And the first floor is 13 foot, the
6 second floor is 12 foot, and the next floor is 11
7 foot. So, we, in matching those floor heights, it
8 pushes our building taller. We don't have the girth
9 inside to have ramps and other elements inside, so
10 we're trying to comfortably match the existing
11 building's heights, maintain the floorplate, not do
12 major demolition on the site, which allows us to meet
13 the Historic Preservation guidelines.

14 All right. So, one of them, we have a green
15 area ratio of 30 percent. We meet that by about 800
16 square feet of pervious area on the ground floor, and
17 3,000 square feet of green roof. So, we do meet the
18 green area ratio. So, any other issues?

19 All right. So, I think I'll turn it over
20 to --

21 Okay. That's the shades. I forgot, the
22 shading studies. Okay, the shading studies.

23 Now, the shading studies, we did extensive
24 shading studies of this building. I think the biggest
25 test of this building is not the shadows that it

1 creates itself, but the shadows that a matter-of-right
2 building might create if built on the site. And so,
3 we have the existing -- in your package, you might see
4 the existing building shadows, which do produce some
5 significant shadows as a 30 plus foot tall building,
6 40-foot tall building. But as you see, the matter-of-
7 right building also casts shadows on almost all the
8 same locations as our building. And the extent of the
9 shadows are almost the same. So, we don't think that
10 the shadows created by our building are significantly
11 different than a matter-of-right structure would
12 cause.

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

18 Now, our building actually creates a few more
19 opportunities for sunlight to reach that courtyard and
20 that building. However, the idea is that the matter-
21 of-right structure as shown, just basically creates
22 the same shadow on that building as our building does.
23 So.

24 [Discussion off the record.]

25 MR. MCGHEE: Right. So, our shadow studies,

1 without going through every one, is all four different
2 times of the year, different times, three times, three
3 different times of each day. So, the typical greater
4 shadows are in early morning, and again the matter-of-
5 right building would create similar shadows.

6 So, I think Ryan can talk more about the
7 landscape design and how we tried to integrate the
8 building better into the community and take Moody
9 Graham.

10 MR. MOODY: Good afternoon, Chairperson Hill
11 and members of the Board. I appreciate the
12 opportunity to speak about the landscape today for a
13 few minutes, and answer any questions at the end of
14 the presentation.

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

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

1 and the intimate courtyards of the family shelter.

2 By removing existing overgrown shrubs and the
3 chain-link fence along Rhode Island Avenue Northeast,
4 the plan will open views to the existing building and
5 allow for pedestrian friendly gardens adjacent to the
6 public sidewalk.

7 A new lawn will define the area in front and
8 to the west side of the historic building, and further
9 emphasize the front façade of the existing structure.

10 Since the building will largely be experienced at the
11 landscape level by pedestrians and vehicles, we see an
12 opportunity to improve the existing conditions and
13 build something of value to the many who pass by on
14 Rhode Island Avenue.

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

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1 families.

2 Two large trees have significant prominence on
3 the site. A large oak tree on 17th Street and a large
4 spruce tree near the corner of Rhode Island Avenue and
5 17th Street are both valuable assets to the project
6 and will be protected. Opportunities to plant street
7 trees at multiple locations around the site can
8 further enhance the site canopy.

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

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

1 the existing architecture to the north.

2 So, the orange areas here are a current public
3 space areas that we are proposing new perineal
4 planting with low trees and shrubs. So, once again,
5 as a pedestrian walking by on Rhode Island or entering
6 the building on 17th Street, walking past a garden,
7 walking through a garden to come to your home.

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

15 We should note that there is a curb cut along
16 17th Street, highlighted in yellow in this slide
17 that's going to be closed.

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

1 building and looking out on to a garden space.

2 So, I appreciate the opportunity to answer any
3 questions the Board might have at the end of the
4 presentation.

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

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

24 The nearest Capital Bikeshare station is one
25 block away, just south of the intersection of Rhode

1 Island Avenue and 18th Street. There are also car
2 sharing opportunities nearby, and walk score gives the
3 location a designation as very walkable. There's good
4 transit, it's bikeable. There's access to several
5 transportation options and services are available on
6 foot or on bike.

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

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

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

25 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
25 within a block of the site.

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

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

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

20 To address any concerns about truck activity,
21 a loading management plan was developed and the plan
22 will appoint a member of staff to coordinate all the
23 loading activities. I appreciate you listening to my
24 testimony and I'd be happy to answer your questions.

25 I will now just take the remainder of our time

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

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

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

24 The *Monaco* decision has been adopted, of
25 course, by other cases at the Court of Appeals,

1 National Black Child Development Institute is one of
2 them, as well as *Drowd v. BZA*.

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

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

23 HPO has directed that a significant portion of
24 the site -- of the existing structure be retained,
25 despite the fact that it is not in a historic district

1 and is not landmarked. So, there is a historicity
2 aspect applied to this particular property.

3 Also in addition, there is the existing 150-
4 foot tall communications antenna, and an approximately
5 360-foot equipment building that cannot be removed.
6 And adding on top of that, as is directed by the Court
7 in the *Monaco* case, we also have the emergency shelter
8 programmatic needs. These do combine to create an
9 exceptional situation or condition as determined by
10 the Office of Planning.

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

15 Retention of the former police building and the
16 antenna also creates a practical difficulty to the
17 extent that it has -- there are already structures on
18 the building that have to be retained, and the
19 inability to construct over the police station is a
20 clear practical difficulty that results directly from
21 the exceptional conditions on the property.

22 Also, as well as has been discussed by
23 Director Zeilinger and many others, there are specific
24 programmatic guidelines. One of which of course is
25 the legislation that requires up to 50 units on this

1 particular site, that the number of units on each
2 floor is approximate 10, and that there must be space
3 dedicated to on-site wrap-around services, as well as
4 other space dedicated to private and to semi-private
5 bathrooms.

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

13 The height and the bulk of the project is
14 similar to other apartment houses along Rhode Island
15 Avenue as Mr. McGhee explained, and it will not cause
16 a substantially adverse impact to light or air on the
17 adjacent uses.

18 Also, it's important to note that most of the
19 project's height and bulk will be set back from the
20 17th Street residences, due to the existence and the
21 continued height of the former police station.

22 Next, the special exception standards.
23 Clearly the Board is well aware of those, and the fact
24 that the Courts have found that special exception
25 relief is presumed to be appropriate, reasonable, and

1 compatible with other uses in the same zoning class
2 certification provided the specific requirements for
3 the relief are met, as is here. Harmonious with the
4 purpose and intent of the zoning regulations. And one
5 thing, of course, to note is that this property is
6 indeed and satisfies the emergency shelter use
7 requirement as has been testified to by Director
8 Zeilinger. Accordingly, the use and this particular
9 size is permitted by approval of a special exception.

10 In addition, obviously, it helps to make the
11 District's goal of making homelessness rare, brief,
12 and nonrecurring. Lot occupancy court and rear yard
13 are all permitted as special exceptions because
14 they're in furtherance of the comprehensive goal, the
15 Comprehensive Plan's goals, and additional -- one
16 thing also to note is that additional density and lot
17 occupancy would be permitted on the project. It was
18 built as an apartment house with Inclusionary Zoning
19 units in the MU-4.

20 There's also no adverse effects on neighbors,
21 as has been discussed, that the project itself has
22 been designed with the community well in mind.
23 There's been a significant community outreach, and in
24 retaining portions of the historic structure, that
25 also helps to preserve the light and air that's

1 available to the residences along 17th Street. And as
2 to the newly constructed matter-of-right 40, almost
3 50-foot building to the rear of the condo building,
4 our sun studies have demonstrated that any matter-of-
5 right structure on our property, and indeed most
6 likely the existing structure would cast shade on that
7 structure.

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

10 MS. MOLDENHAUER: Just to add one legal point.
11 We understand that opposition is arguing that the
12 city's prior notice that there would be need for
13 zoning relief in this case, would be somehow a bar
14 should be considered as a factor. Even if it is
15 considered as a factor, I just point the Board to the
16 *Association to Preserve the 1700 Block of N Street, v.*
17 *the Board of Zoning Adjustment*, which is a Court of
18 Appeals case. That was a case where the YMCA, another
19 public service type of use, was acquiring property at
20 the corner of 1700 and N Street in Southern DuPont
21 Circle area, where they knew at the time that they
22 purchased the building that they would most likely
23 need relief for the programmatic and institutional
24 needs of a swimming pool.

25 And so, they were asking for parking relief

1 because they needed to provide that on their site. I
2 would say that that is a similar analogy here, and
3 that obviously this is an -- there was no acquisition
4 on in regards to Decarte, in regards to the City did
5 not acquire the site. The site has been in the city's
6 inventory, and that there is a programmatic
7 requirement for them to modify this site so that it
8 can be utilized for the goals, as you've articulated
9 on the record. Thank you.

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

15 So, Mr. Brown, if you -- yeah, the opposition,
16 sorry. Mr. Brown. I'll get the name right. Yeah.
17 Did I say -- the opposition, sorry. I don't -- in any
18 case, Mr. Brown, if you could go ahead.

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

22 MR. BROWN: Less time than they took.

23 CHAIRPERSON HILL: Okay. Well, I mean, you're
24 going to have 45 minutes also during your time to
25 present. So, I'll go ahead and put 15 minutes up

1 there. Is that okay?

2 MR. BROWN: All right.

3 CHAIRPERSON HILL: All right. I lost my
4 secretary, so I'm going to keep track myself. Okay.
5 Go ahead.

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

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

15 MR. BROWN: I have the set that was submitted
16 as part of the applicant's response to our prehearing
17 statement on February 27th, I believe.

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

21 MR. BROWN: Is there an earlier set in the
22 record?

23 MR. MCGHEE: I think there is an earlier set
24 in the record. I think it had a couple of the -- it
25 had an error in one of the shadows and one of the

1 dates, I think, so we replaced it.

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

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

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

9 MR. BROWN: I'm talking about -- well, June
10 22nd will be fine.

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

12 MR. BROWN: There are three pages for June
13 22nd. Existing sun study, matter-of-right sun study,
14 and proposed building sun study. Are you with me?

15 MR. MCGHEE: Yes.

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

21 MR. MCGHEE: Yes.

22 MR. BROWN: Turning back to the matter-of-
23 right sun study, we see an aerial photograph of a
24 proposed matter-of-right building that appears to me
25 to look at least from the air, to be essentially the

1 same footprint as the proposed building. Is that
2 correct?

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

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

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

10 MR. BROWN: Yes.

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

14 MR. BROWN: Listen carefully to my question,
15 Mr. McGhee. The question is, is it the same footprint
16 as on the --

17 MR. MCGHEE: No, it is not.

18 MR. BROWN: What is the difference in the
19 footprint?

20 MR. MCGHEE: It is not matching our footprint
21 exactly. It's just, again, the mass of the square
22 footage that was in the building that we've proposed,
23 but at 50 feet, at 50 feet tall. So, we did not match
24 the square foot -- the actual footprint. It is the
25 height, though, and the face -- it faces 17th Street

1 with the same width.

2 MR. BROWN: I understand, but is there any
3 significant difference in the size of the footprint
4 between the two?

5 MR. MCGHEE: I think we put the -- it's a
6 little wider, takes up a little bit -- the court is a
7 little smaller on the Rhode Island Avenue side because
8 they've got the square footage in there to match it
9 up. It's a little bit fatter building, basically, at
10 the ground plane.

11 MR. BROWN: The lot occupancy that is proposed
12 for the building is 73 percent. And that's what the
13 zoning -- the self-certified zoning request is for.
14 What is the lot occupancy of this matter-of-right
15 building?

16 MR. MCGHEE: I don't have that offhand. I'd
17 have to look that up.

18 MR. BROWN: Would you say it's very close to
19 73 percent?

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

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

1 MR. MCGHEE: Yes.

2 MR. BROWN: So, there's nothing matter-of-
3 right about the lot occupancy of your proposed matter-
4 of-right building, is there?

5 MR. MCGHEE: Well, the idea was to create a
6 sun study, not necessarily match all the other matter-
7 of-right issues. For example, the parking so on and
8 so forth. We didn't make a building that was small
9 enough to have the number of parking spaces, so on and
10 so forth. We wanted to get the mass of the building
11 to show how the sun would move in a matter-of-right
12 building, with some of the zoning relief that we would
13 need to make a building that size. So.

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

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

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

23 MR. MCGHEE: Well, what we tried to do was
24 create a building that had the same width along 17th
25 Street and the same width along the northern border,

1 so that the shadow could be studied in the same
2 context.

3 MR. BROWN: I'm asking you to answer my
4 question.

5 MS. MAZO: Mr. Brown, I mean, we know exactly
6 where you're going and what you're doing with the
7 record here, and so if there is a question, which I
8 can't say whether there is or there isn't, about in
9 regards to the matter-of-right massing that we are
10 providing here, then as part of the information that
11 we will provide to the Board, we can, if the Board
12 requests, we can provide a matter-of-right sun study
13 that --

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

16 So, the massing, again, the matter-of-right is
17 what is being discussed. So, the subject here is that
18 Mr. McGhee, your massing is not correct. Is that fair
19 to say?

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

21 CHAIRPERSON HILL: It is not a matter-of-right
22 massing, but you were saying that it was a matter-of-
23 right in order for us to compare the two together.
24 So, yes, I would like to -- Ms. Mazo, and I'm
25 listening to your point, Mr. Brown, and we are all

1 listening to your point. And something that you're
2 now, again, clarifying, Mr. McGhee, I suppose, is that
3 the -- well, nonetheless, we would like to see what
4 the massing is of the matter-of-right in regards to
5 the sun study.

6 MR. MCGHEE: In terms of meeting all of the
7 zoning requirements without relief?

8 CHAIRPERSON HILL: Yes. The matter-of-right
9 requirements.

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

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

14 MR. MCGHEE: Just the massing.

15 CHAIRPERSON HILL: Just for the sun -- the sun
16 shadow study.

17 MR. MCGHEE: We can do it.

18 CHAIRPERSON HILL: Mr. Brown?

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

22 MR. MCGHEE: Yes.

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

1 MR. MCGHEE: Yes.

2 MR. BROWN: Were you there when the matter was
3 presented?

4 MR. MCGHEE: Yes.

5 MR. BROWN: Just using your own words, how
6 would you describe how well your project was received
7 there?

8 MR. MCGHEE: Well, the Commission of Fine Arts
9 has their opinion and they actually did not take into
10 account our programmatic issues. So, they basically
11 wanted the massing to be pushed against the property
12 line, against the apartment building, and they wanted
13 it to have a single loaded corridor, like a typical
14 apartment building. And they also wanted us to take
15 public space for more green area. And so, their view
16 of it is not one that we may be able to execute.

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

20 MS. GILLIS: And I just would like to add, in
21 harmony with what Mr. McGhee said, CFA, their
22 recommendations are just that. They come to us in an
23 advisory role. The mayor can receive recommendations
24 and then from CFA and again, with regards to DCRA,
25 they can use CFA recommendations and comments in their

1 discretion and determination. And that's how we also
2 will look at them as well.

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

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

11 MR. BROWN: The rest of my questions are for
12 Ms. Gillis.

13 Ms. Gillis, I'm seeing this information about
14 proposals received regarding Ward 5 in your testimony
15 dated March 1st for the first time this afternoon.
16 This information was not included in any prior
17 submissions, was it?

18 MS. GILLIS: Yes, it should be part of the
19 public record, sir. We wanted to make sure that we
20 had this information in the testimony because of the
21 site and because of the -- especially the sites that
22 the council member had provided.

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

25 CHAIRPERSON HILL: Hold on one second, Mr.

1 Brown. I'm going to try to find out what you're
2 talking about.

3 All right, Mr. Brown.

4 MR. BROWN: Ms. Gillis, page 3 of your
5 testimony in the middle, it says, "In a letter from
6 the councilman, the community submitted a list of nine
7 sites they believed viable options for the Ward 5
8 emergency shelter location."

9 What councilman are you referring to?

10 MS. GILLIS: Councilman for Ward 5, Kenyan
11 McDuffie.

12 MR. BROWN: And, what is the date of the
13 letter?

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

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

18 CHAIRPERSON HILL: And sorry, Mr. Brown, I am
19 just kind of -- I'm trying to follow along again. So,
20 again, this is how the sites have been selected again,
21 correct? And your connection with this to the zoning
22 is what again, please?

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

25 CHAIRPERSON HILL: So, that's your argument.

1 That's what you're directing us to?

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

5 MS. MOLDENHAUER: No, the testimonies in the
6 record is response to some of the arguments that
7 opposition has made. We believe that the zoning
8 standard speaks for itself in regards to what the
9 Board has to evaluate.

10 MR. BROWN: Anyhow, do you have an answer to
11 my question?

12 CHAIRPERSON HILL: When the letter was
13 submitted. Is that what the question was again?

14 MR. BROWN: When the letter was submitted and
15 from whom.

16 MS. GILLIS: The letter was from Council
17 Member McDuffie. We don't have an answer at this
18 time. My team is still looking for the actual date of
19 the letter.

20 CHAIRPERSON HILL: Okay. We'll get back to
21 you, Mr. Brown.

22 MR. BROWN: Yes, I would request a copy of the
23 letter be provided to the opposition in this case,
24 since they're making representations about the letter
25 in this document rather than providing the letter

1 itself.

2 MS. GILLIS: So, I will add, it is in public
3 record. This was a part of the deliberations that
4 occurred with the counsel, and also as a part of the
5 determination from the council when they made their
6 selection and their choice for the location at 1700
7 Rhode Island Avenue. So, this isn't new information,
8 but again, we wanted to make sure that we presented it
9 just because it was something of concern to the party
10 in opposition.

11 CHAIRPERSON HILL: Okay.

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

17 MR. BROWN: I think the best evidence of what
18 transpired is the letter itself, rather than testimony
19 about the letter.

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

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

1 more questions.

2 CHAIRPERSON HILL: Okay. Sorry, go on.

3 MS. MAZO: Sorry. To be clear, these lists
4 were all in the public record as in -- as is that
5 letter that was discussed, also in the public record.
6 So, it's --

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

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

10 CHAIRPERSON HILL: Okay. Thank you for
11 clarifying that for us.

12 Ms. Greer. Now, I'm so tired now. Director
13 Greer.

14 MS. GILLIS: That's okay.

15 CHAIRPERSON HILL: Gillis. Director Gillis,
16 if you would submit the letter, please, for the
17 record, that would be helpful. Thank you.

18 MS. GILLIS: Will do.

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

1 MS. BROWN-ROBERTS: Good evening, Mr. Chairman
2 and members of the BZA. For the record, I'm Maxine
3 Brown-Roberts from the Office of Planning.

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

12 CHAIRPERSON HILL: Does the Board have any
13 questions of the Office of Planning?

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

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

18 CHAIRPERSON HILL: All right. Does anyone
19 have any questions for DDOT?

20 [No audible response.]

21 Does the opposition have any questions for the
22 Office of Planning or DDOT?

23 MR. BROWN: Yes.

24 CHAIRPERSON HILL: Okay, please.

25 MR. BROWN: One question for you, Ms. Maxine

1 Brown-Roberts. Was there any certification of the
2 zoning relief in this case by the Zoning
3 Administrator, or was it self-certification only?

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

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

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

11 MR. BROWN: I understand.

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

14 MR. BROWN: I understand. Thank you.

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

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

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

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

24 CHAIRPERSON HILL: Okay, this is self-
25 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
25 25, can Office of Planning confirm that there is no

1 search requirement in order for the Board to find that
2 there's no reasonable alternative?

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

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

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

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

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

1 MS. BROWN-ROBERTS: I agree.

2 MS. MAZO: I have no more questions for the
3 Office of Planning.

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

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

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

18 MS. MOLDENHAUER: Seventy-five percent would
19 have been permitted.

20 CHAIRPERSON HILL: Sure. Thank you.

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

22 CHAIRPERSON HILL: You can --

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

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

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

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

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

21 So, we stayed as close to our design
22 requirements as we possibly could, but did go over by
23 one unit.

24 MS. GILLIS: I would also --

25 MS. ZEILINGER: And we also, we could not make

1 it any smaller. We already had our initial site in
2 Ward 5, we were able to fit 50 units. Because of the
3 constraints of this site we had to come down to 46,
4 and so we really couldn't make it any smaller and meet
5 our goal of closing D.C. General.

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

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

18 MR. MCGHEE: No, it has no designation at all.
19 It has no landmark status. It is eligible as one of
20 D.C. Government's buildings. So, it has the age and
21 stature, but has not been listed or even -- very
22 little information about the building at this point.

23 So, the idea is that by regulation we treat it
24 as eligible and treat it with the same level of
25 protection.

1 MR. HART: I understand that. I just was, I
2 was trying to understand where it was in the scheme of
3 things. Thank you.

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

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

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

19 MS. ZEILINGER: Okay. Because she's here
20 and --

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

23 Okay. So then, does anyone else have some
24 more questions, Commissioner Miller?

25 MR. MILLER: Thank you, Mr. Chairman, and

1 thank you for your presentation and persistence today.

2 Everybody's persistence and patience.

3 So, going back to Director Gillis's testimony,
4 which Mr. Brown referred to page 3, which had the
5 evaluation of the different sites, so for -- and the
6 nine sites are referenced, that Council Member
7 McDuffie had submitted. And under, when you get to
8 1700 Rhode Island, the reason for selection,
9 rejection, I guess by the executive, was that -- it's
10 listed as the size of the site. Quote, "The size of
11 the site will not," I guess it's missing a word,
12 "Allow it to produce the required number of units and
13 accommodate the Hoya Clinic. Site is still being
14 considered for other district uses."

15 So, can you just clarify? Is that referring
16 to the fact that you only could get to 46 with new
17 construction, or was it just referring to the existing
18 building that was there? That obviously wouldn't
19 accommodate anywhere near the number of -- can you
20 just clarify that statement in this evaluation? It
21 may be a matter of timing.

22 MS. GILLIS: Sure. Thank you. This was a
23 result of the preliminary assessment that was done on
24 the site when it was first brought to our attention.
25 We looked at the size of the site preliminarily.

1 Plus, also, we also looked at what the site was being
2 occupied for at that time, when we first got this
3 letter. It was occupied by a previous district
4 government agency at the time. So, that was included
5 in the site still being considered for other District
6 uses. It wasn't until afterwards it was mandated in
7 the legislation, the counsel legislation, that we
8 decided to go in and do the full search, the full
9 assessment, and then actually do the design, get an
10 architect on board to help us to see how we can make
11 better use of the site.

12 I also want to add, while I have an
13 opportunity for the clarification, that this
14 information is listed on the D.C. Website.

15 MR. MILLER: Thank you for that answer. Going
16 back and going back to Council Member McDuffie, he has
17 been noted previously, I think by the Chairman or
18 others, he did submit a letter dated today in support
19 of the project. He did note two issues, continuing
20 issues of concern to his constituents, which he asked
21 the Board to see what we could do to further mitigate.
22 And one was the 70-foot height. And maybe the --
23 maybe Mr. McGhee could just reiterate briefly how the
24 height is being mitigated due to the location, it's
25 location, or its distance from the single-family homes

1 across 17th Street, or what you've already done or
2 could be done further to, if anything, to mitigate the
3 height.

4 I guess the existing building that's on that
5 side, on the 17th Street side, is block -- is
6 already --

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

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

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

21 MR. MILLER: And the other issue that Council
22 Member McDuffie's letter raised as a number of, I
23 guess public benefits that he says he's raised with
24 the executive. Some of -- I don't know if you've seen
25 it because it's only dated today, but he says he's

1 raised them with you or there's Rhode Island Avenue
2 streetscape improvements, including new sidewalks, new
3 paving and trees, additional -- I'm losing my battery
4 here. Additional programming and hours at the Langdon
5 Park Community Center and library, Woodbridge Library,
6 both within three blocks of the proposed facility, and
7 a number of other things. If you could just address
8 that?

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

14 Having said that, we have walked the community
15 with community members and our team to look at what
16 the issues are, and so while we're not presenting a
17 community benefits package in a formal way as the
18 council member has suggested and requested, what we
19 have said to the community is those things, as we walk
20 many neighborhoods across all wards of the city on a
21 regular basis that have nothing to do with the
22 development, those issues that we can support them on
23 and mitigate, we will try to do that.

24 And so, some of these issues around
25 streetscape and sidewalks are things that we have to

1 consider in the context of our capital budget for the
2 entire city. But we are willing to try to look at
3 those and look at the other programmatic requests that
4 they have in the context of his, the council member's,
5 request for his ward, and certainly what we receive
6 from many neighborhoods as to services.

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

9 CHAIRPERSON HILL: All right. Great. Thank
10 you, Commissioner Miller. Does anyone have any more
11 questions for the applicant or the party in
12 opposition? No?

13 All right. Then what I'm going to do is ask
14 if there is anyone here wishing to speak in support of
15 the application.

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

20 [Pause.]

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

23 And then, did I understand that the ANC is
24 here? Is --

25 MR. CASSIDY: [Speaking off microphone.]

1 CHAIRPERSON HILL: Okay. That's okay. I'm
2 sorry. I'm sorry. You'd have to speak into the
3 microphone anyway. But --

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

6 CHAIRPERSON HILL: Give me one second. Give
7 me one second. Give me one second.

8 MR. CASSIDY: [Speaking off microphone.]

9 CHAIRPERSON HILL: You can just push the
10 microphone.

11 MR. CASSIDY: Yeah. I was present at the ANC
12 meeting.

13 CHAIRPERSON HILL: Uh-huh.

14 MR. CASSIDY: The Commissioner --

15 CHAIRPERSON HILL: No, that's okay. Please
16 identify yourself and --

17 MR. CASSIDY: Joseph Cassidy.

18 CHAIRPERSON HILL: Okay.

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

20 CHAIRPERSON HILL: Okay.

21 MR. CASSIDY: For the last 14 years.

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

25 MR. CASSIDY: Well, I'll be a witness in the

1 opposition.

2 CHAIRPERSON HILL: Oh, I see. You're going to
3 be a witness. Oh, in the opposition. Okay. All
4 right.

5 MR. CASSIDY: But I was present at the ANC
6 meeting.

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

9 MR. CASSIDY: Thank you.

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

13 All right. If you could please just identify
14 yourselves from my left to right?

15 MR. MAKEMBE: Hi. Henry Makembe, ANC
16 Commissioner, SMD --

17 CHAIRPERSON HILL: Could you say your last
18 name again, sir?

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

20 CHAIRPERSON HILL: And you're the SMD?

21 MR. MAKEMBE: Yes.

22 CHAIRPERSON HILL: Okay.

23 MR. MAKEMBE: 5B-03.

24 CHAIRPERSON HILL: Okay. Oh, you have to push
25 the button.

1 MS. HARDING: Amber Harding.

2 MS COVENTRY: Kate Coventry (phonetic).

3 CHAIRPERSON HILL: Okay. All right. I don't
4 know if -- now see, you all haven't been sworn -- I
5 think you have been sworn in but -- oh, no? Really?
6 Oh.

7 MS. HARDING: Swore me in last time.

8 CHAIRPERSON HILL: Okay.

9 MS. HARDING: It was a little chaotic.

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

12 If you all could just stand and take the oath
13 from the secretary?

14 [Oath administered to the participants.]

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

18 MR. MAKEMBE: Both.

19 CHAIRPERSON HILL: Okay.

20 [Commotion in audience.]

21 CHAIRPERSON HILL: Okay. All right. Okay.
22 Everybody -- all right. So, you're not here -- excuse
23 me. All right.

24 So, I'm going to go ahead and give you three
25 minutes. Okay? And everyone will get three minutes.

1 There's just three of you. Okay? All right. Please
2 go ahead.

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

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

9 First, as a resident of the District I applaud
10 the government's effort to construct short-term
11 housing for families that lack proper shelter. As a
12 resident of Brookland, living three and a half block
13 away from the proposed shelter at 1700 -- 1700 Rhode
14 Island Avenue Northeast, I support the construction of
15 the facility and encourage the Board to grant the
16 special exceptions necessary to move this project
17 forward.

18 My family and I are lucky enough to live in
19 Brookland, but I know that this is not an opportunity
20 available to everyone in our city. As a father of two
21 kids, my wife and I are extremely fortunate to be able
22 to provide a home for them to sleep, grow, and just be
23 kids. While my wife and I are in a position to
24 provide a comfortable life for our children, I believe
25 that it is incumbent upon the entire community to

1 ensure that all city youth have the basic needs met.

2 While I am aware of the concerns raised
3 regarding the heights and the density of the proposed
4 building, I do not believe that either of them are out
5 of line with the existing neighborhood, with existing
6 plan buildings and along Rhode Island Corridor.

7 I believe that more density on Rhode Island
8 Avenue will help stimulate growth which could benefit
9 all members of the community. I believe that
10 Brookland, Woodridge, and the Landgon Park
11 neighborhoods are family oriented communities well
12 suited for families in search of stability.

13 Similar to my predecessor, in tandem with this
14 project, I hope to see an increased district support
15 for general improvement to the Rhode Island Avenue
16 corridor as called for in the Comprehensive Plan. The
17 area greatly needs increased streetscape and
18 pedestrian safety improvement, job training programs,
19 and economic development initiatives.

20 Now, I would like to take a few -- I would
21 like to share a few additional thoughts in my capacity
22 as ANC Commissioner for 5B-03. Prior to my election
23 as ANC commissioner I was invited to join the
24 Neighborhood Advisory Team by my predecessor. Since
25 my selection, I have taken over as co-chair for the

1 advisory team. And since my election is November I've
2 held two single-member Districts meeting, invited DGS,
3 DHS, and their zoning attorney to prevent -- to
4 present once to the full ANC body meeting. I helped
5 coordinate a walking tour and have canvassed the area
6 around the site three times, personally.

7 Through my conversations with my neighbors,
8 I've identified three distinct view of the proposed
9 site. The first view is that of neighbors that would
10 completely welcome the proposed site as-is, allowing
11 all variances. The second view is that of neighbors
12 that would welcome the housing facility at the
13 location, but have concerns and reservation about some
14 aspects of the design.

15 Most of the reservations on the height of the
16 building and parking, especially given the fact that
17 there are a number of elderly neighbors residing
18 directly across from the proposed location.

19 The last view is that of neighbors who do not
20 want the proposed location at all, regardless of the
21 view that they all told about the design, the vast
22 majority of the neighborhood believes that the site
23 selection process was flawed. And even if they are in
24 favor of the ultimate outcome. So, everybody in the
25 neighborhood basically observed that the site

1 selection process was flawed.

2 Since, however, since the initial site
3 selection, DGS and DHS have gone to great length to
4 solicit community feedback. I believe that many of
5 the concerns around parking can be addressed through a
6 detailed neighborhood agreement, and as such, as ANC
7 commissioner, I would recommend that the BZA grant the
8 special exemptions necessary to move the project
9 forward, with the exception of the one regarding the
10 building height. So, of all the variances, as the
11 Commissioner, I would recommend moving forward with
12 all of them, except the one with the height.

13 I would like to finish by saying that
14 Brookland is a welcoming and diverse community that
15 can and should strongly support neighbors that are
16 experiencing difficult times. Construction of this
17 shelter is an important step in the ongoing effort to
18 providing the city's children and underserved family
19 with opportunities to achieve a better life. Thank
20 you.

21 CHAIRPERSON HILL: Okay. Thank you. And I
22 let you go until five minutes, again, because as a
23 member of the ANC you do get five minutes of time.
24 So, all right. If you could go ahead. Give me three
25 minutes here, please, on the clock, Mr. Moy. You can

1 go ahead, sorry. Oh, sure.

2 MS. HARDING: Thank you. I'm testifying on
3 behalf of the Washington Legal Clinic for the
4 Homeless, as well as in my personal capacity as a Ward
5 5 resident. And I'm testifying in support of this
6 application.

7 Since 1986, the Legal Clinic has provided free
8 comprehensive legal services to homeless or nearly
9 homeless D.C. residents. We do not take government
10 money.

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

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

23 With no clear end to our affordable housing
24 crisis and with over 600 families currently in motels,
25 we cannot close D.C. General unless we have

1 replacement shelters ready to go.

2 When the first Ward 5 site was proposed, we
3 opposed it. We did that not because the neighbors
4 opposed it, which they did, but because it was not in
5 a residential area and we believed that the shelter at
6 that site might have been harmful to the health and
7 safety of the residents at the shelter. There were no
8 nearby grocery stores or other services, and public
9 transportation options were minimal. The site was
10 surrounded by a lot of industrial usages.

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

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

25 I've listened to the concerns of some

1 neighbors about the height of the building and the
2 variances being sought out for months. I've been at
3 every community meeting where it has been discussed,
4 other than the ANC 5B meeting, last week. It's more
5 than 10 meetings in less than a year.

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

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

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

1 If the exceptions are not granted then D.C.
2 will have to either build a smaller shelter or find
3 another site. If D.C. builds a smaller shelter it
4 will have to reduce the number of shelter units,
5 meaning the city will not meet its statutory
6 requirements, and will be even further away from
7 meeting the real need for family shelter. Or, it will
8 have to sacrifice some of the privacy or living space
9 to the homeless families that will live in the
10 shelter. That's unacceptable.

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

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

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

24 CHAIRPERSON HILL: Ms. Harding, I just want to
25 point you out, you're kind of going over your time. I

1 just want to get you --

2 MS. HARDING: I'm sorry. I'm not looking at
3 the time.

4 CHAIRPERSON HILL: That's all right. That's
5 all right. You can sum up.

6 MS. HARDING: I have two sentences.

7 CHAIRPERSON HILL: Okay.

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

17 CHAIRPERSON HILL: Okay. Thank you.

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

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

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

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

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

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

24 I'd also just like to talk about the 10 rooms.
25 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
25 from the Homeless Children's Playtime Project quite

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

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

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

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

25 And it doesn't do anyone any good to do

1 anything other than just calmly talk about what we're
2 here to talk about. And I understand though, it's
3 been very late. I mean, I really do and I know that
4 everybody gets emotional about things. But I'm just
5 trying to ask everyone to just take a moment before
6 moving forward this evening.

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

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

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

20 MR. MAKEMBE: I do not. I live three and a
21 half blocks away.

22 MS COVENTRY: No, I do not. As I said, I live
23 in Bloomingdale.

24 CHAIRPERSON HILL: Okay. That's all right.
25 Okay. Great.

1 Does the Board have any questions of the
2 witnesses?

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

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

18 MR. HART: Thank you.

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

21 MS. WHITE: Oh, not right now.

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

24 MS. MAZO: I do. I probably have four or five
25 questions.

1 CHAIRPERSON HILL: Okay.

2 MS. MAZO: Okay.

3 CHAIRPERSON HILL: I'm going to give you three
4 minutes on the clock since you're telling how many
5 questions.

6 MS. MAZO: Okay. Well --

7 CHAIRPERSON HILL: That's great.

8 MS. MAZO: -- these go to community outreach
9 and so the Board may --

10 CHAIRPERSON HILL: That's all right. That's
11 okay.

12 MS. MAZO: -- interested.

13 CHAIRPERSON HILL: Go ahead. Yeah, sure.

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

20 MS. HARDING: Sure. I think -- on my date.
21 Our first meeting was on October 6th, and the makeup
22 of the committee was neighborhood residents, people
23 who are close to the site and the outgoing ANC and the
24 incoming ANC, people from the Civic Association, and a
25 lot of the businesses along Rhode Island. Certainly,

1 people from the government were participating in that,
2 and the architects were actively participating in
3 that. Councilmember sent staff to the meetings. I'm
4 trying to think if I'm forgetting anybody else. And
5 then the -- Henry can fill in if I'm forgetting
6 people.

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

16 And then we helped plan the public meeting
17 that occurred in December. And then we had an
18 additional meeting after the public meeting to talk
19 about how that went and what we learned and what type
20 of input that we had.

21 So, I believe that there were, if you count --
22 I don't know if you count the public meeting. But
23 there were four meetings of the Advisory Committee,
24 plus the public meeting, plus two single-member ANC
25 meetings, plus the walk, and plus the two 5B meetings

1 where it was raised.

2 MS. HARDING: Sorry. This is to Councilmember
3 Makembe. Can you just very briefly, in a calm manner,
4 describe the tenor of the February 22nd ANC meeting in
5 which -- well, can you just describe what happened at
6 that meeting, please?

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

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

10 MR. MAKEMBE: Yeah.

11 CHAIRPERSON HILL: Thank you.

12 MR. MAKEMBE: No. Yeah. We had a, I would
13 say, a very passionate discussion. There were some
14 folks that were obviously came up willing -- opposing
15 the shelter. And there were some folks that spoke up
16 supporting the shelter. But it was a very passionate,
17 intense discussion and some folks, members of the
18 community felt the need to yell at my wife, which I
19 did not appreciate.

20 CHAIRPERSON HILL: Okay. That's all right.
21 Okay. So --

22 MS. MAZO: Sorry. Can you just very quickly
23 explain what happened with the resolution that was
24 raised at that meeting? Please?

25 MR. MAKEMBE: Which meeting? The full body

1 meeting?

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

11 However, all four of the five ANC
12 commissioners did submit letters either supporting or
13 opposing the shelter through the Board.

14 CHAIRPERSON HILL: Okay. Ms. Mazo.

15 MS. MAZO: No more questions.

16 CHAIRPERSON HILL: Okay. Great. All right.
17 Does the Board have any more questions for the
18 witnesses? No? Okay.

19 So, Mr. Brown, we're going to take --
20 everybody, we're going to take a quick five-minute
21 break. And then when we come back, Mr. Brown, we're
22 going to have your presentation. All right?

23 And again, thanks everybody for coming down
24 and please stretch.

25 [Brief recess.]

1 CHAIRPERSON HILL: All right. Let's all
2 please settle back in. Let's see.

3 All right, Mr. Brown. Mr. Moy, do you need
4 more copies of something?

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

7 CHAIRPERSON HILL: Okay. All right. Okay.
8 Oh, do you have more? Hold on one second. One
9 second. How many -- I think you needed 12. Do you
10 have 12? Okay. Mr. Moy, he has more. At least to
11 get through the hearing.

12 Mr. Brown, I'm going to go ahead and again the
13 applicant had 45 minutes. Was it 45 minutes? I can't
14 even remember how long ago it was now. Forty-five
15 minutes. And so, we're going to go ahead and put 45
16 minutes on the clock for you as well, and then see how
17 it goes. You know, if you need, you know, more or
18 less time. And so, yes, give me one second here until
19 we get the secretary back.

20 Mr. Moy, actually, could you just actually
21 start the timer, maybe?

22 MR. MOY: Yes.

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

25 MR. BROWN: Oh, good evening, Mr. Chairman and

1 Members of the Commission. And I haven't called you,
2 Your Honor, once all day.

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

7 MR. BROWN: We are here today to object to
8 the location of the Ward 5 homeless shelter site.
9 We're not here to object to the concept of the
10 diaspora of the D.C. General Hospital to the various
11 wards in the city.

12 I've given you another set of bullet points
13 for our opposition testimony. I will follow the same
14 format as this morning. I will summarize, in this
15 case, the 10 points on our list, and then turn it over
16 to the witnesses to testify. We'll do our best to
17 stay within 45 minutes.

18 Unfortunately, I am not able to rely on
19 incorporation by reference of earlier testimony. I
20 don't feel that would be appropriate in this case, and
21 so I have to be somewhat repetitive of matters that
22 were said this morning.

23 CHAIRPERSON HILL: That's fine.

24 MR. BROWN: First of all, the Board has full
25 power to say no to the selection of the Rhode Island

1 Avenue site. The CFRO filed a lawsuit challenging the
2 council and the mayor for failing to obtain the advice
3 of the ANC before identifying the Rhode Island Avenue
4 site as the location for the Ward 5 shelter, in the
5 shelter act. We wanted a do-over on the site
6 selection where the issues and concerns of the ANC
7 would be given great weight. In the site selection
8 process, just as this Board gives great weight to ANC
9 issues and concerns.

10 In the CFRO prehearing statement we have
11 documented for you, our failure to get the mayor and
12 council to reconsider the relevant language and the
13 shelter act dealing with Ward 5. We also documented
14 that the Mayor and the council both argued in Superior
15 Court that this Board was fully empowered to remedy
16 our concerns about site selection by turning down the
17 choice made if it does not warrant approval under the
18 zoning regulations.

19 Now, however, DGS has made a flatly
20 contradictory argument that you must regard this site
21 as statutorily mandated, location for the Ward 5
22 homeless shelter. The government simply cannot have
23 it both ways. In one form or another, citizens have a
24 right to voice their concern about whether this site,
25 out of all possibilities for government owned or

1 acquired land in Ward 5, is appropriate for a homeless
2 shelter.

3 In this form, citizens are constrained to
4 couch their concerns in the language of compliance
5 with the zoning regulations. But DGS is now trying to
6 deprive the adjacent neighbors of even those
7 compliance concerns by arguing in essence that this
8 Board has no choice but to accept the city's choice of
9 this site and provide whatever number of approvals,
10 and there are many, of zoning relief that are
11 necessary to legitimate the use.

12 This Board should reject this claim and fully
13 embrace its power to say no to this site if warranted
14 under the regulations, just as it would have for
15 dealing with any other applicant.

16 Point two, the height and FAR variances should
17 be denied as too much for this zone in this
18 neighborhood. A multitude of neighbors' letters, as
19 amplified by the testimony you will hear today,
20 details how the 70-foot, six-story height of this
21 proposed shelter will be vastly out of scale in
22 relation to the neighboring properties. Such a height
23 is extremely harmful to the intent, purpose, and
24 integrity of a zoned plan that limits height, in the
25 MU-4 Zone to 50 feet, necessitating a 40-percent

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1 variance.

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

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

12 While CFRO does not dispute that DGS is
13 entitled to a little more leeway than the private
14 sector in seeking variance relief for this public
15 service project, flexibility does not mean bending a
16 rule beyond the breaking point. Otherwise, there
17 would be no point in applying zoning standards to
18 public entities. Here, a 40 percent height variance
19 coupled with a 40 percent FAR variance is simply a
20 bridge too far, and none of the cases cited by DGS,
21 including prior board decisions, comes close to the
22 sort of extravagant variance relief sought here.

23 In addition, any relaxation of variance
24 requirements for the District Government ought to
25 have, as a precondition to relief, a convincing

1 demonstration we feel is absent here, that the
2 District is in this particular instance, limited and
3 constrained in its selection of properties so as to
4 necessitate the relief requested.

5 The District is quite unlike other nonprofit
6 entities who have been afforded limited variance
7 flexibility in the accommodation of their
8 institutional needs to the single parcel of property
9 they happen to own, and where there was no issue of
10 achieving institutional needs possibility at another
11 location.

12 Point three, the variance requests arise from
13 the presence of other uses on the property, which is
14 not an exceptional situation or condition. The height
15 and FAR variance request can be traced directly to the
16 existence of other uses on the property, a condition
17 known at the time the co-location decision was made.
18 The historic police station and antenna structure and
19 building on the property greatly complicate achieving
20 the goal of an orderly efficiently designed homeless
21 shelter on the property. And it is only if one begins
22 with the false premise that these existing conditions
23 are unavoidable that one can comprehend DGS's claim
24 that the six factors that they mention constitute an
25 exceptional situation or condition of the property.

1 Factors four and five on their list are simply
2 the existence of these two preexisting conditions.
3 Both are completely avoidable by selecting a site that
4 contains no antenna structures and no historic
5 building built for other purposes.

6 Factors one and three on their list are
7 ordinary property boundary conditions that while
8 limiting the available space for construction, are in
9 and of themselves in no way exceptional. Including
10 the presence of an alley. Wider than normal
11 sidewalks, and a corner lot configuration.

12 Factor six is the project's programmatic
13 needs. But those needs are the same wherever the
14 homeless shelter is located. It is not something
15 unique to this property. In acting on the variance
16 request the Board will be well within its rights to
17 take into account that the District brought these
18 difficulties on all by itself by selecting a site that
19 -- and was fully aware that it had all these
20 preexisting conditions and structures.

21 The *Gill Martin* case, which about an area
22 variance, says that prior knowledge of the difficulty
23 is one of many factors that you may consider in
24 reaching an area variance decision. We're not saying
25 that it's decisive, as in a use variance, but it is a

1 factor that you can consider. And the Court has also
2 distinguished between hardship arising exclusively
3 from the sole affirmative acts of the applicant and
4 hardship cost and significant part by third-parties.
5 That's the *D.S. Carte* case, 338, A2d, 1233.

6 In this case, the hardship, the difficulties
7 are caused entirely by the Board's own self-imposed
8 decision to use this site.

9 Point number four, in the MU-4 Zone, 150-
10 person emergency shelter is beyond any plausible
11 limit. DGS argues that the special exception use
12 emergency shelter fits its proposed 150-person
13 facility. After all, there is no limit on size and
14 the definition of emergency shelter in the zoning
15 regulations. So, no use variance is needed. That may
16 be so, but DGS cannot dispute that the emergency
17 shelter proposed is over six times the size of the
18 normal maximum range of the special exception in terms
19 of number of occupants in the MU-4 Zone.

20 The Board should find this size to be over the
21 unstated line in the regulations, just as it would for
22 a shelter of 1,000 occupants, and characterize it as a
23 use variance. But even if you're not inclined to do
24 that, the absence of an express limit does not mean
25 you cannot impose a reasonable limit if for no other

1 reason than by applying the rule under X Code --
2 Regulation Section X, 901.2 that a shelter of this
3 size, in this zone, would not be in harmony with the
4 general purpose and intent of the MU-4 Zone.

5 A general conclusion that the specific facts
6 of record in this case will more than adequately
7 confirm is correct here.

8 Point five. The special exception for an 80
9 percent decrease in on-site parking is unjustified
10 because the site is too small. DGS proposes three
11 parking spaces for a staff, and none for occupants and
12 visitors. The reduction from the minimum requirement
13 of 22 is 19, or 86 percent. But under Section U,
14 513.1B2, to obtain a special exception for a homeless
15 shelter with more than four occupants, the shelter
16 must meet the parking requirement. That is a special
17 exception requirement. You must meet the parking
18 requirement.

19 Reducing the parking requirement is tantamount
20 to obtaining a special exception within a special
21 exception, something that I don't think is
22 contemplated by the zoning regulations. Surely if the
23 concept of emergency shelter special exception is
24 going to be stretched to six times its normal limit,
25 there should be little or no flexibility on the modest

1 22-space parking requirement. Eighty percent
2 reduction is not flexibility. It is all but complete
3 abandonment of the parking requirement for an
4 emergency shelter of this size.

5 But even the three spaces that they have left
6 for parking, are deficient, as they are accessed by a
7 15-foot drive aisle. Whereas, if you look in the
8 zoning code the minimum standard for perpendicular
9 spaces for drive aisle width is 20 feet. Nor can this
10 19-space shortfall be justified on the basis of an
11 inventory of on-street parking. The proper evaluative
12 framework for such a reduction is special exception
13 relief under Section C, 703.2C. There's no request in
14 the application for such special exception relief.
15 And if there were, the testimony provided to the Board
16 in this case about the shortage of parking in the
17 vicinity of the site, suggests that the grant of all
18 19 spaces of relief is a dubious prospect.

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

24 As three ANC 5B Commissioners have noted, and
25 this is a quote from their letters, the proposed

1 project needs either a larger city-owned land
2 marketable building, or an unoccupied site owned --
3 city owned site in an R-5 Zone neighborhood.

4 Point six. The special exception for a 22
5 percent increase on lot occupancy is unjustified
6 because the site is too small. DGS proposes a lot
7 occupancy of 73 percent in the MU-4 Zone, whereas the
8 lot occupancy maximum is 60 percent. This is
9 erroneously characterized as a 13 percent increase.
10 In actuality, the increase is 13 divided by 60, or
11 21.66 percent.

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

21 Number 7, the special exception for a 27
22 percent reduction in the open court width is
23 unjustified because the site is too small. DGS
24 proposes a 27 percent reduction in the court width,
25 claiming that a redesign to eliminate this reduction

1 would cause a loss of five living units.

2 Once again, however, the need for the relief
3 is a function of the small size of the property or
4 problem solvable by selecting a more appropriate site.

5 There would be no need for the special exception if a
6 property just seven feet wider, all else the same,
7 were being employed. And such extra width might even
8 mean achieving the shelter act goal of 50 units for
9 the Ward 5 shelter instead of just 46.

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

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

1 This would trigger a need for an eight request
2 for a zoning relief, reducing -- going back to a rear
3 lot line, because they are reducing the north side
4 rear yard line from 15 feet minimum by 3.1 feet, or a
5 21 percent reduction. But there would also be need
6 for yet another special exception. This one is 70
7 percent reduction from the requirement that windows on
8 the north side of the homeless shelter be at least 40
9 feet from the abutting building to the north. That's
10 in Section G 1201.1A.

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

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

1 quoting from the statute.

2 Compliance with this requirement is asserted
3 rather than demonstrated. The claim of compliance is
4 also contradicted in myriad ways by the testimony and
5 letters of abutting and nearby property owners, which
6 time does not permit me to summarize, but which you
7 will hear about.

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

21 The shelters for Ward 1 and Ward 4, which were
22 -- are on city acquired land after the determination
23 of where those shelters were to go. We do not know if
24 any suitable Ward 5 site, lacking any need for zoning
25 relief, or at least lesser zoning relief, could have

1 been acquired as there is no evidence of a systematic
2 acquisition effort. Nor is there any demonstration
3 that no city-owned land would adequately fill the
4 bill. So, in conclusion, I refer the Board to our
5 much more detailed prehearing statement and to the
6 letters and written testimonies of our witnesses, some
7 who are here today to emphasize for you their most
8 significant concerns about the project.

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

14 With that, I would like to turn to, first to
15 Thomas Curlin, our first witness.

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

25 And I also own another house about two blocks

1 away on Gerrard Street. The first are at the corner
2 of 16th and Hamlin. The second one -- or those first
3 two are there. The second is at 15th and Gerrard.

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

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

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

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

21 Last year D.C. Mayor, Muriel Bowser, presented
22 a humane way forward, to build 50 family facilities in
23 all eight wards. Unfortunately, the D.C. Council
24 selected 1700 Rhode Island Avenue Northeast, a former
25 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
25 other assistance.

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

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

1 And that building is 430 feet away from the
2 Mid-City Development, which used to be, or still is
3 for a moment at least, the Brookland Manor. And we
4 don't need to step on down Montana Avenue toward the
5 Montana Terrace. We can look up and down the street.

6 We can go up to 1814 Rhode Island Avenue, they called
7 it 1814 Hamlin, but it's right where Rhode Island
8 meets. And that facility as well, is a transition.

9 If you go three or four blocks on the other
10 side, around 18th and Ewart, you will find not only
11 the Department of Aging, but you will find a number of
12 other facilities, Artist House and others that are
13 built in that area.

14 My point is that much like your concern about
15 similar facilities being built so close to one another
16 that it impairs the quality of life of the citizens,
17 the city has to file each year, a Caper, a
18 comprehensive annual report evaluating their
19 performance in meeting the 1968 Fair Housing law.

20 And in their analysis of impediments on page
21 12, you will find the statement that the severe
22 concentration of community-based residential
23 facilities in Northeast quadrant creates a de facto
24 social service district that undermines the ability of
25 community residents, whether in shelters or not, to

1 achieve the goal of normalization and community
2 integration.

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

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

18 The problem with the study you have, the
19 transportation studies, it has no traffic, no
20 vehicular count. It has no accident account. It
21 focuses on staff parking. It does nothing to speak to
22 the number of EMS or fire engines that have come
23 there, the Metro access vehicles that have come to
24 that front door to take people to Metro, to relatives,
25 visitors, whatever. All that traffic is absent from

1 their transportation study and that needs to be
2 addressed.

3 So, thank you very much. I clearly think
4 there is serious consideration on this issue from an
5 impact on the community.

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

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

18 You know, we have been developing properties
19 in D.C. for a while now. The requested variances,
20 especially to go up additional 20 feet and to reduce
21 the rear setback would, if granted, would definitely
22 impact our structure, our building. Actually, as a
23 matter of by-right built brand new building if you
24 grant these variances by blocking most of the sunlight
25 from the courtyard.

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

8 We have six units in that building. Every unit, it's
9 a living room, dining room, and kitchens. Windows are
10 in that courtyard.

11 Like, if you look at the picture of the model
12 that should be in the folder I provided you, that
13 could give you the real picture what's going to happen
14 to that courtyard. That picture speaks by itself.
15 Like, I don't have to explain a lot about that. If
16 you just look at that. The new building will be 70-
17 feet tall. New building will be towering over our 46-
18 feet high building and other like 20 feet, 25 feet,
19 plus minus high rest of the single-family homes on the
20 street. And it will block almost all the sunlight
21 from all the living room, kitchen, and dining rooms.

22 The lower units will be the most impacted
23 ones. Not just that, actually, I'm also providing the
24 landscape plan for our building. That was in that
25 folder. It will also hugely impact that landscaping

1 in the courtyard. We will be planting a lot of trees,
2 shrubs, and other landscaping in that courtyard, which
3 is basically based on the green area ratio required
4 and approved by Department of Environment. And we are
5 supposed to provide that. No sunlight will definitely
6 impact those shrubs or trees.

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

20 In comparison, look at our building, six
21 units, six families, and we have three parking spots
22 at the back, required by law. I would like -- I would
23 say I strongly, strongly, I cannot emphasize more,
24 oppose the variances and exceptions due to the fact
25 that the building that requires several unreasonable

1 and unnecessary variances would end up ruining as a
2 matter of by-right built brand new building. That
3 will be really unfair. We played by the rules,
4 followed all the -- we didn't -- we had an option to
5 go to BZA, get an exception. We also compromised on
6 the courtyard. The width of the building at the
7 courtyard section, just to provide extra light to the
8 units.

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

13 MR. BROWN: Thank you. Our next witness is
14 David Forest.

15 MR. FOREST: Well, good evening. Excuse me.
16 My medication is wearing off here. My name is David
17 Forest. I've been a resident at 2913 17th Street
18 Northeast for seven years, and live there with my
19 wife, Dina, 70 feet from the site of the proposed
20 facility.

21 I'm also the president of a neighborhood
22 community organization, Citizens for Responsible
23 Options, representing dozens of concerned neighbors
24 who have banded together in protest because we were
25 not informed of the site selection in advance and had

1 no realistic opportunity for input.

2 I'll start by noting that one very good friend
3 and neighbor has already left the block, in part
4 because of the shelter project. Another good friend
5 is right now preparing to sell their home and leave
6 because of this project. And two more friends and
7 immediate neighbors are in the wings, considering
8 leaving.

9 So, anyone who tells you there will be no
10 impact on the property values, or on the very fabric
11 of our community is not living our reality. This
12 wouldn't be happening if the size of the proposed
13 building and the occupancy were proportional to the
14 neighborhood, say 25 people at the site. It's not
15 about the resident population, but the scale.

16 I can tell you that folks I know have gone
17 door to door around the immediate area, gathering
18 about 300 signatures in opposition to the proportions
19 of this design, with all of its exceptions and
20 residents oppose this 10 to 1. Don't be fooled by
21 form letters of support that you see uploaded to IZIS.
22 It's not even close.

23 The combination of height and yard special
24 exceptions result in blocking a significant amount of
25 direct sunlight to most of us who live on the 2900

1 block. And as you've heard, most egregiously to the
2 condominiums, sunlight is important to our mental and
3 physical health, to our plants, and our gardens. It
4 would be particularly devastating to the senior
5 residents on the west side of the street. Ms. Connie,
6 the widow who has asthma, Ms. Carolyn who has
7 epilepsy, Ms. Amy who is very sick, Howard University
8 professor, Emeritus Maddie Tabron (phonetic) and her
9 husband, who have Alzheimer's, and Ms. Delores, Pastor
10 Wilks' wife, who is blind but can perceive light. And
11 I commend you to my wife, Dina's very touching written
12 testimony about the cathartic healing that her garden
13 has given her since she lost her son.

14 There are so many things wrong with this site
15 and the design. It's not possible to do them justice
16 in the five minutes that I have, but I'll try.

17 Allowing a special exception for occupancy
18 would be like dropping some sort of strange people
19 bomb with 146 residents and 27 staff with visitors
20 coming and going; visitors who are not allowed in the
21 building. Compared to the 25 people who live on this
22 block. The influx will be overwhelming.

23 The parking study is deeply flawed; claims
24 that homeless people don't have cars and the staff
25 will use public transit, which begs the question of

1 why the city is spending millions of dollars in Ward 3
2 to service homeless who don't have cars and staff who
3 will use public transit.

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

14 This is all completely unnecessary. It's not
15 the last possible scrap of land in Ward 5. There's
16 Fort Totten where the District is selling land.
17 There's McMillan Park, there's land for sale down the
18 street, Virginia Williams could be expanded. It was a
19 terrible choice from the start, and no one wants to go
20 back and do the selection right, but everyone seems on
21 board to move ahead with a bad idea.

22 I don't know if you caught it earlier, but
23 Phil Mendelson actually described the selection
24 process for the site, which is they got some ideas
25 from Langdon Park residents. It turns out that it was

1 actually one resident, Kevin Malone. It's on the
2 written record. And he identified a number of sites,
3 and they looked at it and said, great, let's pick 1700
4 Rhode Island Avenue. What he didn't tell you was that
5 Rashad Young assessed the site and determined that it
6 was too small and that Christopher Weaver --

7 MS. MOLDENHAUER: I would object. I'm sorry.
8 City Administrator Young is here. He can testify to
9 facts rather than having an opposition witness trying
10 to testify to what he was saying.

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

13 [No audible response.]

14 CHAIRPERSON HILL: Okay. That's all right.
15 Just go ahead and finish your statement. When the
16 City Administrator is here you can repeat your
17 statement and then he can clarify if there's any
18 questions later, or respond.

19 MR. FOREST: Sure.

20 CHAIRPERSON HILL: Go ahead.

21 MR. FOREST: It's part of the written record.
22 There's --

23 CHAIRPERSON HILL: Okay.

24 MR. FOREST: -- public, public record. And
25 same thing for Christopher Weaver, letter April 11th,

1 2016, determined site was too small for the purposes.

2 All right. I'm about out of time so I'm going
3 to conclude.

4 MR. BROWN: Our next witness is Joseph
5 Cassidy.

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

12 But I did want to point out that one very
13 conspicuous salient feature of this case has involved
14 what David alluded to moments ago, a number of
15 official statements coming from the very people that
16 are asking this Board today to approve this plan.
17 These statements that I'll just reiterate briefly, all
18 speak to the impropriety of the site. And I'll start
19 with the mayor.

20 In her May 27, 2016 letter to Chairman
21 Mendelson, she describes the site as constrained and
22 urges him to make provisions for housing, at least 11,
23 so the 15 families that wouldn't fit, citing the
24 number where it would cap at 35, that the other
25 families needed to have some provision made for them

1 to be housed elsewhere.

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

9 MS. MAZO: Again, I mean, I'm sorry. We
10 just --

11 CHAIRPERSON HILL: Excuse me. No, just let
12 him finish. Okay? Thank you.

13 MR. CASSIDY: In his e-mail to the Director,
14 Councilman McDuffie wrote, and I quote, "As you are
15 aware, Ward 5 residents have continued to express
16 concerns about the height of the proposed Ward 5
17 shelter. While I understand the inherent challenges
18 of getting all the units needed, and amenities on a
19 small footprint, on behalf of the impacted neighbors,
20 I ask you to expand every reasonable resource
21 available to come up with a creative way of reducing
22 the height of the building to something more
23 manageable for its neighbors.

24 Now, these same officials ask this Board to
25 approve a plan that each of them to various extents

1 has recognized is improper. On the contrary, the BZA
2 should reject the City's request for these special
3 acceptance (sic). In accordance with the recent
4 letter by Thomas Luebke, a fellow of the American
5 Institute of Architecture of the U.S. Commission of
6 Fine Arts, citing the quote/unquote, "Challenges
7 inherent to this site and the difficulty of designing
8 a new building that can reasonably meet the specified
9 program."

10 Mr. Luebke states that this CFA, the
11 Commission of Fine Arts, quote, "Observed that the
12 proposed massing is too tall for its context, appears
13 bulky and overwhelms the historic Colonial Revivalist
14 style building designed by Albert L. Harris."

15 In conclusion, he states that he anticipates
16 the submission of a new concept design that
17 corresponds with his comments. By rejecting the
18 requested special exceptions, the Board will place
19 itself in the company of many other distinguished,
20 thoughtful city planners, who authored the likes of
21 the 2014 D.C. Department of Transportation's Rhode
22 Island Streetscape master plan, and the 2011 Small
23 Area Plan.

24 Rhode Island Small Area Plan, Rhode Island
25 Avenue, Diamond of the District. These plans

1 articulate discreet prescriptions to make the Rhode
2 Island Avenue corridor an attractive destination for
3 future commercial and residential mixed use and
4 development. Notably, the small area plan, quote,
5 "Recommends that new licenses for storefront churches,
6 check cashing services, addiction treatment
7 facilities, halfway houses, and group residential
8 facilities be extremely limited or prohibited."
9 That's the small area plan at page 4.

10 In tandem, these two documents are visionary
11 guideposts for the Board today in answering the
12 question they are confronted with. The streetscape
13 master plan cites, again I quote, "One of the key
14 assets of the corridor is its fabric of existing
15 historic buildings." Master plan at page 3. And
16 recognizes the, quote, "Opportunity for the
17 preservation of the police use station." Small area
18 plan at page 14.

19 Instead, the City propose to demolish the
20 later third of this historic building in its quest to
21 realize this hastily devised project.

22 The CFA letter is also instructional here when
23 it observed, and I quote again, "When sites are
24 selected quickly initial feasibility studies may
25 reveal the specific building program's need to be

1 adjusted, requiring more flexibility and following
2 guidelines, the designs for the new multifamily
3 housing projects are tested for real neighborhood
4 sites."

5 On behalf of the nearly 300 SMD 5B-03
6 residents who petitioned in opposition to this project
7 as currently proposed, but are unable to be here
8 today, I respectfully ask this Board to acknowledge
9 the widespread citizen opposition, and join the CFA
10 while filing the -- while following the pression (sic)
11 advice of the aforementioned city planners, and deny
12 the city's request for relief vis-à-vis the special
13 exceptions to their own zoning regulations. And I
14 thank you for your indulgence.

15 CHAIRPERSON HILL: Thank you. Mr. Cassidy.
16 Correct?

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

18 CHAIRPERSON HILL: So, Mr. Brown, I just
19 wanted to make sure that -- you have two more people.
20 I want to make sure they have the opportunity to
21 speak. We basically have come to the end of your 45
22 minutes. Is another five minutes going to be okay for
23 the two of them? Is that --

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

1 CHAIRPERSON HILL: Okay.

2 MR. BROWN: So, I'm hopeful that we'll get
3 there.

4 CHAIRPERSON HILL: Okay. I'm going to put six
5 minutes on the clock for both of you there. Okay?
6 All right. Thank you. If you could please introduce
7 yourselves?

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

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

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

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

16 A couple of things I wanted to just say as you
17 all are thinking about this. One is, a lot of people
18 have talked about the question, you know, can you put
19 in more than 25 people and the grounds that they would
20 have to meet is that there would be no reasonable
21 alternative among other things.

22 So, I mean, one of the things that's super
23 noticeable when you're just sitting here as a citizen,
24 is that in essence, the city kind of certifies itself.
25 Like, is this the only reasonable place? Like, well

1 yes, it is. Right. And it goes around in a kind of
2 circle where they ask each other effectively all being
3 offices that report back to the Executive Office of
4 the Mayor. Right? I mean, you all should of course -
5 - I mean, you're in this world much more than I. But
6 in the world that I work in, when everybody works for
7 one person at the top they tend to take that into
8 consideration.

9 Now, I'm not suggesting anything untoward, I'm
10 just saying, think about that as you think about this,
11 right? Yes, oh yes, this is the perfect place. It's
12 amazing to reflect on the fact that before the council
13 member suggested the current place, 1700 Rhode Island,
14 when the mayor suggested the place that they selected,
15 1700 Rhode Island was unacceptable. It's too small.
16 It's an inappropriate place, right? That's in the
17 record.

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

21 And then, when the council actually passes a
22 law and says, no, this is the right place, then all of
23 a sudden of course, the city falls in line. And yes,
24 this is the perfect place. We need to support this
25 place. The only possible alternative. There is no

1 reasonable alternative. Right? You get that kind of
2 language. Clearly that's not true, right? It's just,
3 on its face, not true, and this seems like something
4 that you all should be really thinking very seriously
5 about.

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

14 We're like, no, we want three stories. How
15 about that?

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

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

1 So, all of this is important for you only
2 because it goes to this issue of is this in fact the
3 reasonable, the only reasonable alternative. Clearly
4 it isn't.

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

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

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

23 However, four of the five commissioners there
24 very clearly indicated their support for a resolution
25 and you have three letters on the record tonight,

1 saying that they oppose it. But, if we had more time
2 I guarantee you there would be an actual great weight
3 of the community on --

4 CHAIRPERSON HILL: Mr. Iskander, I -- how do
5 you pronounce it? Iskander?

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

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

12 MR. ISKANDER: Going down.

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

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

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

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

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1 And basically, the ANC commissioners came back
2 and said, the other commissioners said, no, and they
3 rejected sort of root and stock, the proposition that
4 was being made by our SMD commissioner, the one who
5 went against the will of his own residents.

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

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

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

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

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

1 look at it, at your leisure.

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

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

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

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

24 We did bring that petition to all the 5B
25 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.

25 MS. MAZO: Yeah, 15 minutes is probably a good

1 place to start.

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

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

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

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

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

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

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

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

23 So, you indicate that the Board has the
24 authority to say no to the site. Isn't it true that
25 the Board only has the authority to accept or deny the

1 application before them?

2 MR. BROWN: That's correct.

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

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

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

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

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

20 MR. BROWN: Right.

21 MS. MOLDENHAUER: And so --

22 CHAIRPERSON HILL: That's okay. And by the
23 way, I'm just also being clear that I did hear the
24 first question which also, I understood as we have the
25 ability to deny the variance.

1 MS. MOLDENHAUER: The Board always has the
2 ability to deny --

3 CHAIRPERSON HILL: I just wanted to clarify,
4 right.

5 MS. MOLDENHAUER: -- any application.

6 CHAIRPERSON HILL: Just wanted to --

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

8 CHAIRPERSON HILL: Just wanted to clarify
9 also. Right.

10 MS. MOLDENHAUER: Yeah.

11 CHAIRPERSON HILL: No, I appreciate the
12 question.

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

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

23 MR. BROWN: Yeah, I think I understand your
24 question. Yes.

25 MS. MOLDENHAUER: You understand the question

1 and the answer is yes, or --

2 MR. BROWN: Yes.

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

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

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

17 MS. MAZO: Okay.

18 MR. CURLIN: So, you have technically met the
19 standard of 500 feet, but you are still abutting the
20 question, or avoiding the question.

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

22 MR. CURLIN: Similarly.

23 MS. MAZO: It was a, you know, quick answer.
24 Okay. Now again, if you could just help me
25 understand, because I'm getting a little confused by

1 some of your numbers that you had in your testimony.

2 So, our property is at 1700 Rhode Island Avenue.

3 MR. CURLIN: That's correct.

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

7 MR. CURLIN: Yes.

8 MS. MAZO: But then you say --

9 MR. CURLIN: Excuse me if I may?

10 MS. MAZO: Yeah.

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

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

21 MR. CURLIN: Certainly.

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

24 MR. CURLIN: All right.

25 MS. MAZO: But you said that the property at -

1 - the Violet project --

2 MR. CURLIN: Project.

3 MS. MAZO: -- at 1550 Rhode Island is 205 feet
4 away.

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

6 MS. MAZO: Where?

7 MR. CURLIN: 1545 Gerrard Street. So, if you
8 walk from --

9 MS. MAZO: Oh, so you --

10 MR. CURLIN: -- Gerrard Street --

11 MS. MAZO: So, okay. So, I understand, I was
12 confused then. I thought you meant that each of these
13 were within --

14 MR. CURLIN: No. No.

15 MS. MAZO: -- this proximity to 1700 Rhode
16 Island Avenue.

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

18 MS. MAZO: But you're taking this from 1545
19 Gerrard Street, or it's all cumulative? If you could
20 just help us to understand?

21 MR. CURLIN: Yeah, certainly. We have the
22 benefit of Washington Post editor. When I wrote the
23 article, it said, from 1700, 550 feet gets you to
24 1545, or 1545 Gerrard Street, 205 feet away from that
25 is the Violet project.

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1 Then you take the corner and go up to 1500
2 Franklin Street to the Veterans. That's 415 more
3 feet. You go across --

4 MS. MAZO: Sorry, and just to be clear, that's
5 415 more.

6 MR. CURLIN: Yes.

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

10 MR. CURLIN: Only --

11 MS. MAZO: -- here is that -- I'm sorry,
12 again, maybe I'm dumb. Maybe I can't understand these
13 numbers. But what you're really saying, if I'm to
14 understand, is that say I pick this 500 Franklin
15 Street Veterans --

16 MR. CURLIN: All right.

17 MS. MAZO: -- Administration. It's not 415
18 feet away from Rhode Island, it's actually more
19 like --

20 MR. CURLIN: No.

21 MS. MAZO: -- 1,000 feet away. Is that
22 correct?

23 MR. CURLIN: Not quite. But you're closer.
24 My observation as you read on down is that we're
25 talking about a four-block radius, but we start with a

1 very tight focus on how closely they are to one
2 another, very similarly serviced organizations. So,
3 only if you zig-zag back and forth do you come up with
4 your cumulative number.

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

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

7 CHAIRPERSON HILL: Okay. Wait, give me a
8 second. Give me a second.

9 MS. MAZO: Sure.

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

12 MR. CURLIN: Correct.

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

14 MR. CURLIN: Yes, identical.

15 CHAIRPERSON HILL: Similar but not identical.

16 MR. CURLIN: Yes.

17 CHAIRPERSON HILL: So, if on submission you
18 guys would like to come back to the list and tell me
19 what you all think the number is, and you can tell me
20 what you all think the number is, that's fine.

21 MR. CURLIN: Sure. Be glad to.

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

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

1 CHAIRPERSON HILL: -- each one.

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

3 CHAIRPERSON HILL: There seems like there's a
4 discrepancy.

5 MS. MAZO: I couldn't understand. And so, I
6 just wanted some clarity. I'm not sure we need to
7 come back on any sort of submission to illustrate this
8 point, except my understanding now from Mr. Curlin is
9 that it is incorrect to read that one of these
10 locations, let's say the Brookland Manor location, is
11 450 feet away from Rhode Island Avenue, from the site.
12 Is that a correct understanding?

13 MR. CURLIN: No. No. I'm trying to lead you
14 through a neighborhood which we all live in, and we
15 can walk from one site to the next site, taking 205
16 feet steps, or 450 feet steps, or whatever. I can
17 drive --

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

20 MR. HART: Yeah. I actually, while I
21 understand the conversation that's going on, I think
22 that really it's either a map to show where all this
23 stuff is, and that way we don't have to kind of go
24 through, what is 500, 200, and whatever, because
25 really it is just to understand what this is. This is

1 all easily mappable. And if you can provide that --

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

3 MR. HART: -- that would be helpful.

4 MR. CURLIN: That solution.

5 MR. HART: So, I just don't think that we need
6 to get into what is more, 200, or whatever. It just
7 seems very -- we're going down the rabbit hole for
8 something that I'm not really sure is -- I think is
9 kind of easily fixed.

10 MR. CURLIN: Right. Visualized, right. I'll
11 do that.

12 MS. MAZO: Okay. Thank you, Mr. Curlin. I
13 believe those are all the questions I had for you. I
14 would like to spend a couple of minutes talking to Mr.
15 Khan.

16 Now, Mr. Khan, you testified that you've
17 developed in the area for a while. Have you developed
18 in the District for a while?

19 MR. KHAN: In the Metropolitan area, D.C.

20 MS. MAZO: Okay. So, in the District of
21 Columbia?

22 MR. KHAN: In District of Columbia too, with
23 my business partner. Yes.

24 MS. MAZO: Okay. And you mentioned, well,
25 that you didn't believe that anything was ever going

1 to be built on this site, but did you have a no-build
2 easement that you purchased to go across this site?

3 MR. KHAN: No, because of the rear setback we
4 knew that it's going to require special exception or a
5 variance, which we would fight because our building is
6 built as a matter-of-right. So, that would be really
7 unfair to block all the sunlight from a building which
8 was built as a matter of by-right by giving lot 7
9 unrealistic variances or special exceptions. Yeah.

10 MS. MAZO: Well, Mr. Khan, you said you've
11 developed in the District. Do you understand that in
12 the District that corner lots have the ability to
13 choose their rear lot line, and so accordingly the
14 rear lot line that was selected for this site, because
15 it is a corner lot, is correct? So, therefore, you
16 had really no reliance at all on zoning that you would
17 get any sort of setback from your property.

18 MR. KHAN: That could be -- yeah, that could
19 be a case, but you know, if anything someone is
20 building as a matter of by-right, I have no right to
21 contest that or protest that.

22 But my only question here is, or plea is, why
23 would you allow -- give someone variances or special
24 exceptions to ruin other buildings that were built as
25 a matter of by-right? If that was a case of by-right,

1 I wouldn't -- you wouldn't see me here.

2 MS. MAZO: Okay. That's fine. Mr. Khan,
3 clearly you understand that no side yard is required
4 in the MU-4 Zone because you built your property all
5 the way out to the side lot line as indicated by the
6 fact that there are no windows along that lot line.
7 Is that correct?

8 MR. KHAN: That's right. But I know that 70-
9 feet tall building would not be allowed by right
10 there. That will block all my, what do you call it,
11 courtyard. Yeah. It's not by-right to go 70 feet
12 above. Yeah.

13 MS. MAZO: Right. And, would you -- you
14 mentioned your landscape land and the impact on your
15 landscape plan. Would you have understood that there
16 would have been any -- and similar impact on your
17 landscape plan on a matter-of-right structure that was
18 built to 50 feet along the side yard line as it could
19 be on this site?

20 MR. KHAN: Could be, yeah. Could be.

21 MS. MOLDENHAUER: So, our firm, in addition to
22 representing the City on homeless shelters, every once
23 in a while does come before this Board representing
24 market rate developers such as yourself. And, there
25 are plenty of projects -- are you aware that there are

1 plenty of projects in the city that have courtyards
2 built right up against other market rate developments
3 on other projects?

4 MR. KHAN: I'm not sure. Like --

5 MS. MOLDENHAUER: Are you aware that
6 throughout the city, so there's like H Street or other
7 areas, where there are buildings built right up
8 against a courtyard?

9 MS. MAZO: That share a party wall.

10 MS. MOLDENHAUER: That share party walls.

11 MR. KHAN: I'm not sure about that, no.

12 MS. MOLDENHAUER: You're not sure about that.
13 So, you don't know the city well enough to --

14 MR. KHAN: No, I know the city but I'm not
15 sure if there are buildings like that.

16 MS. MOLDENHAUER: So, but you built a court
17 that's complaint to zoning, right?

18 MR. KHAN: Uh-huh.

19 MS. MOLDENHAUER: So, would that then mean
20 that that court would be adequate enough to provide
21 interior light for your lightwell?

22 MS. MAZO: As designed.

23 MS. MOLDENHAUER: As designed.

24 MR. KHAN: Yes.

25 MS. MOLDENHAUER: No matter what happens,

1 surrounding that, that is designed for purposes of
2 protecting your property and a court is wide enough
3 then, pursuant to zoning, to provide light to those
4 units?

5 MR. KHAN: Yeah.

6 MS. MOLDENHAUER: Okay. Thank you.

7 MS. MAZO: Mr. Cassidy, just a couple
8 questions. You've referenced what I think you called
9 the small area plan, and you indicated that there were
10 -- you stated that there were certain potential
11 limitations. But was one of those -- sorry.
12 Potential limitations on what could be built based on
13 certain areas of that small area plan that I don't
14 believe you identified, but did that small area plan,
15 the reference, did it in any way limit the ability to
16 construct an emergency shelter?

17 MR. CASSIDY: I'm not an expert on the small
18 area plan, counsel. But I can tell you what I've read
19 was explicitly taken from that document. And the
20 things that it prohibited and recommended against were
21 explicitly written out there. And I quoted from that.
22 Intentionally. I didn't paraphrase, I quoted. I
23 took their language.

24 MS. MAZO: All right. Thank you. No more
25 questions.

1 Mr. Forest, just a quick question. When was
2 NRG created?

3 MR. FOREST: We're not NRG. We're Citizens
4 for Responsible Options.

5 MS. MAZO: Oh, I'm sorry. Citizens for
6 Responsible Options.

7 MR. FOREST: And the people who currently make
8 up our membership began organizing in June, shortly
9 after the city council vote. But we did not become
10 Citizens for Responsible Options until later August or
11 early September when we basically felt we had run out
12 of options and needed counsel to get the city to hear
13 us.

14 MS. MAZO: Okay. And, Mr. Council -- sorry,
15 Mr. Forest, I would just ask you to respond to this
16 question in a calm manner, but the record -- there are
17 many, many letters of support in the record. Do you
18 agree with that statement?

19 MR. FOREST: How many are there? I don't
20 know. I didn't count them. I know that there is
21 redundant records in the record, the last time I saw
22 them, but --

23 MS. MAZO: Okay. So, just to be clear, your
24 testimony was that residents oppose this project 10 to
25 1.

1 MR. FOREST: I was very specific when I said
2 that. Not all residents everywhere. I said the
3 residents in the nearby area, because that's where we
4 did our polling.

5 Now, the letters of support, I don't know.
6 Some of them seem to come from close by. Some of them
7 seem to come from across town. I haven't done an
8 analysis. I haven't had time.

9 MS. MAZO: Okay. Understood.

10 MR. FOREST: I would say, compared to our
11 number of signatures in our petition, that number is
12 small.

13 MS. MAZO: But, you just admitted you hadn't
14 counted, so I'm not sure how you can make that
15 assumption, correct?

16 MR. FOREST: It's true, I didn't count but I,
17 you know, breezed through them and I didn't see
18 anything like 290 exhibits of letters of support. I
19 think my people would have alerted me if that had
20 happened.

21 CHAIRPERSON HILL: Okay. Thank you.

22 MS. MAZO: I think we're done, under our 15
23 minutes. Six minutes to -- six seconds to spare.

24 CHAIRPERSON HILL: Okay. All right. So,
25 we're up to the Board now again. So, welcome back up

1 this way. Okay?

2 Let's go ahead. Does the Board have any
3 questions for the witnesses?

4 MS. WHITE: Okay, I just wanted to --

5 CHAIRPERSON HILL: Ms. White.

6 MS. WHITE: Yes. Thank you. Just wanted to
7 have you kind of reiterate again what you believe to
8 be the adverse impacts of this project. I'm hearing a
9 lot of different things. I know there's a lot of
10 support. I know there's a lot of opposition.

11 So, I wanted to just be clear because what our
12 job is, to look at the rules and the regulations. So,
13 I'm just trying to get a sense of whether or not your
14 opposition fits within the text of the rule. Mr.
15 Brown?

16 CHAIRPERSON HILL: Mr. Brown, I'm sorry, your
17 mic is not on.

18 MR. BROWN: I've tried to reiterate the legal
19 requirements and how extreme the variances are. I
20 have left to the citizens to describe for you in their
21 own words, what they regard as the adverse
22 neighborhood impacts. And I'd rather that they answer
23 that question. I'll turn over to Mr. Forest.

24 MS. WHITE: I mean, it doesn't have to be a
25 long response. Just to kind of get me thinking in

1 terms of --

2 MR. FOREST: Sure.

3 MS. WHITE: -- what your position is.

4 MR. FOREST: Sunlight. People leaving the
5 neighborhood because of this project. The parking.
6 The increased traffic. The fact that the scale of
7 this in terms of the number of people there is
8 overwhelming to the 25 residents on our block. And
9 the proportions of this facility are just dismaying.
10 The fact that they are destroying part of the historic
11 eligible police station, which we enjoy every day, and
12 sandwiching this massive structure in between the
13 condominiums and the rest of the police station is
14 just devastating to us. And I'll defer to our other
15 testimonies.

16 MR. ISKANDER: Am I able to add one thing on
17 this, which is, Joe Cassidy referred to that document
18 that the city put out that they called Diamond of the
19 District. Rhode Island Avenue, Dimond of the
20 District, meaning like it's something you know, that
21 can be mined. And I don't know what. And we
22 colloquially call it, Diamond in the Rough, because
23 our neighborhood is like so poorly served right now.
24 It's so -- the things that we, as residents, and many
25 of us have been there for a long time, but that we

1 want are things that need time and nurturing, and a
2 loving and caring city to sort of berth into
3 existence. And it's not there now.

4 And the city has made all these plans to try
5 and make that happen. So, when you put in an
6 institution, an institution that is closed, that is
7 gated, that has security and so on, that can serve
8 those, you know, those temporary residents fine. But
9 it actually does harm to the overall development.
10 That's just one more thing for you all, and I think
11 that is really relevant to the work of the Zoning
12 Commission and for the BZA.

13 MS. WHITE: Thank you.

14 MR. CURLIN: If I might add to that
15 discussion? Really Rhode Island Avenue becomes like,
16 I don't know, the Dan Ryan Freeway. And it separates
17 our neighborhood from anybody on the other side in
18 Langdon Park, as well as people going the other way.
19 We're surrounded by Rhode Island Avenue, South Dakota
20 Avenue, New York Avenue. You can go any number of
21 avenues. Michigan Avenue, New Jersey Avenue, Florida
22 Avenue. If you wanted an avenue with an M-4 rating,
23 there are plenty of sites around. Literally, you can
24 walk down or drive down all the streets in Ward 5, and
25 you literally could get off the Dan Ryan Freeway, 694

1 miles later, if you were to stretch end-to-end all the
2 blocks we have in Ward 5.

3 We feel that that area is so concentrated with
4 large buildings which are public service buildings,
5 which have been cited by the architect as, oh, this is
6 nothing unusual. But the occupants are not neighbors.

7 When I drive to my local little CVS station right
8 across the street from say, the Veterans, and right
9 across the street from the National Center for
10 Families, for Children and Families, I have to make
11 sure I don't hit a veteran because there are no
12 sidewalks.

13 If you have a shelter there at the corner of
14 17th and Gerrard, I won't say 17th and Rhode Island,
15 I'll say 17th and Gerrard, a block and a half away
16 from several of my houses, you're going to have no
17 sidewalks. If you look at the transportation study,
18 page -- or, it's Figure 4. You'll see half the places
19 people could park as staff, are missing sidewalks.

20 And this is not something, as John was
21 mentioning, we're not well-served. We're not looking
22 for tennis courts, gardens, rooftop places. We're
23 Ward 5. We're the stubborn ornery cousins who are
24 charitable. If you go into our neighborhood you will
25 find more, you know, seminaries and monasteries and

1 churches, and everything you ever would imagine, as
2 well as public service organizations.

3 And we feel that as in the 1960s and '70s, we
4 have to stand up. We have been called filled with
5 vitriol, but we are stubborn, charitable cousins. We
6 will not sit down, just like in our '60s and '70s, we
7 had ancestors who said, we will not have a concrete
8 freeway coming from the beltway to the center city.
9 Well, it turned into public transportation, the
10 Redline.

11 MS. WHITE: Thank you.

12 CHAIRPERSON HILL: Okay. Mr. Hart?

13 MR. HART: Yeah. Thank you, Mr. Chairman.
14 Mr. Forest, one of the things that you were -- that
15 you stated in your testimony was that someone asked, I
16 guess the -- actually, it wasn't the ask. This is
17 what you were actually talking about.

18 MR. FOREST: Uh-huh.

19 MR. HART: And in terms of the number of
20 people that you would kind of the density that you
21 would kind of be okay with on this site, or maybe it
22 was your group would be okay with on this site, and
23 you said 25 people. And correct me if I'm wrong. Was
24 that an accurate statement?

25 MR. FOREST: Yeah, that would have made sense.

1 That's never been proposed by the way, for this site.

2 MR. HART: So, which is fine. Actually, the
3 question is, you were also asked about kind of
4 available parcels. And what you listed were, I don't
5 know, four or five parks. So, basically, land that
6 the city already -- the District already owns.

7 And what I'm a little bit confused by is what
8 you're proposing, or what you would be in favor of,
9 would be basically six buildings that could house 25
10 people on park land.

11 MR. FOREST: No. I didn't say that.

12 MR. HART: Well, what I'm saying is that, the
13 issue is that you have 25 people, and if they're
14 looking at 150 people about to have in this unit, you
15 have to put them at some place. And so, if you're
16 trying to look for a similar amount of units for those
17 people, you're looking at six buildings for that
18 same --

19 MR. FOREST: No, you need a lot with at least
20 30,000 square feet. And the mayor found a site that
21 was big enough, and one of the options that I said in
22 passing was, look down at Rhode Island and 13th.
23 There's 84,000 square foot lots ready for sale right
24 now.

25 It was actually looked at by the city. But

1 they, at the time, said well, it's just too expensive.

2 But, the manipulations that I'm seeing here in this
3 process, like in Ward 3, spending millions and
4 millions to get past zoning exceptions, you could buy
5 a lot like that, and you'd have plenty of room, and
6 you could put a facility that would be just the right
7 size, big playground, plenty of parking, and you know,
8 why not look for that in the first place? That was my
9 point.

10 MR. HART: Okay. So --

11 MR. FOREST: That wasn't done.

12 MR. HART: Well, but you're also saying for
13 this particular site that if it was 25 people then the
14 rest of the people would be going on to some other
15 site. If you were to only build that, that this --

16 MR. FOREST: Well, that. Yeah, right. To
17 meet the City's programming needs, yeah.

18 MR. HART: Thank you.

19 CHAIRPERSON HILL: Okay. Commissioner Miller?

20 MR. MILLER: No questions.

21 CHAIRPERSON HILL: Okay. So, I'm going to ask
22 -- by a show of hands, how many people are here
23 wishing to speak in opposition? Four. Okay. All
24 right. Okay. Thank you.

25 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.

25 If you could just please go from my right to

1 left, and introduce yourselves?

2 MR. LEE: Sure. My name is Eric Lee, and I
3 live at 1620 Hamlin Street Northeast. It's about 300
4 feet from the site. I'd like to add a few comments
5 for the record, and I'd like to note that our
6 elderly --

7 CHAIRPERSON HILL: Excuse me. I'm sorry. Can
8 we just go through first and get --

9 MR. LEE: Sure.

10 CHAIRPERSON HILL: Can I just get everybody's
11 names?

12 MS. PERKINS: Hi. I'm Theresa Perkins. I
13 live at 1514 Gerrard Street Northeast, two blocks from
14 the site.

15 MR. KLINE: Dan Kline, 3109 20th Street
16 Northeast.

17 MR. STEIN: Jeff Stein, 1620 Hamlin Street
18 Northeast.

19 MS. CAMPBELL: Do I have to push this? Yes.
20 Sandra Campbell, 3310 20th Street Northeast. A little
21 further away.

22 CHAIRPERSON HILL: Okay. And, so as with the
23 parties that were in support, I'm going to give
24 everyone three minutes. And so, please, go right
25 ahead, Mr. Lee.

1 MR. LEE: Think I read the first paragraph.
2 So, I would like to add a few comments to the record
3 and I would like to note that our elderly neighbors
4 who are directly across from the site could not make
5 it tonight. I think we've already addressed that.

6 With that, my neighbors across from and
7 adjacent to the site are a mix of elderly, immigrants,
8 disabled, combat veterans, and others. They include a
9 pastor and his blind wife, they include lifelong
10 DC'ers, including those with Alzheimer's, and those
11 coping with tremendous personal loss. They are kind,
12 and they are generous. By and large, they are members
13 of one or more protected class.

14 On the other side of this equation there is
15 another group of citizens who are also vulnerable.
16 Both sides rely on the process and none of us should
17 pit one group of vulnerable citizens against another.

18 Yet, the applicant and its surrogates have actively
19 demonized my neighbors who also rely on the process to
20 have a voice.

21 Overall, I find the applicant and its
22 surrogate efforts in our ANC, deplorable. If you take
23 a step back and examine the events leading to this
24 hearing, then you will see what looks like a concerted
25 effort to restrict or eliminate input by residents

1 into the process that leads us here today.

2 Additionally, we do not and have not
3 challenged the merits of the program. We are told
4 that the program does not require this design at this
5 site. Nonetheless, the applicant and its surrogates
6 seem to have tried to suppress the residents. I do
7 not think that the mayor or city council envisioned or
8 intended for the program to deny my elderly neighbors
9 their voice.

10 I oppose the application and I absolutely
11 reject the myth that my community was engaged in the
12 process that led us here today. And I will leave you
13 with some words from Pastor Wilks.

14 As Pastor Wilks said at our SMD meeting, who
15 is representing the elderly, and who is representing
16 the poor in our SMD? Thank you.

17 CHAIRPERSON HILL: Thank you.

18 MS. PERKINS: All right. Hi, there. I kind
19 of feel like a Democrat at Trump's address to the
20 congress last night, because I would like to know how
21 many people, if people from the city could raise their
22 hand, who are in attendance who work for the city or
23 representing the city. And if we could have a show of
24 hands --

25 CHAIRPERSON HILL: That's okay. Actually,

1 it's all right. And, I'm sorry, Ms. Perkins. You
2 just have to kind of give your testimony here. It's
3 not that type --

4 MS. PERKINS: Okay.

5 CHAIRPERSON HILL: But I --

6 MS. PERKINS: I just would like the record to
7 show that the majority of people here represent the
8 city or --

9 CHAIRPERSON HILL: I don't know if that's
10 necessarily true, to be quite honest, and I can't put
11 that on the record because it's not something I can
12 like, just put down on the record. And by the way,
13 I'm not really sure where we are in this equation now
14 that you've just laid out.

15 MS. PERKINS: Okay.

16 CHAIRPERSON HILL: So, just to let you know.
17 Okay? Just to let you know. Just to let you know.
18 Okay?

19 MS. PERKINS: [Speaking off microphone.]

20 CHAIRPERSON HILL: We all live in the city.
21 Okay? We'll start there again.

22 MS. PERKINS: Alrighty.

23 CHAIRPERSON HILL: All right. But that's
24 okay.

25 MS. PERKINS: Okay. Well, that being said, I

1 appreciate your time and the opportunity to have my
2 voice heard here today in regards to the proposed
3 variances.

4 I have attended numerous meetings where the
5 architecture firm has presented their proposal. At
6 each one they repeatedly called the site problematic,
7 quote/unquote. I agree.

8 You can't get a quart into a pint pot. They
9 are trying to configure 30,000 square feet of
10 programmatic requirements into a 12,000 square foot
11 footprint. The architects have callously refused to
12 listen to any suggestions or objections to their
13 design. In meetings that I've attended they were very
14 smug and about their presumption that they would
15 automatically receive a pass on any zoning variances
16 that they might request. When I asked them about
17 this, they were like, oh, we're going to get that.
18 You know, we're not worried about that.

19 So, also I'd like to point out that the
20 PowerPoint and the scale of buildings that are
21 exhibited throughout this PowerPoint, is not
22 realistic. The proportion is entirely deceptive as
23 far as if you put the, you know, the square feet.
24 It's not correct.

25 If these variances were granted, I fear they

1 would set an untenable precedent for our neighborhood.
2 Rhode Island received the Main Street status as been
3 mentioned, making it eligible for many improvements.
4 The goal is to work towards the positive redevelopment
5 of our city's traditional business districts.

6 When this was first proposed, we were told it
7 might house 25 to 35 families. The number grew and
8 grew with each successive meeting, until we are at the
9 number of 46 families today, which they would like to
10 make 50 if it was humanly possible to provide 50 units
11 on this site.

12 We were also told that temporary housing would
13 be for 60 days. This morning I heard that the average
14 stay last year in temporary housing was 142 days.
15 That is almost five months.

16 This particular site has a building that is
17 eligible for historic designation. Therefore, the
18 architect has had to work around that building due to
19 the fact that legally they might have to acknowledge
20 that it is historic. It was the first police station
21 in the area. It is quite beautiful, and the community
22 would like it to remain intact.

23 The back of it, that they propose to build
24 over and knock off, was actually a stable that housed
25 the horses there.

1 Okay. The Commission of Fine Arts strongly
2 objects to the zoning variances requested today. And,
3 we do not object to providing shelters for homeless
4 families. We support disbursing the D.C. general
5 population. However, the DGS strategic plan seems to
6 be carved in stone. There is no flexibility in their
7 plan whatsoever. Obviously, they are already spending
8 a fortune for architecture firms, lawyers, high-priced
9 lawyers, and a huge entourage of employees to confirm
10 that they are right.

11 I, for one, am tired of being vilified for
12 disagreeing with their rigid, unbendable plan that
13 demonizes me simply because I disagree with it. If
14 city properties are to be used, there are numerous
15 options capable of serving the purpose. In fact,
16 using smaller facilities would decrease the
17 institutional feel of these buildings.

18 I live across the street from an affordable
19 housing apartment building for seniors. Construction
20 was completed last year. Of the 25 residents, 11 of
21 them were homeless. The building is a block away from
22 the proposed shelter, and there was no mention of the
23 building being used to house the homeless population.

24 My point is that DGS has an agenda and
25 everyone else be damned. Get out of the way and shut

1 up. They are blatantly ignoring the concerns of the
2 residents of the community. They are bulldozing their
3 way on to a tiny plot of land that is completely
4 unsuitable for their proposal. I suggest they learn
5 to be open to other ideas, respect the community, and
6 not force their agenda on us. We did not sign up for
7 this in any way, shape, or form.

8 To request substantial variances on eight
9 different zoning laws is unheard of. Maybe you've
10 heard of this before, but I certainly have not. This
11 is a complete travesty of democracy, the city's
12 comprehensive plan, and my personal rights as a
13 citizen. There are letters of objection from several
14 ANC representatives in 5B, where the site is located.

15 Please also note the petition with almost 300
16 signatures against these variances. I ask that you
17 please take these into serious consideration when
18 deliberating on this matter. I strongly oppose this
19 proposal, and I thank you for your consideration and
20 mindful attention to this matter, as well as the
21 privilege for your time.

22 CHAIRPERSON HILL: Thank you. All right, Mr.
23 Kline?

24 MR. KLINE: Yes.

25 CHAIRPERSON HILL: Kline? I'm going to put

1 three minutes on the clock there for you as well, Mr.
2 Kline.

3 MR. KLINE: Thank you. Chairman Hill, members
4 of the Board, it's almost 12 hours that you have been
5 listening to homeless shelters, with a little bit of
6 interruption for pizza, and I just wanted to thank you
7 for being unbelievably patient.

8 CHAIRPERSON HILL: You're going to get an
9 extra minute.

10 [Laughter.]

11 CHAIRPERSON HILL: Mr. Moy, you can throw
12 another minute on there. All right, Mr. Kline.

13 MR. KLINE: We have talked a little bit about
14 exceptional situations and conditions, and I think
15 this is an exceptional situation and condition. This
16 site is too small. Very, very simple.

17 It is too small in that there are only three
18 parking spaces when it requires 22. There is no
19 loading dock. A building of that size with no loading
20 dock? It is going to clog the street. You don't have
21 to have much of imagination to realize that. There
22 are people, over 125 people are going to live there.
23 There's going to be Metro access picking them up.
24 They're being served meals twice a day. It's going to
25 affect the street.

1 You want to talk about quality of life? That
2 is going to affect quality of life. And there's not
3 enough sunlight. If you're building a building that
4 is 40 percent taller than what is allowed, yes, the
5 Department of -- the Office of Planning suggested that
6 the sunlight is only going to be blocked during the
7 morning, but sunlight in the evening is really not as
8 much of a concern.

9 This is going to affect the people. And it's
10 not going to be a matter of ever getting better. In
11 fact, even the city acknowledges that the site is too
12 small, rather than 50 people as the 2016 legislation
13 is required, they're only putting in 46 rather than
14 putting in 10 on each floor. There's a couple of
15 floors with 11. By their own admission, it's too
16 small.

17 I don't exactly know why one doesn't seek out
18 another site, but there's no way that you can sit here
19 and say that eight special exceptions, and eight
20 variances, in order to make this overly small site
21 function, is a good idea.

22 Mayor Bowser decided, and the council agreed,
23 that we need to close D.C. General. D.C. General's
24 conditions are deplorable. Anyone who has ever been
25 there, know that. Providing reasonable housing for

1 people who are unfortunate is an important thing and a
2 great idea for the city to do. But anyone who has
3 ever been to the site of D.C. General, knows that if
4 the City wanted to, they could build right there.
5 There's plenty of room. There's plenty of room to
6 build. You could leave the hospital right where it
7 is, and until you get another structure built, then
8 you could take it down.

9 So, why are they not doing that? My guess is,
10 and I have not read it anywhere, no one said this to
11 me, and I'm not an expert, but the real estate is too
12 valuable. So, you're not going to keep a shelter
13 there. That makes sense. The city has matured. It
14 makes perfect sense.

15 In turn, you wind up with a shelter at 1700
16 Rhode Island Avenue that is 69 feet tall. And you, as
17 the BZA, have an opportunity to consider the fact that
18 once that 69-foot shelter is built, that will be a
19 precedent. That will be a precedent for the tire
20 shop, the used car lot, the transmission shop, all of
21 which are along Rhode Island Avenue, all of which
22 currently have height restrictions of 50 feet, all of
23 which are clearly going to be sites for development in
24 the near future, and all of which are going to turn to
25 this nonprofit, 69-foot special exception and call

1 that a precedent and say, we'd like to have all of our
2 buildings now 69 feet tall too.

3 And I don't think that that is something that
4 the BZA should vote for and I'm very grateful for your
5 listening.

6 CHAIRPERSON HILL: Thank you.

7 MR. STEIN: My turn. So, my name is Jeff
8 Stein. I live at 1620 Hamlin Street. I live
9 approximate 300 feet from the location of the proposed
10 Ward 5 homeless shelter planned for 1700 Rhode Island
11 Avenue. And I urge you to reject all of the variances
12 and special exceptions required to construct this
13 facility as it is currently designed.

14 I am not completely opposed to the placement
15 of a family homeless shelter at this location, but I
16 am absolutely opposed to the placement of this
17 homeless shelter as it is currently designed at this
18 location.

19 As a community representative on the advisory
20 team, tasked with community outreach for this
21 facility, I have been heavily involved in the design
22 and planning process. I have listened to the concerns
23 of countless community members and relayed that
24 information to city officials, hoping that these
25 concerns would be considered and incorporated into the

1 design of this facility.

2 I found this process to be discouraging
3 because the overwhelming response I received to many
4 of these concerns were that they were either
5 unjustified, or that they were inactionable due to the
6 constraints with the planned location of the facility.

7 In fact, I would argue that there were attempts to
8 suppress the involvement of residents most impacted by
9 the construction of this facility.

10 During one advisory team meeting I encouraged
11 city officials to conduct separate outreach meetings
12 for residents living within close proximity to the
13 site, and was told by our current ANC commissioner for
14 SMD 5B-03, that a separate meeting for these residents
15 would only slow down the project. Those notes are
16 attached to my testimony, or the meeting minutes.

17 From that moment forward, it was apparent to
18 me that the valid concerns of residents most impacted
19 by the construction of this facility were of little
20 value to the elected officials, and the city employees
21 managing the implementation of this project.

22 Zoning regulations are in place to segregate
23 uses that are thought to be incompatible, to prevent
24 new development from interfering with existing uses,
25 and to preserve the character of a community.

1 Residents rely on these regulations to ensure
2 development is moderated, and that it is consistent
3 with the master plan for an area.

4 A 70-foot tall family homeless shelter housing
5 150 individuals that provides inadequate parking for
6 those residents, employees, and visitors, is certainly
7 incompatible with neighboring single-family homes and
8 will interfere with their use. This sort of unbridled
9 development is also inconsistent with the character of
10 this quiet residential community.

11 If the shelter currently proposed is allowed
12 to be constructed, it will adversely impact the
13 neighboring home owners and community as it is today
14 and in the future. I purchased my home after a
15 careful review of the zoning and comprehensive plan
16 for this area. This shelter, as it is currently being
17 proposed, is not consistent with either of those, or
18 the zoning regulations for this area.

19 The Board of Zoning Adjustment should insist
20 that these guidelines are followed for all
21 development, otherwise, why did we even go through the
22 effort to create them in the first place?

23 There are already days when it's not possible
24 for me to find parking on the block where I live. And
25 I've also attached pictures of that in my testimony.

1 I am required to maintain the sidewalks in
2 front of my home and ensure the tree boxes are
3 landscaped, and I insist that I should be afforded the
4 ability to park within a reasonable distance to those
5 same sidewalks and tree boxes. I should not be forced
6 to walk one, two, or even three blocks to get to and
7 from my personal vehicle because of a poorly planned
8 residential building.

9 The one thing -- I know I'm over. So, the one
10 thing I'd like to mention that hasn't been mentioned
11 before is that my home sits directly between two
12 churches. On Wednesday evenings, Sundays, some
13 Saturdays, there's no parking for a block or two.
14 There's nowhere -- or funerals and things like that.
15 And that's not taken in consideration in this traffic
16 study. Adding all this additional parking for the
17 shelter, for the employees, for the visitors, and not
18 even considering the other residential buildings being
19 constructed a block from my home, there's going to be
20 no parking. There's nowhere for anyone to park some
21 days already, with 18 units going up a block from my
22 home, six more being built right around the corner,
23 and then 46 more residential units going up around the
24 corner. There just isn't anywhere else to park.

25 And I'll stop there. I know I'm over.

1 CHAIRPERSON HILL: Thank you, Mr. Stein. Ms.
2 Camel. Ms. Campbell?

3 MS. CAMPBELL: Yes, Ms. Campbell. Just like
4 the soup.

5 CHAIRPERSON HILL: Campbell. Yeah, you need
6 to push the button.

7 MS. CAMPBELL: I'm sorry.

8 CHAIRPERSON HILL: That's all right. That's
9 all right.

10 MS. CAMPBELL: Now, can you hear me?

11 CHAIRPERSON HILL: Yeah, that's great. Thank
12 you.

13 MS. CAMPBELL: Sure. I'm just going to
14 piggyback on something that Jeff said, and I have to
15 confess that I'm not that concerned, terribly, for
16 Jeff, although we do get mugged in our neighborhoods.
17 Like, we're a kind of a -- people say Brookland, and
18 it is actually Brookland, but actually it's Brookland
19 Woodridge. And I do feel like we haven't brought you
20 pictures, unfortunately, and I wonder if I could add
21 some pictures to the record. Is there some way I can
22 get you pictures later? It's a serious question,
23 because --

24 CHAIRPERSON HILL: Let me think about it. Go
25 ahead and just give your testimony if you don't mind.

1 MS. CAMPBELL: Okay. And it's because when
2 pictures are shown to you by the skilled architect who
3 knows to prepare this kind of thing beforehand,
4 they're actually quite deceptive because their wide-
5 angle lens, in part. Right? So, actually if I could
6 encourage you to visit the site, when you walk on this
7 site you think, oh my God, this really is tiny. Not
8 because the site itself is tiny, but because it's so
9 occupied already. And additionally, I don't think
10 that you get to see those small houses that are
11 adjacent to it when all that is brought is the
12 tallest. And in some cases these helpful buildings
13 along Rhode Island Avenue. They help us because they
14 have that art deco character, because they're little
15 pieces of beauty interspersed among a lot of
16 nonbeauty, frankly.

17 What I'm trying to say with that is, for
18 scale, I don't think you could get any sense of the
19 discontinuities of scale that are being proposed here
20 by the images which I do not at all say was a -- claim
21 was intentional on the part of the architect. Rather,
22 the architect has the ability to give you wide angle
23 lens pictures --

24 CHAIRPERSON HILL: Ms. Campbell, I'm only
25 interrupting you because I really want to hear what

1 you have -- I mean, as far as the photographs, I mean,
2 we do have the architectural drawings and we do have
3 an ability to really take a close look as to what the
4 neighborhood is like. I mean, is that what you
5 were -- what you wanted to get across to us?

6 MS. CAMPBELL: Yeah. Well, exactly. But
7 party, in part through words. So, but it is that that
8 I was asking if I could convey it via photographs. Of
9 course, what I really want you to do is please go
10 visit the site. But I don't think I can ask you to
11 drive across town to do that. So, I urge, if you
12 would, I urge the members of the Board to actually
13 visit the site before you make any --

14 CHAIRPERSON HILL: I don't think we're allowed
15 to, sorry.

16 MS. CAMPBELL: Oh, you're not?

17 CHAIRPERSON HILL: I don't think we're -- I
18 think we're not allowed to do independent research.

19 MS. CAMPBELL: Okay. Okay, interesting. So,
20 then could we send you pictures? Yeah. There are a
21 lot of little one and a half story bungalows. We
22 actually are -- there are some two-story houses across
23 the street on 17th. And the reason many of us have
24 come down is because our elderly neighbors cannot so
25 easily come down. I know, I'm getting there myself,

1 so we come down really on their behalf.

2 We've come down to you before, in fact, to
3 fight against variances in height on Rhode Island
4 Avenue, with the midcentury -- the midcentury. The
5 Mid-City financial redevelopment of Brookland Manor,
6 where I personally am -- John, who spoke eloquently
7 earlier, asked that this Board not allow variance in
8 height, especially fronting Rhode Island Avenue on
9 that development because we were also then concerned
10 about shadowing, the shadowing impact on the street,
11 actually.

12 In this case, I'm more concerned for my
13 neighbors on 17th, and so it's just, we do -- some of
14 us have a track record of coming down before you and
15 asking, please do not grant height variances. Again,
16 my primary reason to be here, please do not grant
17 height variances. And, I also feel very bad for Ressa
18 (phonetic) and Faraz Khan. Thank you.

19 CHAIRPERSON HILL: Thank you. Okay. Does the
20 -- well, to answer Ms. Campbell's question, I don't
21 need any photographs myself right now. Does the Board
22 need any additional photographs? Yes, Mr. Miller?

23 MR. MILLER: Yes, I do. Like in the previous
24 case where I wanted to have the applicant provide some
25 perspectives from the adjacent low-density residences

1 to the south, in that case, I was going to ask the
2 applicant as part of a post-hearing submission, and
3 the neighbors to show what each of them think is the
4 perspective from those two-story single-family houses
5 across 17th Street. So, I would like to see, or be
6 directed in the record where the exhibits that show
7 better how the height and massing looks from across
8 17th Street, from the lower density.

9 In terms of the variance test, the second and
10 third part of the -- well, not the second and third.
11 Maybe it's the third part of the variance test, the
12 substantial -- that there's no substantial detriment
13 to the public good or to the zone plan. So, I would
14 like to see -- I personally would like to see some
15 additional perspectives, just as I go forward
16 evaluating this.

17 CHAIRPERSON HILL: Okay. So, we'll just
18 clarify that at the end. Ms. Campbell?

19 MS. CAMPBELL: Well, I actually would just
20 like to add one tiny thing, which is that our power
21 was out for hours last night, so there are some people
22 in the neighborhood who would like to know if they
23 could still add a letter.

24 CHAIRPERSON HILL: I don't know yet. We'll
25 have to get back to that. But yeah, let me get back

1 to you, okay?

2 All right. Let's see. So, I'm going to let
3 the applicant cross-examine, and again, I think that
4 we've been going over a lot of the testimony in
5 previous -- you've asked previous questions of the
6 previous witnesses that seem somewhat similar. So,
7 I'm going to go ahead, you just said five minutes,
8 perhaps. I'll throw out five minutes there, and see
9 how we go with that, Ms. Mazo.

10 MS. MAZO: Yeah, and we may not take all of
11 that.

12 I have a couple questions for Mr. Kline. Mr.
13 Kline, you testified about loading and made some
14 statement -- and apologize if I don't -- if this is a
15 paraphrase, but --

16 MR. KLINE: Sure. You're fine.

17 MS. MAZO: Where you said that you didn't
18 believe that there are any other buildings of this
19 size that were -- that didn't require loading. And I
20 just was wondering if you were aware that over the
21 summer, in the Ward 5 -- sorry, the Ward 8 site, that
22 the Board did approve loading relief for another one
23 of these emergency shelter sites in Ward 8.

24 MR. KLINE: I actually wasn't referring to
25 emergency shelters. I was referring to buildings of

1 that size, housing that number of people. Typically,
2 if you're going to be serving meals and having people
3 be picked up by Metro access, it makes it a lot
4 simpler if there is a loading dock. And without that
5 I don't doubt that there have been times when that is
6 not done, but I think for the most part a loading dock
7 is a really good idea.

8 MS. MAZO: Mr. Kline, and I absolutely
9 appreciate that and I was wondering if you're also
10 aware that the applicant and with DDOT's
11 recommendation, has dedicated one of its parking
12 spaces to loading because the number -- the highest
13 number of quote/unquote, loading type vehicles, are in
14 fact smaller vans, or even cars. And so, DDOT raised
15 one of these issues to the extent that DDOT indicated
16 that they did not want any loading to occur in the
17 alley. And so, accordingly we have -- and DGS has
18 amended its plan to dedicate one of its parking spaces
19 to loading. And I just didn't know if you were aware
20 of that.

21 MR. KLINE: I wasn't aware, but I do
22 appreciate that you are clearly helping our side
23 because you're obviously indicating the fact that
24 there is neither enough parking, nor enough space for
25 loading, which is the kind of thing that I would have

1 said. So, thank you.

2 MS. MAZO: Okay. That was obviously not the
3 purpose of my statement. The purpose of my statement
4 was to --

5 MR. KLINE: I'm sure it wasn't.

6 MS. MAZO: -- was to document that DDOT
7 recommended and is in support of the proposed loading
8 space, and is also in support for the special
9 exception for parking.

10 CHAIRPERSON HILL: Ms. Mazo, by the way,
11 again, we're still listening up here. So, I did hear
12 what you were saying about the parking with the
13 loading.

14 MS. MAZO: And then following up, Mr. Kline,
15 you mentioned something that I've heard a lot in the
16 community meetings that everyone is concerned that if
17 this height is approved on this site, then what's
18 going to stop your next commercial developer to
19 come --

20 MR. KLINE: Nothing.

21 MS. MAZO: Nothing. Well, I'm not sure if you
22 were here for the Ward 3 discussion, or if you were
23 here earlier in our discussion, but do you understand
24 that this Board and even as CFRO's counsel has, you
25 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
25 trying to get away from now is long questions and long

1 answers. So, specific questions, specific answer.
2 Yes. No. Do we have more?

3 MS. MAZO: One more question for Mr. Sheen
4 (sic). You indicated that there are days when you
5 come and you can't find parking. But are those the
6 same days as when there's a lot going on at the
7 church?

8 MR. STEIN: Typically, it's the church. The
9 issue with living between two churches is that we
10 never know when the events are going to occur. We
11 always know Sunday. We always know Wednesday. But
12 then there are other event days. There are things
13 like funerals. There are things like weddings. There
14 are events like the one that's coming this Saturday
15 where I'm sure my entire block is going to be filled
16 with cars from out of town, and we'll have nowhere to
17 park.

18 So, my issue with the traffic study is that it
19 looks at one point in time when it's not -- this isn't
20 like, look at business hours. This is random points
21 in time where it's kind of hard for us to know when
22 we're going to be able to park, and when we're not.
23 And adding these additional spaces that are going to
24 be needed for this site, and the additional visitors
25 and things like that, that are also going to be

1 random, makes it very hard for us to plan and known
2 when we can actually park near our homes.

3 MS. MAZO: I have no more questions.

4 CHAIRPERSON HILL: Okay. All right. Does the
5 Board have any further questions for the witnesses
6 here?

7 [No audible response.]

8 CHAIRPERSON HILL: Okay. I know I've said it
9 a lot. We really do appreciate you coming down, and
10 you've waited a really long time for just a few
11 minutes. But we are listening. We're understanding
12 what is going on with the neighborhood, and all of the
13 testimony is in the record. So, thank you all very
14 much.

15 We're going to ask the applicant for rebuttal,
16 and I only responding just because I was trying to
17 figure out how much time is a good amount of time. We
18 tried earlier with 25 minutes on the previous case,
19 and it went to 30. And so, if it's okay, I'll go
20 ahead and give a shot for 25 again. And there is a --
21 or, in addition to that, do you want to take like
22 three minutes to get kind of everything squared away,
23 and then we'll come back and maybe I can get it done
24 faster? Does that sound like a good idea?

25 MS. MAZO: That sounds like a good idea to me.

1 CHAIRPERSON HILL: Okay. All right. So,
2 we're going to take a quick, and I mean really quick.
3 Like, we're going to take five minutes. And the
4 purpose of which is so that the applicant can really
5 get their ducks in a row so we can go through rebuttal
6 quickly. Thank you.

7 [Brief recess.]

8 CHAIRPERSON HILL: All right. Okay. Thank
9 you all very much, and Mr. Brown, thanks for being
10 with us here, and you're all alone over there.

11 CHAIRMAN: Mr. Moy -- oh wonderful. Thank you.

12 MS. MAZO: Okay. Very Briefly were going to
13 touch on some issues just as a wrap up and in response
14 to some of the comments that we've heard.

15 First, I'd like to start with Mr. Dan VanPelt
16 our traffic consultant. We have heard that their
17 neighbors are claiming that there's going to be
18 adverse impact on the neighborhood because of traffic.
19 Can you please document for us the efforts that you
20 and your firm have done in order to prepare a traffic
21 statement, and also in regards to the parking
22 analysis?

23 MR. VANPELT: Sure. With any application in
24 the District, one of the first things we do is meet
25 with DDOT and talk about the application and then go

1 through a scoping exercise. DDOT has comprehensive
2 transportation review scoping guidelines. One of the
3 things that was determined for this facility and for
4 the other similar facilities is that the peak period
5 trips are less than 25 in the peak direction. And
6 because of that there's no -- DDOT doesn't require a
7 vehicular capacity analysis or look at any crash data
8 because it's seen that that that number of trips is
9 just not going to have significant impact on the
10 network. So, that's why that was not included in this
11 review or in any other short term family housing
12 projects and studies that have been completed.

13 Therefore, we did focus on the parking because
14 of the parking relief. The study area for the parking
15 study was part of that scope with DDOT. The area that
16 -- those block faces that we looked at was something
17 that we reviewed with DDOT and we're looking at the,
18 kind of the immediate walkshed, if you will, where
19 people could park.

20 We focused on a typical weekday evening
21 knowing that the primary land uses surrounding is
22 residential, and were most concerned about then what
23 the impact would be as people are coming home and
24 looking for parking spaces in the evening. One of the
25 gentlemen did testify that Wednesday evenings are a

1 bit difficult and I think our counts were actually
2 done on a Wednesday evening in early December. So, I
3 don't know if we captured some of that church activity
4 but that was one of the days we looked at. And then
5 we found of the 400, almost 400 spaces, that they were
6 about 36 percent occupied as you looked at the area in
7 entirety. And that's what allowed us to come to the
8 conclusion that the additional spaces that would need
9 to be parked on the street wouldn't have an adverse
10 impact.

11 MS. MAZO: Dan, one just quick question. An
12 issue has been raised about the drive isle width, and
13 can you document that in the zoning regulations alley
14 and drive isle are not the same thing and therefore
15 are treated differently in the zoning regulations as
16 it pertains to parking space size?

17 MR. VANPELT: Yeah. The parking spaces are of
18 legally compliant size, but the drive isle itself, for
19 parking facility the drive isle width needs to be a
20 minimum of 20 feet. But this is an alley were talking
21 about and so, that doesn't apply to allies.

22 It is not uncommon in the District to have
23 allies that are less than 20 feet, and have parking
24 off of them.

25 MS. MAZO: Next, I would like to go to the

1 fact that the one thing that hasn't been raised, and
2 we will just touch on it briefly, is the fact that the
3 facility will have no adverse impact on the
4 neighborhood because of noise. I'd first like to
5 direct my question to project architect, Mr. Ronnie
6 McGhee.

7 Mr. McGhee, in your professional experience
8 and expertise do you believe that a project of this
9 site will create objectional noise that would have an
10 adverse impact on the neighborhood?

11 MR. MCGHEE: Well, the answer to that would be
12 no. Typically, an apartment building does not create
13 a great amount of noise, and this building will be
14 LEED certified Gold, which means we have to control
15 the noise from the outside, how it affects the
16 residents on the inside. So, that will definitely be
17 a factor in reduction of noise that might come from
18 inside the building. So, we don't think it will have
19 an adverse impact on the site and neighbors. So, thank
20 you.

21 MS. MAZO: Also on the noise issue, I'd like
22 to ask a similar question to our landscape expert,
23 landscape architect, Ryan Moody. Mr. Moody, based on
24 your landscape design and your screening, can you also
25 determine in your expertise that there would be no

1 adverse impact on the neighborhood based on noise?

2 MR. MOODY: I believe that's an accurate
3 statement. The nearly 20-foot buffer of planting
4 between Road Island Avenue and the proposed play area,
5 as well as the low retaining wall and screening fence,
6 will significantly inhibit any noise coming from that.

7 And along 17th street, the 7-foot tall proposed
8 privacy fence and additionally 20-foot buffer of
9 planting area, I think will be advantageous to the
10 community as opposed to the existing chain link fence
11 that now currently hugs the sidewalk.

12 MS. MAZO: And the next question, still
13 walking through that 513.1D4, I guess. So, this
14 question is about to document that the facility shall
15 not have adverse impact on the neighborhood because of
16 operations, and I would like to direct that question
17 to Director Zeilinger.

18 MS. ZEILINGER: So, we don't expect an adverse
19 impact from the way that we're operating the program.
20 As noted in my written testimony, we operate homeless
21 services throughout the District of Columbia, and
22 often times people do not know that there is a program
23 even located there, if they weren't there during the
24 time that it was sited initially. When we operate
25 programs well, they exist in harmony with the

1 community. We will, you know we have a good neighbor
2 -- we will have a good neighbor agreement, we will
3 have community advisory teams to help us understand if
4 the neighborhood is experiencing any impact, and to
5 resolve any issues should they arise. But we have a
6 lot of confidence there really would not be any
7 negative impact that would come from the operations of
8 our programs, and things that may be of concern, I
9 have full confidence that we can handle them going in
10 and prevent them from occurring.

11 MS. MAZO: Next, Mr. Curlin, on the opposition
12 he identified what he believed to be a number of
13 similar facilities in what he stated was the general
14 vicinity of the property. I would like you to maybe
15 talk through some of those facilities and to go
16 towards the question of, would the facility shall not
17 -- our facility, I'm sorry, the emergency shelter at
18 1700 Road Island Northwest, shall not have an adverse
19 impact on the neighborhood because of the number of
20 similar facilities in the area. And that question is
21 directed to Director Zeilinger.

22 MS. ZEILINGER: So, some of the programs that
23 were noted in the opposition's witness testimony are
24 permanent housing programs and affordable housing
25 programs. So that sometimes they are providing

1 permanent supportive housing or other resident -- or
2 services and housing in residential setting.

3 They are not emergency shelter uses. We've
4 established that and I think everybody has agreed to
5 it, but what was implied by the opposition witnesses
6 is they're still a program of similar in nature, and I
7 think the only similarity is that the people in those
8 programs can't afford to pay market rate housing and
9 hire people to come in and provide them services,
10 themselves.

11 So, the neighbors talked about neighbors who
12 have -- you know, experience a range of different
13 disabilities on the block, and sort of an impact on
14 them. But I would argue that similarly speaking, the
15 city does provide resident -- you know, the ability
16 for people to access permanent housing and bring those
17 services in. The only thing that makes them different
18 is the fact that -- is means, or perhaps something
19 that may have happened in their life that preceded
20 their now living in one of those programs.

21 So, the opposition referred to a people bomb
22 that we're dropping on this neighborhood. Well people
23 are not bombs, and they are not weapons, and they are
24 not there to damage anybody around them. They are
25 simply individuals who have experienced something that

1 has caused them to be without. And similarly, folks
2 who now are in permanent housing in places you can
3 walk to from here, which is true throughout the city,
4 are really no different and there's no reason why --
5 to think that somehow our being here, as well as the
6 other programs in the neighborhood, the confluence of
7 that is somehow having a negative impact on the well-
8 being of the neighborhood.

9 MS. MOLDENHAUER: Laura, can I just redirect
10 you? And the term that I kind of say, when I say a
11 bomb is that something happens all at once. The
12 individuals that are experiencing homelessness, in
13 your experience, based on operations, they don't all
14 come in and out of the facility all at once. You
15 know, can you just address that?

16 MS. ZEILINGER: Sure. Just like any other
17 apartment building, people come and go based on their
18 schedules. And certainly, people often times are
19 leaving in the morning, just as neighbors leave in the
20 morning, and coming back at various times during the
21 day based on their schedules. But there is not --
22 it's not a 12-hour, low barrier shelter where we close
23 at 7:00 a.m. and everybody leaves and we open back at
24 7:00 p.m., and people line up outside to come back in.
25 People come and go as they do in any other

1 residential setting.

2 MS. MAZO: Sorry. And, Dr. Zeilinger, just --
3 Director Zeilinger, I just wanted to also follow up
4 with, you have mentioned a good neighbor agreement.
5 Good neighbor agreements are property specific,
6 correct?

7 MS. ZEILINGER: Yes.

8 MS. MAZO: And so accordingly, a good neighbor
9 agreement on this site could take into account the
10 fact that there may be other sites that are within the
11 vicinity, and that -- so, a good neighbor -- would you
12 expect that a good neighbor agreement would take that
13 into account and could be another way to limit any
14 potential adverse impact from the location? This
15 location?

16 MS. ZEILINGER: So, the good neighbor
17 agreement will be specific to the operations of this
18 program, and with this neighborhood. However, we've
19 seen described in other wards, if there are concerns
20 that the community has, then they bring them to the
21 community advisory team, and we've been able to be a
22 convening force to bring folks in to answer their
23 questions and concerns. So, if there is concern in
24 the neighborhood about the way other programs are
25 operating we certainly could use that community

1 advisory team structure to convene those programs and
2 stakeholders to similarly address any community
3 concerns.

4 MS. MOLDENHAUER: I'm now going to turn to a
5 CA Young to address, there were two times and the
6 opposition statements, or individual in opposition
7 statements, that there were referencing your comments
8 and your either -- actually, I'll just indicate that,
9 you know, talking about specific sites and whether or
10 not this site was appropriate. Can you address that
11 and explain how that comment was maybe taken out of
12 context?

13 MR. YOUNG: Yeah, thank you. And I do think
14 the comments, particularly about our review of 1700
15 Rhode Island was taken out of context. When we talked
16 about 1700 Rhode Island with Ward 5 at the point at
17 which we had proposed a different location, the site
18 constraint at 1700 Rhode Island was really due to the
19 fact that we had a clinic, we called it the Hoya
20 Clinic, that would be onsite at the other Ward 5
21 location.

22 So, when you talked about 50 units for short-
23 term family housing, plus the clinic, that footprint
24 then made 1700 Rhode Island not practical. When the
25 council said, you have to own your site or be on city

1 property, then we changed, we looked at then, the
2 constraints, or the size constraints differently, and
3 then we dropped the clinic, which then made 1700 Rhode
4 Island a viable location for us to consider. And by
5 the time we got to that point we had to cross the
6 threshold of considering this location for other
7 municipal uses, and decided not to do that,
8 particularly given the constraint that council put us
9 on with the legislation.

10 So, it isn't an issue of, the first site was
11 a great site, and now because council changed it, the
12 second site is a better site. We changed the program
13 significant when we dropped the clinic from the
14 conversation.

15 MS. MOLDENHAUER: Just to continue to follow
16 up on this line of questioning, I know there's been
17 questions about the degree of a search, even though
18 the term reasonable search is not in the regulations,
19 I'll use the regulations in regards to other
20 reasonable alternatives. Can you explain why the
21 city, in its review, believes that there are no other
22 reasonable alternatives?

23 MR. YOUNG: Well, first is because the city
24 with through an exhaustive process to consider
25 locations. And again, from our solicitation to our

1 use of a broker, to actually having reviewed and
2 responded to the locations that came from the Langdon
3 Community, they wrote us a letter, I actually
4 responded to that letter and talked about each of
5 those locations that they suggested, and our
6 evaluation of those locations. And really, I think
7 the argument that we've heard all day about, go
8 somewhere else, also suggests this issue of --
9 suggests that there isn't a reasonable alternative.
10 We had a site in Ward 5, and what they said is, hey,
11 we support the program but go somewhere else.

12 Now we have another site in Ward 5, and what
13 we hear is, we support the concept of the program but
14 go somewhere else. Also heard that in ward 3. We had
15 a site and Ward 3, that community said, we support it
16 but go somewhere else. Now that we're somewhere else,
17 that community also says, go somewhere else.

18 So, there really isn't an opportunity for us
19 to hit the reset button again, go through, pick
20 another location, and have what seems to be the same
21 argument about where this facility can be located.

22 MS. MOLDENHAUER: And now you said you cannot
23 do that because, what, that would jeopardize the
24 ability for the city to obtain their goals and their
25 objectives?

1 MR. YOUNG: We've got to have 280 units in
2 order to close D.C. General. If we don't have 280
3 units then we're in a much more expensive proposition
4 to providing more hotels, some of which are outside of
5 the District, for these families, or faced with the
6 prospect of running two systems, some community-based
7 sites and then a half empty and still dilapidated and
8 inappropriate D.C. General.

9 So, if we don't have the 280 sites, we don't
10 have an ability to move forward with a program that
11 makes any rational sense to deliver services and get
12 people out of -- these families out of homelessness

13 MS. MOLDENHAUER: Director Gillis, I think
14 you've been here most of the time. In any point in
15 time during the opposition's testimony, did you hear
16 anybody in the opposition identify or provide a list
17 or a recommendation of multiple other reasonable
18 potential sites?

19 MS. GILLIS: No other reasonable potential
20 sites at this point.

21 MS. MOLDENHAUER: And is that based on a
22 specific criteria that DGS has identified and
23 evaluated?

24 MS. GILLIS: That is correct. We need to make
25 sure that we look at sites that have a certain amount

1 of square footage to be able to provide the program
2 that DHS has recommended to us. It needed to be
3 within a certain proximity of public transportation
4 and other amenities. Without that, it's not a
5 suitable site.

6 I'd also I like to take the opportunity to
7 make a clarification to my earlier testimony with
8 regards to this letter. We received the letter, the
9 letter was not from Councilmember McDuffie. The
10 letter was actually from the Langdon Park Community
11 Association, dated March 8th, 2016. It is in the
12 public record.

13 We actually responded to that letter per the
14 request from Councilmember McDuffie, at the council
15 hearing on the legislation for the District sites. But
16 it was actually that letter to where the community had
17 come up with a list of potential sites. Again, that
18 just was not suitable according to our criteria

19 MS. MOLDENHAUER: Can I just -- that letter is
20 now part of the record, but is there also a place
21 that's been available publicly for anybody to find
22 that letter or other information on this process?

23 MS. GILLIS: Yes. It's been on the website,
24 our Homeward D.C. website, where we had all of our
25 information, public records on all of the information

1 with regards to this entire project, including all of
2 our searches.

3 MS. MAZO: Sorry, I just have a couple more
4 questions. The first is for Director Zeilinger.

5 You know, we've been talking quite a bit about
6 this U 513.1B6, and it talks about the program goals
7 and objectives of the District of Columbia. And we
8 have talked through the need to require the 280 units.
9 We've required -- talked through the needs to provide
10 dignified housing, but can you just elaborate on the
11 timing issue, and just how critical that is for DHS
12 and for the District to be able to close D.C. General?

13 MS. ZEILINGER: Absolutely. So, it has been
14 now, more than one year since the mayor announced our
15 initial strategy and the initial sites. We came
16 before you with the sites that were not changed by
17 council. It has taken this long to be before you with
18 the different sites. As the City Administrator
19 pointed out, if we then had to all of a sudden try to
20 find new places, we would be continuing this process
21 endlessly.

22 We have a very important goal, to close and
23 replace D.C. General. There is certainly a moral
24 imperative that we all know has been shared. That's
25 undisputed. We are just now at the third anniversary

1 of the disappearance of Relisha Rudd, and so it just -
2 - which is the catastrophe that happened that I think
3 called into question the conscience of this community
4 that we need to do better by families.

5 So, these delays that would result from
6 saying, go back, go back, go back, keep looking, keep
7 looking, you haven't looked at enough places, or how
8 about consider this one now, or consider that one now,
9 will only cause us to -- like when is enough, enough?
10 We have the goal of -- the initial plan had us closing
11 D.C. General before the 2018 hypothermia season. Now
12 we're an additional year out, at least with the
13 additional parking structure in Ward 3, perhaps even
14 longer unless we can find some other place to be able
15 for some of the families to be while we do that.

16 So, it's, we have all agreed that the
17 conditions at D.C. General are not good for families
18 and they are very costly for our department. When we
19 keep a building open, even if it's open half full, we
20 have to pay for that full building. Even with D.C.
21 General full, it costs us \$55,000 per family, per year
22 at a minimum, to shelter them in those inadequate
23 conditions. We know we can do better, but that's what
24 it means to be trying to keep a facility operational
25 and provide the level of security that is needed in

1 order to be able to operate our program in a building
2 like that.

3 MS. GILLIS: And I'd also like to add, to keep
4 D.C. General open, just the building alone, Director
5 Zeilinger referenced it, it costs us \$1.2 million
6 dollars just to keep it operating, and that's just the
7 functions of the building outside of the program that
8 Director Zeilinger mentioned

9 MS. MAZO: Okay. This question is dedicated
10 to Ronnie McGhee, our project architect. There has
11 been quite a bit of discussion in the opposition
12 about, why can't you make the building shorter. And I
13 just wanted to ask you very directly, could you make
14 the building shorter, keep the same program, and still
15 provide the 46, or up to the 50 units that are
16 required to be -- that need to be provided on site in
17 order for the full complement of the 280 units to be
18 provided throughout the district?

19 MR. MCGHEE: Well, the short answer to that
20 is, no. We'd be eight or 10 units down if you build a
21 floor. That's what we'd have to do. Thank you

22 MS. MAZO: So accordingly, you know, you would
23 say in your opinion or expert opinion, that goal and
24 objectives of the District of Columbia be those goals
25 that there is a timeliness issue, we want to close

1 D.C. General sooner, and that we need the 280 units,
2 we need dignified housing. Cannot be achieved by a
3 facility of a smaller size at the subject location.
4 Is that something that you would agree with?

5 MR. MCGHEE: I would agree with that, yes.

6 MS. MAZO: And one follow-up question, just to
7 clarify for the record. CA Young, again, the same
8 requirement says that the Board of Zoning Adjustment,
9 that an emergency shelter for more than 25 persons is
10 permitted if the Board of Zoning Adjustment finds that
11 the program goals and objectives cannot be achieved,
12 and if there is no other reasonable alternative to
13 meet the program needs of that area. Can you confirm
14 that there is no reasonable alternative?

15 MR. YOUNG: I can confirm that there is no
16 other reasonable alternative.

17 MS. MAZO: We have no more issues on rebuttal.
18 We'll take questions from the Board.

19 CHAIRPERSON HILL: Great. Actually so, thank
20 you. Before -- I am going to end with questions from
21 the Board, and I am going to let Mr. Brown go ahead
22 and cross.

23 Mr. Brown, if it's alright again, I'm going to
24 go ahead and start with just 15 minutes on the clock.
25 Does that sound good with you?

1 Okay. Mr. Moy. All right, Mr. Brown,
2 whenever you'd like to start.

3 MR. BROWN: Mr. Young, you talked about how
4 you got -- a letter came from the Langdon Community,
5 and that was one of the steps in which you're saying
6 every time somebody says, we're in favor of this
7 program but do it somewhere else, that the Langdon
8 Community's pitch to you not to have the shelter
9 located in Langley precipitated the next step, right?
10 And you wanted to bring an end to this integrative
11 process. Is that a fair summary of what you were
12 saying?

13 MR. YOUNG: Say that again please? I'm not
14 sure that that reflects what I was saying. So, ask it
15 again please?

16 MR. BROWN: You said something about how one
17 Community says, we don't want it. We support the
18 concept of shelters but not in our community, look at
19 these other sites. And then, you look at these other
20 sites, and then you find that the same process would
21 be reoccurring over and over again unless you put a
22 stop to it. Isn't that a fair summary of what you
23 were saying?

24 MR. YOUNG: Not so much precipitated by the
25 letter itself. When we started the process and went

1 to the community on the first site, which was before
2 we receive this letter, we said -- we heard, not in
3 this community, take it somewhere else. And then
4 also, the letter also said, well then look at these
5 other locations too.

6 So, I want to be clear that it isn't with the
7 -- it isn't that this letter suggested that -- made
8 that characterization that I testify to. It actually
9 happened before this letter. But the sentiment being
10 yes, the community, when we went to it and proposed
11 the site, said do it somewhere else. This letter
12 suggests, look at these other places at somewhere
13 else, and certainly this community says that as well.

14 MR. BROWN: So, the listing of alternative
15 sites that you got from Langdon was essentially biased
16 in favor of any place but Langdon. Isn't that correct

17 MR. YOUNG: I'm not making that
18 characterization. I'm just making the fact that they
19 did not want it where we proposed it, and gave us
20 other sites to look at with ultimately the city
21 council, as you know, suggesting, endorsing, and
22 including and its legislation, the site that we're
23 currently speaking about.

24 MR. BROWN: Would you agree with me that a
25 suggested list of alternative locations from the

1 Langdon Community is not a suggested list of locations
2 from the community of Ward 5 writ large?

3 MR. YOUNG: I would say that, and I would also
4 respond back to you that we went through a pretty
5 detailed and extensive process absent this Langdon
6 letter and their sites, to evaluate sites in Ward 5.

7 MR. BROWN: Question for Ms. Zeilinger.

8 MR. YOUNG: To determine the reasonableness of
9 the alternative. We had an extensive process of our
10 own.

11 MR. BROWN: Ms. Zeilinger, as I was listening
12 to the tone of your testimony I got the distinct
13 impression that some of the timing associated with the
14 work that is being done to complete this process of a
15 goal of 280 housing units, is being caused by people
16 who are questioning the propriety of some of the
17 choices that you've made; people in the community such
18 as my clients. Is that -- did I get the wrong
19 impression on that?

20 MS. ZEILINGER: So, what I am saying was that
21 we had an initial goal and project schedule that had
22 us closing D.C. General in 2018. When council made
23 the changes, and change the sites, that then delayed
24 our timeline to do that, and that further -- and I was
25 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
25 when they were with this Board. Is that correct?

1 MS. MOLDENHAUER: I don't believe she's ever
2 said that.

3 MS. ZEILINGER: No, that's not what I said.

4 MS. MOLDENHAUER: That's not been testified
5 to.

6 MR. BROWN: I am asking whether or not --
7 whether or not that is correct.

8 MS. ZEILINGER: So no, that is -- we've
9 continue to proceed regardless --

10 MR. BROWN: Without Delay from the citizens.
11 Is that correct?

12 MS. MOLDENHAUER: Clarification on the
13 question. The question is not worded in a way that --

14 CHAIRPERSON HILL: Wait a minute. Hold on.
15 Just give me a second here. Just give me a second
16 here. So, Mr. Brown again, I've been trying to figure
17 out where you are, and also just, I got a little lost.
18 Could you again just restate it more clearly, the
19 question?

20 MR. BROWN: All right.

21 CHAIRPERSON HILL: To Ms. Zeilinger. I
22 understand in general I think, where you were going
23 but I'm not --

24 MR. BROWN: I think Ms. Zeilinger understands
25 exactly where I'm going. The question is very simple.

1 When these applications were filed with the
2 BZA, Case 19450 and Case 19452, the timing on the
3 filing of those applications had nothing to do with
4 the prospect that there might be citizen opposition to
5 those cases.

6 MS. ZEILINGER: That's correct.

7 MR. BROWN: Thank you.

8 MS. ZEILINGER: I mean, we've been working the
9 entire time in ordered to meaningfully address any
10 concerns that citizens have brought before us in the
11 very robust engagement process that we have testified
12 to, and that it has certainly not been our strategy to
13 proceed without concern in trying to address. But
14 we've, within the timeline that was set out before
15 ourselves, worked to accommodate both.

16 MR. BROWN: I have nothing further.

17 CHAIRPERSON HILL: Okay. All right. So then,
18 let's see. Okay. So, I guess the Board doesn't have
19 any more questions of the applicant or the party in
20 opposition. As was the last case, I guess we would
21 like to -- I would like to ask for closing statements
22 by the applicant, and also by the party in opposition
23 be written so that we can submit it and that fashion.

24 Also, as the party and opposition had
25 indicated earlier, or had indicated their possible

1 request for it, but we are going to have findings of
2 facts and conclusion of law from both parties. The,
3 let's see. I think there was a request from
4 Commissioner Miller for some photographs, I think,
5 from -- and if you can -- different angles. And I
6 think that the applicant understands what those
7 photographs are to be ask about. Yes? And then where
8 is -- is Ms. Campbell gone already? Did she -- okay.

9 MR. MILLER: Yeah, it was photographs from Ms.
10 Campbell.

11 CHAIRPERSON HILL: Okay.

12 MR. MILLER: Or, and any renderings,
13 additional renderings that the applicant's architect
14 could provide that just shows the building in context
15 with the 17th Street houses across the street.

16 CHAIRPERSON HILL: Okay. So, I'm going to let
17 the applicant supply the renderings that Commissioner
18 Miller is speaking of. And then, Ms. Campbell, I'm
19 going to leave the record open for some photographs
20 from you. Okay? For the angles that you were
21 interested in. And also, there is a map that had been
22 requested from Mr. Hart, indicating the different --
23 the locations from the testimony of Mr. Powers.
24 Sorry. Curlin. Sorry, thank you, Mr. Curlin. And
25 then also, actually, I'm going to let the applicant

1 also submit their own map if they'd like to, to the
2 same -- you know, if you do want to submit a map
3 you're welcome to.

4 You're shaking your head no, so I guess that
5 means you don't want to submit a map, which is fine
6 with me.

7 MS. MAZO: We may. I don't know.

8 CHAIRPERSON HILL: Okay, so, I'm leaving the
9 record open for you if you want to. You can both
10 submit your own maps and we'll take a look at either;
11 at both maps.

12 Then, let's see. Was there anything else?

13 MR. BROWN: Mr. Chairman.

14 CHAIRPERSON HILL: Yes, Mr. Brown?

15 MR. BROWN: With regard to leaving the record
16 open for time, I believe that there is also testimony
17 of the prospect for -- due to a power outage, some few
18 additional letters from community residents. And
19 also, the possibility that there might be some
20 definitive resolution to the question of a resolution
21 from the ANC.

22 CHAIRPERSON HILL: Well, I'll let the Board
23 make comment on this. And I don't mean to be light
24 about this, but we have a lot of information that's
25 already in the record, that's been in the record. And

1 if the power was out last night, then I don't feel
2 terribly bad for the people that didn't submit their
3 information last night, because it should have been
4 submitted way earlier than that.

5 However, the ANC is available to submit
6 anything they'd like. So, I am going to close the
7 record other than the request that the Board has asked
8 for, as well as the ANC if they want to submit
9 anything. Does the Board have any additional comments
10 on that? I'm seeing everyone -- oh, sorry, Mr. Hart.

11 MR. HART: Mr. Chair, yeah. Just one piece of
12 -- I just want to make sure that we're -- we kind of
13 finalize this. I wasn't sure if we did.

14 There was a question about the shadow study,
15 and so the matter-of-right aspect of that, if we could
16 just make sure that we get that?

17 MS. MAZO: Sure. Yeah, no. And we'll show a
18 matter-of-right -- sorry, a shadow study that
19 incorporates all the matter-of-right structural
20 massing requirements.

21 MR. HART: Thank you.

22 CHAIRPERSON HILL: Okay. And I am actually
23 just for my own clarification again, the matter-of-
24 right, the IZ, you know, so just being a --

25 MS. MAZO: It would be for the matter-of-right

1 IZ, which is a 3.0 FAR and a 75 percent lot occupancy.

2 CHAIRPERSON HILL: Okay. All right. And then
3 the timing, Mr. Moy, we're going to try to do this the
4 same as the previous one, which as I recall there was
5 -- the ANC, it's not the same one. When does you
6 all's ANC meet? Does anyone know when the ANC meets?

7 MS. MAZO: I think it's -- oh, I don't know.

8 CHAIRPERSON HILL: Okay. I'm sorry. I can't
9 -- you'd have to come step into the microphone if you
10 want to submit testimony.

11 UNIDENTIFIED SPEAKER: Typically, the third
12 week of the month. So, we could ask them to have an
13 emergency meeting, is what that would require.

14 UNIDENTIFIED SPEAKER: [Speaking off
15 microphone.]

16 UNIDENTIFIED SPEAKER: Okay. Yeah.

17 CHAIRPERSON HILL: So, could you please repeat
18 March 22nd for me?

19 UNIDENTIFIED SPEAKER: March 22nd.

20 CHAIRPERSON HILL: Thank you.

21 MS. MAZO: We're -- that's the day of the
22 hearing.

23 MS. MOLDENHAUER: Based on the -- yeah.

24 CHAIRPERSON HILL: Pardon me?

25 MS. MAZO: That's the day of the decision,

1 March 22nd.

2 CHAIRPERSON HILL: Oh, our decision. Right.
3 Okay.

4 MS. MOLDENHAUER: If you follow the schedule
5 from the prior case.

6 CHAIRPERSON HILL: So, let me think. How am I
7 going to do this? Let's just see what we can get from
8 the ANC before the meeting, if they have anything else
9 to add to the record. I'm going to leave the record
10 open for the ANC. I'm not going to wait until the
11 meeting, so -- because we're doing our decision on the
12 22nd, as the same time as the previous case.

13 Okay. All right. So, Mr. Moy, what dates do
14 we have now for submissions, and then when we're back
15 here?

16 MR. MOY: Yes. Working backwards, then as in
17 the previous case, the Board's decision on Wednesday,
18 March 22nd; filings from all parties, Friday, March
19 17th.

20 MS. MOLDENHAUER: And I believe last time we
21 had the record close for supplemental documents on
22 March 10th.

23 MR. MOY: Uh-huh.

24 MS. MOLDENHAUER: I know you're getting there.
25 Sorry.

1 CHAIRPERSON HILL: That's all right. I
2 somewhat appreciate all the help I can as long as it's
3 tempered.

4 MR. BROWN: Mr. Chairman.

5 CHAIRPERSON HILL: Yes, Mr. Butler. Mr.
6 Brown.

7 MR. BROWN: If I could borrow a line from
8 Ronald Regan? I'd hate to disable and prejudice my
9 able, young, and dual attorneys on the other side of
10 this case by having to submit findings and conclusions
11 on two cases on the same day. Probably be a lot
12 easier on them if it could be done another week.

13 MS. MOLDENHAUER: We would be more than happy
14 to do it on the same day, as we have already following
15 where we responded to your -- you filed two prehearing
16 statements, you filed --

17 CHAIRPERSON HILL: Okay. That's okay. That's
18 all right. Okay. So, we're just --

19 MR. BROWN: Perhaps I was being too subtle.

20 CHAIRPERSON HILL: Okay.

21 MR. BROWN: I was really talking about the
22 older person involved.

23 CHAIRPERSON HILL: Okay, right. You.

24 MR. BROWN: In this case.

25 CHAIRPERSON HILL: Okay. So, just let me try

1 to figure this out. So, the 22nd. When would be
2 another date? I'm lost. What date, Mr. Brown, works
3 for you?

4 MR. BROWN: At least another week.

5 MS. MOLDENHAUER: I mean, can we move forward
6 on findings of fact?

7 CHAIRPERSON HILL: Can we just give me a
8 second? Give me a second.

9 Okay. So, the date of submission, Ms. Mazo,
10 findings of facts you were trying to get at?

11 MS. MAZO: My one suggestion is that we could
12 advance the date of the filing of fact. Sorry,
13 advance the date of the finding of fact and
14 conclusionary statements in this case to a date
15 earlier than March 17th. We could potentially do it
16 March 12th. March 13th?

17 CHAIRPERSON HILL: Mr. Brown, I'm going to let
18 you --

19 MS. MAZO: March 13th?

20 CHAIRPERSON HILL: -- also chime in here, but
21 I'm just letting you know, we're getting to the 22nd.
22 That's when we're going to make our decision here.
23 So, as far as like when you guys want to submit before
24 that. So, does March 17th work for you?

25 MR. BROWN: Well, I managed to get both of the

1 prehearing statements in on the same day. I'll do my
2 best.

3 CHAIRPERSON HILL: Okay. So, Mr. Moy, did you
4 follow that?

5 MR. MOY: It sounds like we rest back to the
6 original dates. Right?

7 CHAIRPERSON HILL: So, could you repeat that
8 for me, because there's something distracting me
9 from --

10 MR. MOY: Yeah.

11 CHAIRPERSON HILL: Below.

12 MR. MOY: I'm hearing things too. Okay.
13 Decision, March 22nd; filings as cited for Friday,
14 March 17th; and for the -- from the applicant to
15 submit their, going to call it information, would be
16 by same day, March 10th? Or was that earlier?

17 MS. MAZO: March 10th works for us.

18 MR. MOY: Okay. Then, those are the same
19 dates.

20 CHAIRPERSON HILL: Okay. All right. Well,
21 then the ANC can submit all the way up until the 21st,
22 but you all are meeting supposedly on the 22nd, so you
23 guys got to talk to your ANC, then. Okay? I'll leave
24 it open for the ANC until the 21st. And then, just so
25 I got kind of confused.

1 And then when are the color photographs coming
2 in, Mr. Moy? That would be on the 10th?

3 MR. MOY: Yes.

4 CHAIRPERSON HILL: Yeah. Okay. All right.
5 Ms. Campbell, you got that? Okay. 10th. All right.

6 Okay. Well, thank you very much and I hope
7 you all get home safe.

8 [Whereupon, the Public Hearing of 19452
9 concluded.]

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