

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Zoning
3 Board of Zoning Adjustment
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7 PUBLIC MEETING
8 9:30 a.m. to 1:43 p.m.
9 Wednesday, March 1st, 2017
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441 4th Street Northwest
Jerrily R. Kress Memorial Room
Second Floor Hearing Room, Suite 220 South
Washington, D.C. 20001

1 Board Members:

2 FREDERICK L. HILL, Chairperson

3 CARLTON HART, Board Member

4 LESYLEE WHITE, Board Member

5 ROBERT MILLER, Zoning Representative

6 CLIFFORD MOY, Secretary

7 SARA BARDIN, director

8 JOHN NYARKU, Staff

9

10 Office of Attorney General:

11 MARY NAGELHOUT, Esquire

12

13 Office of Planning:

14 EVELYN ISRAEL

15 JOEL LAWSON

16 MAXINE BROWN-ROBERTS

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P R O C E E D I N G S

CHAIRPERSON HILL: All right, good morning everyone. The hearing will please come to order. We're located in the Jerrily R. Kress Memorial Hearing Room at 4414th Street Northwest. This is the March 1st public hearing of the Board of Zoning Adjustment for the District of Columbia. My name is Fred Hill, Chairperson. Joining me today is Carlton Hart to my right, Chair Lesylee White, board member, and representing the Zoning Commission is Rob Miller. Copies of today's hearing and agenda are located in the wall by any of the doors. Please be advised this proceedings is being recorded by a court reporter and is also webcast live. Accordingly, we must refrain you from making any disruptive noises or actions in the hearing room. Before presenting to the Board, please turn on and speak into the microphone, first stating your name and home address. When you're finished speaking, turn off your microphone so that your microphone is no longer picking up sound or background noise. All persons planning to testify either in favor or in opposition must have raised their hand and have been sworn in by the secretary. Also, each witness must fill out two witness cards; these cards are located on the table near the door and near the witness table.

1 Upon coming forward to speak to the Board, please give
2 both cards to the reporter sitting at the table to my
3 right. If you wish to file written testimony or
4 additional supporting documents today, please submit one
5 original and 12 copies to the secretary for
6 distribution. If you do not have the requisite number
7 of copies, you can reproduce copies on an office printer
8 in the Office of Zoning located across the hall.

9 The order to proceed for special variances
10 and also appeals is also listed in the bin to my left
11 there by the door. The record shall be closed at the
12 conclusion of each case except for any material
13 specifically requested by the Board. The more that is
14 testified in the hearing is exactly as is expected the
15 date the person is to submit the evidence to the Office
16 of Zoning. After the record is closed no other
17 information shall be accepted by the Board.

18 The District of Columbia Administrative
19 Proceedings Act requires a public Hearing on each case
20 be held pursuant to Section 405(b) and 406 of that act.
21 The Board may consistent with its rules and procedures
22 of the act as to a closed meeting on a case for the
23 purposes of seeking legal case on a case pursuant to
24 D.C. official code 2-575(b)(4) and/or deliberating on a
25 case pursuant to D.C. official code 2-475(b)(13). But

1 only after filing the necessary public notice and in the
2 case of an emergency closed meeting after taking a role
3 call vote. The decision of the Board in cases must be
4 based exclusively on the public record. To avoid any
5 appearance to the contrary, the Board requests the
6 persons present not engage the members of the Board in
7 conversation. Please turn off all beepers and
8 cellphones at this time so as not to disrupt the
9 proceedings.

10 Preliminary matters are those which relate
11 to whether a case will or should be heard today, such as
12 request for a postponement, continuance, or a
13 withdrawal, or whether proper and adequate notice of the
14 hearing has been given. If you're are not prepared to
15 go forward with the case today or if you believe that
16 the Board should not proceed, now is the time to raise
17 such a matter.

18 Mr. Secretary, do we have any preliminary
19 matters?

20 SECRETARY MOY: Good morning, Mr. Chairman,
21 Members of the Board.

22 The only matters I have before the Board
23 relate to the docket for today. And for the record, the
24 appeal in the application to Shahid Qureshi, there is a
25 consent motion to continue and reschedule. This is

1 application No. 19385, and the appeal of 19334. So
2 that's being reset, rescheduled to April 5th, 2017.

3 Finally, we do have one case application
4 which is scheduled for March the 8th, 2017, and I want
5 to announce for the record that that's being postponed
6 and rescheduled to April the 5th, also 2017.

7 That's it, Mr. Chairman.

8 CHAIRMAN HILL: Okay, great.

9 With that, if anyone is here to present
10 testimony either in favor or opposition, if you wouldn't
11 mind please standing and taking the oath as administered
12 by the secretary.

13 (Whereupon the participants are sworn in)

14 CHAIRMAN HILL: All right. Mr. Moy, just
15 for everyone here that's in the audience, we're going to
16 go kind of a little bit out of order as to what we
17 normally do. We're going to go ahead and do our meeting
18 cases after we've done our hearing cases. And also, as
19 far as the order with which the hearing cases are going
20 to be heard, they are in the order with which they are
21 on the agenda as you come in through the door. However,
22 as we go through this, there is the possibility that
23 we're going to move up 19410 of ANC 6A and 19412 of ANC
24 -- misprint there -- 1941 we're and 19412, we might move
25 those up right after our first three hearing cases. So

1 I'm kind of letting those people know that if you're
2 here for those cases, I think it will be a few hours
3 before we get to you, so you might want to plan
4 accordingly.

5 That being the case, Mr. Moy, I think we're
6 ready to call our first case.

7 SECRETARY MOY: All right, Mr. Chairman, I
8 believe that would be application No. 19450 of D.C.
9 Department of General Services, amended caption and
10 advertised for special exception relief under the
11 department requirements of subtitle C, section 703.1,
12 and the R80 mutual requirements and subtitle
13 requirements section 420.1(f), and variances from a
14 number of primary structure requirements section 03.2,
15 the living requirements of subtitle C section 901.1,
16 height and number of stories requirements subtitle F of
17 3.0.1, which would allow the construction of the
18 six-story short-term family housing facility RA10 3320
19 Idaho Avenue Northwest, square 1818 lot 49. We ask,
20 Mr. Chair, that the applicant clarify their revised
21 relief to add temporary relocation of accessory parking
22 under which I believe is section U202.1(j). Although
23 under Exhibit 108 there's a revised self cert which
24 denotes a different section, but I just need clarity for
25 the record.

1 CHAIRMAN HILL: Would the applicant like to
2 come forward? If you could just go ahead and introduce
3 yourself from my right to left. And just push the
4 microphone button there until the green glowing light
5 comes on.

6 MR. BROWN: David Brown, counsel for
7 neighbors responsive to the Government.

8 CHAIRMAN HILL: Introduce yourself please.

9 MS. WHITE: Nicole White, Symmetra Design,
10 transportation consultant.

11 MS. GILLIS: Greer Gillis, director of the
12 Department of General Services.

13 MS. ZEILINGER: Good morning. Laura
14 Zeilinger, director of Department of Human Services.

15 MS. MOLDENHAUER: Good morning. Meredith
16 Moldenhauer, counsel from the Law Firm of Griffin Murphy
17 Moldenhauer and Wiggins on behalf of the Applicant.

18 MR. YOUNG: Rashad Young, the administrator
19 of the District of Columbia.

20 MR. McNAMARA: John McNamara, Aters Saint
21 Gross.

22 CHAIRMAN HILL: Okay. All right. Thank
23 you. Before we start, actually, since I know probably a
24 lot of people are here for the next three cases, I just
25 thought I'd kind of go over the order so that it's a

1 little helpful possibly for everyone here in the
2 audience and also just to clarify for myself to be quite
3 honest. So we're going to go ahead and have the
4 applicants speak first and then the testimony of any
5 witnesses. At that time also the board is able to ask
6 any questions at any point, but however you can ask
7 questions at that time. Then there'll be an opportunity
8 for the parties status to cross-examine the witnesses.
9 Then we're going to go ahead and turn to mic to the
10 Office of Planning. Also, then, there'll be
11 cross-examination of the applicant, party in opposition,
12 and the ANC, if the ANC is here. Then we're going go
13 ahead and hear from any other government agencies:
14 DDOT, MTD, et cetera. Also have an opportunity for more
15 questions and then cross-exam by applicants right after
16 the ANC. Then we'll go ahead and turn to the ANC
17 themselves and see what they would like to present and
18 also have an opportunity for cross-examine. Then we're
19 going to after that ask individuals that are here in the
20 audience that would like to speak in support of the
21 application, and also have an opportunity to cross-exam.
22 Afterwards, then, there would be the parties in
23 opposition applications, that's when you'll get a chance
24 to present, Mr. Brown. And then afterwards we'll,
25 again, here from anyone that's in the audience wishing

1 to speak in support of the opposition, and then,
2 actually, I guess there's time for anyone who's
3 undeclared. If you haven't decided, you'll be able to
4 come up and speak at that time as well. And then there
5 will be rebuttal by the applicant, we're going to have
6 rebuttal by the party status, and then we're going to
7 have closing statements -- I'm sorry, rebuttal by the
8 applicant, cross-exam by the parties in opposition,
9 closing statement by the party in opposition, and then
10 closing statement by the applicant. So I'm going to
11 have to refer back to my sheet every now and again, but
12 that's basically my overall thoughts. So everyone can
13 know what you're going to be up for here when you're
14 time is coming.

15 So that being the case, Ms. Moldenhauer, how
16 much time would you like me to put on the clock?

17 MS. MOLDENHAUER: We will need the full 60
18 minutes allotted under the regulations. First, though,
19 before we start our I would like to go through
20 preliminary matters on all expertise of the witnesses.
21 We had submitted in the record resumes for our architect
22 Joe McNamara from Ayers Saint Gross, qualify him as an
23 expert in architecture. I don't know you want to go one
24 by one. We also, then, have Director Zeilinger
25 qualifying as an expert based on her experience with

1 homelessness and managing and operating those types of
2 facilities. And then we have Nicole White as our
3 traffic consultant being qualified as an expert in that
4 field. We have submitted all of these as part of the
5 record. We'd like to get that resolved before we jump
6 into that.

7 CHAIRMAN HILL: Sure. So I've reviewed all
8 of your submittals for the expert testimony, and I don't
9 have particularly any questions. Does the board have
10 any questions?

11 (No response.)

12 I'm fine with allowing them in as experts.

13 MS. MOLDENHAUER: Does opposition have any
14 opposition?

15 CHAIRMAN HILL: Mr. Brown, do have any
16 opposition to those experts being submitted?

17 MR. BROWN: I would just like clarification
18 on what Ms. Zeilinger's expertise is.

19 MS. MOLDENHAUER: Sure. Ms. Zeilinger, can
20 you just provide a brief description of your personal
21 background and your expertise?

22 MS. ZEILINGER: Sure.

23 MR. BROWN: My question is not about her
24 background. My question is: What expert area is being
25 claimed for her --

1 MS. ZEILINGER: I think the expertise that's
2 being claimed is on homeless services and more than ten
3 years experiences working on the issue of ending
4 homelessness with the district Government, with the
5 Department of Human Services as a deputy director, and
6 then with the Obama administration at the United States
7 Interagency Council on homelessness where I served as
8 the President's lead official on preventing and ending
9 homelessness before, then, joining Bowser's
10 administration to direct the Department of Human
11 Services.

12 MR. BROWN: Do I understand that you claim
13 expertise in the size and configuration of homeless
14 shelters as well?

15 MS. ZEILINGER: I claim expertise in best
16 practices related to delivering crisis services for
17 families, including the way that shelters are set up and
18 operated too.

19 CHAIRMAN HILL: And Mr. Brown, I think she's
20 answering your question as to what she's an expert in.
21 I mean, we're not in any kind of area right now where
22 we're asking cross-examination questions. We haven't
23 even got into the case.

24 MR. BROWN: That's true.

25 CHAIRMAN HILL: Thank you.

1 All right. Does the board have any other
2 questions? (No, response.)

3 Ms. Moldenhauer, so you need an hour.
4 Correct?

5 MS. MOLDENHAUER: Yes. We need an hour but
6 I actually see that Councilman Mendelson is present. I
7 believe that he may wish to testify in general on the
8 case.

9 CHAIRMAN HILL: Sure.

10 MS. MOLDENHAUER: So I would concede the
11 floor to his testimony, allow for questions from the
12 board and by cross, And then we would then start our
13 presentation.

14 CHAIRMAN HILL: That's fine with us.
15 Chairman Mendelson, welcome. Chairman Mendelson, if you
16 just have a seat there over there on the left. And
17 Mr. Chairman, I apologize, this is new for me. I don't
18 know if you have to be sworn in or not.

19 Mr. Secretary?

20 SECRETARY MOY: Would you do me the honor of
21 swearing you in today?

22 (Whereupon the witness is sworn in.)

23 CHAIRMAN HILL: Thank you so much,
24 Mr. Chairman.

25 Mr. Chairman, I was told that attorneys

1 don't have to swear in.

2 CHAIRMAN MENDELSON: And I'm not an
3 attorney. I don't know if that's good or bad, but I'm
4 not an attorney.

5 CHAIRMAN HILL: So Ms. Moldenhauer, as has
6 been the custom, the board has done its best to
7 accommodate elected officials. So we're very pleased to
8 have the time to go ahead and take your testimony from
9 your witness.

10 MS. MOLDENHAUER: Chairman Mendelson is not
11 part of our case-in-chief, but he will testify as part
12 of the process. I believe it'll be helpful in
13 discussing some issues that the board may have questions
14 on.

15 CHAIRMAN HILL: Thank you.

16 Mr. Mendelson, whenever you'd like speak.

17 CHAIRMAN MENDELSON: Thank you, Mr.
18 Chairman, and good morning. I'm Phil Mendelson,
19 chairman of the Council of the District of Columbia. My
20 purpose in testifying is simple: To explain the
21 council's support for the location of a new emergency
22 shelters -- for the location of new emergency shelters
23 for homeless families pursuant to D.C. law 21-141, which
24 is titled the Homeless Shelter Replacement Act 2016.
25 Early last year Mayor Muriel Bowser announced a bold

1 plan to replace the use of the former D.C. General
2 Hospital as an emergency shelter for homeless families.
3 Her plan called for replacing the 270 units of D.C.
4 General with six smaller shelters scattered throughout
5 the City with up to 50 units in each.

6 At the time, there was considerable anxiety
7 that any proposal for new neighborhood shelters would
8 meet stiff opposition. But council members endorsed the
9 mayor's approach, and I'm going to read an excerpt from
10 the Council of Legislative Report: "The council, the
11 current and previous mayors, advocates, stakeholders,
12 and district residents from across the city have, since
13 it first opened as a shelter, sought to have D.C.
14 general closed and a more humane shelter or system of
15 shelters established for district families experiencing
16 homelessness. Though in the past some residents and
17 council members have voiced opposition to the prospect
18 of having shelter facilities in their neighborhoods due
19 to unfounded concerns, consensus has developed within
20 the council and across the City that sheltering families
21 experiencing homelessness in small service-enriched
22 facilities in each of the wards is the best approach.

23 Spreading shelters throughout the City also
24 helps to discourage the creation of large concentration
25 of poverty in just a few wards. And although residents

1 and council members have raised important concerns about
2 various aspects of the plan as proposed in the
3 introduced version of the bill, the committee as a whole
4 agrees that developing smaller, better run shelters
5 throughout the City is the right approach." And again,
6 that's a from the Committee report.

7 However, the council disagreed with three of
8 the seven sites proposed by the mayor and disagreed with
9 the economics of the mayor's plan, namely that five of
10 the seven sites would be leased and the construction of
11 the five leased shelters would be paid for by the
12 district, and that after 15 to 30 years, each lease
13 being different, the leases would end and the assets
14 would revert to the lessors. Further, appraisals
15 obtained by the council determined that four of the five
16 pieces ranged from slightly above market to
17 extraordinarily above market.

18 The council held a public hearing lasting
19 almost 12 hours on March 16th, 2016 and over 80 citizens
20 registered to testify. At the hearing and subsequently
21 council members received suggestions for alternative
22 sites. Approximately, a dozen alternative sites were
23 placed on the record for ward 5. At least three
24 alternative sites were proposed for ward 3, and there
25 were several alternatives for ward 6 as well.

1 On May 17th, the Council voted unanimously
2 to direct the major to change three of the sites in
3 wards 3, 5, and 6, and to change the economic structure
4 of the plan so that all of the sites would be owned, not
5 leased, by the City. At the same time, the council
6 appropriated a 125 million dollar capital budget for the
7 plan.

8 With regard to ward 3, the council
9 considered a number of suggested locations. These
10 included: The mayor's proposed site at 2619 Wisconsin
11 Avenue, a former diplomatic residence at 3101 Albemarle
12 Street, a vacant church at 4100 River Road, Fort Reno,
13 and 3320 Idaho Avenue. Idaho Avenue was considered the
14 best for various reasons: Most important, site
15 acquisition would be the easiest since 3320 Idaho is
16 already city owned. And this, in turn, meant site
17 acquisition would be least expensive. There were other
18 factors as well: Except for the Telly Town properties,
19 Idaho Avenue has the best access to public
20 transportation, grocery, and other stores. And 3320
21 Idaho Avenue is the largest of the various sites except
22 fort Reno, but Fort Reno was believed to be unavailable.
23 Further, although most of the sites are approximate to
24 single family homes, the Idaho Avenue site involves
25 fewer such homes than the Wisconsin Avenue or Albemarle

1 sites. When all of the factors, including the ones just
2 enumerated, are taken together, all of the suggested
3 locations, including the mayor's proposal, were less
4 reasonable than 3320 Idaho Avenue.

5 My purpose in testifying today is not to get
6 into the intricacies of the zoning relief being sought,
7 but rather to prevent the public policy underlying the
8 City's request before you, to explain the process behind
9 our decision, and to state the council's support for
10 these sites for emergency shelters. I'm happy to answer
11 any questions. Let me just note that the statement that
12 I submitted speaks to all three wards: Wards 3, 5 and
13 6, which I believe are before you today. And so I
14 intend, before I leave the building, to be sure that
15 this statement is included in the record for each of the
16 cases. And if I can, I will come back for the ward 5
17 case so that I can be cross-examined. I'm happy to
18 answer questions now.

19 CHAIRMAN HILL: Thank you, Mr. Chairman.

20 Does the board have any questions? (No
21 response.)

22 Well, Chairman Mendelson, thank you very
23 much for your testimony.

24 As is the protocol and procedure now, the
25 party's status in opposition has an opportunity to ask

1 questions. And since that was mentioned before you know
2 that. So Mr. Brown, do you have any questions for
3 Chairman Mendelson?

4 MR. BROWN: Just a few.

5 Good morning, Mr. Chairman.

6 CHAIRMAN MENDELSON: Good morning.

7 MR. BROWN: I'm looking at your testimony
8 regarding other suggested locations for ward 3. Were
9 these suggestions discussed on the public record by the
10 council?

11 CHAIRMAN MENDELSON: Some of them were
12 discussed at the public hearing. They were all included
13 in the general public discussion that goes on whenever
14 the council's considering legislation.

15 MR. BROWN: Do you happen to know what
16 particular dates the alternative locations were
17 considered other than May 17 and March 17?

18 CHAIRMAN MENDELSON: As I said, there was
19 considerable public discussion about different sites.
20 As I'm sitting here, I could not tell you specific dates
21 or specific meetings. I know that that was discussed in
22 the litigation with regard to -- it was recently
23 dismissed with regard to whether notice was adequate or
24 in accordance with the law. I know the council member
25 chairs, the ward council member was talking with members

1 of the community throughout the ward with regard to the
2 mayor's proposal and possible sites.

3 MR. BROWN: My question is: Whether or not
4 there was a public meeting of the council at which the
5 River Road site, the Fort Reno site, and the Albemarle
6 site were discussed on public record?

7 CHAIRMAN MENDELSON: I could not tell you
8 specifically what was said or which sites would have
9 been mentioned at the March 17th hearing. Otherwise,
10 no, the council did not have a public meeting other than
11 May 17th when it voted and on March 17th when it had the
12 public hearing. So there would not have been other
13 public meetings, I think that was your question, of the
14 council.

15 MR. BROWN: Do you know whether or not any
16 requests for proposals for alternative sites was sent
17 out?

18 CHAIRMAN MENDELSON: You'd have to ask the
19 executor.

20 MR. BROWN: And that would also be true for
21 any solicitations of offers regarding acquisition of
22 private property as well. Is that right?

23 CHAIRMAN MENDELSON: If you're speaking of
24 solicitations, yes, you would have to ask the executor.

25 MR. BROWN: All right. Thank you. I have

1 nothing further.

2 CHAIRMAN HILL: Thank you, Mr. Brown.

3 Again, as is in the regulation, the ANC
4 would have an opportunity to cross with anyone who is
5 providing testimony. Is the ANC here?

6 (Motion.)

7 Would you like to come forward, please?

8 Could you please introduce yourself for the record?

9 MS. LAKE: I'm Nancy Lakewood, chair of ANC
10 3C.

11 CHAIRMAN HILL: Hello, commissioner, how you
12 doing? Nice to see you here. Good morning. Do you
13 have any questions for the chairman?

14 MS. LAKE: No, we have no questions for
15 Chairman Mendelson.

16 CHAIRMAN HILL: Well, thank you so much. I
17 think Ms. Moldenhauer has a question.

18 MS. MOLDENHAUER: Just one question.
19 Chairman Mendelson, the council endorsed 3320 Idaho
20 Avenue and found that there were no other reasonable
21 sites in ward 3. Is that correct?

22 COUNCILMAN MENDELSON: Correct.

23 MS. MOLDENHAUER: Thank you.

24 CHAIRMAN HILL: Does the board have any more
25 questions?

1 (No response.)

2 Chairman Mendelson, thank you very much for
3 coming down.

4 CHAIRMAN MENDELSON: Thank you and thank you
5 for accommodating my schedule. As I indicated, I will
6 try to come back for the ward 5 site.

7 CHAIRMAN HILL: All right, sir, thank you.

8 CHAIRMAN MENDELSON: Thank you.

9 CHAIRMAN HILL: All right. Ms. Moldenhauer.

10 MR. BROWN: Chair?

11 CHAIRMAN HILL: Yes.

12 MR. BROWN: How much time is that again?

13 CHAIRMAN HILL: Ms. Moldenhauer asked for an
14 hour, so we're going to go ahead and give her an hour,
15 which we are also going to give to party status, an
16 individual Mr. Brown, who earlier when we went through
17 this, I didn't think he was going to get an hour. But
18 Mr. Brown's here. Appellant has an hour and you have an
19 hour.

20 MR. BROWN: I'm going to try to stay under
21 an hour. Thank you.

22 CHAIRMAN HILL: Oh, that's great. Thank
23 you.

24 MS. MOLDENHAUER: We will turn to City
25 Administrator Young to provide his testimony.

1 MR. YOUNG: Good morning, Chairperson Hill,
2 members of the Board of Zoning Adjustment. I am Rashad
3 Young, city administrator for the District of Columbia.
4 I'm pleased to be here today to request special
5 exception and variance relief from the board for
6 development and operation of an emergency shelter in
7 ward 3 located at 3320 Idaho Avenue Northwest, which
8 will help advance the sheriff agenda of Mayor Bowser,
9 the Council of the District of Columbia, and many
10 district residents, advocates, and stakeholders closing
11 D.C. General, the largest family shelter in the
12 district. I am joined today by a team of subject matter
13 experts who will each speak to their skill area:
14 Director of the Human Resources Laura Zeilinger and
15 Director of the Department of General Services Grier
16 Gillis. The principal architect and traffic engineer
17 for this site will also provide testimony.

18 One of the highest priorities of the Bowser
19 administration is to make homelessness rare, brief, and
20 nonrecurring. More than 7,000 men, women, and children
21 experience homelessness on any given night. On the
22 campaign trail and throughout her transition, Mayor
23 Bowser promised district residents that she would
24 develop smaller shelter alternatives and ultimately
25 close D.C. General.

1 We know what it takes to end homelessness in
2 the district, and we have a roadmap to get us there.
3 The Inner Agency Council on Homelessness for which I
4 serve as chair is charged with informing and guiding
5 district strategies and policies for meeting the needs
6 of individuals and families who are homeless or at
7 imminent risk of becoming homeless.

8 In March of 2015, ICH along with
9 administration officials and community members developed
10 Homeward D.C., the district's strategic plan to end
11 homelessness. In both the fiscal year of 2016 and 2017
12 budgets, the Bowser administration with support from the
13 Council has made historic and unprecedented investments
14 in proven solutions to end homelessness and provide a
15 robust services, investment, and permanent support of
16 housing in our rapid rehousing program. Over that past
17 two years, the Department of Human Services has
18 undergone major system reform in alignment with the
19 strategic plan.

20 We are starting to see the results of both
21 the system reforms and the investments. In 2015, we
22 assisted 1,075 families exit from shelter, which is a 29
23 percent increase from the prior year. In 2016, there
24 were 1,259 exits resulting in a 49 percent increase from
25 the prior year. We also reduced the number of families

1 in our emergency family shelters by 17 percent from
2 January 2016 to January 2017.

3 Homeward D.C. also calls for the development
4 of smaller scale service enriched community-based
5 shelters in the closure of D.C. General Family Shelter.
6 In the district and across the country, best practices
7 show that families can be more successful when shelter
8 is provided in smaller neighborhood-based settings where
9 programming can be tailored to meet the needs of clients
10 and where the clients can more readily access services
11 and support networks in the community. In a city as
12 prosperous ours, we can and must do better by children
13 and families experiencing homelessness. It is the right
14 thing to do.

15 D.C. General is not a place for families.
16 Continuing to house families at this facility does not
17 reflect the values that we share or how to serve and
18 support our most vulnerable resident, especially
19 families with children many of whom are under the age of
20 four.

21 When Mayor Bowser was elected, she heard
22 loud and clear from the community that closing D.C.
23 General was a priority. We wanted the entire community
24 to be part of the solution so we searched for one site
25 in every single ward. In order to close D.C. General,

1 we needed a minimum of 280 units across all eight wards
2 that are economically feasible and able to be developed
3 within a 24- to 30-month timeline. The sites needed to
4 be close to Metro Bus transportation and other services
5 and amenities. We started by looking at district-owned
6 properties in the city's inventory. Once we had
7 exhausted that inventory based upon our criteria, we
8 looked for properties to purchase or lease.

9 On June 13th, 2016, the Council of the
10 District of Columbia amended the law and changed three
11 of the selected sites in wards 3, 5, and 6 to
12 district-owned property. Prior to action by the
13 council, the proposed ward 3 site was located at 2619
14 Wisconsin Avenue Northwest. The site before you today,
15 which is located at 3320 Idaho Avenue Northwest, was
16 selected after a rigorous process to identify a site
17 that met all of the criteria I mentioned. The proposed
18 ward 3 emergency shelter is on the site of the MPD
19 Second District Police Station and will include 50
20 residential units based on on-site wraparound services,
21 administrative offices, and appropriate recreational
22 space for the residents.

23 In response to community concerns for
24 providing parking, the district has proposed to
25 construct three levels of parking located at the rear of

1 the existing MPD station. This is a change from the
2 original proposal to build two levels of parking that
3 would have simply replaced in kind any MPD parking lost
4 to the site development. The revised proposal for a
5 parking deck will alleviate existing on-street parking
6 conditions and restore any on-street parking currently
7 used by police staff to the community. Importantly, the
8 parking deck will also create enough parking spaces for
9 shelter employees to satisfy the minimum parking
10 requirements. During construction of the parking deck,
11 a portion of MPD parking will be temporarily displaced.
12 We will continue to work with the community to minimize
13 any effect of the temporary parking arrangement.

14 This proposal to construct a six-story
15 emergency shelter at this site is a critical element of
16 the district's eight-ward initiative to developing a
17 more effective crisis response system. On February 9,
18 2016, Mayor Bowser shared her plan with the council and
19 the public. Two days later, the Bowser administration
20 fanned out across the district, holding community
21 meetings at all eight wards to share some site plans
22 with residents and respond to questions and concerns.
23 This was the first step in a multiyear community
24 engagement process.

25 As I mentioned earlier in my testimony, the

1 wards 3 emergency shelter site as well as the site for
2 ward and 5 and 6 were changed as a result of the
3 council's legislation last June 13th requiring new site
4 plans and designs. Since the time that the three new
5 sites were selected, members of the administration had
6 met with neighborhood leaders, conducted neighborhood
7 safety walks, participated in subsequent community
8 meetings, shared designs, and responded to hundreds of
9 e-mails and phone calls to answer questions, discuss
10 concerns, and resolve issues. At these sites, we also
11 had the opportunity to form community advisory teams,
12 which have coordinated community feedback and input, and
13 shared information on issues and concerns related to the
14 development of the program and weighed in on building
15 design to help ensure that they reflected the character
16 of each neighborhood. On our website,
17 mayor.dc.gov/homewarddc, we have included information
18 about our plan to close D.C. General, as well as
19 responses to council and written responses to
20 neighborhood concerns.

21 The work of our community advisory teams
22 will not dim after today's BZA hearing. There are
23 ongoing discussions about specific concerns in each
24 community that will continue, and they will also provide
25 feedback on concerns related to resident quality of life

1 during construction and help develop good neighborhood
2 agreements for each program. The good neighbor
3 agreements will address maintenance of property,
4 community safety, neighborhood codes of conduct, and
5 communication and mutual respect.

6 The council held a public hearing on the
7 mayor's legislation on March 17th, 2016, and on May
8 15th, 2016, announced and voted on several revisions to
9 the original plan, including changing three of the eight
10 sites. The council finalized the plan, which included
11 their revisions, by unanimous vote on May 31st, 2016.
12 The plan was then submitted to the mayor on June 6th,
13 2016, and was returned to the council to be enacted on
14 June 13th, 2016.

15 Recognizing their critical role in site
16 selection ward representation, we have invited council
17 members to participate in the advisory team and all have
18 hopes that their own community conversations about the
19 program.

20 We came to you over the summer to seek
21 relief for the sites in wards 4, 7, and 8. Because you
22 granted us this relief, I'm excited to share that we're
23 on track to begin construction on these sites this
24 summer. The site before you today is the site we have
25 selected in ward 3. The relief requested for this site

1 is very similar to that requested for wards 4, 7, and 8.
2 For ward 3, we requested the board grant us variance
3 relief for building height greater than 40 feet and
4 three stories, loading, and number of primary structures
5 on one lot, as well as special exception relief to allow
6 construction of emergency shelter in the RA-1 zone
7 district.

8 Additionally, we request special exemption
9 relief for the temporary parking use during construction
10 of the parking deck. The architect traffic engineer and
11 zoning department for the ward site will delve into the
12 specifics on the details of the special exceptions and
13 variance request for this emergency shelter. As a
14 collective, we have worked to achieve minimum if any
15 substantial detriment to the public good or zone plan,
16 while working to meet the administration's, council's,
17 and district resident's goal of creating an achievable
18 and tangible plan to close D.C. General in the
19 foreseeable future and replace it with smaller, safe,
20 and dignified short-term family housing access across
21 all eight wards.

22 I want to take a moment to address from a
23 high level neighborhood impact: Research suggests that
24 adding a facility of this type to a neighborhood rarely
25 impacts property values or crime. Furthermore, we have

1 spent significant time making sure that this housing
2 will be great for the families living there but also
3 making sure it will fit into each neighborhood. We have
4 hired architects who have developed high quality designs
5 and will ensure that the construction is also high
6 quality.

7 The district has set this precedent. Many
8 of you are probably familiar with La Casa, a permanent
9 support housing site in Columbia Heights for formerly
10 homeless men. La Casa is sandwiched in between upscale
11 condos and apartments and has won several architectural
12 awards in the past several years; it is an asset in the
13 community. We hope to achieve the same since these new
14 sites, our good neighbor agreements with the residents
15 that live nearby will help us to ensure that we're
16 living up to our collective expectations.

17 This is an exciting time. All of the pieces
18 are in place. We have a clear plan, we have committed
19 the funds, we have worked with the community, and we
20 have a political will to make this happen. We have
21 begun efforts to continue in extensive community
22 engagement process. It is critical that the BZA approve
23 the relief we seek today so that we can move this plan
24 forward to close D.C. General because our residents
25 deserve better.

1 Importantly, the specific relief we are
2 seeking for the ward 3 shelter is a vital aspect to the
3 goal of closing D.C. General. In particular, relief
4 from the height and stories requirements is needed to
5 create the 50-unit capacity into ward 3 shelter.
6 Without BZA's approval, we will not be able to achieve
7 the goal of closing D.C. General by winter of 2018.
8 Thank you the opportunity to speak today. I will now
9 turn to Director Zeilinger to talk about the
10 programmatic aspects of the facilities. I'm also happy
11 to take any questions.

12 CHAIRMAN HILL: Great. Thank you,
13 Mr. Young.

14 Just before I move over there, does the
15 board have any questions for the city administrator?
16 (No response) No, okay.

17 Do you have a question? You're concerned
18 about your car?

19 SPEAKER: Yes.

20 CHAIRMAN HILL: Okay. Thanks. I'll keep an
21 eye on it too, but thanks.

22 Please go ahead, Ms. Moldenhauer.

23 MS. MOLDENHAUER: I just want to make sure
24 that the board confirmed that Ms. Zeilinger --

25 CHAIRMAN HILL: So you're saying you're

1 going to need all 60 minutes. Is that what you're
2 saying here?

3 MS. MOLDENHAUER: We want to make sure that
4 the record is full.

5 CHAIRMAN HILL: I'm sure it's going to be
6 full, it is full. But thank you. Please go ahead.

7 MS. MOLDENHAUER: We just want to make sure
8 that the board confirmed on the record that Ms.
9 Zeilinger was qualified as an expert.

10 CHAIRMAN HILL: Yeah, I believe we did state
11 that even after the questions that Mr. Brown had but
12 thank you, thank you.

13 MS. ZEILINGER: Good morning Chairperson
14 Hill and members of the Board of Zoning Adjustment. I'm
15 Laurie Zeilinger, director of the District Department of
16 Human Services. I'm pleased to be here this morning to
17 request relief from the board for the Short-term Family
18 Housing Program at 3220 Idaho Avenue Northwest, which
19 will help advance the shared agenda of Mayor Bowser, the
20 Council of the District of Columbia, and many, many
21 district residents, advocates, and stakeholders closing
22 D.C. General. I'm here to testify on behalf of my
23 agency but also to provide my expert opinion on issues
24 of homelessness and emergency shelter programming for
25 families with minor children.

1 One of Homeward D.C., the district's
2 strategic plan to prevent and end homelessness, many
3 important strategies is to close D.C. General and
4 replace it with smaller more dignified emergency
5 shelters where families can reside safely and securely
6 and be better supported to move into permanent housing
7 quickly. We need approximately 280 family units to
8 accomplish this goal. The city's goal is to close D.C.
9 General by the 2018 hypothermia season, 2019/2020 at the
10 latest, and we have a plan to achieve that goal. The
11 temporal aspect of this goal is critical in implementing
12 for plan from a cost perspective, as well as the
13 immediate need to provide daily for the children who are
14 experiencing the crisis of homelessness with suitable
15 shelter.

16 The district is only one of a handful of
17 jurisdictions in the United States that has as a legal
18 requirement and policy that ensures access to emergency
19 shelter for families who become homeless. This means
20 that if a family no longer has a safe place to live they
21 can come to the district Virginia Williams Family
22 Resource Center, and after completing the eligibility
23 process, the district will provide safe shelter to them
24 on an emergency basis right then and there. Residents
25 found to be eligible are able to bring personal

1 belongings, but any large furniture must be placed in
2 storage or with another person.

3 Closing and replacing D.C. General is one
4 critical component of a larger reform effort that has
5 included creating a robust homelessness prevention
6 program, enhanced standards for case management and
7 service delivery across program times, and an expansion
8 of programs that support families to exit homelessness
9 to permanent housing. Through these initiatives in just
10 the last two years, we have prevented more than 2700
11 households from entering shelters and increased the
12 number of families who are exiting homelessness to
13 permanent housing by 50 percent. The need for these
14 services supports in shelters, however, is only growing
15 and the only way we will be successful in creating a
16 system that works is if we are able to see the reform
17 all the way through.

18 In D.C. the families who experience
19 homelessness are overwhelmingly young mothers with
20 infant children. Close to 50 percent of the families we
21 serve in emergency shelters are headed by a parent 24
22 years of age or younger. Often a pregnancy or birth of
23 a child is the event that precipitates homelessness
24 because what was likely a precarious living situation to
25 begin with now becomes untenable with a small child or

1 multiple children to care for.

2 We have seen time and time again first with
3 D.C. Village and now with D.C. General that large
4 facilities or campuses congregated hundreds of our
5 families simply do not work. Generally, these types of
6 facilities are inefficient, chaotic, and often do little
7 to alleviate the trauma that families experience upon
8 becoming homeless. More specifically, D.C. General is
9 an aging hospital building that is not an appropriate
10 place to have a family. The unpredictability that comes
11 with sharing space with so many people can exacerbate
12 trauma and necessitates exceedingly strict control to
13 maintain safety. These factors produce an environment
14 that can lead to toxic stress and have lasting negative
15 impacts on the healthy development of children and the
16 well-being of the family as a whole.

17 We know that while people across the
18 community have differences of opinion on a great many
19 things, there is an overwhelming sense of shared
20 responsibility to right this wrong and serve families
21 experiencing homelessness in an environment that
22 supports them to thrive.

23 The plan to close D.C. General and replace
24 it with smaller service-enriched emergency family
25 shelters in every part of the city is born from best

1 practices that have been incorporated into D.C. laws.
2 As experts in this field, we know from research and
3 experience that families do better when they can now
4 receive the crisis of homelessness in places that are
5 purposefully designed to feel dignified, predictable,
6 and safe. Instead of being isolated, programs should be
7 incorporated into the surrounding community and
8 reinforce the hope and aspirations parents have for
9 themselves and their children. Each project presented
10 here today helps us achieve these goals, spreading the
11 program across all eight wards will demonstrate the
12 city-wide sense of solidarity with these families and
13 permits families to more actively participate in
14 community life.

15 The opposition council's filing has
16 attempted to blur the definition of this program, the
17 zoning regulations, and the Homeless Services Reform Act
18 to assert a faulty argument. The project before you
19 fits clearly into the zoning definition of emergency
20 shelter. As the director of DHS, all the social service
21 programs that I administer are governed not under zoning
22 regulations but under the Homeless Services Reform Act
23 or HSRA. The HSRA is the district legislation that
24 establishes the requirements for the delivery of
25 publicly funded homeless services. Although the

1 services we're providing fit the legal and technical
2 definitions of emergency shelter for zoning purposes and
3 temporary housing under HSRA, we have publicized these
4 facilities and the program as "Short-term family
5 housing." We do this for two reasons: First, to reduce
6 the stigma that families, especially children, can
7 experience when living in a shelter, and to convey that
8 we are offering a supportive program for residents that
9 is respectful and harmonious with a variety of housing
10 types in the surrounding community.

11 The district's continuous care for people
12 experiencing homelessness is funded and governed by
13 local and federal authorities. THS's short-term family
14 housing programs are subject to had HSRA requirement
15 related to temporary shelter for families. In the HSRA
16 the district establishes a heightened standards for the
17 provision of shelter services for families. The term
18 "Temporary shelter" is intended to establish standards
19 that are different from what the district low barrier
20 shelter programs offer. Both the temporary shelter and
21 low barrier shelter fall within the umbrellas of the
22 federal law under U.S. Department of Housing and Urban
23 Development, HUD's definition of emergency shelter,
24 which includes any facility the primary purpose of which
25 is to provide temporary shelter for the homeless in

1 general or for specific populations of the homeless in
2 which does not require occupants to sign leases or
3 occupancy agreements. The zoning regulations's
4 definition of emergency shelter similarly includes a
5 facility providing temporary housing designed by the
6 HSRA. The proposed use of the project before Idaho
7 Avenue is a facility providing temporary housing under
8 HSRA and fits only into the zoning definition despite
9 the publicized name of short-term family housing.

10 The purpose of an emergency shelter is to
11 provide immediate safety and to quickly support families
12 to end an episode of homelessness by accessing stable
13 housing. We also know that families have better
14 outcomes when they are able to access permanent housing
15 more quickly when services and supports are colocated in
16 emergency shelter buildings. To provide on-site
17 services, we need space. The Short-Term Family Housing
18 Programs will included dedicated spaces for private
19 meetings for onsite wraparound services that provide
20 connections to permanent housing program, housing
21 searches assistance, credit counseling, and budgeting.
22 Each program will employ social work staff who will also
23 help parents navigate a range of needs such as
24 childcare, healthcare, training, and employment
25 services. Programs seeks a multigenerational approach

1 bringing in services that provide early childhood
2 screenings and supports administered by the Office of
3 State Superintendent for Education School Liaison, as
4 well as support that strengthen parenting and help
5 families to overcome trauma.

6 To adequately meet the da-to-day needs of
7 program participants there will be space for computer
8 labs, laundry, common living room, and microwave. Means
9 are delivered in vans twice daily. The program
10 facilities are necessarily designed to provide much more
11 than just simple sleeping and living accommodations.
12 The prior approved projects in wards 4, 7, and 8 have
13 located these service areas on the ground floor, which
14 provides natural light through windows, which is
15 conducive to creating and maintaining a warm and
16 welcoming environment in which to engage families.

17 In order to accomplish the city's goal of
18 providing quality emergency shelter programs, the
19 proposed smaller scale is a critical factor so that
20 services and supports can be delivered more effectively
21 and with each unique family and family member. The
22 scale of the proposed site between 46 and 50 families
23 offer the right balance between effective and efficient
24 service delivery in creating a quiet, familial setting
25 where families can thrive. Also the size of the

1 proposed site is necessary chief of legislative goal of
2 replacing D.C. General with a sufficient number of
3 units. We have found that emergency shelters of this
4 size harmonize and integrate with the community.

5 In D.C., we have other smaller scale family
6 programs roughly the size and scale of the application
7 that you see before you today that integrates seamlessly
8 into the surrounding community. Many neighbors have
9 instant pride for the program in their community and
10 play a part in their success. And in total, there's
11 many people who don't even realize that a homeless
12 program is operating just down the street or right
13 around the corner from their homes or offices.

14 We are excited by this opportunity to
15 develop a project before you today because programs will
16 allow us to structure design details with our families's
17 needs in mind. Each design element in this concept is a
18 critical piece of the array of services needed to
19 empower our families and assist them in locating and
20 moving to permanent housing.

21 I'd like to briefly mention some of the key
22 design guidelines that we use in planning this program:
23 Limiting the number of families per floor to ten or
24 fewer allows families to have more privacy, less noise,
25 less turbulence in the hallways, and a more predictable

1 environment and an opportunity for an appropriate
2 community feel. Also, a maximum ten units per floor is
3 ideal to allow families to provide the proper amount of
4 attention to young children, who now have a great deal
5 of energy. This scale also permits the common rooms on
6 each floor to feel more like community living than
7 anonymous cafeterias or auditoriums. Further, our
8 families come into emergency shelter and exit emergency
9 shelter with very few belongings so sleeping units and
10 common spaces are fully furnished. Each floor will
11 ideally be designed to have a direct line of sight
12 between the floor's single central hallway. The choice
13 is intentional and keep personal safety at the forefront
14 of the building plan by removing corner hiding places.
15 This allows the program operator to ensure safety while
16 also mitigating the need for other more intrusive
17 feeling security measures. In addition, building
18 residents will have limited access to other floors.
19 They will only be issued keys for their particular
20 floor. Again, this reinforces the goal of security and
21 predictability of environment for the families by
22 ensuring only persons residing on the floor may access
23 the floor.

24 In an effort to balance both cost and
25 personal and personal safety, we opted against

1 congregate dormitory-style bathroom and instead planned
2 for locking hallway bathrooms that only accommodate one
3 person or family at time. This is at least one private
4 full bathroom for every two family units with some rooms
5 including in suite private bathrooms to accommodate
6 families with special needs. For families that do not
7 have an in-room bathroom, that bathroom access is
8 available through the hallway in immediate proximity and
9 within sight lines of family's room. This allows for
10 more flexibility, meaning that families are not tied to
11 specific restrooms so then open restroom will be
12 available when it's needed, while also allowing parents
13 to keep a watchful eye on their children.

14 With a security desk on each floor 24 hours
15 per day, staff will be present to monitor activities and
16 common areas in the hallway and ensure that only persons
17 who are living on a floor are actually on the floor.
18 The families have access to common areas as they need
19 and are able to maintain an overall peaceful
20 environment.

21 No I'm going to shift to the community
22 engagement. Following D.C. Council legislation
23 determining procedure on replacement sites, DHS working
24 partnership with council members and ANC's to establish
25 membership information that represented community

1 stakeholder bodies community advisory teams. Ward 3's
2 community advisory team began meeting in September 2016
3 to ensure the community's voice was represented
4 beginning with the design phase of the emergency
5 shelter. Each advisory team is coshared by the ANC
6 chair or his or her designee along with a senior
7 representative from the administration.

8 Ward 3 has served as the administration
9 cochair with many stakeholders from around the country.
10 Since the city administrator also spoke about the
11 advisory teams, I'll just add that in addition to the
12 advisory team meetings, we've cochaired and participated
13 in more than a dozen meetings in Ward 3 to share
14 information or respond to community concerns, including
15 but not limited to six well-attended public meeting and
16 orientation for new ANC commissioners, multiple visits
17 to the program sites, and a site visit to another
18 program in our continuum of care. We're pleased through
19 this outreach a majority of the ANC members were able to
20 support the shelter use on the proposed site. When
21 residents raised concern about the siting of short-term
22 family housing programs and any potential negative
23 impact of the district's ability to respond quickly in
24 emergency, then Interim Metropolitan Chief Peter Newsham
25 and Homeland Security and Emergency Management Agency

1 Director Chris Geldart joined public advisory team
2 meetings to address these issues. When residents raised
3 concerns about the personal vehicles of MP officers
4 being parked in the neighborhood, DGS responded to those
5 concerns by providing an additional level of parking to
6 be added to the parking deck, eliminating the district's
7 need to parking relief and adding a benefit to the
8 community by reducing a long standish community concern
9 about parking in the neighborhood.

10 In response to community concerns about the
11 location of the shelter's onsite playground, the
12 architect has also revised designs to move the
13 playground and trash away from the adjacent
14 single-family homes. We have heard the concerns
15 regarding the height of the project and the project
16 architect was able to reduce the size from 72 feet down
17 to 69 feet. While we have been able to compromise on
18 many elements, the six stories and size of the project
19 before you is critical to meeting the city's goals,
20 complying with the programmatic needs of DHS, and
21 accomplishing the objective to making homelessness rare,
22 brief, and nonrecurring in the district.

23 The relief we seek today is one of multiple
24 steps in the phase process to complete these facilities.
25 Next week the advisory team will meet with the District

1 of Columbia Public Schools Chief Operating Officer Carla
2 Watson and the principal of the in-boundary elementally
3 school Eaton. DCPS has expressed its confidence in the
4 ability of each of its schools to serve every child no
5 matter their circumstance. As referenced by the city
6 administrator, we will be developing good neighbor
7 agreements very shortly with community.

8 As you can see the community engagement
9 process in Ward 3 was robust. The ANC and advisory team
10 was thoughtful and the district was responsive to
11 concerns raised by the community. We have also
12 submitted a schedule of community engagement for the
13 record. We are excited by this opportunity to transfer
14 industry standards and human empowerment into practice
15 by proposing building designs that will enable D.C. to
16 support our families to accomplish the city's goals and
17 objectives.

18 Thank you for this opportunity to present
19 the project and ask this board to grant the relief,
20 because without the requested relief we cannot fulfill
21 our goals and families will unfairly have to endure at
22 D.C. General longer than anticipated.

23 CHAIRMAN HILL: Thank you.

24 Just before we move on, I just want to let
25 the board know we'll hear testimony from everyone and

1 then we can have questions. And then also, Mr. Brown,
2 you'll have an opportunity to cross, and then also the
3 ANC will have an opportunity as well. Thank you.

4 Good morning, Chairperson Hill and members
5 and staff of the Board of Zoning Adjustment. I am Greer
6 Gillis, director of the department of general services
7 for DGS. Thank you for the opportunity to testify today
8 about our efforts to support Mayor Bowser's goal to
9 close the family shelter at D.C. General by 2018. We
10 are here today before the BZA seeking zoning relief for
11 approval of 3320 Idaho Avenue Northwest as an emergency
12 shelter for more than 25 persons.

13 Section U-420.1 F identifies conditions for
14 approving an emergency shelter use. The BZA may approve
15 more than 25 persons if there is no other reasonable
16 alternative to meet the program needs of that area of
17 the district. As director of DGS, I can state that no
18 other reasonable alternative is practical to meet the
19 needs of the district.

20 The Department of General Services start a
21 property search by looking at district owned properties
22 in the city's inventory nearly two years ago. We looked
23 for properties to purchase or lease only after we had
24 exhausted our inventory. We worked in partnership with
25 the Department of Human Services to develop relevant

1 criteria and release the solicitation for offers based
2 on those metrics in late 2014 to get viable proposals
3 from the community. In December of 2015, we hired a
4 broker to help us identify sites and wards where we had
5 not yet identified feasible sites such as ward 3. We
6 executed the SFO process as an open solicitation. Those
7 sites were evaluated when they were brought forward.
8 All responses to the solicitations were directed to DGS.
9 Upon receipt of the developer's submission proposals
10 potential sites were forwarded to DHS for evaluation.

11 In order to close D.C. General, it is
12 necessary to secure a total of 280 total units. The
13 district sought roughly 12,000 to 30,000 square feet per
14 site, preferably close to public transportation and
15 other services and amenities, and sites that are
16 economically feasible and able to be developed within a
17 24 to 30 month timeline.

18 In ward 3, we received six proposals with
19 one site. 2619 Wisconsin Avenue Northwest identified to
20 be of adequate size and within close proximity to public
21 transportation and having the capacity to satisfy the
22 program requirements. However the D.C. Council voted to
23 locate these shelters on district-owned properties. The
24 D.C. Council conducted their own search of D.C.-owned
25 properties and the Homeless Shelter Replacement Act of

1 2016 designated 3320 Idaho Avenue Northwest, a
2 district-owned site as the ward 3 shelter location. In
3 October 2016, Ayers Saint Gross was awarded a contract
4 for architectural and engineering services leading the
5 efforts for the ward 3 site.

6 Over the next several months both DGS and
7 DHS held weekly design meetings with the architects in
8 order to move the concept design phase forward. We
9 required the new team to conduct the number of design
10 charrettes to ensure the proper project design for the
11 existing structures and the surrounding community. We
12 notified the team of our expectation to design
13 distinguished facilities in which families experiencing
14 homelessness will feel safe and maintain a sense of
15 pride. As the team reached significant mile stones, we
16 integrated them within the advisory team and design
17 overview meetings with the ward 3 residents. This
18 allowed us to gather immediate feedback and to
19 incorporate suggestions made by the community. The
20 district has and will continue to meet with the members
21 of the community through the design and construction
22 process that will provide monthly updates. To date we
23 have held over a dozen meetings, which include the ANC,
24 council members, district leaders, as well as several
25 stakeholders and advocacy groups.

1 Shortly after the start of 2017, we held a
2 special meeting to present the proposed design to the
3 newly elected ANC members. Continuous dialogue between
4 the district and the ANC allowed for us to propose
5 various parking solutions that would meet the needs of
6 the emergency shelter site, the adjacent police station,
7 as well as the immediate community. While the end vote
8 of the ANC was a split vote, all Commissioners supported
9 the emergency shelter use and necessary special
10 exception relief at this location.

11 DDS remains steadfast in its commitment to
12 engage the community and stakeholders in the multiphase
13 elements of this project. Based on community comments,
14 we request flexibility to work with the communities to
15 refine exterior designs and non-programmatic elements.
16 Such features include but are not limited to landscaping
17 and exteriors and other elements that will be
18 immediately impactful to the neighborhood. Our design
19 teams have engaged the district fire and emergency
20 medical services as well as the Metropolitan Police
21 Department as consultants during the concept development
22 to ensure safety and security is adequately incorporated
23 in the early stages of the design process. Based on
24 conversations with MPD, we are confident that
25 collocating the emergency shelters and the two DMPD

1 facilities will be secure and sustainable for both uses.

2 As the city administrator indicted, D.C.
3 General is not a place for families. Continuing to
4 house families at this location does not reflect the
5 values that we share for how to serve and support our
6 most vulnerable residents, especially families with
7 children. As the implementing agency, DGS leads the
8 effort to design, entitle, construction, deliver, and
9 manage the emergency shelter facilities. Each day that
10 passes equates to families unfairly being subjected to
11 D.C. General's shelter system.

12 The council's legislation last June required
13 DGS to have teams develop preliminary designs, cost
14 estimates, and delivery schedules sufficiently. Though
15 every effort has been made to maintain the initial 2018
16 delivery, after careful evaluation the team has
17 committed to delivering the ward 3 site in the summer of
18 2019. The following is the timeline of the anticipated
19 delivery schedule: Design start, October 2016; DCRA
20 submission, June 2017; construction start, November
21 2017; construction delivery, summer 2019. Any
22 alternatives that delays entitlement, construction, and
23 opening the new emergency shelters extends our use of
24 D.C. General, an old, poorly adapted hospital building
25 beyond its useful life.

1 We understand that the opposition party and
2 some members of the ANC believe a shorter, fewer unit
3 shelter is feasible. As director of DGS and reliance
4 upon our team of experienced professionals, the city's
5 goals and objectives cannot be achieved by a facility of
6 fewer, which will require that the need be met by more
7 facilities. And a shorter facility would create a
8 practical difficulty for accomplishing this great public
9 need for the city.

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

18 CHAIRMAN HILL: Thank you.

19 MR. MCNAMARA: Thank you, Director Gillis.
20 Again, my name's Joe McNamara. I'm with Ayers Saint
21 Gross, Architects and Planners and I'll talk a little
22 bit about the project now. The property at 3320 Idaho
23 Avenue is a fairly large property. It's located in an
24 RA-1 zone near three large PD's across the street and in
25 close proximity to a higher density NC-1 zone at

1 Wisconsin Avenue.

2 So we're showing here a site plan with the
3 existing conditions for a large site approximately
4 200,000 square feet. It's bifurcated by this
5 L-shaped --

6 CHAIRMAN HILL: Mr. McNamara, if you could
7 just try to speak clearly into the microphone. That
8 might be helpful. You're doing fine, I'm just saying
9 try to speak more clearly into the microphone. Thank
10 you.

11 MR. MCNAMARA: The site is bifurcated by
12 this -- let me try this one. Good to know it's not me.
13 So it's are large site approximately 200,000 square feet
14 bifurcating by an L-shaped retaining wall you can see on
15 this slide here. There are two access points on the
16 east side of the site to the north and the south. The
17 north access is for MPD access to their parking lots, as
18 well as two other missed vehicles, two other refuelling
19 stations on the north portion the site, as well as the
20 prisoner transport sally port on the north edge of the
21 MPD building you see in the middle of the slide there.
22 There's approximately 18 feet slope difference from the
23 north end of the site to the south from top to bottom
24 from Newark Street down to the south end of our site.
25 And the current south end of the site is the parking

1 area but it ends in currently the temporary impound lot
2 used by MPD, which is essentially a temporary junkyard
3 of vehicles. And there's also a trash area pick up
4 adjacent to that.

5 There's a few photos from around the site.
6 The first shot here, shot No. 1 in the top left, this is
7 from the garden area to the west of the retaining wall,
8 and this is the view you see at that point: It's a
9 brick wall that extends up above the site there. And
10 then the remaining shots are from Idaho Avenue looking
11 across the street. You can see it's fairly well treed
12 area. Photograph No. 3 is looking at the modernist MPD
13 building that's currently on the site.

14 This slide is just showing the topography of
15 the site. You can see there's a two-foot interval, so a
16 contour line so that's 18 feet from York Street at 362
17 feet down to 344 feet elevation at the south end of the
18 site. Although it's somewhat level on the east side of
19 the wall -- this plan is rotated to the left so north is
20 left on this shot. Although it's somewhat level on the
21 south end of our site, on the west side of the wall the
22 slope does drop off considerably at the south end of the
23 site.

24 So this is a side-by-side site plan to show
25 you and how we're developing this area. The left side

1 images is the existing conditions and the right side
2 being the proposed. The red line that's overlaid on
3 both images is that existing retaining wall, which is
4 remaining in place throughout the construction. And so
5 we wanted to give that as a touchstone so you can see
6 where our work is taking place completely to the east of
7 that retaining wall.

8 The site constraints, again, the refueling
9 station on the north end of the site and the prisoner
10 transfer sally port on the north edge of the MPD
11 headquarters building, and then the gardens to the west
12 side of the wall. These factors -- you know, we needed
13 to maintain the north end of the site so MPD operations
14 can remain in full effect as well as municipal vehicle
15 refueling. And then on the left side of the wall
16 there's, obviously, the community garden lots which are
17 adjacent to Newark Street. So that left the south
18 portion of the site as the most reasonable location for
19 the short-term family housing. You can see on the right
20 we have the parking deck proposed directly west of the
21 MPD building between the MPD headquarters building and
22 the retaining wall, and the emergency shelter site to
23 the south of the MPD building.

24 So this is a site plan of our original site
25 plan that we brought to the community and we received

1 feedback from the community about concerns for the
2 playground being to the south of the building and noise
3 concerns with the adjacent neighbors. We took that back
4 and made some changes to our site plan. You can see now
5 our play area is located to the west of the emergency
6 shelter, and we've moved the trash pickup and delivery
7 area to the north side of the building as well. And so
8 now we have a fairly significant side yard to the south
9 of the building between the emergency shelter and the
10 adjacent neighbors. It's approximately 63 feet from our
11 building to the property line, which results in a nearly
12 one-to-one ratio of horizontal to vertical with our
13 sixth-nine foot tall building.

14 Let me give you some of the floor plans.
15 The basement level is primarily utility space, but it's
16 also some storage space for materials of the DHS as well
17 permanent bike storage. The entry level includes the
18 administrative wing on the lower right of this floor
19 plan, that's intended to be near the lobby to foster
20 relationship building between the case workers and the
21 residents. We've also got all of the service components
22 on this level. The bottom left area is the dining area
23 with a warming kitchen adjacent to a multipurpose room
24 and an indoor play area. And the north wing includes
25 staff lounges and maintenance areas, as well as a

1 service, which is computer room and the medical clinic.

2 This is our typical residential floor. The
3 building is set up based upon this layout, which allows
4 for line of sight from the monitor at the east end of
5 the hall on the right where our community spaces are
6 located, which are the most public portions of the
7 building along Idaho Avenue, the study space to the
8 south and the community space to the north. And then
9 the residential units are set up as Director Zeilinger
10 mentioned, four bathrooms shared by eight units, and
11 then there are two more units with private baths. And
12 two of the units have adjoining doors to accommodate
13 larger families when needed.

14 And our roof plan's here just to show you
15 that this is not intended for resident access. It's
16 just roof top equipment with a screen for that equipment
17 to hide it from view.

18 Looking at our building elevations, you can
19 see the two-bar scheme we have organized about that
20 central corridor. We have on the north side, the right
21 side of this image, a terra cotta cladding with a brick
22 masonry cladding on the south bar divided by a vertical
23 glass element on both this facade and the back of the
24 facade, which will light the corridor with natural
25 light. The single-story admin wing, which is on the

1 lower left portion of this, reaches out from the
2 six-story element building towards the street to
3 humanize the entry sequence.

4 We mentioned earlier about the height of the
5 building. The originally submitted 72-foot height was
6 based upon a corridor ceiling height of 8 foot 6, and
7 then going through the organization of the systems above
8 the ceiling result in an 11 foot 4-inch floor-to-floor
9 height. We've since gone back and reorganized the
10 systems to minimize and eliminate all crossings, and so
11 we were able to lower our floor-to-floor height to 10
12 foot 8. And that 8-inch interval is purposeful in that
13 we have a brick masonry building so we need to maintain
14 that 8-inch module to support the brick at every level.
15 So that moved to bring it down to 10 foot 8 allowed us
16 to lower our building height to 69 feet. If we were to
17 try to lower it any further, we would need to do it in
18 another 8-inch increment. Our current ceiling height of
19 8 foot 4 would have to be lowered to 7 foot 8. Now,
20 although that's technically legal, that is not a height
21 that's recommended for a public space, it's something
22 that's more typical for a utility closet or a storage
23 room.

24 I just walked around the building, this is
25 the south side is primarily brick masonry with some of

1 the terra cotta you see on the right side of the image
2 and wrapping around the base. We're also looking a
3 using a softer underskin type of material like a wood
4 HPL panel along the base that we'll try to introduce
5 into the interior of the building as well.

6 And, again, this is the west facade, nearly
7 a mirror image of the front facade, although this
8 doesn't have as many public spaces here, But again, the
9 terra cotta and the brick cladding. And then the north
10 facade, which will face towards the MPD building, is
11 primarily the terra cotta cladding.

12 This next image is a site section through
13 Idaho Avenue facing west looking at the site. The
14 purpose here is to show the surrounding context and fit.
15 As previously mentioned, the 18 feet from Newark Street
16 down to the bottom of our site, this topographical
17 variance virtually aligns the emergency shelter with the
18 WTOP building just to the north of Newark Street. This
19 helps to support the degree of relief we're seeking for
20 height and stories and minimizes the impact on the
21 adjacent properties. And as you can see in these photos
22 of these building just to the north on Idaho Avenue the
23 six-story emergency shelter is not out of character with
24 this area.

25 Our sun studies show the shading impact of

1 the emergency shelter and parking have on the
2 surrounding area. These views are during the spring and
3 fall equinox along the top images and the summer
4 solstice along the bottom. As you can see there's zero
5 impacts upon nearby residences with shadow remaining
6 within the confines of our property boundary. The shade
7 present at the gardens is during the morning hours only,
8 and the garden area is already designated in these areas
9 for shade planting due to nearby tree cover. And
10 lastly, we have a few bird's eye renderings with the
11 emergency shelter setting and the garage setting to the
12 view. These provide the best view of the context we are
13 building within and show how the building's architecture
14 is congruent with the surrounding area. The view is
15 from the east-southeast with gardens visible to the west
16 of the emergency shelter. And this view from the
17 northeast looks down Idaho Avenue with lawn placed in
18 the foreground of the emergency shelter located in the
19 center of this image. And this last view is over the
20 gardens with the cathedral in the background provides
21 the best view of the treatment of the west facing garage
22 facade that will overlook the gardens. The intent here
23 is to plant the base of this facade with vines, which
24 will carry a very soft green wall edge. Essentially,
25 obscuring the concrete structure behind it.

1 Thank you very much and I'll have Nicole
2 White to talk about the transportation issues.

3 MS. WHITE: Good morning Chairman Hill and
4 members and staff of the BZA. My name is Nicole White.
5 I'm a principal with Symmetra Design. Our firm prepared
6 the transportation assessment for the project. Our
7 study was coordinated with District Department of
8 Transportation and received no objection from DDOT.
9 I'll skip past the -- I know you wanted me to go fast.
10 The project is less than a mile from two Metro rail
11 station and within closer proximity there are a number
12 of bus lines on Wisconsin Avenue and Wisconsin Avenue is
13 a high priority bus corridor.

14 You've already heard about the existing
15 points of access to the site. I will reiterate that the
16 southern most access point will shift to the north, and
17 that will be a shared point of access for the project
18 and for MPD in the future.

19 In terms of traffic generation -- in terms
20 of traffic generation, just to talk about the
21 characteristics of the residents and the staff,
22 residents are projected to have very low vehicle
23 ownership, and so they wouldn't generate traffic trips.
24 And in terms of staff, more staff are expected to drive,
25 however, given the shift times their arrival would be

1 early in the morning and later in the evening as the
2 peak times, and that would not coincide with the peak
3 times of traffic for the adjacent street.

4 In terms of parking, you've already heard
5 about the parking garage. I'll just reiterate that the
6 project will meet the zoning requirements and provide 23
7 spaces. In addition, the project will provide an
8 opportunity to increase parking for MPD. Although the
9 project will meet requirements, zoning requirements for
10 parking, we also did a parking survey in the area and
11 found between 89 and 125 vacant spaces available. There
12 are certainly some streets that are at about 90 percent
13 or higher in terms of occupancy, but in the broader
14 study area there were available on-street spaces. But
15 again, the project will meet parking requirements
16 onsite. The Cathedral Commons parking garage is also
17 located a block away from the site and there's ample
18 parking there.

19 The project will meet requirements for
20 bicycle parking and will provide bicycle storage on the
21 ground floor, which will be used by staff and can also
22 be used by residents. And there will also be a bicycle
23 rack near the front door for short-term bicycle parking.

24 In terms of loading, the project will
25 require a variance from the loading requirements. The

1 project will provide a service and delivery space, and
2 we believe that will be adequate to serve the needs, the
3 loading needs, of the project. Given the nature of the
4 proc, residents will not require moving truck's for
5 moves in, and daily food delivery, as you've already
6 heard, will be accommodated in vans. So we believe the
7 service delivery space will be adequate to accommodate
8 the needs of the project.

9 Also, I'll talk about the temporary parking:
10 There's a special exception before you that was not
11 initially included in our transportation study because
12 that was brought about as a result of being responsive
13 to some community concerns. So we have taken a look at
14 that special exception in terms of the access point, and
15 we have no objection to the temporary use of the tennis
16 courts and the access point for the project. I will
17 note that it will have to go through public space
18 process so there will be further review and coordination
19 with DDOT that's required as part of that process. And
20 that concludes my presentation.

21 MS. MOLDENHAUER: Thank you very much.

22 Despite I will provide a brief and a legal
23 summary of the relief that we are seeking, we are
24 seeking a variance under three areas: One for the
25 height and story requirements, one for the number of

1 primary structures for a single lot, and loading. Under
2 these variances, Office of Planning has supported all
3 three of the variances. The ANC has supported the
4 number of structures of a single lot and the loading
5 relief.

6 We are also seeking special exception relief
7 to construct an emergency shelter in the RA-1 zone with
8 Office of Planning and ANC support on that element of
9 relief. And we are seeking temporary parking use for
10 the use of the tennis courts during construction. We
11 can elaborate a little bit more on that; that relief is
12 only being sought as an alternative option. We have
13 been pursuing diligence work and Director Phillips can
14 elaborate on that report's questions in regards to
15 providing additional alternatives. So that would be
16 only required or needed if these other alternatives are
17 not finalized, but we believe we are very excited that
18 they will. So I will walk through.

19 Then just confirm, as specifically stated in
20 our briefing, that the board will be reviewing these
21 cases under a more flexible standard that is articulated
22 under Monaco, that has then been confirmed with the
23 National Black Children's Development Institute cases
24 and has also been confirmed in board cases both in area
25 variances and in use variance cases. The Court of

1 Appeals confirmed that for a nonprofit, as occurred with
2 the NRC in Monaco, that they differentiated a commercial
3 developer, a market rig developer, from that a nonprofit
4 organization or the needs of the City, and indicated
5 that the board may apply a more flexible assessment and
6 that the public need is an important factor in granting
7 or denying a variance.

8 The characterization of a use of a public
9 service and its need for expanding facility is a
10 significant factor. As you heard testimony, the goals
11 and the needs of the city that have both been elaborated
12 in the ICH and in legislation are critical in order to
13 accomplish those goals. This is really a numbers game:
14 There is an obligation to provide 280 units, and in
15 order to do that, the facilities need to have 50 units
16 per project in order to accomplish those throughout the
17 entire city. So in order to do that, this site requires
18 50 units and 10 units per floor.

19 The variance standard is indicated there
20 must be an exceptional condition that must impact a
21 practical difficulty and show that there is no
22 substantial detriment to the public good. We have
23 shown, as has been testified to, that there is
24 exceptional condition on the site, both the existing
25 location of the MPD station, the refueling station, the

1 additional services on the facility, as well as the
2 existing community gardens and the topography in
3 conjunction with the programmatic needs. One designates
4 where the site would most likely be located on a
5 reasonable level, and then two, indicates that the need
6 for ten units per floor plus a floor of wraparound
7 services determines the six story requirements at the
8 site.

9 As indicated, just going through this, we
10 also have the fact that there is a refueling station in
11 the parking lot. We have no substantial detriment to
12 the public all good. The project aligns with the
13 building's plan and the surrounding area, which includes
14 a mix of buildings and types, as Mr. McNamara went
15 through, this is built into the context of the community
16 that does have single family homes but also has five
17 story and nine story and other buildings around the
18 community, and we believe that the architecture has
19 taken into effect that requirement, as well as the
20 unique condition of the foliage and the trees that are
21 around the community that provide some shade and some
22 privacy in that regard. We do not believe this will
23 infringe on the capacity of MPD, rely upon the evidence
24 in the record in regards to the documentation from
25 letters from MPD, letters from FEMS, and also letters

1 from the D.C. Public School Systems.

2 The zoning will have a substantial setback
3 from nearby single family homes. The board has to
4 consider, obviously, impacts on community light and air,
5 however, we deem that the zoning regulations dictate
6 certain requirements. Here, as indicated, we are
7 actually providing nearly a one-to-one setback providing
8 more than enough distance between single family homes
9 and this proposed site, even given the variance relief
10 that we are seeking on height and stories.

11 The play area was moved and the trash area
12 was moved based on community dialogue and request, that
13 was moved now to be more insular into the site, taking
14 that away from some of the abutting single-family home
15 properties, the one single-family home property and also
16 relocating the trash, that is an improvement as in the
17 case kind of on the existing condition of the site. The
18 existing condition has a junkyard or the impound lot
19 butting the single-family home currently, as well as
20 trash currently abutting that property. And so the
21 improvement of this design is actually moving that and
22 moving that away onto the other side of an attractive
23 building, maintaining the existing retaining wall.

24 We are seeking special exception relief as
25 indicated first for the emergency shelter use and then

1 for the temporary parking use as Director Zeilinger went
2 through. The emergency shelter use is the appropriate
3 use, this is not a use variance, this is not a variance
4 at all for the special exception use here for the
5 emergency shelter use. And in that regard, we also have
6 in the record a letter from the zoning administrator
7 confirming that the emergency use is the appropriate use
8 for the site, and also confirming that the relief from
9 the two primary structures on a single lot is also an
10 area variance, not a use variance.

11 We believe that the project has been
12 designed with high quality considerations from Ayer
13 Saint Gross and is in harmony with the general purpose
14 and intent of the zone plan and the community and will
15 not have a adverse effect on the community. As I
16 indicated, we believe that the colocation of the
17 facility, as well as the surrounding neighborhood, does
18 lead this project to comply with all of the zoning
19 standards. We will open ourselves up for questioning
20 and would request that the board review the application
21 and support the relief for questions.

22 CHAIRMAN HILL: Thank you, Ms. Moldenhauer.

23 So Mr. Brown, what I'd like to do now is
24 give you an opportunity to cross, and then also ask the
25 ANC if the ANC commissioner has any questions.

1 Commissioner? If the ANC commissioner has
2 any questions also that they'd like to ask at this time
3 in terms of cross for the Applicant. And then the board
4 will also have some questions and then also afterwards
5 we're going to hear from the different various
6 departments here, and then also the ANC will have a
7 chance to present, so this is just kind of any questions
8 that you have in terms of cross.

9 And Mr. Brown, again, this is just for cross
10 in terms of you also have an opportunity to present. I
11 am going to start with you, Mr. Brown.

12 MR. BROWN: Yes, chairman, certainly.

13 MR. MILLER: The board will have an
14 opportunity to ask questions of the Applicant after the
15 cross examination?

16 CHAIRMAN HILL: Yes. I'm sorry I'm kind of
17 going a little out of order as I originally mentioned.
18 Yeah, we're going go ahead and do the cross first and
19 then if anyone has questions.

20 MR. BROWN: Thank you. I'd like to start
21 with Mr. McNamara. I hope there's no particular order
22 here.

23 CHAIRMAN HILL: No, go ahead.

24 MR. BROWN: Mr. McNamara, basically, you
25 have to work what you described as the southeastern

1 portion of this site because there's also existing
2 facilities on the other part of the site. Right?

3 MR. MCNAMARA: That's correct.

4 MR. BROWN: Can you give me an approximate
5 size of the area that you have to work with? In terms
6 of square feet?

7 MR. MCNAMARA: For the site development?

8 MR. BROWN: Basically, you have the fifth
9 and sixth-story building into an area of how many square
10 feet?

11 MR. MCNAMARA: Well, originally, we had
12 parking included in that site development. And I
13 believe the site area -- I'd have to be taking a guess
14 at the site area, and I'd rather have to look that up
15 for you rather than --

16 MR. BROWN: Well, it's a small fraction of
17 the 200,000 square feet of the overall property.
18 Correct?

19 MR. MCNAMARA: Yes.

20 MR. BROWN: Just give me a ballpark estimate
21 of the fraction of that overall property. Can you do it
22 by eyeball from your diagrams?

23 CHAIRMAN HILL: It's all right. You can
24 just take a guess.

25 MR. MCNAMARA: 20 percent.

1 MR. BROWN: So it's no more than 40,000
2 square feet?

3 MR. MCNAMARA: It's somewhere in that
4 neighborhood, correct.

5 MR. BROWN: And was your judgment
6 architecturally that in order to accomplish the
7 programmatic needs of getting 50 homeless shelter units
8 in this project, you had to design the building that
9 went up six stories?

10 MR. MCNAMARA: Yes, to me the programmatic
11 needs stated by DHS not to exceed ten units per floor,
12 yes, it required a six-story building.

13 MR. BROWN: Given the size of the area that
14 you had to work with?

15 MR. MCNAMARA: Given the size of the -- I'm
16 not sure I understand your question.

17 MR. BROWN: Well, if you had the entire
18 200,000 square foot area to work with, to design the
19 building, perhaps you might have come up with a design
20 that didn't go up to six stories.

21 MR. MCNAMARA: That used more than ten units
22 per floor? Is that what you're asking?

23 MR. BROWN: Well, let me ask you this
24 question: Have you had a chance to read the Commission
25 on Fine Art's review of this project?

1 MR. MCNAMARA: Yes.

2 MR. BROWN: All right. I am going to read
3 you a statement from that letter. This is Exhibit 206
4 in the record: "The commission suggested more
5 flexibility in the programmatic guidelines for the
6 building itself commenting that other configuration,
7 such as a two-wing floor plate with clusters of seven to
8 ten units separated by common spaces could allow for a
9 lower building with a larger footprint. As the
10 architectural character of the project is developed,
11 they cautioned against creating the appearance that is
12 more institutional than residential. So if you had the
13 200,000 square foot area to work with, could you not
14 have created a homeless shelter design that meets the
15 programmatic needs with two wings on three floors, and
16 perhaps a more residential appearance?

17 MR. MCNAMARA: We discussed those types of
18 options with DHS at the outset of the project, and their
19 feeling was the programmatic needs of the project
20 limited the number of units to ten units per floor, even
21 creating separated wings because that starts to, you
22 know, feeling more like a sprawling facility like D.C.
23 General and what they wanted to do was to maintain a
24 complex floor plate and foster a sense of community
25 among each floor of residents, and not have large wings

1 expanding out on a shorter building.

2 MR. BROWN: So I take it, then, you regard
3 the concerns of the Commission of Fine Arts as misguided
4 with regard to this project?

5 MR. MCNAMARA: I view -- their feelings are
6 entirely their own and valid on their own, but they
7 don't understand the needs that DHS has for these
8 emergency shelters.

9 MR. BROWN: I'd like to ask Mr. Young a
10 couple of questions.

11 Mr. Young, in your testimony you indicated
12 that the council held a public hearing on the mayor's
13 plans for all of the wards on March 17, 2016, and then
14 on May 16th announced and voted on revisions to the plan
15 including changing three of the eight cites. That
16 included ward 3. Right?

17 MR. YOUNG: That's correct.

18 MR. BROWN: During the period between March
19 17th and May 16th, do you know whether or not the city
20 as opposed to the council was looking at alternative
21 sites?

22 MR. YOUNG: When you say "The city," you
23 mean who exactly?

24 MR. BROWN: The executive branch rather than
25 the county's fault.

1 MR. YOUNG: We had looked at alternative
2 sites at the conception of this initiative quite
3 extensively. We looked at those again in response to
4 the public hearing that was held on the matter and
5 talked to council about what those sites were. In their
6 intervening time, we continued to look through that
7 which we had already reviewed and talked internally:
8 Were there any other sites that the council might have
9 under their own consideration?

10 MR. BROWN: When you looked at sites prior
11 to the selection of the Wisconsin Avenue site, were you
12 looking to lease property or to acquire properties or
13 both?

14 MR. YOUNG: We looked at both alternatives.

15 MR. BROWN: And for Ms. Zeilinger, you heard
16 my questions to Mr. McNamara. Do you agree with his
17 assessment that the programmatic needs of ten units per
18 floor would override the possibility of having two
19 different wings of ten units per floor?

20 MS. ZEILINGER: No, I don't -- well, the CFA
21 has a particular role that they play related to the
22 appearance of the building. My job is to look at,
23 programmatically, what we need to do to serve families.
24 We went through a very robust process with a committee
25 of Interagency Council on Homelessness and DGS with

1 experts on child development, on homeless services. We
2 consulted with families in our program, national
3 experts, and local experts. And that committee
4 recommended those guidelines that then DGS and the
5 department used as we moved forward to the development.
6 I think there is a great deal of thought and expertise,
7 and we also did have our architectural expertise on our
8 panel or on our committee that came up with those
9 recommendations and I absolutely stand by them one
10 hundred percent.

11 MR. BROWN: If I understand your testimony
12 then, the programmatic needs of putting a certain number
13 of people together in a homeless shelter in the range of
14 46 to 50 is an essential part of your program?

15 MS. ZEILINGER: So there a number of
16 things/interests that we need to balance in the homeless
17 system: Our need to provide those emergency services to
18 families at the time that they need them, as well as our
19 ability to make sure we're able to resource the programs
20 that help families exit homelessness to permanent
21 housing. So in order to do that, we have to establish
22 the right balance to operate a system that functions.
23 So we determined that the right number of units for the
24 emergency shelter part of our program is up to 50, that
25 we wouldn't want to exceed that. But that within 50

1 units, we could create the right type of programmatic
2 design and environment for families to improve that
3 portion of the system.

4 MR. BROWN: I'm trying to understand whether
5 or not this means, essentially, that all of these
6 facilities essentially must be six-floor facilities,
7 five- or six-floor facilities, in order to have ten
8 units per floor and achieve the right economies of scale
9 with all of these support services.

10 MS. ZEILINGER: Yes. And that's consistent
11 with our design across the wards.

12 MR. BROWN: Can you say based on you
13 experience that this is the solution all across the
14 country for such homeless shelters?

15 MS. ZEILINGER: So, of course, different
16 communities take different approaches to the issue;
17 there is not a federal standard. But we've took into
18 account what we've learned from the efforts across the
19 country to prevent and end homelessness, to serve
20 families experiencing homelessness, as well as the
21 values of our community, which have very specific
22 standards around how we provide services to families
23 that go well above and beyond in districts law what is
24 the case in most jurisdictions in our country, as I
25 noted in my testimony. So the design requirements are

1 informed by knowledge of what works from across the
2 country id the expertise we have locally, and the
3 requirements we have in law.

4 MR. BROWN: One more question relating to
5 your advisory teams that have been put together and be
6 charged with coordinating community feedback and input
7 into the program and relating issues and concerns: If I
8 understand correctly, that community advisory team in
9 ward 3 was formed after the decision was made that the
10 ward 3 shelter would be on the police station site. Is
11 that correct?

12 MS. ZEILINGER: Right because it needed to
13 be comprised of members of the immediate neighborhood
14 where the program would operate.

15 MR. BROWN: And so concerns that community
16 may have had about whether or not this was an
17 appropriate location for the facility, those concerns
18 were not within the purview of this advisory community,
19 were they?

20 MS. ZEILINGER: No, absolutely not, that's
21 not the purpose of the advisory team. The advisory team
22 is, once the site has been selected, to make sure that
23 were able to operate it in a way that's informed by
24 interests and concerns of the community, and operate and
25 develop a program that is respectful of neighbors and

1 informed by all the different stakeholders.

2 MR. BROWN: Are you aware of any similar
3 community advisory input program with regard to the
4 decision to chose this particular site?

5 MS. ZEILINGER: Still I think that was
6 answered by both the Chairman, who made the selection of
7 the site, as well as the city administrator and Director
8 Gillis in their testimony.

9 MR. BROWN: I am asking you if you are
10 personally aware of any community involvement in site
11 selection prior to the time that the police station site
12 was selected?

13 MS. ZEILINGER: So when there was opposition
14 to the Wisconsin avenue selection, I personally met with
15 several of the people that were ANC Commissioners at the
16 time. They brought three properties they wanted the
17 district to look at, and one of which included the Idaho
18 Avenue site for our consideration. As you are likely
19 aware, they also submitted those recommendations to the
20 council member. So those were additional sites that
21 were taken into consideration and they had some -- they
22 came from the ANC representatives, they had some input
23 from the people that they represented.

24 MR. BROWN: If I understand your testimony,
25 you're saying that certain interested members of the

1 community made suggestions about alternative sites.

2 MS. MOLDENHAUER: I believe her testimony
3 speaks for itself and you trying to state what she
4 said -- if you have another question, I don't -- I
5 object to counsel restating and trying to put his own
6 words into what she just stated.

7 CHAIRMAN HILL: I appreciate your comment,
8 Ms. Moldenhauer.

9 Mr. Brown, go ahead and finish asking your
10 questions. Again, as I understand it, the answer that I
11 think Director Zeilinger is giving is that it was at the
12 council level that there was public participation. But
13 please go ahead and ask your question again more
14 concisely.

15 MR. BROWN: I think I've covered the point
16 adequately. Let me just turn now to Director Gillis.

17 In your testimony, Director Gillis, you say
18 that "To date we have held over a dozen meetings, which
19 include the ANC council members, district leaders, as
20 well as several stakeholders and advocacy groups."
21 Correct?

22 MS. GILLIS: That is correct.

23 MR. BROWN: My question to you is: With
24 regard to community feedback, either from the individual
25 level or at the ANC level, are you aware of any feedback

1 or input process with regard to -- a formal process with
2 regard to obtaining advice about site selection in this
3 particular case?

4 MS. GILLIS: Could you expound on your
5 question, please? I'm not understanding. Are you
6 asking more so just community feedback, but then you
7 asked about a formal process. I just need further
8 explanation.

9 MR. BROWN: All right. I'll go back over it
10 again.

11 MS. GILLIS: Thank you.

12 MR. BROWN: There is now a -- in the
13 development process a formal process for community
14 input. Correct?

15 MS. GILLIS: Yes, through the advisory team
16 process.

17 MR. BROWN: Are you aware of any similar
18 formal process for community input, including ANC input,
19 with regard to the decision to choose the police station
20 site?

21 MS. GILLIS: What I can comment on, sir,
22 with regard to the decision to choose the police station
23 site, that was a site that was chosen by the council.
24 And once that site was chosen why the council, we moved
25 forward with the AT meetings and then the discussions

1 with the community wrapped around that other site.

2 MR. BROWN: You talked extensively about --
3 in your testimony about the search for sites for this
4 property, for this project. My question is: Whether or
5 not in the evaluation of other sites there was any
6 evaluation of the amount of zoning relief that would be
7 necessitated in order to put up a six-story building and
8 meet the programmatic needs of the Government?

9 MS. GILLIS: So when we evaluated for
10 available sites and other sites in this particular ward
11 in the early stages, there was a preliminary assessment,
12 because any site that we would come to we would have to
13 look at whatever zoning relief that would be needed in
14 order to build an emergency shelter. So there was a
15 preliminary assessment.

16 MR. BROWN: Are there records of that
17 preliminary assessment -- public records of that
18 preliminary assessment?

19 MS. GILLIS: Yes, as part of the package to
20 the council hearings, yes. They would be part of the
21 council hearings and information that would be submitted
22 as part of the council hearing, sir.

23 MR. BROWN: So that information about look
24 at alternative sites and whether or not they would meet
25 the zoning requirements, your testimony is that that

1 would be found in the council hearing records?

2 MS. MOLDENHAUER: Can I -- I would object
3 again: Best evidence. If it's publicly available then
4 it would be identified as publicly available. This is
5 not a process to determine what's publicly available or
6 not. We're here on a zoning issue and zoning relief.

7 CHAIRMAN HILL: So Mr. Brown, as far as, I
8 guess, what Ms. Gillis -- I'm sorry, Gillis?

9 MS. GILLIS: Gillis.

10 CHAIRMAN HILL: -- is saying is that it
11 was -- there is public information on that. It was on
12 the website there, I guess, you just said before the
13 council -- I forget what your answer just was now as far
14 as where it was. Correct?

15 And, again, Mr. Brown, I mean, I'm not
16 trying to dissuade you from asking the questions that
17 you're asking. As far as site selection and how it got
18 to site selection, that's not really what we're here
19 for. I mean, we're here really for just the zoning
20 relief that has been asked of the board. And this is
21 actually for anyone who's going to testify as well,
22 we're limited to just basically what is before us in
23 terms of the zoning requirements for this relief and how
24 it's been granted, not how site selection came about.
25 And as you did hear from the chairman who first came in,

1 that process was already before us, it had nothing to do
2 with what's coming before us right now. But you can
3 please go ahead and ask your question.

4 MR. BROWN: You're entitled to that view. I
5 respectfully disagree with it. As I will explain in our
6 presentation: We believe the thoroughness of an
7 alternative site selection process is critical to the
8 proper zoning decision to be made in this case. But
9 I'll get to that when it's my turn.

10 CHAIRMAN HILL: Okay.

11 MR. BROWN: But I have no further questions.

12 CHAIRMAN HILL: Okay. Commissioner -- and I
13 sorry, could you state your name again for me?

14 MS. MACWOOD: Certainly. Nancy Macwood.

15 CHAIRMAN HILL: Commissioner Macwood, you
16 know that in a little while you also have an opportunity
17 to present some testimony, so this is just basically any
18 kind of cross you might have for the Applicant.

19 MS. MACWOOD: Thank you very much. I only
20 have one question and it's for Director Gillis.

21 Good morning, Director Gillis. Did DGS and
22 the architect meet with ANC commissioners on the design
23 the shelter per their request?

24 MS. GILLIS: Good morning, Commissioner Wood
25 [sic]. We met with the ANC commissioners, we held

1 several meetings to talk about the concept, we held
2 several meetings, I think we had one meeting where we
3 shared the design in a community meeting of the ward 3
4 site. I know that you have requested a meeting to
5 personally go through and walk through the design to be
6 able to talk about different aspects of the design. We
7 are still -- we'll work with you considering the
8 designs. We also, if you recall, held a meeting with
9 you with our entire team, actually, talked specifically
10 about some of the concerns that you addressed when we
11 were able to come back to you and actually make some
12 concessions on some of the requests that you provided to
13 us.

14 MS. ZEILINGER: And I'd also like to just
15 add that we consulted with the ANC at the outset on a
16 membership and the advisor and neighborhood committees,
17 and when we -- advisory neighborhood communities and the
18 first question that we -- and there were several ANC
19 commissioners who participate and cochaired the
20 community advisory team. As soon as the architects were
21 hired and on board on their very first day, we held a
22 meeting of that team where we asked for input before the
23 architects even put pencil to paper on what they would
24 like to see in the design, how best could the architects
25 do their work in order to make the program blend well

1 with the community, what were the design attributes. We
2 then brought those draft plans back to the advisory team
3 before we brought them to the community to make sure
4 that we were sharing with them and having an iterative
5 process before we went out for additional public input.
6 So there was a very clear outreach to ANC to be part of
7 our process and we did include the ANC's in that.

8 MS. MACWOOD: I can't testify at this time,
9 so that concludes my questions.

10 CHAIRMAN HILL: All right. Commissioner,
11 thank you.

12 So the board has questions for the
13 Applicant?

14 Please go ahead.

15 MS. WHITE: Good morning. For Mr. Young,
16 you mentioned during your testimony that through your
17 review process that there would be no adverse impacts to
18 the community based upon the design of this particular
19 project. I'd wonder if you could provide a little bit
20 more detail regarding that opinion.

21 MR. YOUNG: Sure. What my intent was to
22 convey is that we would work hard to minimize any
23 impact, if any impact at all would occur. And so that's
24 really why we spent the time in each of these ward
25 locations with the community advisory teams talking

1 extensively about the design elements, the siting of the
2 facilities, explaining the rationale for how the
3 programmatic needs translated to the building footprint,
4 if you'll will, and doing that which we can to minimize
5 the issues that are raised in this particular case, for
6 example, as has been testified to, moving the location
7 of the playground, the trash, working very hard on
8 having parking solutions that the community will support
9 and can support have been part of that process to
10 minimize any impacts that they perceive to occur.

11 MS WHITE: Thank you.

12 MR. YOUNG: Yes, ma'am.

13 SPEAKER: Who should I ask this question to?
14 Maybe Director Zeilinger, can you talk a little bit
15 about -- the opposition has asked a couple of questions
16 about the possibility of multiple buildings. And the
17 question is really -- and I think there was -- and I not
18 sure if you actually gave this or Mr. McNamara did, but
19 the question on how does multiple buildings -- how does
20 that kind of work? If there are lower buildings you
21 kind of spread that out. You talked about some of the
22 operational and kind of maintenance issues that we're
23 talking -- how many people do you need for a facility
24 that -- how many staff do you need for a facility if
25 it's spread over multiple buildings, and how do you

1 break down the -- how would you break down the family
2 kind of allocation? You have 50 families, if there are
3 10 per floor, then you're calling, you know, a certain
4 number of buildings that you have to actually construct
5 to deal with that so.

6 MS. ZEILINGER: That's correct. So we
7 determined that we need approximately 280 units to
8 replace D.C. General and to make up the balance of what
9 is needed to operate an emergency system for families.
10 And so as I mentioned before there's a balance between
11 making sure that we're creating -- we're --
12 efficiencies, as well as that we can operate efficient
13 and effective programs in order to do that. And so to
14 do that, we have determined that not more than 50 units
15 per building and have worked in a strategy to spread out
16 those programs throughout the entire District of
17 Columbia. When we operate, we have to have a full
18 compliment of staff at each program. So the question
19 had come up during the council process or why wouldn't
20 the district just have a smaller building that maybe is
21 -- and have more of them? And that would practically
22 double our operations' costs that would require we have
23 on-site facility maintenance at every program onsite
24 24-hour security, and security on each floor of the
25 building, as well as for the building as a whole. We

1 have program staff at each site and we also -- social
2 workers, people who do housing assessments and a range
3 of other services and supports that address the needs of
4 all members of the family. So that would cause us --
5 not only would we have to cite and construct an entire
6 additional building, but we would also have increased
7 operating costs to operate more sites. And if we were
8 going to operate more sites in one particular ward, why
9 would we do that there and not in the rest of the
10 District of Columbia? So we've been consistent in our
11 standards across the city as we have in ward 3. Did I
12 answer your question?

13 CHAIRMAN HILL: It's quite helpful because
14 it's kind of not clear to me how that would work out,
15 you know, would work if you have 30-unit, you know,
16 building and then a another 20-unit building, you know,
17 how would you actually do that? And it seems that you
18 would -- I would think you would see the cost would
19 increase just to maintain them and to operate them.

20 MS. ZEILINGER: We would have a whole
21 additional separate contract for each site, so the
22 Department of Human Services will issue solicitations to
23 select a service provider to operate each of our
24 programs in each the wards. And we would have to have
25 an additional service provider, additional contract for

1 any operations there that would encompass those
2 supportive services that I just described to you. We
3 would also do additional meal delivery at each and every
4 location, you know, all the operations' costs. And so
5 the right economy of scale we believe to achieve is up
6 to 50.

7 SPEAKER: Thank you.

8 MR. MILLER: Thank you, Mr. Chairman. Thank
9 you all for your presentation. I just want to thank the
10 mayor and the council and the city administrator and
11 Director Zeilinger for all of your efforts to try to
12 prevent the crisis of homelessness in our city and the
13 work you do every day to try to get positive outcomes.
14 The -- and the Homeless DC initiative, in particular --
15 the Homeward D.C. initiative; is that referring to the
16 280 families currently at the D.C. General?

17 MS. ZEILINGER: No. Homeward D.C. is the
18 strategic plan, it was adopted by the District
19 Interagency Council on Homelessness, which is chaired by
20 our city administrator made up of government agencies,
21 advocates, service providers, people who have
22 experienced homelessness. It is a citywide plan that
23 addresses homelessness among all populations with
24 specific strategies for families that include repairing
25 our crisis response system, a key action and component

1 of that is closing and replacing D.C. General along with
2 the prevention and rehousing of persons that I
3 referenced in my testimony. So yes, sir.

4 MR. MILLER: I just had a couple questions
5 that might go a little beyond what our scope is, but
6 just to understand the context, and it may be in the
7 record: What is the current homeless population in the
8 district and how many of that population are in shelter
9 hotel facilities and how many are on the street?

10 MS. ZEILINGER: So I will need to look up
11 our last plane and town numbers, but I can tell you --

12 MR. MILLER: Can you provide that for the
13 record?

14 MS. ZEILINGER: Yes. And I can get -- I
15 think is was referenced, actually, in the city
16 administrator's -- or referenced in the city
17 administrator's testimony. We currently have 941
18 families in emergency shelter in the District of
19 Columbia. Approximately, 600 of those families are
20 staying in overflow hotels. There were over 7,000
21 overall men, women, and children experiencing
22 homelessness in our last report after our last point in
23 time. Our most recent point in time was January of this
24 year, and we are still duplicating and working with
25 our continuum of care to finish reconciling that data.

1 And we'll soon publish our numbers from January of this
2 year. But as of the last report, that was the number --
3 unsheltered homelessness in the district is -- while our
4 rates of homelessness are higher than every other
5 jurisdiction in the country, meaning the number of
6 people per capita who experience homelessness is high
7 here in D.C., our unsheltered homelessness is one of the
8 lowest in the districts because of our laws that provide
9 that access to shelter.

10 MR. MILLER: And you mentioned that this
11 type of facility, these types of facilities in each ward
12 that have been proposed including ward 1 and ward 3,
13 this represents best practices, the ten units per floor
14 no more than 50, approximately? Do we have -- if you
15 could provide for the record maybe what the models are,
16 if there are models, within the city for this type of
17 facility and around the country? I don't think I need
18 to hear on the record, but I'd appreciate having that.
19 But related to that is, again, might be beyond the scope
20 except for that standard of no reasonable alternative to
21 meet the programmatic needs, why aren't we just building
22 permanent supportive housing with wraparound services
23 for these 50 --

24 MS. ZEILINGER: So we absolutely are
25 building housing. The mayor not only put -- has put

1 \$100 million every year in the Housing Production Trust
2 Fund to create and preserve affordable housing. And
3 just for the specific strategies in Homeward D.C., we've
4 allocated more than \$34 million in the first two budgets
5 alone, that's on top of what we're already spending in
6 homeless services. But when somebody gets kicked out,
7 evicted, has an incident of domestic violence that
8 they're fleeing, or the variety of things that happen
9 that cause somebody to present to us to say, "I have no
10 place to be and lay my children tonight to sleep," we
11 can't wait to look for a lease and sign an agreement in
12 order to -- we can't access permanent housing in that
13 moment. We have to have a crisis response system that
14 provides that access to safety immediately for people in
15 those situations, and then that quickly supports them
16 to -- if they need permanent supportive housing to
17 access that; if they need affordable housing, to access
18 affordable housing, but to make that appropriate match
19 to the housing that that need. So we will always need,
20 even when we reach our goal of ending homelessness, that
21 means homelessness is rare, brief, and nonrecurring, but
22 not that nobody ever experiences the crisis of "I don't
23 have a place to stay tonight."

24 MR. MILLER: And then the goal is that this
25 is the short-term crisis response?

1 MS. ZEILINGER: Exactly, short-term crisis.

2 MR. MILLER: And the time period is
3 approximately 90 days?

4 MS. ZEILINGER: That is the goal in our
5 strategic plan. It's a five-year plan, and we're
6 working hard at that. As I noted in my testimony, our
7 exits to permanent housing in the last two years have
8 increased by 50 percent, that we have launched a very
9 robust prevention initiative where more than 2,700
10 families who came in seeking homeless services, we are
11 able to help them remedy their crisis without a shelter
12 stay, which are all important components of creating a
13 system that works. But making sure that when families
14 are in that crisis, that they have access to safety and
15 in an environment that's really equipped to support them
16 at that time of crisis, acknowledging that families are
17 coming to us often who've experienced trauma and a whole
18 host of challenges, that that matters a lot in being
19 able to support them effectively to exit homelessness
20 into permanent housing. And so it is that part of our
21 strategic plan and our reform efforts that we're here
22 about today: We are working in every single area of the
23 plan, but this is also that critical component related
24 to the crisis.

25 MR. MILLER: I assume we are not meeting the

1 90-day drawl at D.C. General. I assume that average
2 length of time is much longer.

3 MS. ZEILINGER: No. For families who exited
4 D.C. General in fiscal year '16, their average length of
5 time was 142 days in shelter. For families that have
6 not exited yet, who are still there, the average length
7 of time is 171 days. So we're absolutely making
8 progress in the right direction with all of the reforms
9 that we're doing. But I think, you know, there's been a
10 lot of questioning of the ten units per floor, and I
11 think this is where really understanding that when
12 families are coming to us and it's the predictability of
13 the environment in which they're living, a sense of
14 safety in where they are, is really important for their
15 ability to engage in the services and supports that help
16 them exit the crisis of homelessness. At D.C. General,
17 for comparison, we have on one floor, and even on some
18 hallways, more than 70 families in one space. So you
19 can imagine -- and they're coming in and out because we
20 have shared congregate bathroom facilities way down the
21 hall. That is a very difficult environment in which to
22 support families through that time of instability.

23 MR. MILLER: I want to applaud the efforts
24 to find a replacement facility that's much more
25 dignified and hopefully successful. The warming kitchen

1 concept, there's a warming kitchen per floor or it's
2 just one -- why isn't there a communal cooking kitchen
3 so that people who can walk to Giant aren't going to
4 maybe get something else?

5 MS. ZEILINGER: So each family will have
6 their own small refrigerator in their room for snacks,
7 medications, things that they might need. There will be
8 a microwave on each of the floors, and then we'll bring
9 in hot meals and serve them from the warming kitchen.
10 It's at temporary sites, but if we were to get into
11 providing kitchens in each of the rooms, there's both an
12 added cost, as well as just sort of efficiency that
13 doesn't happen while navigating shared cooking
14 facilities for a short-term stay is also difficult. It
15 also then adds additional requirements in terms of the
16 building, that my colleagues who specialize in that can
17 speak to, in terms of it being a commercial kitchen in
18 the standards based on the number of people there. So
19 we're trying to acknowledge that this is a temporary but
20 also meet the needs of families. We did extensive
21 conversations was part of our design about what those
22 requirements are, what families really need, and we
23 think we able to achieve that with the refrigerators in
24 every room, the microwaves on every floor, and the
25 warming kitchen that serves the hot meals.

1 MS. GILLIS: Just to add onto that if I
2 could, Mr. Miller. Director Zeilinger is correct. That
3 would require more from the design and construction
4 standpoint to provide a kitchen, because it would be a
5 commercial-sized kitchen given the number of people that
6 would be housed in the site. So with the
7 commercial-size kitchen comes certain things that we
8 would need to make sure gets built: Utility
9 connections, what have you, into the kitchen. Also,
10 certain certifications that we would go through, not
11 only with D.C. but also with Department of Health. So
12 that would expand what we would be doing, that would
13 also expand a lot of the footprint that Mr. McNamara
14 talked about within the building, and then additional
15 sources from the district government agencies to support
16 that effort of which, of course, would add to the cost.

17 MR. MILLER: Thank you, Director Gillis. I
18 appreciate that height of the facility has been lowered
19 three feet from the original, or to 69 feet. Is that
20 correct? Is that correct?

21 (Responds.)

22 And I think I saw some reference in the
23 ANC's resolution, and get more into discussion with the
24 board about that later, but some reference to -- I don't
25 think they voted on it, but putting one for

1 underground -- the administrative ground floor function
2 so that residents -- so you can lower the height of the
3 building by one floor to five, and, I guess, to 60 feet
4 or something like that. But I assume there's extensive
5 costs with that as well. What is that approximate cost?

6 Sure. Actually, one of the things we have
7 actually spoke with the ANC about, if we were able to
8 move any of the units to that basement floor, we would
9 have to excavate even further. There's some site
10 constraints which expands to underground utilities and
11 underground water, storm water. And so to be able to
12 excavate that, we were concerned about doing that. So
13 the current design right now, we're looking at only
14 excavating a portion of the basement, not the full
15 basement.

16 With regards to additional costs, we opine
17 that my team looked at and said, "We could be looking at
18 several million dollars to actually excavate further or
19 even expand the footprint to allow for removal of the
20 units from above floors down to the basement or even an
21 extension of the current foot print to handle the
22 additional floors.

23 MR. MILLER: And just a couple more
24 questions, Mr. Chairman.

25 CHAIRMAN HILL: Sure.

1 MR. MILLER: The height of the -- Mr.
2 McNamara -- height of the parking deck is -- what's that
3 height?

4 MR. MCNAMARA: So it's an a three-level
5 garage. And since the site slopes from north to south,
6 on the north end it's approximately 18 feet to the top
7 of the barrier guard wall, and on the southern end of
8 the site it would be approximately 26 feet.

9 MR. MILLER: Do we have in our record any
10 renderings of that? Can you provide that for the
11 record? And on that, the PowerPoint was helpful, but
12 can we get a copy or has that already been sent to us?

13 MS. MOLDENHAUER: The PowerPoint is part of
14 the record. It is at Exhibit 202.

15 MR. MILLER: Okay.

16 MS. MOLDENHAUER: And there are images of
17 the garage in the -- I'll point to that.

18 MR. MILLER: Right. I know I just saw it
19 when you did the PowerPoint today. I guess, I missed
20 the PowerPoint in the record, so I'll look for that.

21 MS. MOLDENHAUER: Mr. McNamara, can you
22 elaborate on, I guess, the green wall and the images and
23 how that's shown in the PowerPoint?

24 MR. MCNAMARA: The intent for that garage
25 will rise up above the current level of the retaining

1 wall, which is onsite. And so one of the concerns of
2 the neighborhood was how that looks from the garden
3 side. And so our approach to mitigate that was to plant
4 vines along that base of that wall, allow that to grow
5 up and create a green screen wall along that parking
6 garage and essentially, hide that concrete structure.

7 MR. MILLER: And are there any opportunities
8 for green on the roof of that deck, of that garage or
9 partnering with nonprofits who do it more community
10 gardens occasion to the community?

11 MR. MCNAMARA: We need to beef up the
12 structure to handle that load and also increase the
13 depth to get sufficient soil depth to grow anything on
14 the roof. Currently, it's just a flat deck for parking
15 only.

16 MR. MILLER: Well, there are some mid-rise,
17 as you pointed out, and higher-rise buildings around the
18 community, and mid-rise building this will be looking on
19 that windows and seeing that deck. If there's a
20 cost-effective way to green that up, I think that would
21 be a benefit for the neighborhood.

22 MR. MCNAMARA: Sir, we can look for that.

23 MR. MILLER: And do we have renderings or
24 any renderings of the design of the playground?

25 MR. MCNAMARA: No. We haven't gotten into

1 the details of the playground. There's a requirement
2 that we create different zones of playground for
3 different ages, so we plan to engage specialists that
4 design playground equipment once we get to that stage to
5 be able to appropriately design that playground for the
6 different groups.

7 MR. MILLER: To the extent you can have any
8 prototypes of what can fit into that space. What is the
9 square footage of that playground?

10 MR. MCNAMARA: I want to say it's
11 approximately 3,000 square feet. And that can be broken
12 down into either two or three zones depending on the age
13 requirements we need to meet, but -- and essentially
14 approximately 1,000 square foot zones for each group.

15 MR. MILLER: It sounds like based on the
16 testimony of Director Zeilinger, it's a very young age
17 or a younger age?

18 MR. MCNAMARA: That would be our primary
19 group. And perhaps maybe that playground might be a
20 little larger than the others. It's something we need
21 to look at in detail with the DHS.

22 MR. MILLER: My last question, Mr. Chairman,
23 Ms. White, Ms. Moldenhauer referenced that the temporary
24 use of the tennis courts during construction on the road
25 there would have to be built to be built to get to the

1 tennis courts. You are looking at alternatives. And I
2 think the ANC actually supported even in their -- by
3 vote -- I don't know if the vote is specifically on this
4 element -- but they supported the alternative of during
5 the construction period reserving certain number of
6 on-street parking spaces for the police and, I guess, I
7 don't know, construction vehicles but at least for the
8 police?

9 MS. WHITE: I'll ask Director Gillis to
10 answer that question.

11 MS. GILLIS: Yes. We are looking at
12 temporary use for the tennis courts for a possible
13 option. And yes, the ANC has definitely opined the use
14 of on-street parking, for the use of temporary space.
15 We're also looking at other options as well. Just to
16 make sure that we find something that's amenable to the
17 community, as well as amenable to our client MPD.
18 Because first and foremost we need to make sure they
19 have spots for their uses. So we're looking at some
20 available sites around the area within a quarter mile
21 radius. I can't comment on what actually those are, but
22 we'll continue to work with the ANC on those sites
23 amenable to looking at, cordoning off what roadways with
24 on-street parking would be available for them for use
25 during this temporary time. And what I do mean about

1 temporary, we're look at a no more than eight months.
2 That will allow us to be able to construct a parking
3 garage first, get the parking garage settled, and then
4 once the parking garage is settled, have all of the MPD
5 back to use the parking garage. I will also add that
6 we're looking to maintain approximately 50 to 60 parking
7 sites onsite. By doing the parking garage first that
8 will allow us to keep some of the parking onsite for MPD
9 as well. So we're doing as much as we can to minimize
10 the impact during the construction period.

11 MR. MILLER: Thank you very much. Thank you
12 all for your testimony.

13 CHAIRMAN HILL: Okay, so Mr. McNamara, so
14 you mentioned the heights of the ceilings. So if you
15 went from eight-four to seven-eight, just out of
16 curiosity, do you know how much you're saving on the
17 height of the building?

18 MR. MCNAMARA: Eight inches for five floors
19 is 40 inches, 3 foot 4.

20 CHAIRMAN HILL: So another 3 foot 4 is what
21 you're saying?

22 MR. MCNAMARA: Yes.

23 CHAIRMAN HILL: Okay. So part of the work
24 that you-all have done with the community there is,
25 again, you moved the playground and the trash. Correct?

1 MR. MCNAMARA: Yes.

2 CHAIRMAN HILL: And then you got it down
3 another 3 feet from the original design?

4 MR. MCNAMARA: Correct.

5 CHAIRMAN HILL: Mr. Young, so the advisory
6 teams -- and I understand from the testimony now how
7 those advisory teams get set up after the site has been
8 selected and kind of working with them. Can you tell me
9 a little bit how the temporary parking issue was -- you
10 spoke about temporary parking and how kind of that was
11 addressed and how you went through with the community
12 about that?

13 MR. YOUNG: Sure. On the temporary parking
14 it is to say we continue to hear from -- continue to
15 work the issue of temporary parking with the community.
16 We understand the relief that we're seeking is not the
17 most desired option for temporary parking, that being
18 the use of the tennis courts. There is still the option
19 of reserving on-street parking. But in addition to
20 that, we're continuing to look for other parking options
21 that would take us away from having to use the temporary
22 parking that we're seeking in our application the relief
23 for.

24 CHAIRMAN HILL: When do you think you might
25 know that? Like Director Gillis, you spoke about how

1 you're not exactly sure yet, but that you're looking at
2 things and it seems to be -- you seem to be indicating
3 that you are going to find an alternative use, which
4 means that the tennis courts wouldn't be removed
5 temporarily?

6 MS. GILLIS: We're looking to see about
7 those other options. We can definitely get back to the
8 board within the next hopefully couple of days, if no
9 more than a week, to be able to go in that direction.
10 We wanted to make sure that the temporary use of the
11 tennis courts would still be available if nothing came
12 to fruition. However, we're pretty optimistic at this
13 point that there's additional alternatives that we can
14 do that will remove the tennis courts.

15 CHAIRMAN HILL: And you mentioned the SFO
16 process. I'm sorry, I don't know what the acronym is.

17 MS. GILLIS: I'm sorry. The Solicitation
18 for Offers. So originally, when we started the process,
19 as the city administrator discussed, we looked at not
20 only acquisition of property but also leasing of
21 property. But we did it through a Solicitation of
22 Offers, almost like an RFP process that have interested
23 parties, owners, developers come to us with an offer.

24 CHAIRMAN HILL: And that started two years
25 ago?

1 MS. GILLIS: 2014.

2 (Speaks off microphone.)

3 MR. YOUNG: It actually -- the Solicitation
4 for Offers was in early 2015. And then subsequent to
5 that, we hired a broker to go try to find options for us
6 to either lease or acquire.

7 CHAIRMAN HILL: And then, Director Gills,
8 you mentioned after that, and I got a little lost, you
9 said something about another kind of search that
10 happened with the council?

11 MS. GILLIS: There was testimony here that
12 talked about what we did as far as --

13 CHAIRMAN HILL: There was the SFO process,
14 then there was another process it seemed like I thought
15 you mentioned.

16 MS. GILLIS: No, just the SFO process.

17 CHAIRMAN HILL: And please continue. What
18 were you thinking, your line of thought there when I
19 mentioned with the council?

20 MS. GILLIS: I was going with the
21 discussion, sir, about: We did our assessment in
22 determining the sites and presented the sites. And then
23 after we presented the sites, the council decided upon
24 three different cites on their own; so that was the
25 separate -- that's the separate one I thought you were

1 referencing.

2 CHAIRMAN HILL: I see. Okay. That's what I
3 was -- okay. Okay.

4 And director Zeilinger -- Zeilinger?

5 MS. ZEILINGER: You got it.

6 CHAIRMAN HILL: Again programmatically there
7 was, again, the discussion about the ten units per
8 floor, that that is something that is what has been --
9 is what is going to work best for the program goals, and
10 also that that is consistent with the other sites around
11 the cit. Correct?

12 MS. ZEILINGER: Correct.

13 CHAIRMAN HILL: And then also you mentioned
14 kind of like sight lines and this is something that I
15 had a question about architecturally, actually Mr.
16 McNamara as well. I was just curious again, like the
17 bathrooms kind of look on to each other. Was there a
18 reason for that?

19 MR. MCNAMARA: Primarily, we wanted to
20 create zones respite where you could change the
21 materials in the ceiling and the floor so then you don't
22 just have a long, straight, long corridor. It kind of
23 breaks up the length of the corridor into different
24 zones, neighborhoods almost. So that was the reasoning
25 for clustering them across from each other.

1 CHAIRMAN HILL: I mean, as far as like
2 there's not a programmatic -- there's not a programmatic
3 need that Director Zeilinger or architecturally for the
4 door -- again, I was just curious -- the bathroom
5 opens -- if you're looking in the bathroom, the other
6 bathroom door you look right into the other bathroom.
7 That's what I was kind of curious about.

8 MS. ZEILINGER: What our goal was, hearing
9 from families about -- and sort of will be learned from
10 having to operate D.C. General, we can't have parents
11 leave children unattended of certain ages in their
12 rooms. So when parents are trying to keep track of
13 multiple children, we want them to be able to open their
14 door, let their child use the restroom in close
15 proximity where they can see where they're going in, see
16 them coming out without having wake up other sleeping
17 children.

18 CHAIRMAN HILL: So it was a programmatic
19 need. That's what I'm trying to understand.

20 MS. ZEILINGER: It was a programmatic need
21 and sort of we wouldn't -- to not have them all the way
22 down at the end of the hall. So if they don't have
23 their in-suite bathroom, they're able to just
24 operationally manage with some small amount of sharing.

25 I just wanted to clarify because there's a

1 question about the units and the floor and the overall
2 need: We need 280 units to be able to accomplish our
3 goal. So if we were to -- I think there was a question
4 about 30 -- about how that fits into the programmatic
5 requirements that if we were to reduce the number --
6 it's still ten per floor but reduce the height, we
7 wouldn't have enough units across our system to
8 accomplish the goal.

9 CHAIRMAN HILL: Okay. I don't have anymore
10 questions at this point. Although I'm sure probably
11 others will come up.

12 Does the board have any more questions at
13 this point?

14 (No response.)

15 And just to let everyone know what I'm going
16 to try to do is get through the Office of Planning and I
17 say "Get through the office of planning" because this
18 has now gone on for two-and-a-half hours and we still
19 haven't even gotten to the testimony of the party in
20 opposition. So what I'd like to do is, again, go
21 through the Office of Planning, any other government
22 agencies that we might have, have an opportunity for
23 cross or questions, and then we're going to take a
24 break, just so everybody knows. So may I turn it over
25 here to the Office of Planning?

1 MS. BROWN-ROBERTS: Good morning, Mr.
2 Chairman and the members of the BZA. Hello, I'm Maxine
3 Brown-Roberts, Office of Planning. I'm going to be very
4 short, since you have our report in front of you. The
5 Office of Planning strongly recommends approval and
6 we're in support of the special exception for the
7 emergency shelter. And also as demonstrated in our
8 report, that they meet the variance requirements for the
9 more than one principal building on a lot, the height
10 and loading. In addition to that, which is not
11 addressed in our -- which was not fully addressed in our
12 report, regarding the temporary location of the parking
13 lot -- but we did note that the Applicant was going to
14 be submitting additional information on that. And so we
15 are in support; we do think they do need the standards
16 applied in subtitle view in section 203J. And with
17 that, if you have any questions, I'm available.

18 CHAIRMAN HILL: Thank you, Ms.
19 Brown-Roberts, obviously, the report is in the record
20 and it has been pretty extensive, and I am going to turn
21 it over to the board. But, I guess, I'm going to work
22 my way down the table here.

23 And DDOT is here as well. Is that correct?

24 So DDOT, if you'd like to please give your
25 report for us.

1 MS. ISRAEL: Good morning or almost
2 afternoon. My name is Evelyn Israel for DDOT, District
3 Department of Transportation. Our record pretty much
4 stands on its own, however, I do want to address the
5 nature of the temporary parking use special exception,
6 which was not evaluated during the study process. But
7 DDOT is happy to work with the Applicant on the request.
8 Medications [sic] may be required, and that can be dealt
9 with at a later point, particularly during the permanent
10 public space permitting process.

11 With regards to the temporary on-street
12 parking, DDOT does not object. We will designate a
13 length of curb for the MPD authorized vehicles only
14 rather than having them park in a wider zone within the
15 entire neighborhood. This is similar to what we've
16 done/permitted for D.C. Public Schools during
17 construction phases. Do you have any questions.

18 CHAIRMAN HILL: Director Gillis, is that new
19 information or is that.

20 MS. GILLIS: That's the similar information
21 as I was stating as far as allowances for MPD during the
22 temporary period of time to be able to park on the
23 street.

24 CHAIRMAN HILL: Okay. Great. Thank you.
25 Does the board have any questions for the

1 Office of Planning or DDOT?

2 (No response.)

3 Okay, does the Applicant have any questions
4 for the Department of Transportation or the Office of
5 Planning.

6 MS. MOLDENHAUER: From the Office of
7 Planning, the opposition has focused on Section 6 of the
8 special exception relief for the emergency shelter use.
9 One, I just want to confirm that Office of Planning
10 agrees that emergency shelter special exception is the
11 appropriate use for this facility.

12 MS. BROWN-ROBERTS: As stated by the ANC
13 administrator who is the person who determines what the
14 uses are and what category and that was his
15 determination, and that was part of the application, so
16 therefore that is what we're assessing.

17 MS. MOLDENHAUER: And under Section 6 where
18 it indicates: "The board may approve a facility for
19 more than 25 persons, not including residential
20 supervisors or staff and their families only if the
21 Board of Zoning defines the program goals and objectives
22 of the District of Columbia cannot be achieved by a
23 facility of smaller size at the subject property, and if
24 no other reasonable alternative to meet the program
25 needs of the area." Nowhere in that section does it

1 require a specific search, does it? It just simply
2 requires that the board find that there's no other
3 reasonable alternatives.

4 MS. BROWN-ROBERTS: I think the
5 determination for that search has already been made by
6 the council. And so I don't think there was anything
7 else because that need has already been taken care of
8 through the council.

9 MS. MOLDENHAUER: There's nothing in the
10 zoning regulations that require this board to evaluate a
11 search because the word "Search" is nowhere in that
12 section, is that correct?

13 MS BROWN-ROBERTS: No, you're correct.

14 MS. MOLDENHAUER: And in OP, obviously, your
15 indication is -- you indicate that if we satisfied both
16 of those elements for the board to be able to approve
17 more than 25 persons?

18 MS. BROWN-ROBERTS: Yes, in our report we
19 did state that.

20 MS. MOLDENHAUER: Thank you. No other
21 questions.

22 CHAIRMAN HILL: Mr. Brown, do you have any
23 questions for the office of Planning or the Department
24 of Transportation?

25 MR. BROWN: Just one for Ms. Brown-Roberts.

1 Ms. Brown-Roberts, you are also relying on
2 the zoning administrators decision that the variance
3 required for putting two primary structures on the same
4 lot is an area variance. Correct?

5 MS. BROWN-ROBERTS: Yes.

6 MR. BROWN: Thank you.

7 CHAIRMAN HILL: Does the ANC have any
8 questions? For the record, if it's okay if we just say
9 the ANC is nodding, no.

10 All right. So one last time: Does the
11 board have any questions for the Office of Planning or
12 DDOT?

13 (No response.)

14 CHAIRMAN HILL: What I'd like to do is take
15 a five-minute break, and then we're going to come back
16 with the ANC. I'm pretty sure if you want to come
17 forward or after the break and give your presentation,
18 as well, and then we'll turn to the party in opposition.
19 Thank you.

20 (A short recess is taken.)

21 CHAIRMAN HILL: So next on the -- next
22 procedurally is going to be the ANC. And they'll have
23 an opportunity to provide testimony, and then cross
24 examination by the Applicant. Our attorney seems to
25 have changed.

1 MS. MAZO: I'm just sitting in until
2 Meredith comes back.

3 CHAIRMAN HILL: And what's your name, I'm
4 sorry?

5 MS. MAZO: Samantha Mazo.

6 CHAIRMAN HILL: Okay. Great. Thank you.

7 Just so everyone knows: A very important
8 question was asked, and we're going to have a lunch
9 break. And we're going to take a lunch break after this
10 case. So if you're here for the whole day or for the
11 other two cases, we're going to take a lunch break after
12 this case.

13 So Commissioner, I'm going to go ahead and
14 if you wouldn't mind just again -- I guess, you don't
15 have to state your name for the record, but you can't be
16 like --and then go ahead and please provide some
17 testimony as to the opinions of the ANC, and then we
18 will move on. And just out of the curiosity, are you
19 the SMD for this particular property or no?

20 MS. MACWOOD: No. The SMD commissioner is
21 here and I do believe she's intending to testify later.

22 CHAIRMAN HILL: All right. Great.

23 MS. MACWOOD: Do you want to --

24 CHAIRMAN HILL: Sure, go ahead, sure. Do
25 you have any idea how much time you might like?

1 MS. MACWOOD: Five -- I got like three
2 pages.

3 CHAIRMAN HILL: We'll put five minutes on
4 there just so you kind of know. If Mr. Moy hears me,
5 putting five minutes on the clock. Go ahead. That's
6 all right.

7 MS. MACWOOD: Hopefully, it's a slow clock,
8 Mr. Moy.

9 Good afternoon, I am Nancy Macwood, chair of
10 advisory neighborhood commission 3C. On February 21st
11 2017, at a notice public meeting with the quorum, the
12 ANC considered the multiple variance and special
13 exception request filed by the D.C. Department of
14 General Services that is the subject of this hearing.
15 Since the January 3rd filing, the ANC held two public
16 planning and zoning committee meetings with DGS and the
17 Department of Human Resources and scheduled a special
18 community meeting on January 31st at which the interim
19 chief of police also participated. They was standing
20 room only attendance at all of these meetings. The ANC
21 voted five to four on a resolution that presents the
22 following lists of issues, concerns, and
23 recommendations.

24 ANC 3C has stated repeatedly since the mayor
25 chose 2619 Wisconsin Avenue for the ward 3 emergency

1 family shelter over a year ago, that we support closing
2 D.C. General and replacing with shelters in each ward.
3 The decision of the D.C. Council to move the ward 3
4 location to its current public property site still
5 within ANC 3C was unusual, because it was the only
6 shelter site with an existing public use: The Second
7 District Police Station.

8 Since the January DCA filing, the issues
9 related to this site have been emerging. When the ANC
10 received plans from DGS after the filing and began
11 meeting with the community with her concerns about the
12 relationship of the two structures and the two
13 functions. Over the next few weeks, MPD and the
14 Department of Homeland Security leadership stated
15 publically that public safety would not be jeopardized.

16 At the same time, concern about the DGS
17 proposal to replace the existing onsite 157 MPD parking
18 spaces emerged. Residents questioned the entire parking
19 plan with included waiving half the required parking for
20 the shelter. The police use street spaces daily when
21 the 2D parking area is full and during twelve-hour
22 shifts 2D is overflowing with cars, many of them parking
23 on the lawn. In response, DGS proposed a three-level
24 above ground garage.

25 We appreciate the acknowledgement that there

1 are serious parking needs at this site, but the
2 solution, a larger parking structure, raises other
3 issues. There are no similar garages in the entire ANC
4 area. The aerial images project a building as large or
5 larger than the police station. DGS has not presented
6 plans for giving the ANC and the community reliable
7 dimensions of the parking structure.

8 Council wanted to reduce costs by locating
9 the ward 3 shelter on public land, but this site has a
10 vital use. Come now in order to address the unmet
11 parking needs proposals are offered that reveal the lack
12 of a master plan to show how two critical public uses
13 can use this site over the long-term. The ANC supports
14 locating the shelter at this site, but we strongly
15 recommend the creation of a master plan and urge that
16 any improvements made to the police station be completed
17 at the time the shelter's built so that the community
18 future shelter residents and the police don't experience
19 major disruptions again.

20 The community and ANC also raise concern
21 about the height of the proposed structure, which is
22 consistent with a high density zone whereas this site is
23 low to moderate density. The Applicant's submission
24 describes the area as "Very built up," but in actuality,
25 there are one houses immediately to the south of the

1 proposed location of the shelter: McLean Gardens,
2 low-rise, RA-1 condominiums to the north; three-story
3 townhouses fronting on the two-story Cathedral Commons
4 PUD to the east, and a large open space developed with
5 community gardens, playgrounds, and tennis courts to the
6 west. The Cathedral Commons PUD to the northeast of the
7 site is zoned commercial and fronts on Wisconsin Avenue,
8 and its five stories intentionally took height queues
9 from the PUD on Idaho Avenue, that is also five stories
10 at its closest point to the two-story police station.

11 The community is very concerned that a
12 72-foot building, perhaps now 69 feet, plus a penthouse
13 will negatively affect light and air, privacy, and the
14 enjoyment of home. The ANC finds that the extreme
15 height proposal would substantially impair the intent,
16 purpose, and integrity of the zoning plan. There are
17 options that would meet development standards and
18 reasonably accommodate the program goals, but DGS has
19 been unwilling to talk to the ANC about options. The
20 ANC believes the issues and concerns raised by the
21 community are significant: We do not support a variance
22 for height and number of stories. The ANC does support
23 the loading variance because we do not find that the
24 intent, purpose, and integrity of the zoning plan would
25 be harmed in this instance. The twice a day meal

1 deliveries by van could be accommodated at the northern
2 end of the shelter building and other types of
3 deliveries should not require the use of a 30-foot truck
4 and the need for a dock. We note that if use were to
5 change to residential use/normal intense use, the lack
6 of a loading dock could force loading to the street,
7 which would negatively affect the community.

8 The ANC is concerned about the location of
9 the playground and the trash adjacent to the single
10 family homes. We suggested to DGS that the playground
11 move to the rear of the shelter and avoid the need for a
12 very tall buffer wall approximate to the existing homes,
13 and similarly that the trash be located to the north
14 side of the building and avoid the twice a week noise
15 that accompanies trash pickups. DGS showed a sketch at
16 the ANC showing these changes. When important issues
17 are handled in this way, it is difficult for the ANC to
18 know what we can rely on. We wanted to highlight the
19 seriousness of the community's concerns by emphasizing
20 these two issues in resolution.

21 Another constant issue raised at our public
22 meetings on the shelter zoning proposal is the lack of
23 planning for how John Eaton Elementary School will
24 accommodate children living temporarily at the shelter.
25 There are projected to be 185 people of which about --

1 CHAIRMAN HILL: Commissioner, can I just
2 interrupt for one second?

3 Mr. Moy, can you just turn off that clock
4 there.

5 Commissioner, take as much time as you like.
6 It's just blinking. I just wanted to know if -- I
7 didn't want you to be concerned about the time.

8 MS. MACWOOD: I was ignoring it, but thank
9 you.

10 CHAIRMAN HILL: Thanks for letting everyone
11 know.

12 MS. MACWOOD: There are projected to be 185
13 people of which about 60 percent, we are told, will be
14 children. At D.C. General about half of the children
15 are at elementary school age. No administration
16 official presented to the community and ANC any plan for
17 how John Eaton will budget and plan to add children
18 throughout the school year in numbers that could be
19 significant or might be low. The education component of
20 the shelter is deflected by DHS statements that most
21 families will chose to stay in current schools no matter
22 where they are located. While this may be true, the
23 converse could also be true, and the community is very
24 concerned that there is no plan to provide the schools
25 the tools and information it needs to plan for program

1 needs, classroom size, or additional resource assistance
2 prior to the beginning of the school year. It would be
3 very unfortunately if the public good of offering
4 emergency temporary shelter resulted in unanticipated
5 challenges and adverse effects at another public
6 institution providing a public good.

7 The construction of the shelter requires a
8 contingency plan for lost MPD parking spaces. DGS told
9 the ANC and the community that they now know that there
10 are no acceptable options for the police during the
11 projected 18 months of shelter construction if the
12 proposed garage is built at the same time. DGS has thus
13 determined that the garage will be built first so as to
14 maintain some on-site parking, but that it will be
15 necessary to locate approximately 30 spaces at the
16 Cathedral Commons garage with a balance of about 70
17 spaces created on the McLean Gardens' tennis court. DGS
18 did not present any reliable plan to the ANC and
19 community for this proposal and we agree with the
20 community that it is a drastic, unnecessary, and
21 unplanned reaction to the realization that no one
22 considered where the police would park during
23 construction.

24 The possible access routes presented to the
25 community include a route near the McLean Gardens'

1 playground and dog park, both of which are heavily used.
2 Police drive with urgency to and from the station, and
3 they should not intentionally be put in a situation
4 where their normal practice will endanger people.

5 Additionally, the use of the tennis courts
6 mean some community gardens will be destroyed and the
7 community fears others will be harmed by redirected
8 storm water run off and ground water pollution. While
9 it would be a significant disruption to the community --
10 and I want to emphasize significant, the better option
11 in our view is to relax parking regulations near the
12 station and create new parking spaces wherever possible
13 for reserved temporary police parking on the street.

14 Finally we want the BZA to know that ANC3C
15 felt hampered throughout our consideration of the zoning
16 proposal. We often didn't have information, or it was
17 slow in coming, and even now there is much of
18 significance that we do not know. We can't say that DGS
19 didn't exhaustive search and thus this is the only site
20 in ward 3 that meets DHS's program goals. But rather
21 than complain about the process, ANC 3C strove to
22 represent the legitimate concerns of the community and
23 relate them to the best interests of the city.

24 As I hope I have explained, the ANC supports
25 the shelter, but we cannot overlook the flaws in this

1 proposal and the opportunity with more planning to
2 better align community interest zoning and the separate
3 needs of MPD and the emergency shelter program. Thank
4 you very much.

5 CHAIRMAN HILL: Thank you, Commissioner.

6 Does the board have any questions for the
7 commissioner?

8 MR HART: Yes. There was one point that you
9 spoke about alternatives for the design. Can you
10 elaborate on that a little bit more.

11 MS. MACWOOD: Be happy to. If you look at
12 some of the other designs for the shelters around the
13 city, it's very interesting when you compare it to this
14 particular design. This design, DGS is proposing to
15 only excavate about a third of the basement level
16 whereas many of the other shelters, the entire basement
17 is excavated. And when we suggested to DGS that: Why
18 not excavate the entire basement, which would allow them
19 to move some of the service, particularly the admin
20 services, to the basement level, which is what they
21 feature in some of the other shelters? The only
22 response we got -- well, we got two responses: (1)
23 cost; and the other is the issue of water. The entire
24 neighborhood has used ground water; we have ground water
25 in the neighborhood. Everybody builds knowing that

1 there is groundwater, so that didn't seem to us to be a
2 particular impediment to doing that.

3 Additionally, one of the reasons we wanted
4 the playground moved was to both remove it from the
5 single-family homes and avoid the necessity of a very
6 tall buffer wall, but also you now have a very wide side
7 yard, as I think the Applicant has mentioned this
8 morning. There could be -- you could even do a
9 one-story build out of a footprint and include some
10 residence rooms on that level, which again is a feature
11 that you see in some of the other wards' shelters where
12 there are residential rooms on the ground floor, along
13 with some admin and common rooms. And that could --
14 without adding rooms to floors -- you could again bring
15 down the height. If DGS and DHS were willing to add
16 even one room per floor, so you'd have 11 rather than
17 ten, you could possibly take off another level.

18 The issue for the ANC was that we wanted to
19 explore these options. The reason I asked the question
20 of DGS this morning about meeting with us is because we
21 asked repeatedly to meet with the architect and DGS to
22 talk about some of these things, without success. So
23 while DGS knows we have some of these concerns, they
24 haven't been willing to talk to us in a meaningful way
25 about them. So those are some of the ideas that we

1 wanted to present.

2 MR. HART: Thank you. Just one other
3 question: At the very last part of your statement, you
4 talked about DGS doing an exhaustive search, or you were
5 trying to determine whether or not DGS did an exhaustive
6 search. I'm just trying to figure out what is
7 exhaustive? That is one thing you can kind of continue
8 to do, and I'm just not sure what the difference is
9 between a thorough and an exhaustive search. I was just
10 trying to -- because it seems as though there was a
11 thorough, you know, search that had been done, and so
12 that's what I'm trying to kind of, you know -- what
13 other things are you looking for them to do?

14 MS. MACWOOD: That comment was almost
15 verbatim in our resolution. And it refers back to the
16 applicant's submission where they stated that they did
17 an exhaustive search for other sites as part of their
18 commentary on meeting the three-prong area test. The
19 ANC -- this was a and has been a very significant issue
20 in the community, as I'm sure you'll hear of later --
21 that: Is this the only site? Were there other sites?
22 The ANC chose not to get into that discussion. We don't
23 have the ability to determine whether there was an
24 exhaustive search or not. But because it is such a
25 significant issue in the community and because the

1 Applicant is relying on it and has included in their
2 submission, we felt that we should at least make the
3 comment/the statement that we don't know if there was an
4 exhaustive search or not.

5 MR. HART: Thank you.

6 CHAIRMAN HILL: Board have any other
7 questions?

8 Please go ahead, Commissioner Miller.

9 MR. MILLER: Thank you, Mr. Chairman. Thank
10 you commissioner Macwood for all of your work on behalf
11 of our neighborhood.

12 I guess, we'll hear from the SND
13 commissioner later, but when you mentioned that they're
14 here, I hadn't seen until just now their submission in
15 the record, which described the five to four vote, which
16 the ANC had and characterized the four members who were
17 opposed to the resolution as opposing it because of the
18 opposition to the height variance request. Is that an
19 accurate description in your viewpoint?

20 MR. MACWOOD: I can't say for sure every
21 single one of those four Commissioners opposed that
22 variance, because there were several amendments that
23 were offered, and one of the amendments that was offered
24 that didn't pass was to support the area variance if the
25 height was reduced to 52 feet. And some of those

1 Commissioners who voted against the ultimate resolution
2 voted for that amendment. So I can't say with any
3 certainty. I do think it is fair to say that all four
4 commissioners who voted against it -- and if this is
5 just my opinion -- support the shelter at this location.

6 MR. MILLER: And you mentioned in your
7 testimony that the surrounding area, the low-rise family
8 homes and the low-rise other building, and you mentioned
9 at least one of the five-story buildings, although I
10 think there's more than one. But you did mention the
11 nine-story Vaughan Place apartment building across
12 Newark Street. You do acknowledge that there is a range
13 in the vicinity?

14 MS. MACWOOD: That PUD has three different
15 zoning classifications and the tallest portion of it
16 fronts on Wisconsin Avenue. The portion that I
17 mentioned is the five-story portion, which is part of
18 that PUD that Cathedral Commons took its height queues
19 from, that portion, which is the portion that is right
20 across the street from the Second District Police
21 Station, is five stories.

22 MR. MILLER: Is that the portion that has
23 the WTOP?

24 MS. MACWOOD: Yes.

25 MR. MILLER: And because of that topography

1 right there it actually -- that five stories is higher.
2 If this site had five stories, it would be
3 considerably lower. Is that correct?

4 MS. MACWOOD: I can't say that. Idaho does
5 have a slope to it. I think the Applicant presented a
6 slide to that effect, but I don't know that.

7 MR. MILLER: And I appreciate your work that
8 you did come up with an alternative at ANC suggested an
9 alternative to the temporary parking construction. And
10 it looks like that is being explored. And I'll be
11 asking DGS if they don't provide it in any way, the
12 Applicant, as part of the rebuttal to address some of
13 the points you did make today.

14 MS. MACWOOD: Thank you.

15 MS. MOLDENHAUER: Hi, Ms. Macwood, how are
16 you?

17 MS. MACWOOD: Fine, thanks.

18 MS. MOLDENHAUER: Good. I just wanted you
19 to kind of expand on a couple of things that I heard you
20 say: One, about public safety not being jeopardized. I
21 think some comments that you had gotten from some of the
22 people from NPD, I wanted to get a sense of the detail
23 regarding that statement. And two, from what I
24 understand they're community engagement meetings
25 happening on a regular basis, maybe a monthly base, I

1 don't know how frequent they are. But are some of these
2 issues currently being discussed during those meetings
3 as well? Thank you.

4 MS. MACWOOD: Thank you for the questions.
5 With reference to the first question, I think you're
6 referring to the comment that I made at the beginning of
7 my testimony that the community was initially very
8 concerned about whether collocating the shelter use with
9 the police station would hamper or interfere in some way
10 with police functions. And some of the things the
11 community members mentioned were things like: Shift
12 changes or whether the police would feel necessary to
13 secure the shelter. There were a lot of questions about
14 just how would this work. So one of the representatives
15 from homeland security spoke at a community meeting and
16 then also came to an ANC meeting, as well as the Interim
17 Chief of Police Peter Newsham came to our ANC-sponsored
18 community meeting. And both of them dispelled any
19 concerns, and Chief Newsham stayed for the entire
20 meeting, which went on for hours and hours, and
21 responded to questions. They both dispelled concerns
22 that the police would not be able to perform their
23 duties or that their duties might in some way be
24 diminished. One of the other issues that came out was
25 whether 2D is used for staging for Homeland Security

1 events. And both of them said that it is not used for
2 that purpose, that they have other sites around the
3 city. So it is used for some special events, like the
4 inauguration and things like that, which is why we have
5 parking all over the lawn, because they move to 12-hour
6 shifts. And there isn't adequate parking for them. So
7 those were some of the concerns that the community
8 expressed about the functioning of the police.

9 The other question -- and I think I've
10 already forgotten -- the other question you asked, can
11 you trigger my memory?

12 MS. WHITE: The other question related to
13 the community engagement meeting, the advisory meetings
14 that are going on. Some of these issues that are being
15 communicated to us today are some of those fleshed out
16 and they're resolved.

17 MS. MACWOOD: Sure. I have only
18 participated in the most recent one of those meetings.
19 As the new ANC chair, I'm automatically a member of that
20 advisory team. But I did work with our chair at the
21 time in determining who we would recommend for some of
22 the members of that team. We had the opportunity to
23 have not only the ANC chair but another ANC
24 commissioner, a representative from John Eaton school,
25 and two community representatives. We were asked to

1 suggest those five slots, which we did. But in the
2 course of deciding who we would recommend, our
3 understanding was that the function of that group was
4 going to be primarily to determine good neighbor
5 agreements. And I've since mentioned to DGS and also to
6 Director Zeilinger, that had we known the things that
7 they were going to be asked about architecture, for
8 example, that we would recommend a very different
9 people; that we thought the primarily function of that
10 group was going to be good neighbor agreements. So I
11 hope you will ask the same question of Commissioner
12 Bradbury who will testify on behalf her SMD because she
13 has participated in those advisory team meetings and
14 been a member of that group since it was created back in
15 September.

16 MS. WHITE: Thank you.

17 CHAIRMAN HILL: I have a question really
18 quick for the architect. So Mr. McNamara, just
19 according -- I'm, again, curious about this 52 feet that
20 was mentioned earlier by the commissioner. So if you
21 guys went down into -- you dug, so how high would the
22 building be, if you went down a story?

23 MR. MCNAMARA: Well, a floor height is 10
24 foot 8, and so to take a floor off would come down to
25 approximately 58 feet, if that's your question.

1 CHAIRMAN HILL: Yeah, that's my question.

2 MR. MCNAMARA: So about digging more and
3 creating a bigger basement, the issue there really is
4 that the lack of appropriate program to put it in the
5 basement. It was suggested that the administration
6 offices could go down there. They could, but the
7 administrative offices first, they are not even within
8 the footprint of the residential wing. So if we were to
9 push down ten units onto the first floor, it wouldn't
10 even hit where the administrative offices are located.
11 They're also located on that first floor for the
12 purposes of creating a familiar relationship between the
13 residents and the caseworkers so there's an everyday
14 interaction between them, and sort of burying them in
15 the basement would ruin that. And then, you know,
16 things like dining, sure you could put them in the
17 basement, but, you know, to look out and have natural
18 light in the communal space and so we just didn't view
19 much of the program to be valid for the basement.
20 Perhaps for the computer room or the medical exam room,
21 but not much else than that.

22 CHAIRMAN HILL: And maybe I missed that, the
23 commissioner mentioned a "penthouse." Was there a
24 penthouse in the plan?

25 MR. MCNAMARA: There isn't a penthouse.

1 There's a mechanical screen. The height of the screen
2 would be six feet higher than the parapet, and that's
3 just intended to block the view of the outdoor rooftop.

4 CHAIRMAN HILL: Does the Applicant have any
5 question for the commissioner?

6 MS. MOLDENHAUER: Yes, thank. Since we're
7 on the question of outreach to the architect, I have an
8 e-mail here from R.J. Hargrove who works with DGS that
9 was dated February 9th two you, Ms. Macwood indicating
10 you never responded to a request for a meeting with the
11 architect providing his e-mail and his cellphone number.
12 Is that accurate? Did you receive that e-mail at
13 nmacwood@gmail.com?

14 MS. MACWOOD: Thank you for sharing my
15 e-mail.

16 MS. MOLDENHAUER: It's part of the record.

17 MS. MACWOOD: Yes, thank you.

18 Yes, I did get that e-mail. We reached out
19 for about ten days to schedule a meeting. There were
20 several commissioners who were interested in meeting.
21 And I was trying to work it out with the two closest SMD
22 commissioners. And we hadn't heard from him, and I
23 think I intervened with either Director Zeilinger or
24 Director Gillis, I can't remember which, and he did
25 respond with two dates, on a Thursday and Friday. I

1 remember it was that week. And that e-mail was in
2 response to whether we were going to be able to meet on
3 that Thursday or Friday. The two SMD commissioners who
4 have full-time jobs told me that they tried to get off
5 work but they were unable to, so I got back to them and
6 I said "Can we schedule another meeting next week?" In
7 the interim, I talked to the two commissioners, I said,
8 "This is going to be hard to the get you both at that
9 meeting because we have to meet during the day. Would
10 you allow me to meet with them, DGS and the architect,
11 and confer with you?" And they said, "Yes." And then I
12 then responded to him and said that I would meet any
13 time and repeated that over several weeks and never got
14 a response to that.

15 MS. MOLDENHAUER: You did, though, meet with
16 the design team on multiple occasions, and actually one
17 of the questions is: We actually presented a design
18 before the application was filed. Is that correct?
19 There was a community design discussion on December
20 13th. It was presented to the community before the
21 application was filed.

22 MS. MACWOOD: Yes, that was the building was
23 designed and what was presented to the community were I
24 believe three exterior options: Whether you wanted
25 terra cotta or brick. It was not an open discussion

1 about design; it was about the exterior finishes. And
2 as I recall, that meeting quickly moved to discussion of
3 issues and program and away from design because that's
4 what the community wanted to discuss.

5 MS. MOLDENHAUER: The community decided to
6 change the focus, but there was no restrictions; they
7 allowed any comment on any issue? Is was an open forum?
8 No one said you can't talk about something? It was open
9 forum for any comments would have been welcome.

10 MS. MACWOOD: I think that's probably fair
11 to say.

12 MS. MOLDENHAUER: The first advisory team
13 meeting was held on September 20th, now we're talking
14 about many months before an application was filed. I'm
15 holding in my hand what is the community advisory team
16 for short-term family housing, and I can provide this
17 for the record, I only have one copy. But this
18 describes the meeting and the milestones that was
19 provided to the ANC on February 27th, 2017, and on item
20 2, it describes that the advisory team meeting was going
21 to discuss "Design presentation and input." You had
22 indicated that you were not aware that the advisory team
23 was going to discuss design and if you had been aware
24 you would have put your people on the advisory team.
25 I'm just asking -- I mean, this document was provided

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1 substantially in advance of any of these meetings and it
2 specifically identified meetings and milestones No. 2 is
3 "Design, presentation, and input."

4 MS. MACWOOD: Is that the most recent
5 advisory team meeting you're referring to? February --

6 MS. MOLDENHAUER: This is the -- this is
7 intended to provide the overall role and purpose. This
8 was provided to the community in the ANC's before the
9 advisory team meetings were even coordinated to try to
10 allow the community to determine who would be most
11 appropriate to be a part of them. And it goes through a
12 list of things, I'll provide a copy. But in it's
13 Meetings and milestones: "Advisory team formation," and
14 then "Design presentation" and --

15 CHAIRMAN HILL: Ms. Moldenhauer, I mean, the
16 board doesn't have that, so if you could provide copies
17 to us. But just to be clear: Who is that had gone out
18 to?

19 MS. MACWOOD: I never saw the document until
20 today.

21 MS. MOLDENHAUER: Director Zeilinger was the
22 one who distributed it so I believe she would be the
23 better one to answer that.

24 MS. ZEILINGER: The administration
25 distributed to ANC's to the council board members and

1 others who were involved in the decision to create
2 community advisory teams. And spelled it input into
3 that. We also shared it at our first advisory team
4 meeting to remind people of the purpose and the scope,
5 so drafts that were circulated beginning very early in
6 the process after the selection of the initial sites,
7 and it was finalized and shared fairly widely as we were
8 working on them. I don't know whether -- I would need
9 to go back to our records to show the date in which --
10 and if it was sent personally to Ms. Macwood, but it was
11 shared widely and certainly with the council members and
12 with the entire advisory team, that included my cochair
13 who is an ANC commissioner of the community advisory
14 team in advance of and during our first meeting.

15 CHAIRMAN HILL: Okay.

16 MS. MOLDENHAUER: Let me go on to my next
17 question: You had indicated in your testimony --

18 CHAIRMAN HILL: Ms. Moldenhauer, how many
19 questionings do you have?

20 MS. MOLDENHAUER: Six.

21 CHAIRMAN HILL: All just for the ANC?

22 MS. MOLDENHAUER: (Nods head.) You had
23 indicated that there is --

24 CHAIRMAN HILL: You know we're going to go
25 to lunch one day?

1 MS. MOLDENHAUER: I'm hoping as well.

2 You had indicated that the community was
3 concerned about questions about safety with the
4 colocation. Is it correct that the Applicant and DGS
5 made Chief Geldart available, who is a member of the
6 HSEMA on the December 13th ANC community meeting prior
7 to the BZA application being filed?

8 MS. MACWOOD: Yes.

9 MS. MOLDENHAUER: You had indicated in your
10 testimony concerns about public schools. Is it your
11 understanding that the advisory team is meeting on March
12 7th just next week to meet with Ms. Carla Watson from
13 DCPS to have an open discussion, review and discuss any
14 questions they may have about Eaton Elementally or other
15 DCPS schools in ward 3?

16 MS. MACWOOD: Yes, but I think that is
17 something that needs to be brought to the entire
18 community and also to the full ANC. That is the
19 critical issue for the community. And we have been
20 asking -- we actually back in the previous site was
21 proposed, we asked to meet with DCPL and we renewed that
22 request more recently -- I can't give you the date --
23 because we do feel that what happens at John Eaton is
24 really critical and we know the school will be very
25 welcoming and will do the best that it can. But we

1 really think there needs to be a plan in place. But
2 we've never had an opportunity to meet with DCPL, so I
3 do look forward to meeting with them at the advisory
4 team meeting.

5 MS. MOLDENHAUER: And you aware that in
6 Exhibit 189, DCPS has entered a letter into the record
7 that indicates that they have reviewed the project, they
8 reviewed the location, and that they have no objection
9 to being able to work with and accommodate any children
10 from the shelter that may matriculate or may go into
11 D.C. public schools in this area?

12 MS. MACWOOD: Yes.

13 MS. MOLDENHAUER: And you had described in
14 regards to the temporary parking, cars zooming in and
15 out possibly of this temporary facility. You are aware
16 that this is police officers in their private vehicles
17 driving to the parking, temporary parking possibly, and
18 then walking to work before their shift changes; this is
19 not the use of emergency vehicles and that's supposed to
20 be responded by individuals in the field, not coming in
21 and out of this parking lot?

22 MS. MACWOOD: My understanding was that
23 there would be police cars as well using the temporary
24 parking structure. Police cars go in and out of 2D,
25 along with police officers' personal vehicles. And if

1 you've ever watched how those police vehicles are driven
2 into and out of 2D, you would understand our concern.

3 MS. MOLDENHAUER: There would also be during
4 this period about 57 spaces onsite for additional police
5 vehicles and police cars while construction occurs, not
6 part of the temporary parking. Is that right?

7 MS. MACWOOD: We know that their will be
8 some remaining service parking spaces at 2D.

9 MS. MOLDENHAUER: No other questions.

10 CHAIRMAN HILL: Does the party in opposition
11 have any questions or comments for the ANC?

12 MR. BROWN: No.

13 CHAIRMAN HILL: Commissioner Macwood --
14 well, first of all: Does the board have any other
15 questions? (No response.)

16 I appreciate you coming down, I'm sure it's
17 been a long, long process for the neighborhood, for
18 yourself, and you seem to be doing a very, in my
19 opinion, whatever it's worth, a good job of representing
20 your community. So thanks for coming down.

21 Now, we're going to go ahead and move on to
22 -- and I'll let, obviously, the Office of Attorney
23 General -- help me if I'm not mistaken. Now, I'm going
24 to move to the audience for individuals who would like
25 to provide testimony in support. Correct? I think

1 that's okay. So all those here in support of the
2 application -- actually, now that I say it -- is any
3 here, by a show of hands, is anyone here in support of
4 the application?

5 (Show of hands.)

6 So what we're going to try to do here is do
7 this as efficiently as possible. Maybe if you all
8 wouldn't mind giving up your seats.

9 Maybe Ms. Moldenhauer, you can stay if
10 there's questions you have of any of you witnesses.

11 And Mr. Brown, if you could do the same.

12 Maybe -- let' see, how can I do this? Move
13 over to the end there, that'd be great.

14 Ms. Moldenhauer, actually, you can just stay
15 there. That's fine. You have a lot of stuff that you
16 have to move.

17 And then please if anyone wants to come up
18 and fill a seat here, take a seat in support of the
19 application, please. Just come on up and fill in a seat
20 and we'll just see. When there's no seats there, go on
21 back and we'll keep rotating through. I have one, two,
22 three, four, five, six currently.

23 Good morning, everyone, or good afternoon.

24 So what I'd like to do is go from my right to left here,
25 and if you could just introduce yourself and give me

1 your home address for the record. And if you go ahead,
2 everyone's going to get two minutes. So we're kind of
3 just going to go through there and hear the testimony.
4 You have up to two minutes.

5 So Mr. Moy, if you could get me on the clock
6 there. And, again, if you just push the button there on
7 the microphone and get a green glowing dot. And, again,
8 what we are most interested in hearing is kind of for
9 zoning issues pertaining to this case. And if you hear
10 things -- and you're the first person so you're not
11 going to hear things getting repeated, but if you do
12 hear things getting repeated, if you could just kind of
13 like, you can just mention that has been spoken before
14 and you also were in agreement with those issues and
15 concerns. So please go ahead.

16 MS. COLLIN: My name is Anne Collin. I
17 live as 4405 38th Street Northwest. That's 20016, and
18 that's in ward 3. And basically, I just wanted to say
19 I'm in sport of this project, I think it's very
20 important that we have it.

21 CHAIRMAN HILL: All right. Thank you Mrs.
22 Collin.

23 RABI ALEXANDER: My name is Rabi Aaron
24 Alexander. I live on 2829 28th Quarter Street
25 Northwest. I'm the rabbi of Adas Israel congregation, a

1 ward 3 synagogue. We represent over 1,600 families and
2 almost 5,000 individuals. Many of them residents of
3 ward 3 and upwards of 150 congregants live ANC3. We are
4 members of the Washington Interfaith Network, also well
5 represented in ward 3 as the faith-based representative
6 on the ward 3 advisory committee under the leadership of
7 Director Zeilinger and the ANC.

8 I want to thank the city of its openness to
9 questions and concerns throughout the process. They
10 have adapted when necessary, doing their best to
11 accommodate the diverse needs of both current and future
12 residents of the particular block in question. We
13 strongly support this project fully, including the
14 variances and exception the city is requesting. We urge
15 the BZA to vote in favor of it.

16 I'd also like to say a quick about values as
17 a rabbi and how they interact with compromise and
18 complexity: In the five books of Moses, no less than 36
19 times how we treat the stranger, those among us with
20 little or no shelter, the most vulnerable, is mentioned.
21 It creates a clear and unequivocal moral imperative to
22 go to the margins, lift people up, and bring them back
23 to the center with us, living side by side. And I get
24 as a student of ethics that moral imperatives in the
25 public square, even when unclear, should be weighed

1 thoughtfully against competing priorities. So what does
2 it say about the prioritization of values when we focus
3 so much on the height of the structure more so that the
4 lengths we are willing to go to to ensure access to
5 structured assistance? What does it say about our
6 prioritization of values when we voice more anxiety for
7 where we park our cars than we voice for where a mother
8 who seeks safe and warm shelter baby can park her baby
9 for the night? What does it say about our
10 prioritization of values when perfection of process gets
11 more attention than pain of people? What message do we
12 send when our sight lines become more important than
13 another's life line.

14 As a John Eaton parent, I have one
15 kindergartner there now. Within four years, I will have
16 three children there. I know that our school is past
17 capacity. My son's class is big, and I often wonder
18 whether he's getting the attention he needs. A few more
19 students that enter this school from this facility could
20 further impact his education. And nevertheless, I'm
21 willing to sacrifice a sliver his excellent and
22 privileged education so that a child with far less can
23 have just a little bit more. But it's also not a real
24 sacrifice. Additional classmates from more diverse
25 backgrounds will enhance his well-rounded education as a

1 citizen of Washington, this country, and humanity.

2 We live in an incredible community. Ward 3
3 has many blessings and a tremendous amount of material
4 success. Our compromises on behalf of our brothers and
5 sisters who suffer are what define us also as a good
6 community. Thank you for this time.

7 CHAIRMAN HILL: Thank you, Rabbi.

8 MS. BARNETT: Hi, I'm Latia Barnett and I am
9 a resident from D.C. General. And I would briefly just
10 like to explain my experiences being there. I lived in
11 D.C. General with my husband and my two sons, and I also
12 have a daughter and their ages are two, six, and one. I
13 am here to request that you will approve the special
14 exception and variances needed to build short-term
15 family housing facilities for wards 3, 5, and 6.

16 I was born in D.C. General, but my family
17 and I have been experiencing homelessness for three
18 years now. Both me and my husband, we lost our
19 apartment that we lived in for several years. And it
20 was due to losing our jobs. It's been a long three
21 years. I'm here to advocate so that I can speak for
22 future homeless families to land better facilities than
23 my family has experienced.

24 When we became homeless, we stayed in a
25 Quality Inn hotel on New York Avenue. And one of the

1 difficulties about living there was that me and my kids
2 were always sick: I remember a time when I woke up and
3 my whole face was swollen. When it rained, there were
4 wet spots on the ceilings probably leading to mold, and
5 also being there, there was no place for the kids to
6 play, no play rooms, no anything. We were confined to
7 our room. Even when we went outside, there was just a
8 big parking lot which was no place for the kids to be
9 playing safely. To get food we had to go to the lobby,
10 get trays, then we take it back to our rooms. Breakfast
11 never consisted of hot food at all, it was always
12 cereal, tea, coffee. Also, when we had to meet with our
13 counselors and case managers, half the time they were
14 probably not there. We had to walk down the street to a
15 different hotel, which was the Day's Inn on New York
16 Avenue.

17 Our hotel where we moved -- after we got
18 from the hotel we were transferred to D.C. General.
19 D.C. General an old building, it's not fit for living at
20 all. The room are, like, literally like hospitals.
21 They have no real beds. Instead there were carts. It
22 took me weeks to adjusting me and my kids to that
23 facility. I showered at my mom's house; I would never
24 go shower there because I was just like "I'm not having
25 this." Like, "Are you serious?" It feels like jail and

1 I've never been to jail so, never been in jail, but I've
2 heard the stories.

3 We had to use public showers, so you had to
4 share with other women and their kids, and everybody's
5 cleaning habits ain't that great so. Also for the women
6 there: Most of them didn't have bathrooms in their
7 rooms so they will have to literally walk down the halls
8 to go use the bathroom or whatever the case may be.

9 And they would always do room checks. I'm
10 talking about like loud knocking, like "Room check,"
11 like that. So it's, like, terrible because you could be
12 in there asleep, the kids could be asleep and you hear
13 somebody knocking and they're counting for kids, like,
14 constantly.

15 Thankfully, there are more activities there
16 at D.C. General, like Project Playtime. I'm very
17 thankful for them because they give our kids an outlet
18 to not be so smothered and get a chance to mingle with
19 other children and to also not think about what they're
20 going through at that particular time.

21 We also live, like, right across from the
22 jail and the methadone clinic is right like there, so of
23 course, that's no place for any kids to have to see so
24 much traffic and so much interaction that may be going
25 on when they step outside those doors.

1 There are thousands of families like mine
2 experiencing homelessness in D.C. because of the high
3 cost of living. The district desperately needs better
4 quality family shelters where families can live in a
5 decent manner and get case management so they can get
6 back on their feet into permanent housing. If you were
7 to approve it today, future families would have a better
8 experience, including, like, providing facilities for
9 the families and children, so there are activity room,
10 play spaces for the development of our children, which
11 would be a top priority for everyone.

12 Case management, especially, and not just
13 case management that is just like "Hi" and "Bye." I
14 mean, seriously in depth to help these families with
15 their barriers. Also, where the families can feel like
16 families, where they can sit down, you know, and eat and
17 things like that, which the hotels really don't really
18 offer that. Also, a smaller number of families living
19 on a site, so that we don't get treated like numbers. I
20 don't believe these facilities will negatively impact
21 the surrounding communities, but the public needs to
22 ensure dignified housing for homeless families like
23 mine, for it outweighs inconvenience, traffic
24 construction, parking, building. The mayor and council
25 have done their part to help our children; now it's your

1 turn. Children will stay in these unacceptable
2 facilities unless you vote to approve these special
3 exceptions and variances. Thank you.

4 CHAIRMAN HILL: Thank you, Ms. Baker.

5 And so just a -- rabbit and Ms. Baker,
6 you-all kind of -- we want to hear from everyone. As we
7 kind of move forward, if we just kind of -- I didn't
8 want to interrupt anyone during their testimony. If you
9 can take a look at the clock there, we have another huge
10 group of people as well. However, it is important that
11 the board hears the things that you have come to speak
12 about, in particular, issues of zoning and the merits of
13 the case. However, thank you very much, Rabbi and Ms.
14 Barker. Baker?

15 MS. BARNETTE: Barnette.

16 CHAIRMAN HILL: Barnette. Sorry. Ms.
17 Barnette, thank you.

18 Your name, please.

19 MS. COVINGTREE: My name is Kate Covingtree.
20 I am testifying because I was part of the design
21 principle committee that the city convened. I live in
22 ward 5.

23 Chairperson Hill, other members of the Board
24 of Zoning Adjustment. Thank you for the opportunity to
25 testify. I'm here to discuss why D.C. General needs to

1 be replaced, the recommendations of the design principle
2 committee, and urge the BZA to approve design in the
3 District of Columbia. D.C. General was never intended
4 to be a family shelter. The former hospital became a
5 shelter after deplorable conditions and abusive staff
6 behavior led to the abrupt closure of the D.C. Village
7 family shelter. D.C. needed a place to shelter homeless
8 families until families could secure permanent housing.
9 The ANC is placing families in D.C. General in a
10 building that had been unused since the hospital's
11 closure in 2001. The builder's age and years of disuse
12 result in frequent elevator and heat outages, regular
13 pest infestations, poor air quality, and other bad
14 conditions. The building is too big to manage
15 effectively with as many as 260 families sheltered
16 there. Staff are unable to know all the residents and
17 all of them, including children, have to go through
18 metal detectors to enter the building. The building
19 also lacks sufficient space for services. The homeless
20 shelter faculty regularly have to turn kids away for
21 lack of space.

22 DCICH convened a design principle committee
23 to provide recommendations on replacement shelters. We
24 considered costs, the needs of families and research on
25 trauma and poor building design. We could not find much

1 research on shelters, specifically, as most
2 jurisdictions do not have a right to shelter law and
3 most shelters provided by nonprofit organizations who
4 have limited budgets and often are limited to whatever
5 building they can afford.

6 Providing family shelters is incredibly
7 expensive. They need private space to maintain family
8 routines. Family shelters also require a good number of
9 24-hour security guards given the transience of
10 families. Shelters are only a temporary stop for
11 families while they are looking for permanent housing,
12 so there's a good amount of turnover requiring extra
13 security if families can't know their neighbors as they
14 would in an apartment building.

15 Additionally, in 2016 nearly 20 percent of
16 homeless parents in shelters reported they have
17 experienced domestic violence, and this is likely a
18 gross underreporting. The National Coalition Against
19 Domestic Violence reports that DV is one of the most
20 chronically underreported crimes. And also families
21 require more intensive case management.

22 CHAIRMAN HILL: Thank you. That's pretty
23 good.

24 MS. COVINGTREE: I'm a professional and I do
25 this all the time.

1 CHAIRMAN HILL: You an switch with me if you
2 want.

3 Please if we could have your name and home
4 address?

5 MS. CASARELLA: Maria Casarella, 3526 Quebec
6 Street, which is three blocks form the proposed shelter.
7 I live in the ANC 3C.

8 And I'm here to lend my support and speak to
9 the zoning issues that arise, in particular the height.
10 I'm also a practicing architect in the district and I
11 served on Reach Charity for seven years, so I appreciate
12 what you're doing. Certainly, this is all to let you
13 know that I understand all the documents that I've
14 reviewed regarding this; I attended many of the public
15 meetings. And I believe it's well within your purview
16 and certainly something that can be accommodated through
17 good architectural design that the height can be
18 addressed here. What they're asking for is not a
19 particularly exotic request, it's something you
20 frequently review. The topography of the site will
21 allow for your perception of the building not to be
22 bigger than five stories. I think certainly in the
23 further development of the architectural design there
24 are elements, there are queues the building can take to
25 be more compatible with the context. And it's a varied

1 context, as you've heard in other testimony, it's not
2 particularly one zone or another, but it's accommodating
3 a vary large scale on Wisconsin Avenue and scaling back
4 to single-family residential zone. So, again, I just
5 want to place my support with the height issue and the
6 other variances.

7 I've attended a lot of the meetings, and I
8 understand the sensitivity that neighbors have toward
9 being inconvenienced of the wonderful amenities that our
10 neighborhood has, and certainly we want to share those
11 amenities. But similar to what Rabbi Aaron said, the
12 burden of homelessness and the type of facilities that
13 we are obligated to provide are far greater and of
14 importance to me than the inconvenience of the resources
15 that we enjoy. That's all.

16 CHAIRMAN HILL: Thank you.

17 MR. DAVIS: My name is Jeffrey Davis. I
18 live at 3409 Newark Street Northwest, which is about
19 four blocks from the proposed site. I live in ANC 3C,
20 Commissioner Macwood is my SMD representative. I also
21 sit on the Board of Temple Micah, which is located at
22 2829 Wisconsin Avenue, right down the street from the
23 proposed facility. And we plan to organize volunteers
24 for the facility once it's completed. And finally, I
25 sit on the ward 3 advisory committee that was created to

1 allow residents to express their views about the
2 proposed facility.

3 I support the relief the city has requested,
4 including the height variance, because I feel it is
5 critical to meet the program needs of the short-term
6 family housing. In following up on Director Miller's
7 questions earlier, I will say that there actually were
8 five ANC 3C commissioners who voted in favor of a taller
9 building. There were three choices at the ANC meeting:
10 52, 55, and 72 feet in height. And I think because of
11 the Arrow's paradox of how those choices were presented,
12 they got five votes in favor of the taller building, but
13 they could not reach a consensus on what that height
14 was. My sense also was that the four members opposed
15 the final resolution were all about the height and they
16 supported the higher building.

17 I would also say that I asked Commissioner
18 Macwood at the ANC meeting to correct the record about
19 Vaughan Place to reflect in the resolution that Vaughan
20 Place is right up the block from the proposed facility.
21 It is nine stories high, it is over 15 feet taller than
22 what was requested in this variance, and she declined to
23 add it to the resolution. I followed up by e-mail and
24 asked her to correct the record on that and I feel it is
25 very important that the record reflect that here.

1 Finally, I guess cutting it short, I would
2 say I think for many, many people in the community --
3 and I will say I have some experience at this, I spoke
4 in this room nine years ago in favor of the giant PUD
5 where many of the same people in the community, which is
6 a very vocal minority of the community, came out, used
7 delayed tactics, used, you know, fear and speculation to
8 try and defeat an amenity that the community favored.
9 Many of them are here today making the same arguments,
10 and they should -- I would say thanks to this body the
11 PUD was build, it was deliverer on the promises of the
12 amenities, and it has served the community well. And I
13 hope for the same.

14 CHAIRMAN HILL: Okay. Thank you, Mr. Davis.
15 All right. Thank you all very much. If I
16 could get the next group coming to the table, please.
17 Oh, sorry, sorry. If you-all could just stay for one
18 moment, please, again.

19 Mr. Brown, do you have some questions for
20 any of these witnesses?

21 MR. BROWN: I only have one question.

22 I would like anyone who is a resident of
23 ward 3 and lives within 200 feet of this project to
24 identify themselves?

25 CHAIRMAN HILL: There is no one from this

1 table. I guess there's someone back in the back. You
2 can do that then as you come on up, but thank you.

3 Thank you very much.

4 Sorry, Ms. Moldenhauer. No, that's all
5 right. I'm not trying to take any less time, even
6 though it sounds like it, I'm really not.

7 MS. MOLDENHAUER: Ms. Barnett, thank you so
8 much for your testimony. I don't know if you were in
9 the audience earlier, I'm sure you heard maybe that the
10 ANC is proposing that maybe some of the important
11 services that you described about case management being
12 put into the basement. What are your feelings about
13 that? And right now they're located on the first floor
14 with windows based on a design. What is your feeling
15 about the recommendation that they be put in the
16 basement, so if you have to go and talk with someone
17 about a case management, you would have to meet with
18 them in the basement?

19 MS. BARLETT: Maybe I came in at the end of
20 this conversation, so I really don't know.

21 MS. MOLDENHAUER: If you didn't hear, that's
22 fine.

23 MS. BARLETT: I don't recall hearing that.

24 MS. MOLDENHAUER: Then just a quick question
25 for Ms. Maria Casarella. As an architect, you heard

1 testimony that if the project needed to be lowered, that
2 you would end up potentially -- Mr. McNamara indicated
3 that to lower the structure you would lower it down to
4 possibly a floor to ceiling height of 7 feet 8 inches or
5 for habitable space. As an architect and individual in
6 the community, do you believe that that would be an
7 appropriate height for habitable space?

8 MS. CASARELLA: No, not at all. I also work
9 on market rate and affordable housing. So the standard
10 is really 9 feet. I'd say anything less than eight feet
11 would not be comparable to what people's expectations
12 are for housing. I express my opinion, I believe we
13 have a responsibility to deliver exceptional housing for
14 this important project.

15 CHAIRMAN HILL: Okay, great. If I could I
16 get the next six people up, please, that are here in
17 support. Is there anyone else here in support? Is
18 there anyone else here in support?

19 All right. Mr. Brown, it's been quite a
20 long time since we started here, but you are now up.
21 And I would just also like to point out the members of
22 the audience here again. I know it's a very
23 controversial subject, and I know it's one that everyone
24 has pretty strong opinions on either sides. I just want
25 to, again, just point out we're trying to do our best to

1 civilly, to calmly hear everyone's perspective, as well
2 as one's opinion towards zoning. And just as best as
3 one can, try to keep their emotions intact when
4 providing testimony. As well if the attorneys could
5 help me out when they're asking questions back and
6 forth, that'd be great.

7 Mr. Brown, whenever you like. I guess I'm
8 going to put 60 minutes on the clock as well for you.
9 All right?

10 MR. BROWN: Mr. Chairman and members of the
11 board, I welcome the opportunity to represent many
12 citizens in the neighborhood of this project who are
13 opposed to this selection of this particular cite. I
14 want to begin by associating on behalf of my clients
15 with the remarks by ANC Commissioner Macwood where she
16 said that the ANC 3C supports the closing of D.C.
17 General and replacing it with shelters in each ward. My
18 clients are very much in favor of seeing ward 3 do its
19 fair share of sharing the goal of the diaspora of
20 homeless into smaller shelters around the city. What
21 they object to primarily is the selection of this
22 particular site for the ward 3 homeless shelter. We
23 presented a 24-page hearing statement with even more
24 pages of exhibits. I have reduced that statement to a
25 single page of bullet points, which I've distributed to

1 you and I'll provide a copy to my colleague Ms.
2 Moldenhauer.

3 CHAIRMAN HILL: Mr. Brown, just give us a
4 second to get them distributed. Thank you.

5 MR. BROWN: I want to take a few minutes to
6 run through each of these bullet points for you, and
7 then I would like to turn it over to up to seven
8 witnesses from the community to testify regarding the
9 more particulars of their community and familiarity with
10 this project and their concerns about it.

11 First of all, our first point is that the
12 record should stay due to the late filing of project
13 amendments. The 21-day deadline for DGS filing of
14 supplemental information in this case was February 8th.
15 By that time there was no parking plan or even a scaled
16 drawing of the three-deck parking facility. More than a
17 week later on the 17th, DGS made application for an
18 additional special exception to allow parking during
19 construction on the community gardens and tennis courts.
20 The board would have been completely justified in
21 delaying the hearing due to these late changes. And we
22 made arguments along that line in our prehearing
23 statement, but we are not insisting on a delay here.
24 Rather we ask that DGS be held to its representations to
25 ANC 3C that it would ask that the record be held open

1 long enough for the ANC and others, such as us, to have
2 adequate time to evaluate these changes given all the
3 questions and issues raised about parking in our
4 prehearing statement and at the ANC meeting on the 21st.

5 Second point: The board has full power to
6 say "No" to the selection on the police station site.
7 The NRG filed a lawsuit challenging council and the
8 mayor for failing to obtain the advice of the ANC before
9 identifying the police station site as to the location
10 of the ward 3 homeless shelter and the shelter act back
11 in May. We wanted a do-over on-site selection where the
12 issues and concerns of the ANC, which were articulated
13 in June after that process, would be given great weight
14 in the site selection process just as this board gives
15 great weight to ANC issues and concerns.

16 In the NRG prehearing statement, we have
17 documented for you our failure to get the mayor and
18 council to reconsider their relevant language in the
19 Shelter Act dealing with the ward 3. We have also
20 documented that the mayor and the council both argued in
21 Superior Court that this board was fully empowered to
22 remedy our concerns about site selection by turning down
23 the choice made if it does not warrant approval under
24 the zoning regulations. Now, however, DGS makes a
25 flatly contradictory argument that you must regard this

1 site as statutorily-mandated location for the ward 3
2 homeless shelter by the council. The government simply
3 cannot have it both ways. In one form or another
4 citizens have a right to voice their concerns about
5 whether this site, out of all possibilities for
6 government owned or acquired land in ward 3, is
7 appropriate for a homeless shelter. In this forum,
8 citizens are constrained to couch their concerns in the
9 language of compliance with the zoning regulations, but
10 DGS is now trying to deprive the adjacent neighbors of
11 even those compliance concerns by arguing in essence
12 that this board has no choice but to except the city's
13 choice of this site and provide whatever number of
14 approvals of zoning relief are necessary to legitimate
15 the use. The board should reject this claim and fully
16 embrace its power to say "No" to this site, if
17 warranted, just as it would for dealing with any other
18 Applicant.

19 Thirdpoint: Putting two different use
20 primary structures on one site is a use variance or a
21 hybrid use area variance that should be denied as a self
22 imposed hardship. Our prehearing statement explains in
23 detail, pages 12 to 13, why the variance to place two
24 primary structures with distinctly different uses on the
25 same lot is either a use variance or a hybrid use area

1 variance under D.C. law. That explanation is grounded
2 in the definition of what constitutes a use variance in
3 the zoning regulations. A variance for a use that is
4 not permitted as a right or as a special exception in
5 the zone, that section X104.1A, or it's for use
6 expressly prohibited in the zone, subparagraph D. Here
7 a second primary structure on the same lot is not
8 permitted as a right and DGS has not claimed it would be
9 permitted as a special exception. So the request must
10 meet the definition of a use variance. Now, DGS's
11 response to this in the past few days is -- our argument
12 is contrary to the definition of "Use" in the zoning
13 regulations. That is a diversion. The relevant
14 definition is not "Use," it is "Use variance." In any
15 case there is no contradiction here because the use of
16 the first primary structure is distinctly different from
17 the use of the second primary structure: Police station
18 and homeless shelter.

19 It is also nonsensical to argue that a
20 restriction on two different uses on the same lot is an
21 area variance because it is a numeric restriction.
22 That's another of their arguments. An area variance is
23 a request to vary how many area requirements. That's
24 the definition in section X1001.2. Placing two uses on
25 the same lot is not varying from an area or a numeric

1 requirement. It is varying from a use constraint. DGS
2 points to a conclusory statement by the zoning
3 administrator. It's a letter of February 13th, but that
4 letter does not analyze this issue. The board should
5 not defer to the zoning administrator under such
6 circumstances.

7 Now the significance of this issue is
8 manifest. If this variance is a use or hybrid use area
9 variance, it must be denied peremptorily as a self
10 imposed hardship. The district selected this site
11 knowing full well that if this variance was needed, they
12 wouldn't be able to obtain it. Our prehearing statement
13 cites the case law establishing that a use variance
14 cannot be granted under these circumstances, and
15 explains why even as an area variance it should be
16 denied.

17 There's also a claim of consistency with
18 comprehensive plan policy CSF1.18. That claim is ironic
19 at best. It's about colocation. Colocation requires
20 compatibility with surrounding properties, a quality
21 that's simply absent here for all the reasons that will
22 be stated by my clients and other neighbors. The policy
23 also envisions joint planning and collaboration among
24 effected agencies whereas the rushed process leading to
25 selection of this site in a narrow window of two months

1 last spring reflects no such collaborative effort. More
2 to the point are the comprehensive plan policies cited
3 by my client Pat Witty in her testimony, namely land use
4 policy 3.41, which states that "Accommodations for group
5 homes should not diminish the character or fundamental
6 quality of their residential neighborhoods." And also
7 policy RCW 1.2.10, which encourages small scale
8 community based residential facilities in the Rock Creek
9 West planning area provided that such facilities are
10 consistent with the low density character of that area.
11 And this particular project is not low density by any
12 way, shape, or form.

13 Point No. 4: The height variance should be
14 denied as just too much for this zone and neighborhood.
15 A multitude of neighbors, letters, and amplified by
16 testimony today, will detail how the 69 foot 6 story
17 height of this proposed shelter will tower over the
18 adjacent 40 foot single-family homes, as detailed in
19 Exhibit 5 to our prehearing statement, which is a
20 two-scale drawing, which we think correctly shows the
21 juxtaposition of those families against the sides of the
22 shelter. Such a height is extremely harmful to the
23 intent, purpose, and integrity of the zone plan that
24 limits height in the RA-1 zone to 40 feet and three
25 stories. ANC 3C expressly agrees with this conclusion,

1 and the CFA finding also finds the building too tall --
2 this is a quote from the CFA letter, Exhibit 206: "To
3 tall for its immediate context of single-family homes
4 and a low-rise police station."

5 While NRG does not dispute that DGS is
6 entitled to a little more leeway than the private sector
7 in seeking variance relief for this public service
8 project, flexibility does not mean bending a rule beyond
9 the breaking point. Otherwise, there'd be no point in
10 applying zoning standards to public entities. Here,
11 double the height and stories of what is allowed in the
12 zone is simply a bridge too far, and none of the cases
13 cited by DGS, including prior board decisions, comes
14 close to the sort of extravagant relief proposed in the
15 requested height variance.

16 In addition, any relaxation of variance
17 requirements for the district government ought to have
18 as a precondition to relief a detailed demonstration,
19 quite absent here, that the district is in this
20 particular instance limited and constrained by a
21 selection of property so as to necessitate the relief
22 requested. The district is quite unlike other nonprofit
23 entities who have been afforded limited variance
24 flexibility in the accommodation of their institutional
25 needs to the single property they own, and where there

1 was no issue of achieving institutional needs at another
2 location.

3 Point 5: All the variance requests arise
4 from the presence of other uses on the property, which
5 is not an exceptional condition or situation. In each
6 case the variance requested can be traced to the
7 existence other uses on the property, a condition known
8 at the time the colocation decision was made. The
9 property is more than amply sized, but for the police
10 station, to build a three-story homeless shelter for 50
11 families with two wings and a common area on each floor,
12 as suggested by CFA. There would also be plenty of room
13 for the loading dock and the modest number of parking
14 spats required. What makes this much more problematic
15 than that is the existing police station and community
16 gardens on the property greatly complicating the
17 picture. And it is only if one begins with the false
18 premise that these existing conditions are unavoidable
19 that one can comprehend DGS's claim that four factors
20 constitute an exceptional situation or condition of the
21 property.

22 Factors 1 and 2, which you saw on the
23 overhead, are simply the existence of these two
24 preexisting conditions. But both are completely
25 avoidable by selecting a site that contains no community

1 gardens and no structure or a vacant structure.

2 Factor No. 3 is the property's alleged
3 topographical changes. But you heard Mr. McNamara say
4 essentially that the area of the property where they are
5 going to be doing the construction is essentially level,
6 and the topography on the diagram confirms that. So in
7 the area where they need the variance, there isn't any
8 topographical challenge.

9 Factor 4 is the project's programmatic
10 needs. Those needs are the same wherever the homeless
11 shelter is located. It is not something unique to this
12 property. In acting on all of the variance requests,
13 the board will be well within its right to take into
14 account that the district brought these difficulties on
15 all by itself by selecting a site it was fully aware had
16 all of these preexisting conditions. Under the
17 Gilmartin case, which is cited in our papers, this is a
18 quote from Gilmartin: "Prior knowledge of the
19 difficulty is one of many factors that the BZA might
20 consider in reaching its area variance decision."

21 Also, I would point to De Azcarate 388 A
22 Section 1233 from 1978, which distinguishes between
23 hardship arising exclusively from an applicant's sole
24 and affirmative acts and hardship caused in significant
25 part by third parties. There are no third parties here

1 causing any part of the hardship that is being
2 experienced.

3 Point number 6: In the RA-1 zone, a 185
4 person emergency shelter is simply beyond any plausible
5 limit. DGS argues that the special exception use
6 emergency shelter fits its proposed 185 facility because
7 there's no limit on size in the definition of emergency
8 shelter in the zoning regulations, so no use variance is
9 needed. But DGS cannot dispute that the emergency
10 shelter proposed is over seven times the size in terms
11 of number of occupants as the maximum normal range for
12 the special exception use in the RA-1 zone. The board
13 should find this size in this zone to be over the
14 unstated line in the regulation, just as it would a
15 shelter for a thousand occupants.

16 The absence of an express limit does not
17 mean the board cannot impose a reasonable limit.
18 Alternatively, the board can reach the same result by
19 simply ruling under section X901.2, that a settler of
20 this size in this zone is not in harmony with the
21 general purpose and intent of the RA-1 zone. The
22 general conclusion that the specific facts of record in
23 this case will more than adequately confirm is correct
24 here.

25 Point 7: The overly large emergency shelter

1 of special exception should be denied due to adverse
2 impacts in the neighborhood. Under U420.1F4, DGS must
3 prove that the shelter will not have adverse impact on
4 the neighborhood because of traffic, noise, or
5 operations. Compliance with this requirement is, we
6 submit, asserted rather than demonstrated.

7 The claim of compliance is also contradicted
8 in myriad ways by the testimony and letters of abutting
9 and nearby neighbors, which I simply -- I'm not going to
10 summarize, but I'll have witnesses to testify on.

11 Last and not least, the overly large
12 emergency shelter special exception should be denied
13 given the absence of evidence of a reasonable search for
14 alternative sites. The record contains no documentation
15 of the existence of a reasonable search for alternative
16 sites to the police station site, especially given the
17 enormous size of this facility in relation to the
18 standard range of special exception approval of the RA-1
19 zone of five to 25 individual occupants. A critical
20 requirement under 420.1F6 is a showing that the program
21 goals cannot be achieved by a facility of smaller size
22 at the subject location, and that there is no other
23 reasonable alternative to meet the program needs of the
24 district. We're not questioning the program needs, but
25 we are saying that there is only conclusory evidence of

1 any in the record. My clients have submitted testimony
2 that any such effort was essentially still born in the
3 two months after the Wisconsin Avenue sites was
4 rejected. There was no request for proposals, and
5 shelters in wards 1 on 4 are on city acquired land. We
6 do not know if any suitable ward 3 site needing less or
7 no zoning relief could have been acquired as there's no
8 evidence of a systematic effort, and this assumes no
9 other city-owned land in ward 3 filled the bill, and
10 that also is unsubstantiated.

11 The absence of this evidence is heightened
12 by the history of the Shelter Act and reason events.
13 Initially, the Shelter Act when introduced proposed
14 leasing private property valued at 2.5 million in ward 3
15 along Wisconsin Avenue. When this idea was scrapped by
16 council due to cost considerations, the police station
17 site was its replacement, where the costs appeared now
18 to have ballooned something in the neighborhood of \$20
19 to \$30 million given the need to construct a parking
20 structure that would not have been a part of the program
21 but for the colocation of the shelter and the police
22 station. The prospect of great unanticipated cost bears
23 directly on the statutory criteria of examined
24 reasonable alternatives to the chosen site. Even though
25 the board might otherwise choose to make a comparative

1 judgement solely on compliance with known criteria.

2 So in conclusion, I refer the board to our
3 much more detailed prehearing statement, the letters and
4 written testimony of all of our witnesses, some of whom
5 are here today to emphasize in person their most
6 significant concerns about the project. If the board
7 would find it helpful, NRG would welcome the opportunity
8 to file a response to a submission of proposed findings
9 of fact and conclusions of law from the Applicant. And
10 I'd like to turn it over to my witnesses now.

11 (Whereupon a short recess is taken.)

12 CHAIRMAN HILL: Okay. All right. So the
13 transcriber is ready. All right, Mr. Brown. We
14 are back, if you want to go ahead and call your
15 first witness. You have to push the button. I'm
16 sorry.

17 MR. BROWN: My first witness is Brian
18 Powers.

19 CHAIRMAN HILL: All right. And I don't know
20 who that is. There you go. Mr. Powers, if you
21 could --

22 MR. POWERS: Mr. Chairman, Members of the
23 Board, my name is Brian Powers. I have lived on
24 38th Street Northwest -- 3212 38th Street, about a
25 block-and-a-half from the shelter for the past 30

1 years. I am president of the Neighbors for
2 Responsive Government -- we call it NRG -- an
3 advocacy group formed to give the neighborhood a
4 voice concerning the proposed shelter.

5 I want to reiterate what our counsel said at
6 the outset. NRG has never opposed a Ward 3
7 shelter. It supports the closure of DC General.
8 However, we have vigorously opposed the requested
9 variances and special exceptions for this
10 particular shelter because we think this it's out
11 of step with the neighborhood and with RA-1-1
12 Zoning for Lot 849 on Idaho Street.

13 I'd like to confine my testimony to a
14 discussion of whether the City conducted a search
15 for reasonable alternative sites. A consideration
16 of alternatives is not just a matter of good
17 governance and common sense; it's also a
18 requirement to qualify for the issuance of the
19 special exception to place 185 occupants on this
20 proposed site on Idaho Avenue in areas zoned
21 RA-1-1. Reasonable alternatives for site
22 selection is a win-win all the way around for the
23 City, for the taxpayer, for the affected
24 neighborhood, and for the homeless families that
25 we seek to protect.

1 Now, you will recall that the mayor's
2 initial plan for the City called for the City to
3 lease sites where the shelters would be built by
4 private developers to the exacting standards
5 imposed by DGS for long-term leases of 15 years
6 that could extend to 30. At the end of the
7 leasing period, the property would revert back to
8 the developer. The mayor touted this approach as
9 one which would allow for the closure of DC
10 General in the quickest period of time.

11 Now we know that on September -- it's a
12 matter of record, and we've presented an exhibit
13 in our pre-hearing statement that in September of
14 2014, an RFP was issued by DGS calling for
15 solicitations for anyone who could lease this
16 property under the specifications set forth by the
17 City. We've seen no other solicitations after
18 that September 2014 public solicitations for
19 sites.

20 Now, the mayor initially selected the site on
21 Wisconsin Avenue across from the Russian Embassy
22 as a site for Ward 3 for the leased shelter.
23 Objections were raised, and the council voted down
24 the mayor's plan on May 17, and adopted a plan of
25 their own that same day for a first reading. But

1 that plan called for sites that would be owned or
2 acquired by the City. Or acquired. So it didn't
3 just have to be on City inventory. It could be
4 acquired. And we know that two of the sites were
5 later purchased by the City. So they're acquired.

6 On May 31st the council passed a bill, and
7 later it was signed in early June by the mayor.
8 Keep in mind, during that short period of time in
9 which the switch from leasing to owner acquired
10 that the criteria significantly changed, because
11 now they could reach out to the universe of
12 properties that were owned or acquired; whereas,
13 in the past, they had an RFP for those developers
14 who had; A, the property; and B, the capacity to
15 build that shelter their own and take the
16 entrepreneurial risk of leasing it to the City on
17 a long-term basis. Now the ground rules changed,
18 and the City adopted a mechanism where it could be
19 city-owned land, or city-acquired land. It's a
20 totally different universe.

21 Now, the City has made conclusory statements
22 about We made a study; We had a real estate
23 broker; We looked for alternative sites. But, the
24 only piece of evidence on the record for an open
25 solicitation is the one we submitted, which was

1 for a lease site in 2014, not one for the widened
2 criteria.

3 Now, that interested me, and so on --
4 because there is, as Chairman Mendelson pointed
5 out, Council Member Cheh wrote a letter on April
6 6th that's part of the record to the head of DGS
7 saying, "I'd like you to look at three sites."
8 One was Idaho Avenue; one was 3101 Albemarle,
9 which was the former Polish Ambassador's
10 residence; and one was on 4100 River Road, which
11 is an abandoned church.

12 Now, the City -- the head of DGS responded on
13 a letter of April 29th, and it said, "I have
14 considered all three sites that you proposed in
15 your April 6th letter; and none of them are
16 appropriate." And that's part of the record
17 that's in this case.

18 Now, I was very interested about that whole
19 process. So on December 13th when there was a
20 community meeting and, in fact, when the first
21 plans, the first concrete plans for the shelter
22 were produced, Mary Cheh was in attendance at that
23 meeting, Member Cheh, who wrote the letter on
24 April 6th and got the response that all three
25 sites, including Idaho, were inappropriate from

1 DGS. So I approached Member Cheh at the
2 conclusion of that meeting. She was standing on
3 the side. And I said, "Mary, I'm very interested
4 in how you came across these three sites to
5 propose to DGS. How did you come up with that?"
6 And she said well the --

7 MS. MOLDENHAUER: I'm going to the object to
8 hearsay. I know -- I want to put it on the record
9 formally. Objection to hearsay.

10 CHAIRMAN HILL: Okay.

11 MR. POWERS: That's a direct conversation
12 with the --

13 CHAIRMAN HILL: Yeah, Mr. Powers. Powers,
14 correct?

15 MR. POWERS: Yes.

16 CHAIRMAN HILL: Yeah. I am going to have to
17 agree with Ms. Moldenhauer in terms of that, you
18 know, that is -- again, it is hearsay, and there's
19 nothing there that I can necessarily, or the board
20 can necessarily talk to or speak to. And so, you
21 know, I would just again advise you to go ahead
22 and stick to the cases, or the items concerning
23 the zoning that we're kind of looking at. And
24 everyone seems to continue to want to talk about
25 the site selection process, and I understand how

1 that's the connection of your argument for one
2 area of the discussion and the argument.

3 The height and the other variances that
4 are -- have been brought before us, I haven't
5 heard anyone speak to those as of yet really. And
6 so we get to -- we keep -- and, again, we've been
7 here many, many hours, and I've heard from the
8 City how the site selection process went on.
9 However, if you want to use your time to continue
10 to go down this road, you are welcome to, but I'm
11 just letting you know

12 MR. POWERS: Chairman Hill, if I could just
13 finish, because it's going to be a --

14 CHAIRMAN HILL: Oh, please, go ahead.
15 That's all right.

16 MR. POWERS: She said that the sites
17 percolated up --

18 CHAIRMAN HILL: I guess -- no. Actually,
19 I've got to just -- I have to interrupt you,
20 because, again, what I've just agreed to, and I do
21 agree to it, is how can I -- how can you tell me
22 that -- you know, it's hearsay testimony that you
23 had a conversation with someone to the side of --

24 MR. POWERS: Who was a representative of the
25 Council.

1 MS. MOLDENHAUER: And I also believe that
2 not just hearsay, we also have a document in the
3 record from Council Member Cheh. That document
4 speaks for itself. It's the best evidence in
5 regards to her opinion as it currently stands on
6 this site. And so I would --

7 CHAIRMAN HILL: Mr. Powers, I would just
8 stick with your own particular testimony.

9 MR. POWERS: Very well, Mr. Chairman. I
10 would -- I would point out that the -- in the
11 search for a reasonable alternative, that now that
12 the representatives from DGS at the last ANC
13 meeting told us that the site would cost in the
14 neighborhood of \$30 million, that the range of
15 alternative -- reasonable alternative sites is
16 much wider than they may have contemplated in the
17 beginning, because this site, as we will
18 further -- our side will further testify to, is
19 extraordinarily inappropriate for this area. Even
20 though it's a large area -- they go to the
21 southeast corner of the site because they're
22 restricted by preexisting uses by the fuel depot,
23 by the Second District Police Station, and by the
24 Community Gardens. But now we have a very, very
25 expensive site.

1 And, by contrast, the site on Wisconsin
2 Avenue that they -- that was going to be leased
3 was valued at two and a half million so that the
4 workaroud that they're doing on the garage itself
5 is three times the value of that original
6 Wisconsin site.

7 Now, it is our position that the special
8 exception can not and should not be granted,
9 unless the City can show that it made a bona fide
10 search for alternative sites.

11 Now, I'd just like to just mention one other
12 thing, and that is that there's been some
13 discussion about Vaughan place -- a different
14 topic, Mr. Hill -- and the fact that Vaughan Place
15 has a certain height around the block and
16 Wisconsin Avenue. And we've pointed out that
17 actually the -- Vaughan Place, as it comes in --
18 Vaughan Place is a product of a planned unit
19 development that arose 20 years ago. And the
20 planned unit development, as you know, is a
21 process of intense scrutiny by the zoning
22 commission, multiple hearings, and as a
23 compromise. And there's also been cites about the
24 Cathedral Commons development, and that was also a
25 PUD development. Now, I would maintain that these

1 PUD developments are exceptions; and those
2 exceptions should not be allowed to swallow the
3 rule for RA-1-1 zoning. And the RA-1-1 zoning
4 clearly does not permit a building this number of
5 stories, or this height. Thank you.

6 MR. BROWN: Our next witness is Pat Wittie.

7 MS. WITTIE: Good after -- I should say good
8 long afternoon --

9 CHAIRMAN HILL: Good afternoon.

10 MS. WITTIE: -- at this point. Thank you
11 very much. My name is Pat Wittie. I live at 3847
12 Macomb Street. My husband and my property abut
13 both lot 849, which is the police station lot, and
14 lot 848, which is the Park Service property where
15 the tennis courts are located.

16 I want to start by saying and emphasizing
17 again we're not here because we object to the
18 concept of having a homeless shelter in our
19 neighborhood. And I think that sometimes those of
20 us who are in the position in front of you today
21 opposing the granting of these variances and the
22 special exception feel as though the members of
23 the faith community, who are most sincere and with
24 whom we largely agree, look at us as though we are
25 pretty selfish and unthinking. I don't think

1 that's true. I live in the neighborhood of
2 wonderful people who are generous and thoughtful.
3 I personally volunteer at N Street Village, which
4 is a shelter for women. There is another woman in
5 our group who was a longtime volunteer at DC
6 General. There's a woman in the audience back
7 here, the mother of one my daughter's grade school
8 classmates, who volunteers at another shelter in
9 town. I think that it's important to understand
10 that this is a many-sided question.

11 I'd like to address first a point, the
12 height. You've heard a lot about height. My
13 property does abut the property where this shelter
14 is proposed to be built. Because of the
15 topography from my back windows, from my deck,
16 from my backyard, I will look at a structure that
17 appears not six stories tall, but seven, or eight,
18 or nine stories tall because my property is
19 further downhill. So, when I look up it's not
20 going to rise just six stories; it's going to rise
21 seven, eight, nine stories from the vantage point
22 of my property, and those of all the neighbors on
23 the south side of the property.

24 The photographs and the sketches that the
25 applicant has put in are all coming from a

1 different direction and a different vantage point,
2 and they do not give the board the advantage of
3 being able to see what it really will look like
4 from our vantage point. It will be a huge
5 monolith from my backyard. It will stick out like
6 the proverbial sore thumb. From my property, you
7 can not see any tall buildings. You can't see
8 Vaughan Place. You can't see Cathedral Commons.
9 The only thing I can see, and this is only in the
10 winter when the leaves are off the tree, is a
11 little piece of the top corner of that WTOP
12 building. That's the only thing I can see from my
13 building. The vantage point is just very
14 different. And it's all single-family houses on
15 the south side of the property.

16 The Council quoted from the comprehensive
17 plan, which instructs us and you, I believe, that
18 the identity and character of each neighborhood is
19 to be preserved and enhanced. To me, the identity
20 and character of my neighborhood will not be
21 preserved or enhanced with a six-story building.

22 Next point, the use of the tennis courts. I
23 understand -- we don't have any details on this,
24 but there is this proposal floating around that
25 perhaps the tennis courts would be turned into a

1 temporary parking lot. Those tennis courts, if
2 you look out my bedroom windows, they're almost at
3 eye level, and they're less than a hundred feet
4 away. There are no lights on the tennis courts
5 right now. You can only play in the daytime. And
6 I assume that there was a reason why no lights
7 were installed on them, perhaps having to do with
8 the neighboring buildings. That's a real
9 advantage for us, because that means that there
10 are no lights from the tennis courts shining into
11 our windows at night. But it also means, if
12 there's a parking lot, we're going to have
13 headlights shining into our windows at night from
14 the -- from the police coming in and out of the
15 parking lot. We're also going to have drainage.
16 Cars leak fuel. They leak oil. There are always
17 things on the ground. And the rainwater runoff is
18 going to come directly down the hill from that
19 tennis court onto my property. We have old growth
20 trees that are fragile to begin with. We have a
21 yard. We have a lawn. We have plantings. And I
22 think there will be an adverse impact from that.

23 I would like to address one issue that came
24 up earlier that involves the driveway and whether
25 or not -- I think MS. Moldenhauer said it's only

1 the police's personal cars that are coming in and
2 out of the parking garage that's to be built, and
3 they're not roaring in and out. I've lived there
4 for -- since 1982, and I can assure the board that
5 police vehicles regularly go roaring out of their
6 parking lot tires screeching and sirens wailing
7 when they get an emergency call. This happens not
8 every minute of every day, but with great
9 regularity. So it's not a matter of there's just
10 the police personal vehicles being parked there.
11 It is police cars as well. And there are safety
12 issues that I think others are going to testify
13 about.

14 A final point I'd like to make relates to
15 cost. I know you're tired of hearing about this,
16 but the DGS estimate from February 21 --
17 Mr. Campbell, he was here earlier today. I don't
18 know whether he's still here -- stated that we're
19 now at \$30 million for this property, of which 10
20 million is the parking issue. That breaks down to
21 \$600,000 per unit. Fifty units, \$30 million,
22 \$600,000 per bedroom. These are not even
23 apartments. Each bedroom \$600,000, of which
24 one-third, \$200,000, is attributable to the
25 parking issue. Mr. Campbell told us on February

1 21st that it was eighteen and a half million
2 dollars to build the shelter itself. The balance
3 of the \$30 million is the parking. That goes, to
4 me, directly to the question of whether or not the
5 Council, the City, or DGS have made a reasonable
6 evaluation of alternatives. I am a taxpayer, and
7 I do care about the amount of money that is being
8 poured into this.

9 Thank you.

10 MR. BROWN: Our next witness is Chris
11 Sweeney.

12 CHAIRMAN HILL: Okay. Yeah. Just before
13 you start I do want to point out that I do not
14 think that -- and I'm sure that the Board would
15 agree with this -- that people are not here
16 because they oppose shelters, or what is trying to
17 be done, or what the mayor is trying to do with
18 the City. What our -- what we're charged with,
19 again, is to look at the criteria concerning,
20 again, the zoning with this particular site, and
21 whether or not the tests are met in order to
22 achieve those areas of relief. I guess what I'm
23 just trying to point out is I know -- again, as I
24 mentioned before, that it is particularly within
25 communities -- I mean, I live -- we all live in a

1 city. We are all taxpayers. Okay? And so we all
2 have to go to our ANC meetings, and there's, you
3 know, opposition and people and support. I guess
4 what I'm trying to get at is I know that this is a
5 tough place for everyone to be in. No one thinks
6 that you're here, you know, because you -- or at
7 least, I would imagine, most of people here is
8 because they're opposed to try to do something
9 that will be helpful for people. So I just wanted
10 to kind of point that out. So please, if you
11 could, go ahead.

12 MR. SWEENEY: Hey, you stole my thunder.
13 Good afternoon. My name is Christopher J.
14 Sweeney. I'm a U.S. Navy Captain. My wife Dee
15 Dee and two young sons, ages seven and nine, and I
16 live at 3304 Idaho Avenue Northwest, which is the
17 third house down from the proposed shelter. We
18 have owned the property for 12 years. I'm still
19 on active duty stationed at the Pentagon.

20 Before leaving Washington, DC for a Navy
21 assignment in 2014, we had been actively
22 protesting the zoning variance for construction of
23 the proposed Giant loading dock just 200 feet from
24 our home. With young children who ride bikes up
25 and down the street, we were concerned with the

1 safety, traffic, and noise with large food trucks
2 to burst in our residential street. We are also
3 not pleased with the hundred-year-old trees that
4 line the street across from the police station,
5 which were removed for the building of the
6 townhouses. Both the loading dock and tree
7 removal significantly altered the residential
8 park-like feel of our street, and we have been
9 left with increased traffic, noise, and congestion
10 at the expense of our children's safety.

11 We should not be subjected to the domino
12 effect of yet another major zoning exception of
13 building a six-story building on a street zoned
14 for three stories. We would not have bought a
15 house on a street with six-story buildings. A
16 building of this size does not fit on our street.
17 The street is already at capacity.

18 Let me lay this out for you. It's not just
19 about parking. The police do roar up and down
20 Idaho Avenue every hour up and down. There's a
21 fuel station there. All the trucks -- not all,
22 but the majority of the trucks from Ward Three are
23 operating Northwest DC come to get fuel there,
24 whether they're picking up leaves, the trash
25 trucks, etcetera, the fire trucks. All of the

1 commercial zoning trucks now for the Giant
2 complex, they all come down that street, right
3 down that street, right in front of the proposed
4 shelter. That's where they're going to come down
5 to enter the loading dock. And, for the record, a
6 pedestrian was just hit in front of my house. I
7 encourage you all to drive down my street.

8 As a Navy Captain whose been responsible for
9 leading naval operations all over the world,
10 including the professional and personal care of
11 tens of thousands of sailors and their families, I
12 still do not understand the rationale of putting
13 noncombatants, homeless, on top of first
14 responders who are supposed to protect our
15 community. Even if the homeless are in a separate
16 structure, they're still next to the police
17 station and sharing a driveway for entry and exit.
18 This puts an undue burden on the police and first
19 responders who now must constantly be concerned
20 with families with young children living so close.

21 I also do not understand the logic of
22 building a playground for little children right
23 across from a truck loading dock in a shared
24 police driveway. In my experience, it's a recipe
25 for disaster.

1 To conclude, since moving back to our home
2 in October 2016, my wife and I have been
3 distressed not only by the increased daily truck
4 traffic of the Giant, but also the number of
5 police cars stacked on the grass in front of the
6 police station. During special events, the
7 parking situation's even worse. The traffic
8 situation and congestion, which already makes it
9 difficult to park and drive on our street -- it's
10 almost impossible to back in and out of our
11 driveway safely -- is only going to get worse with
12 the addition of 200 people less than half a block
13 from us. My children's ability to safely move
14 around the neighborhood both on foot and on their
15 bikes will become even more limited. This will
16 further adversely impact the character of our
17 neighborhood.

18 You do not need to be an expert in urban
19 planning to drive down our street on any given day
20 to come to the conclusion this is the wrong street
21 for more of anything. Please consider the
22 interest of tax-paying homeowners who did not
23 invest years in the street to have to suffer
24 multiple zoning exceptions, increased noise,
25 traffic, and parking problems at the expense of

1 the safety of our children, and a compromised
2 police station.

3 The City should conduct due diligence on
4 multiple potential sites, and work with the entire
5 community in Ward Three to produced numerous
6 courses of action to take care of the homeless.

7 Thank you.

8 MR. BROWN: Our next witness is Yvonne
9 Thayer.

10 CHAIRMAN HILL: Thank you, Mr. Brown. How
11 many witnesses do you have left so --

12 MR. BROWN: We have three. Possibly four.

13 CHAIRMAN HILL: Okay. I just want to remind
14 you you have 18 minutes currently.

15 MR. BROWN: I've got my eye on --

16 CHAIRMAN HILL: Just letting you know.

17 MR. BROWN: -- the watch. If we run out, we
18 run out.

19 MS. THAYER: Good afternoon. I am Yvonne
20 Thayer. I live at 3308 Idaho Avenue. I'm one
21 house from the proposed shelter. I've been there
22 for 33 years. I raised my children there. They
23 went to John Eaton School. It's probably good to
24 know that I have been working for the last 15
25 years on refugee resettlement, both abroad in

1 Jordan and Iraq, and in Lebanon, where I just left
2 a year ago, and I've spent 15 years of my life
3 working on refugee resettlement, and looked into
4 refugee resettlement in 40 US cities. I just came
5 from Nashville. I'm leaving for San Antonio
6 Friday. So I actually do have some -- I have some
7 background in resettlement of vulnerable
8 populations.

9 This is about -- this is a zoning hearing,
10 and so I would like to focus again on the effect
11 on my neighborhood. And the requirement, as I
12 understand it, that variances and special
13 exceptions must be shown that they do not
14 substantially impair the intent, the purpose, the
15 integrity of the zone plan. I live a few meters
16 from where this 72-foot or 69-foot building with,
17 I guess, eight or more feet of generators. I
18 would like to share this very, very nice picture
19 here. I really hope that we can see -- actually
20 so you can see once again what that actually looks
21 like, because the picture really tells the whole
22 story. I don't want to insult your intelligence,
23 or insult mine. But, if you look at that block
24 and you look at my houses, my house, my neighbor's
25 house, the houses across the street in the low

1 zone, you see that that is a residentially-zoned
2 street, and you see that a six-story, 72-plus
3 canopy area is completely inharmonious and not
4 compatible with that site.

5 To be talking about what happens on Vaughan
6 Place, or over up the street, and across the
7 street on Wisconsin Avenue, I don't think you are
8 being asked to look at a variance on Wisconsin
9 Avenue. You're looking at a variance on a
10 residential street, which is mine. Having a
11 72-foot six-story building right next to me means
12 that that building will be overlooking my deck, my
13 bedroom windows, my yard. And that would be
14 irrevocable and forever.

15 The little picture -- it's interesting,
16 again, the unsuitability. The DGS Director,
17 Christopher Weaver, wrote a letter saying that the
18 site at Idaho Avenue was unsuitable. And
19 listening here for the last five hours, all I can
20 say is it sounds even more unsuitable than I
21 thought it was when I walked in here this morning.
22 A building of that height is going to have an
23 irrevocable impact on my family, and my privacy,
24 and my well-being in my own neighborhood. Just to
25 look at all the changes, all these discussions,

1 and all this juggling of discussion about Everest
2 impact, and how we're going to move the playground
3 a few feet away, we're going to add some wonderful
4 trees. Take a look at the trees. Take a look at
5 this picture that's going out of what this place
6 will look like. You see my house? My house is
7 the one that's airbrushed out of this picture.
8 Look at the -- look at the ninety-foot trees or
9 eighty or hundred-foot trees that are simply not
10 going to exist. So, once again, I hope you can
11 just look at this picture and see exactly what
12 kind of impact this will have on us. We're
13 talking about lights, security lights. We're
14 talking about 100, 200 people. We're talking
15 about a hundred children. We hope that they'll be
16 outside and having a good time, and playing, and
17 making noise. That's their right. But it's also
18 not an appropriate place to be in a residential
19 neighborhood. Unsuitability is also the -- as
20 they say, it's light pollution. It's the
21 security. It's the -- it's the -- it's the 200
22 meals coming in and out several times a day. It's
23 the trash. It's the rats. And we have them from
24 the -- the -- the building from the Giant
25 construction. We still have them. And this would

1 be just another round of this kind of impact on
2 our neighborhood.

3 I wasn't even thinking about the
4 unsuitability. But I think here we need to talk
5 about the unsuitability for homeless families. We
6 just heard from a woman a very, very moving talk
7 about how when she was in a homeless emergency
8 shelter for over three years her children could
9 only play in a parking lot. They had their meals
10 delivered. They had -- they had no place to play.
11 Somehow we're talking about putting in some \$30
12 million into something that is what? People
13 living in a temporary shelter -- obviously it
14 won't be temporary -- in a parking lot with three
15 stories of a parking garage right next to them.
16 All the fumes and all the toxic waste coming from
17 that parking lot, would anybody want to put
18 families with young children in a place right
19 exactly next door to a parking ramp like that?

20 The other inconceivable thing is that we've
21 spent so much time talking about the gardeners.
22 We can not inconvenience the gardeners, or the
23 tennis courts. But you are being asked if you can
24 make an irrevocable change to change and do
25 exceptions and variances that will irrevocably

1 affect our families who live on Idaho Avenue, and
2 the nature and tenor of this street.

3 So I am asking you now to please, please
4 honor the DC law, and DC zoning regulations to
5 show that this will substantially impair the
6 intent, the purpose, and integrity of the zoning
7 plan, and please deny this variance.

8 Thank you.

9 CHAIRMAN HILL: Thank you.

10 MR. BROWN: Our next witness is Tara
11 Stanton.

12 MS. STANTON: Good afternoon.

13 CHAIRMAN HILL: Good afternoon. You might
14 need to press that button there so that --

15 MS. STANTON: Thank you. Thank you. My
16 name is Tara Stanton. My address is 3821 Macomb
17 Street. I'm a single woman who currently owns a
18 condominium in McLean Gardens, which is about five
19 blocks from the shelter. I also own the
20 single-family home at 3821 Macomb Street that is
21 actually at the corner of Idaho and Macomb. I
22 actually spent three years trying to find this
23 particular single-family home, a very difficult
24 search. That search that I took on, I was very
25 deliberate. I didn't want to live next to very

1 large buildings, buildings that were seven, six,
2 eight stories high. That is about what is going
3 to happen to me if the shelter is built. I
4 specifically avoided looking for anything near a
5 playground, and anything near a church, or a
6 school. So to come across this situation right
7 now after three years is actually very
8 disconcerting. One of the reasons I love McLean
9 Gardens was the fact that it's so tranquil. It is
10 a beautiful environment. It has low-rise
11 buildings, not high-rise buildings.

12 In December of 2016 I first learned the
13 details of the plans for the proposed homeless
14 shelter. I was appalled at the proposed height of
15 the building, which will loom over the block at
16 twice the number of stories permitted by these
17 zoning laws that I thought protected me. I will
18 be facing this massive shelter situated
19 caddy-corner from me, barely half a block from my
20 house. I don't know what it's going to be like to
21 sleep with lights streaming into my window, or
22 people who potentially could be peering into those
23 same windows as well.

24 I attended public meetings when neighbors
25 repeatedly objected to the height is a major

1 problem. In response to these objections, we've
2 heard today that there's a mere three feet that
3 have been shaved off of the original proposal.
4 This is completely unacceptable in my opinion.
5 And I applaud the ANC's objection to the variance
6 requested in terms of height and the number of
7 stories. Please give great weight to the ANC.

8 It's not just height. As I told you, I have
9 lived in McLean Gardens, and there will be 185
10 people in this proposed shelter, As well as twelve
11 to 25 additional staff members at any given time.
12 McLean Gardens, what are they? Low-rise
13 buildings. Each entrance serves only six units,
14 two units per floor. That is a very dense -- this
15 will be a shelter with 50 units, a very
16 densely-populated space made possible by the size
17 of the structure, which is massive compared to the
18 entities that you must compare it to. It is
19 reasonable to expect, given 325 square feet, that
20 all of these shelter residents will spend as much
21 time outside, which would greatly increase the
22 pedestrian traffic, and potentially the
23 opportunity for another pedestrian to be hit.

24 I am very concerned about the increased
25 traffic flow that will occur because of the

1 shelter. I can barely back out of my driveway on
2 Idaho Avenue. It's a real serious problem. This
3 increased traffic is going to be only made worse.
4 Already we have 157 police cars coming to the site
5 every day, and this is going to increase to over
6 200 when the garage is completed. We have
7 delivery trucks, as you have heard, are constantly
8 barreling down the street to get to the Giant
9 loading dock. And now we're going to have the
10 staff, the services, and everything else that goes
11 along with making sure the shelter is operated
12 properly.

13 Finally, I object to the placement of this
14 shelter on a site already occupied by a busy
15 police station. On April 29, 2016, as you've
16 already heard, the head of DGS at the time wrote a
17 letter stating that it would be inappropriate to
18 locate the shelter on a site already occupied by
19 an active police station. It is unimaginable that
20 now this police station will be sharing a common
21 driveway, and a parking garage with the shelter,
22 and that their Second District operation could
23 potentially be limited. I have spoken with
24 several Second District officers. They can't
25 speak on the record. They have voiced to me --

1 MS. MOLDENHAUER: Again hearsay objection.

2 CHAIRMAN HILL: I am sorry. I must agree.

3 Thanks.

4 MS. THAYER: Okay. Fair enough.

5 Let me conclude by saying the BZA should not
6 grant any of these variances that have been
7 requested today.

8 Thank you for your time.

9 CHAIRMAN HILL: Thank you.

10 MR. BROWN: Arnie Lutzker.

11 MR. LUTZKER: Thank you, Commissioners.

12 Again, my name is Arnie Lutzker. I live at 3215
13 Idaho. My wife and I have lived there for nearly
14 40 years, and we've obviously seen many changes in
15 the neighborhood.

16 MR. BROWN: Four minutes, please, Arnie, so
17 I can give four to her.

18 MR. LUTZKER: I'm going to endorse many of
19 the things that have been said by my neighbors. I
20 want to focus on things that I normally don't talk
21 about; one, garbage; two, loading; and three, one
22 thing I do talk about, legal issues.

23 As Tara has explained, a dense
24 highly-populated homeless shelter with 185 family
25 members, plus staff, for almost 200 is going to

1 generate a lot of garbage. The plans that I have
2 seen initially put a dumpster, a small dumpster in
3 the back. They've relocated it now adjacent to a
4 playground. This past weekend Vaughan Place
5 circulated a notice to the neighborhood about rats
6 and other infestation. How garbage will be
7 controlled and collected for 200 people is not
8 identified in the plans. It is a great concern to
9 the neighborhood how rats, rodents, vermin, deer,
10 other animals will deal with this. And it's
11 adjacent to a playground where rats can jump over
12 into the playground and affect children. What is
13 the planning? Commissioner MacWood indicated a
14 lack of a master plan. That is a very serious
15 concern, because the responses of the City have
16 been ad hoc throughout this entire process.

17 There is no loading zone. And it is
18 inconceivable to me that a shelter providing home
19 and resources for 200 people is not going to have
20 trucks coming in and out. And where are these
21 vehicles going to unload whatever materials they
22 have to deliver to this property? They're saying
23 the residents are not going to have furniture.
24 Well, they also said residents are not going to
25 have cars. You can just Google -- homeless living

1 in cars, homeless without furniture just doesn't
2 make any sense. There will be needs for loading
3 and unloading. There will be problems due to the
4 absence of a loading dock. It's just a variance
5 that they request without any substantial
6 justification for the absence of it.

7 I attended the court hearing on the NRG
8 motion, at which the city attorneys presented a
9 legal argument that the decision of the City
10 Council was preliminary. You can read the judge's
11 decision on that case, and she cites to the
12 argument that it was a preliminary decision with
13 authority left to you, the zoning board to make a
14 final decision. The arguments that I've heard
15 today suggests that it wasn't preliminary; it is
16 now mandated legislatively. And, as our
17 counsel has suggested, you have the authority to
18 reject this proposal, And I suggest that you do.

19 Thank you.

20 MR. BROWN: My last witness is Nora
21 Stavropoulos.

22 MS. STAVROPOULOS: Yes. Good afternoon. My
23 name is Nora Stavropoulos, and I live at 3124 38th
24 Street Northwest. And I appreciate the
25 opportunity to testify on this subject. I wish to

1 speak as a neighbor and community member of Ward
2 Three and the immediate area of Idaho Avenue. My
3 husband and I have lived on 38th Street between
4 Woodland and Massachusetts for the last 11 years.
5 In 2014 we purchased the house directly next to
6 the police station, And, in fact, directly next to
7 where the proposed building of the shelter will
8 be. The address is 3310 Idaho Avenue. We bought
9 the home because, even though it is next to the
10 police station, there was enough of a gap to allow
11 for privacy. So we made the purchase with the
12 goal of renovating, expanding, and adding an
13 elevator to assist us in our senior years. I also
14 care for my 90-year-old mother who has mobility
15 problems. Thus, an elevator is imperative. The
16 plan was to sell our current home, and with the
17 proceeds be able to enjoy retirement. My husband
18 is a registered architect and, at 79 years of age,
19 spent countless hours drawing up the plans for the
20 proposed new home.

21 Within days of finishing the plans, we heard
22 from our neighbor on Idaho of a meeting to take
23 place that evening regarding the potential
24 temporary homeless shelter and the plan for the
25 building right next to our property. We had heard

1 nothing until that moment. You can say we may
2 live in a bubble, but this was literally the first
3 we have heard of the mayor's plan. We were
4 shocked and outraged when we saw the speed with
5 which this plan was put into action to be voted on
6 and passed.

7 I have written to our council members, and
8 to the mayor's office, but no one seems the
9 slightest interested in our opinions as neighbors,
10 community members, and taxpayers. Please let us
11 not forget the enormous property taxes we are
12 paying, and we will doubtlessly continue to have
13 to pay, even though we will be penalized in so
14 many ways with the enormous prison-like structure
15 which the City is planning to build next to homes.

16 This building will loom over our home, and
17 we will, without a doubt, be unable to use our
18 home to our fullest enjoyment, especially when you
19 consider the lights from the building, the noise
20 from the playground, the outdoor smoking for those
21 who can not smoke indoors, the possible violence,
22 and or outside shouting, the enormous amount of
23 trash which will accumulate, and which will lead
24 to rodents, and vermin, and filth. Even with the
25 trash containers at the police station, rodents

1 are sometimes evident, and I can not imagine what
2 will happen when this building, housing so many
3 families and staff, begins construction and upon
4 completion offers the food service, etcetera.

5 I know you have heard from many Ward Three
6 residents who support the shelter, but who live
7 some distance from Idaho Avenue. And may I say
8 that we too have no problem with having a shelter
9 in our Ward, however, not such a very large
10 structure which will dwarf our homes, and, more
11 than likely, allow those residents to look into
12 our properties and cause us a lack of privacy.

13 We know for a fact that there are other
14 sites which have been proposed, and are in a more
15 reasonable location. We are concerned for all the
16 aforementioned, and we hope you will be as
17 diligent and thorough in your decision-making as I
18 know you have been in the past.

19 Thank you.

20 CHAIRMAN HILL: Thank you.

21 MR. BROWN: Mr. Chairman, that concludes our
22 presentation.

23 CHAIRMAN HILL: Okay. Mr. Brown, do you
24 have anything in summary or --

25 MR. BROWN: No. I made my summary in

1 advance.

2 CHAIRMAN HILL: Okay. All right. I'm going
3 to go ahead then and turn to cross. And so if the
4 applicant would like to ask questions of the party
5 in opposition and also the witnesses, and then I'm
6 going to turn to the board for questions. I was
7 hoping that after the cross we could all take a
8 break, and then we'll come back again for our
9 testimony from the audience. Just again kind of
10 pointing out to the applicant, I guess, during the
11 questions that keeping them as we can, obviously,
12 to zoning and knowing that it is very much a
13 personal issue and a lot regards just kind of
14 keeping that in mind as we're asking our
15 questions.

16 Thank you.

17 MS. MOLDENHAUER: I'm just going to --

18 CHAIRMAN HILL: No. That's great. Go
19 ahead, and thanks, Mr. Powers, for coming up. I
20 guess what I meant by all that is let's try and
21 have cooler heads during this. Okay. Thank you.

22 MS. MOLDENHAUER: You indicated, Mr. Powers,
23 that you are the president of the NRG. When was
24 that association organized?

25 MR. POWERS: June. As best I can recall, it

1 was -- it was June of 2016.

2 MS. MOLDENHAUER: So that was substantially
3 prior to the BZA application being filed?

4 MR. POWERS: It was after the legislation was
5 passed and the site selection was made.

6 MS. MOLDENHAUER: So is it fair to say then
7 the purpose of the NRG was the focussed on the
8 site selection, and was not specifically organized
9 for purposes of opposing the zoning?

10 MR. POWERS: No, that's not fair. The purpose
11 was to have community input and a voice as this
12 developed and evolved.

13 MS. MOLDENHAUER: Your property is located
14 on 38th Street. So you are approximately over 600
15 feet from the site?

16 MR. POWERS: I haven't measured it, but I
17 won't dispute it.

18 MS. MOLDENHAUER: You had commented about the
19 garage structure --

20 MR. POWERS: I will also say, if you're going
21 to have site, that my daughter and my
22 grandchildren live on 39th Street so -- I see them
23 frequently, and so I go past the station just
24 about every single day.

25 MS. MOLDENHAUER: You had indicated that --

1 you were talking about the garage, and you
2 understand that the garage structure was proposed
3 in response to community comments and community
4 concerns?

5 MR. POWERS: Well, I understand that the
6 garage was an attempt by the City to address
7 concerns. Yeah.

8 MS. MOLDENHAUER: You had questions about
9 the September 2014 RFP. The City would not
10 require -- be required to do an RFP of its own
11 City inventory; would it?

12 MR. POWERS: Well, I am not -- I think they
13 have to examine their own inventory, but that the
14 statute says land owned or acquired. And two of
15 the sites were acquired -- they were purchased by
16 the City after the legislation was passed so that
17 there was -- it wasn't just City inventory at all.

18 MS. MOLDENHAUER: But I'm just saying. There
19 have been questions about, well, solicitation
20 hasn't occurred, RFP's haven't occurred. DGS, as
21 the City, would not have to do RFP of their own
22 inventory? That wouldn't be --

23 MR. POWERS: No, but we've never seen a study,
24 or an analysis, or evaluation of what other
25 City-owned sites were available, or how they

1 compared. And in the ANC in June of 2016
2 specifically said in a resolution to the council
3 in response to the legislation that they urged the
4 City to give us information and comparative data
5 on how that site was selected; and they've never
6 responded.

7 MS. MOLDENHAUER: You indicated that the
8 City could acquire other land, but I -- it's my
9 understanding that the other site that had been
10 acquired was a site that had been previously
11 approved by this board; is that a correct?

12 MR. POWERS: I can't answer that. I can
13 answer that, according to the Homeward Bound
14 website, two of the sites were negotiated and
15 purchase later, and one of the sites was purchased
16 in 2016, December of 2016.

17 MS. MOLDENHAUER: Mr. White. I'm sorry.
18 Patricia White. Ms. Wittie. Sorry. Ms. Wittie.
19 You testified about the topo of your home.
20 Did you hire an architect to confirm or evaluate,
21 or a civil engineer to evaluate the top?

22 MS. WITTIE: I'm sorry. I'm not familiar
23 with what topo means.

24 MS. MOLDENHAUER: Typography. You referenced
25 the typography. I'm asking if you've hired an

1 architect or civil engineer to evaluate the
2 topography.

3 MS. WITTIE: No, but I look out my back
4 window, and I see a hill that goes up to the side
5 of the shelter. That's my reference to
6 topography.

7 MS. MOLDENHAUER: But you're not an architect,
8 so you have not conducted or asked for an
9 architect to conduct a line of sight?

10 MS. WITTIE: No. I'm not an architect. I can
11 see the hill.

12 CHAIRMAN HILL: That's okay. And, by the
13 way, we're just asking questions. That's all
14 right. Go ahead, Ms. Moldenhauer.

15 MS. MOLDENHAUER: There are a large number
16 of trees behind your house; is that correct?

17 MS. WITTIE: There are.

18 MS. MOLDENHAUER: Those trees you said
19 currently kind of block a lot of the visibility,
20 and you can only see the top portion of some
21 buildings?

22 MS. WITTIE: The trees -- in the winter when
23 the leaves are off the trees, I can see all of my
24 neighbors. I can see a little bit of the top of
25 the police station. And, as I testified earlier,

1 I can see in the far distance, probably three or
2 four football fields away, a little piece of the
3 top of that WTOP building.

4 In the summer, when the leaves are on the
5 tree, there's much less visibility.

6 MS. MOLDENHAUER: Your property has a
7 private garage and a private driveway?

8 MS. WITTIE: It does.

9 MS. MOLDENHAUER: You reference that the
10 zoning regulations should preserve the character.
11 Do you know where -- could you point to the zoning
12 regulations where the variances requires
13 preservation of an existing conditions?

14 MS. WITTIE: I believe what I was referring
15 to -- and maybe at misspoke, but I believe I was
16 referring to the comprehensive plan.

17 MS. MOLDENHAUER: Do you know if the
18 variance standard requires the preservation of a
19 character?

20 MS. WITTIE: I have no idea. I'm not a
21 zoning lawyer.

22 MS. MOLDENHAUER: You asked questions, or
23 you indicated concerns about police cars, or the
24 police officers' private cars headlights being
25 visible from the tennis courts. You understand

1 that that would only be potentially visible if, in
2 fact, they are visible for only eight months for a
3 temporary period?

4 MS. WITTIE: My understanding is that to the
5 extent that this is a possibility that the City is
6 considering that the use of the tennis courts
7 would be temporary during the construction of the
8 garage. I have no idea how long the construction
9 would take.

10 MS. MOLDENHAUER: Have you attended ANC
11 meetings where the DGS has stated it would be
12 eight months?

13 MS. WITTE: Well, I understand that. But
14 I'm also familiar with the way construction goes;
15 and in my experience it never just takes the
16 amount of time that you start out with.

17 MS. MOLDENHAUER: Are you an expert in
18 construction, or have any background in
19 construction?

20 MS. WITTIE: Ha. No. I really just --

21 CHAIRMAN HILL: Let's all just relax.

22 MS. WITTIE: I just -- I've just lived my
23 life.

24 CHAIRMAN HILL: She's just asking questions.
25 Just answer the questions.

1 MS. MOLDENHAUER: You also talked about --
2 same sort of question so -- you indicated concerns
3 about water runoff. Are you an expert in water
4 runoff, or environmental aspects?

5 MS. WITTIE: No.

6 MS. MOLDENHAUER: Thank you.

7 MS. WITTIE: I am not an expert.

8 MS. MOLDENHAUER: And you indicated that the
9 current condition of your home is -- I think you
10 referenced something about sirens from the police
11 station?

12 MS. WITTIE: Yes.

13 MS. MOLDENHAUER: So you currently can hear
14 those, and that's a current condition of the --

15 MS. WITTIE: That's a current condition. In
16 fact, when the police are in their parking lot,
17 there's kind of an echo effect behind my house so
18 that -- I don't know -- again it has to do with
19 the topo, I think. There's a little bit of a
20 ravine, and noise that -- conversations from the
21 police parking lot, I can hear voices, and I
22 frequently hear laughter. It comes -- it comes
23 across the area between my house and that parking
24 lot and kind of bounces and gets magnified. Same
25 happens when my Idaho Street neighbors are out in

1 their backyard. It's amazing at how much of their
2 voices I can hear, including your son's.

3 MS. MOLDENHAUER: So can you currently hear
4 then, I guess, noises from the newer playground?

5 MS. WITTIE: Actually, no. From that
6 direction I don't. I do hear the dog park, but
7 the playground is actually -- there's a hill
8 between us. And whether it's because the hill
9 goes up and then it goes down to the playground, I
10 don't know. But I don't hear from that direction.
11 It's primarily from the Idaho Avenue side.

12 MS. MOLDENHAUER: Okay. Captain Sweeney, I
13 have just some questions for you. You had
14 testified that there were some concerns about the
15 more -- about the shelter in general and the
16 families that would be coming in that would not
17 be -- that would create an adverse impact on
18 noise. Do you see that it might be a benefit?
19 That you expressed concerns about cars going too
20 fast, issues with, you know, trucks, but rather
21 more families, more kids, more eyes on the street,
22 that it might actually be a benefit to the
23 community to have people that would be invested in
24 ensuring that the neighborhood is improved, and
25 that also you have the City's involvement to

1 encourage and support safety?

2 MR. SWEENEY: No, I think the exact
3 opposite. My point was you're going to put those
4 children at risk to put them in that situation.

5 MS. MOLDENHAUER: So do you believe that
6 your personal children are at risk in your own
7 home?

8 MR. SWEENEY: Absolutely. The way they're
9 running up and down the street right now on any
10 given day, if I don't watch them, yes.

11 MS. MOLDENHAUER: Your last name?

12 MS. THAYER: Thayer.

13 MS. MOLDENHAUER: Thayer. Thank you.
14 Ms. Thayer, you indicated concerns of light,
15 trash, rats. Don't you think that all of those,
16 if you wanted to acknowledge through your
17 statement that you're for the emergency shelter,
18 that all those could be addressed in a
19 good-neighbor agreement during a conversation to
20 ensure that the operation is, and any management
21 of the facility as appropriately and adequately
22 maintained and operated?

23 MS. THAYER: My experience is that the
24 Bozzuto, which we had all these agreements with,
25 was supposed to keep a landscaping cover across

1 the street to screen the loading dock. Those
2 trees, most -- many of them are dead or stumps.
3 That was not done. The rats are everywhere. That
4 was not done. The noise is there. That was not
5 done. I can not project on what kinds of
6 agreements might happen with the shelter of 200
7 people coming in and out, but I would certainly
8 like to see that the city actually hold Bozzuto
9 responsible for what it told us it would do in the
10 neighborhood to keep it sane and functioning.

11 MS. MOLDENHAUER: You expressed some
12 concerns about fumes and toxins from automobiles.
13 Again, is that your -- are you a professional in
14 that capacity, or is that just your individual
15 opinion?

16 MS. THAYER: No. I was commenting about the
17 woman who spoke about how difficult it was to have
18 children who were being raised around a parking
19 lot, and noting that it's not only a parking lot,
20 but also going to be a parking ramp, a three-story
21 parking ramp.

22 MS. MOLDENHAUER: Just so I can get my
23 question answered -- I'm sorry -- are you an
24 expert in that area of fumes and toxins?

25 MS. THAYER: No.

1 MS. MOLDENHAUER: Ms. Stanton, you testified
2 about concerns about lights streaming into your
3 window. Where would those lights be coming from?

4 MS. STANTON: The building.

5 MS. MOLDENHAUER: At what point in time
6 would they be streaming into your window? The --
7 everyone would be going to bed at a certain point.
8 This is a family shelter with children that
9 obviously have to go to bed at a certain time. So
10 I'm just curious at a certain time of the evening
11 the lights are going to stream in.

12 MS. STANTON: Well, it would make sense to
13 me that you're not going to have a lights-out
14 policy at a certain time where people are required
15 to turn off all their lights. I would also be
16 under the assumption that for a security
17 perspective this would be a well-lit facility and
18 that there would be very large lights surrounding
19 that facility, but perhaps those lights haven't
20 been put into the plan yet.

21 MS. MOLDENHAUER: Did you ask that question
22 about trying to identify a good-neighbor agreement
23 that talks about lighting, or engaged in that
24 conversation at all at many of the meetings that
25 you've attended?

1 MS. STANTON: I actually have not been
2 allowed to go to any of the advisory committee
3 meetings, because I was told they're not open to
4 the public.

5 MS. MOLDENHAUER: But you personally
6 attended every single public meeting; is that
7 correct?

8 MS. STANTON: Yes, I did.

9 MS. MOLDENHAUER: And did you ask --

10 MS. STANTON: Well, that's not true. I
11 didn't attend every public meeting.

12 MS. MOLDENHAUER: Every public meeting since
13 the zoning application has been filed?

14 MS. STANTON: Actually, I've missed some.

15 MS. MOLDENHAUER: So have you asked about
16 the opportunity to address some of these concerns
17 in a good-neighbor agreement?

18 MS. STANTON: I haven't been able to
19 participate in the good-neighbor agreement
20 discussions.

21 MS. MOLDENHAUER: Mr. Lutzker, I'll ask the
22 same question. You addressed concerns about rats,
23 garbage. Your property is quite far away. It's
24 like 180 feet away from a shelter; is that
25 approximately right?

1 MR. LUTZKER: I don't consider that far
2 away. We're about a block from -- we're in the
3 middle of the 3200 block, and the shelter is in
4 the middle of 3300 block.

5 MS. MOLDENHAUER: So can you current -- in
6 regards to the rats and garbage, have you had any
7 discussions about having any elements of that
8 being mitigated through a good-neighbor agreement,
9 or during operations?

10 MR. LUTZKER: The issue has not really been
11 addressed. When the plans were initially
12 proposed, I -- and with the density of a
13 population of 200 families, 200 people and 50
14 families, when you anticipate the amount of refuse
15 with young children, and all the things that young
16 children have, I began focusing on the initial
17 plans, which were first released with the filing
18 of the application. They've since been changed.
19 Because I was concerned about whether a garbage
20 truck where it was originally located could even
21 navigate in the -- in the rear space of the
22 building. I'm not sure that the garbage truck can
23 quite easily navigate where it's currently located
24 adjacent to the playground. But the sense that I
25 have, and information that I've received from the

1 neighborhood, obviously Yvonne's testimony about
2 rats in the neighborhood -- as I said, I received
3 a copy of an email from Vaughan Place several
4 blocks away where that complex is overrun with
5 rats and rodents. And they were directing in a
6 multi-page report to the tenants what they need to
7 do to prevent rats and rodents. They also
8 proposed cautions as to where to place garbage
9 bins in relation to walls, because rats can scale
10 the walls. And I saw in the plans just released a
11 couple days ago -- this was the first time I had
12 an opportunity to look at it -- that the garbage
13 bins are adjacent to the playground. And these
14 are big concerns not for my personal family, but
15 certainly for the children. But if rats and
16 rodents are running around the neighborhood, it's
17 going to affect everybody within a one-block area,
18 or more.

19 MS. MOLDENHAUER: Are you -- you're an
20 attorney, correct?

21 MR. LUTZKER: Correct.

22 MS. MOLDENHAUER: You're not a traffic
23 consultant expert?

24 MR. LUTZKER: No. I'm a person.

25 MS. MOLDENHAUER: Are you a traffic

1 consultant expert in regards to loading --

2 MR. LUTZKER: I have never -- I have
3 qualified myself as an expert in traffic loading.

4 MS. MOLDENHAUER: One final question. You
5 did mention at the end of your testimony talking
6 about the legal issues, and you said that there
7 was an issue where we have been arguing that it is
8 mandated and legislated. Did you hear that we
9 were indicating that there was legislation and DC
10 code references on the design requirements and the
11 number of units not specifically regarding this
12 site, that there are other elements of this
13 application that have been legislated and put into
14 DC code?

15 MR. LUTZKER: The issue of legislation and
16 whether the City Council has, in fact, legislated
17 this site, or whether it was a preliminary
18 suggestion and left to the city departments to
19 administer, that has been my understanding, that
20 it was a pulmonary decision, not a mandated
21 decision that this site had to be used. There
22 were alternative sites that could have been
23 considered, and the zoning board is within its
24 authority to reject this particular site.

25 As to the size of the property, I'm not

1 aware of a particular mandate in law, although
2 Ms. Zeilinger has sort of said it has to be 50
3 units. However, my understanding was that the
4 site on Wisconsin Avenue was billed as 38 units.
5 So when the site was transferred from Wisconsin
6 Avenue to Idaho, somehow it increased over thirty
7 percent in a blink of an eye, without explanation,
8 without any support as to why the 38-unit site on
9 Wisconsin Avenue would have sufficiently addressed
10 the City's mandated needs, as opposed to putting
11 50 units. And that -- and that's really critical,
12 because the problem with this site, and this
13 property, and this location is height and density.
14 The neighborhood, as we've said, would welcome a
15 smaller site, a less dense environment. You're
16 taking an area zoned for seven to 25 --

17 MS. MOLDENHAUER: -- this isn't --

18 CHAIRMAN HILL: Hold on. Hold on. Just --

19 MS. MOLDENHAUER: I did not need an answer
20 in regards to the site selection. I was asking if
21 you knew about the --

22 CHAIRMAN HILL: Just let Ms. Moldenhauer ask
23 her question, and then please answer the question.

24 MR. LUTZKER: Well, she asked --

25 CHAIRMAN HILL: We can try it again. Go

1 ahead, Ms Moldenhauer.

2 MS. MOLDENHAUER: My question is, Are you
3 aware that there is DC code sections and
4 legislation that talks about the design
5 requirements and the number of units?

6 MR. LUTZKER: No.

7 MS. MOLDENHAUER: Thank you. No other
8 questions.

9 CHAIRMAN HILL: Okay. So what I'd like to
10 do is, if everyone could come back, I'd like to
11 take a quick break. And, before the board has an
12 opportunity to ask questions of the party in
13 opposition, as well as witnesses. So let's just
14 take a five-minute break.

15 (Thereupon, a recess was taken.)

16 CHAIRMAN HILL: All right. So where we left
17 the -- long story -- where we are is we're asking
18 questions of witnesses and party in opposition.
19 So would the board like to ask some questions, or
20 have some questions for any of the witnesses or
21 party in opposition?

22 Mr. Brown, I do have a little bit of
23 questions. The NRG, how many members do you guys
24 have? Whoever wants to answer is fine.

25 MS. WITTIE: Probably I'm better equipped to

1 answer that. I would say somewhere between 40 and
2 60. I haven't counted them up but --

3 CHAIRMAN HILL: Okay. And the 40 and 60
4 members, they're all pretty much in the vicinity
5 of the project? Is that how it kind of came
6 about?

7 MS. WITTIE: Yeah, yeah. They're generally
8 in Cathedral Heights.

9 CHAIRMAN HILL: Okay. All right.

10 MR. HART: I'm not really sure which person
11 to ask the question. Maybe it's Mr. Brown. In
12 your own discussion points that you provided for
13 your testimony, you talked about -- in number four
14 you talked about that the height variance should
15 be divided as being too much for this zone and
16 neighborhood, and you did kind of discuss that.
17 You did say that there were, of course, the
18 single-family houses that were there. But this is
19 somewhat of a transition area. I mean, this is --
20 there are -- across the street there are higher
21 buildings. There are some higher buildings in the
22 area. We saw that the aerial that had the single
23 family as part of the development of the area, but
24 there's also -- McLean Gardens has the -- what do
25 you call those -- garden Apartments, I guess, but

1 they're more condos. And so there are different
2 types of housing units that are -- or residential
3 units that are in the area. Would you -- would
4 you characterize it that way, that there are --
5 that it's not just single-family houses?

6 MR. BROWN: I would say certainly it is
7 single-family houses predominately to the south of
8 the project and south of Macomb Street. Yes,
9 there are -- there are larger-scale residential
10 and other-type units to the north and east.

11 But I can't get past the fact that this
12 particular property is zoned RA-1-1. And one has
13 to look at the significance of the departure from
14 the zoning standards that are requested by this
15 height variance. It's essentially a doubling of
16 the allowed number of stories and an increase from
17 40 to 69 feet. I haven't done the math, but
18 that's well more than 50percent.

19 And it just seems to me that it's difficult
20 to imagine a private developer getting more than a
21 50 percent height increase over what is allowed in
22 the zone.

23 CHAIRMAN HILL: It's okay, Mr. Brown. He
24 was just asking about the properties and the
25 transition. You've answered the question. Thank

1 you.

2 So I do have a question again, and it can
3 be -- I don't know who to answer to. Mr. Powers
4 perhaps. But there's been a lot of discussion
5 about, like, the height and how it's not
6 actually -- the issue is not necessarily the fact
7 that -- the use that's being asked for, meaning a
8 shelter use. It's that the height -- the height
9 seems to be brought up again and again. Do you
10 know -- since you're the president of this NRG, do
11 you know kind of what the height is that they,
12 your association would deem appropriate?

13 MR. POWERS: We would deem it appropriate to
14 be within the RA-1-1 zoning. If you follow the
15 zoning, that would be appropriate.

16 CHAIRMAN HILL: Okay. All right.

17 MR. HART: Kind of going along with that,
18 several of you have -- several of the witnesses
19 have actually described that the issue is not
20 necessarily with the use, but with the actual
21 height of the building, which I understand. But
22 then there were some issues that were not really
23 height-related like the garbage, and the rats, and
24 other things. I'm not -- I don't know how that --
25 how this use, how really any use would be able to

1 kind of exist here if -- if -- I think any use
2 that would be located here would have those same
3 issues. And so I'm trying to understand how
4 that -- how those things are kind of divorced from
5 each other.

6 MR. POWERS: Well, what I would emphasize is
7 that, consistent with the RA-1-1 zoning, to the
8 south is predominately single-family homes; to the
9 north is McLean Gardens; there's 31 three-story
10 garden apartments; and there are some townhouses
11 such as across the street. Those are all
12 consistent with RA-1-1 zoning. But that now
13 they're proposing to have a building which is
14 double the size, almost double the height, and
15 which is very densely populated because they have
16 very small units. And so the addition to the
17 neighborhood, in addition to clashing with the
18 height of the RA1 zoned area, but also with the
19 density of this use that not every -- we don't
20 have any buildings within RA-1 that are anything
21 like this. None.

22 MR. HART: I guess the question that I have
23 is really the City has given testimony that they
24 really need to have the 50 units located here. So
25 if it is in three stories or in six stories, you

1 still have the same number of people that are
2 coming -- that would be coming to this site.

3 MR. POWERS: Well, I would disagree
4 respectfully because, in order for the RA-1 to
5 have the number of occupants for the emergency
6 housing to exceed 25, you have to show that there
7 are no reasonable alternatives, and, as you know,
8 that's a big issue in this case.

9 CHAIRMAN HILL: So again, just to follow on
10 Mr. Hart's question because I'm trying to
11 understand, so, again, if it were 50 units and it
12 were at a lower height, it would still be
13 objectionable because of the density?

14 MR. POWERS: Yes.

15 CHAIRMAN HILL: All right. Mr. Hart, do you
16 have another question?

17 Okay. Does anybody have another question?
18 All right. So I'm going to turn to the audience
19 and ask if there any -- actually, just a show of
20 hands -- and I do appreciate that everybody's been
21 waiting here a long time, and I appreciate the
22 people that are here for cases even beyond that,
23 and we are going to get to everybody's case -- who
24 is here to speak into opposition to this case?

25 All right. Great. If you could, please

1 come forward. And if you can, please just give up
2 your chairs here. It looks like there's two of
3 you. Okay. If you could, just state your name
4 and address, and I'm going to go ahead and put --
5 since there's only two of you, I'm going to give
6 you three minutes each. Okay? And just push the
7 button there.

8 COMMISSIONER BRADBERRY: Great, okay. My
9 name's Angela Bradbery. I live at 3700 39th
10 Street Northwest. I am Commissioner for AMC3C06,
11 which includes this site. So I just want to say
12 that --

13 CHAIRMAN HILL: Just to be clear,
14 Commissioner, I'm just trying to understand. Are
15 you speaking for the ANC, or are you here speaking
16 for yourself?

17 COMMISSIONER BRADBERRY: I'm speaking for the
18 District. So I'm representing the people who are
19 within the single-member District where this site
20 is located.

21 CHAIRMAN HILL: Okay. So you're speaking
22 for your SMD?

23 COMMISSIONER BRADBERRY: Correct.

24 CHAIRMAN HILL: Okay. All right. So you
25 technically get five minutes.

1 COMMISSIONER BRADBERRY: Oh, okay. I
2 actually cut it down to three because I was told
3 three.

4 CHAIRMAN HILL: You can do either way. I'm
5 sure everybody will be very happy.

6 COMMISSIONER BRADBERRY: I'm sure. All
7 right. I do want to say that just because people
8 have concerns about a site, the neighborhood is
9 not hard-hearted and totally supports of the
10 City's goal of closing DC General and putting
11 shelters in every ward. People really recognize
12 that, and understand that, and want to help, and
13 want to support the shelter. But they do have
14 concerns. And it's not a vocal minority. I think
15 last night you got a petition from, I think,
16 upwards of 70 people who signed that had
17 objections and concerns.

18 So the concerns -- height, I won't go into
19 that all again, but it's -- it is one of the key
20 concerns. And if you look at the contextual
21 drawings of this building, it does appear that the
22 shelter would really kind of tower over the
23 single-family homes. It's also obviously much
24 higher than the townhomes across the street and
25 the garden condominiums on the other side of

1 Newark Street. Regarding Vaughan Place, yes that
2 is taller, but that is on Wisconsin Avenue which
3 is a commercial corridor. And my understanding is
4 that that is not supposed to be a precedent for
5 future zoning relief. And, you know, residents
6 have come to me and said, "Look, zoning's
7 important and exists for a reason," and they
8 really believe that the height of this building is
9 fundamentally incompatible with the neighborhood,
10 and the intent, and integrity of the zoning plan.
11 And so we would ask that you would oppose the
12 request for a height variance.

13 Density is also a concern. The RA-1 zoning
14 permits up to 25 people in an emergency shelter,
15 and this is slated to have 185 people. So that's
16 a concern. And, again, people have come and
17 they've said, you know, "We're really wrestling
18 with this, because we want to support something.
19 Could the City possibly just do something smaller
20 on that site? You know, we would be fine with
21 that." So -- just for the record. And, of
22 course, we have talked to the City about doing a
23 smaller shelter there and another shelter
24 elsewhere, and the City has, as you've heard, for
25 efficiency and economic reasons that that wouldn't

1 work for them.

2 The cost of this project, though, does seem
3 to continue to mount. So it would seem that at
4 some point the City might want to just step back
5 and reconsider the decision not to do two smaller
6 shelters.

7 John Eaton Elementary School is another
8 concern, and I know that we're going to be
9 talking -- I'm on the advisory team. We're going
10 to be talking to representatives next week, which
11 is great. But residents are concerned that the
12 City is forging ahead without a plan. They've
13 been asking do we know how many students would be
14 going there, and exactly how John Eaton would
15 handle that. And I think they're just concerned
16 about the lack of a plan at this point.

17 Regarding the tennis courts, we greatly
18 appreciate the fact that the City, after delving
19 into the parking situation, proposed a third level
20 to the parking garage. But creating the temporary
21 parking issue and coming up with the solution of
22 the tennis courts is a huge problem for the
23 neighborhood. There would be two -- there are
24 proposed routes to the tennis courts, and one of
25 them would go right by a children's playground,

1 would by necessity, I believe because I've kind of
2 walked out there and taken a look, take out at
3 least an undetermined number of community garden
4 plots, possibly some trees as well. And that's
5 concerning. And the second route also could have
6 an effect on community garden plots.

7 So the storm water runoff, as you've heard,
8 is also a concern into gardens where people are
9 growing food.

10 We do urge that you oppose this variance.
11 We believe alternatives do exist, and we're happy
12 that the City is exploring those.

13 Additional concerns, last week we did
14 finally get a drawing of the -- a sketch of the
15 three-deck parking garage, which is in the Power
16 Point here, which appears to be bigger than the
17 police station. The ANC has not seen plans, or
18 dimensions, or an explanation about how it would
19 comply with zoning. I'm wondering is it an
20 accessory structure, is it limited to 20 feet in
21 height in that case; and, if so, kind of what
22 approval process might that require. So those are
23 some of the main concerns of the neighborhood.
24 And I appreciate your consideration.

25 CHAIRMAN HILL: Thank you.

1 MS. SULLIVAN: Hi. My name is Nancy
2 Sullivan. I live at 3831 Newark Street, so I'm
3 directly across from the police station.

4 CHAIRMAN HILL: Nancy, you're just a normal
5 person. You get three minutes.

6 MS. SULLIVAN: Okay. That's fine. I won't
7 even take that. Angela said almost everything
8 that's on my mind. But I just wanted to say one
9 thing about zoning, and I really respect the work
10 you do. I'm actually quite fascinated by it,
11 because I think that it's what makes a city
12 livable for all the people involved and it takes
13 into account all of the different constituents.
14 But I lived in Houston for a year -- Houston,
15 Texas -- where there's no zoning, or there was no
16 zoning, and it's just unbelievably horrible in
17 terms of the hodgepodge that you get in any area.
18 I lived in a very nice residential area. You can
19 have houses, and a tattoo parlor, and a
20 restaurant, and then some houses, and a church.
21 It's just ridiculous. There's just no zoning. In
22 fact, I think someone said that to me before I
23 even got off the plane the first time I was going
24 there.

25 I'm concerned not that there's going to be a

1 shelter in my neighborhood, but that there's going
2 to be this square peg that's being forced into
3 this round hole from the beginning as far as I can
4 see with costs escalating to almost \$30 million.
5 I've lived in the District for 40 years, in McLean
6 Gardens for 30, and I -- I just think that there
7 must be a better solution that would require fewer
8 accommodations from the zoning variances. I can
9 not believe that there's not a better way. I
10 think maybe there's maybe some creative thinking
11 that is needed. But I would just really like to
12 feel at the end of this that that question, or
13 that concern of mine was satisfied, that this is
14 the best place for these people, because we're
15 going to be having a lot of children and a lot of
16 people who've already been dealt a rather
17 difficult hand, and we are going to put them into
18 a situation where there -- that there'll be
19 challenges. I mean there'll be challenges. Even
20 when we talk about public transportation, still
21 there's a challenge in terms of getting their
22 children to school and all the rest. But my main
23 concern is that -- at the end of the day, that we
24 can be made to feel or understand that this is the
25 best solution.

1 Then just two other quick things. If this
2 does happen, and if there's this parking garage
3 built that I think is an overcorrection.
4 Personally, I think a two-story parking garage
5 would probably be fine, because it would give the
6 place so much more parking, and it would still
7 free up parking spaces on the street. But a third
8 story at \$5 million more just doesn't make sense
9 to me.

10 But I have two concerns, and they're not
11 things -- and I have addressed them actually to
12 the architect at previous meetings. Light
13 pollution, which some other people have mentioned,
14 the latest thing in lighting is, you know, with
15 the coverage shade at the top so it's all downward
16 lighting. So light pollution that doesn't go up
17 to the trees and the birds in the area around so
18 it doesn't impact the neighborhood. And also
19 noise pollution from the generators and the
20 cooling equipment that will be at the top of this
21 tall building.

22 CHAIRMAN HILL: Okay.

23 MS. SULLIVAN: Is my time up?

24 CHAIRMAN HILL: Yeah. That's that beeper
25 sound.

1 MS. SULLIVAN: Okay. Well, thank you very
2 much.

3 CHAIRMAN HILL: It's surprising how fast
4 three minutes goes by.

5 MS. SULLIVAN: I know. Thank you.

6 MR. HART: And, by the way, that's dark sky.

7 MS. SULLIVAN: Dark?

8 MR. HART: Dark sky.

9 MS. SULLIVAN: Dark sky? Oh, I'm all for
10 it. We have one. We pretty much have one now.

11 CHAIRMAN HILL: Okay. All right. Thank you
12 guys very much. Does the applicant have any
13 cross? I'm going to give you a little time here,
14 actually. So how much time do you think you need
15 for cross?

16 MS. MOLDENHAUER: I'm only going to cross
17 Ms. Bradbery, and I would say I need five minutes.

18 CHAIRMAN HILL: Okay. Let's go five minutes
19 on the clock.

20 MR. MILLER: And I have a question.

21 CHAIRMAN HILL: Sure.

22 MR. MILLER: I have a question for
23 Commissioner Bradbery at the appropriate time.

24 CHAIRMAN HILL: Thank you, Commissioner
25 Miller.

1 MS. MOLDENHAUER: You indicated that the RA
2 zone was just not appropriate and should be
3 provided for a smaller shelter. I know I've
4 talked with you about this. I'm assuming you are
5 aware that Ward Eight is in the RA zone and has a
6 40-foot limit and a three-story limit, and they
7 went before the Board in the summer and had a
8 six-story structure proposed based on the
9 programmatic requirements?

10 COMMISSIONER BRADBERRY: What does that have
11 to do with this case?

12 MS. MOLDENHAUER: I'm wondering if you're
13 aware of that, because you indicated that the RA
14 zone was not appropriate for that type of zoning
15 relief, and that type of zoning relief has already
16 been supported in an RA zone.

17 COMMISSIONER BRADBERRY: I was representing
18 what the people in my district have said to me,
19 which they believe that the way this property is
20 zoned is not appropriate for a six-story building.

21 MS. MOLDENHAUER: So the zoning and Ward
22 Three is different than in the zoning in Ward
23 Eight?

24 COMMISSIONER BRADBERRY: We're talking about
25 Ward Three.

1 MS. MOLDENHAUER: So the question about cost
2 increase has been identified. Is it true that the
3 cost increase is due to the change in the parking
4 garage, which is a direct response to try to
5 mitigate community concerns?

6 COMMISSIONER BRADBERRY: It's part of it. I
7 think the other part of it is the tennis court
8 plan. My understanding is that if that were to go
9 through, that would cost \$2.5 million.

10 MS. MOLDENHAUER: But then that also goes to
11 an attempt by the applicant to try to mitigate
12 concerns that the community identified, and that
13 being the relationship to the increased cost?

14 COMMISSIONER BRADBERRY: True.

15 MS. MOLDENHAUER: Can you -- I think it's
16 something that may not have been clearly
17 communicated. But what is your understanding, if
18 the tennis courts temporary use is not approved,
19 what is the alternative option currently on the
20 table for the applicant?

21 COMMISSIONER BRADBERRY: One alternative that
22 we suggested to the City is 39th Street between
23 Macomb and Massachusetts is not -- a large stretch
24 of that is not residential, and it is quite long.
25 And a lot of taxis and out-of-state cars park

1 there during the day. That could be designated
2 for police parking, and I believe that is within
3 the quarter-mile radius. Also, perhaps the other
4 side of 39th Street might be an alternative. And
5 I think --

6 MS. MOLDENHAUER: So the alternative is
7 placing the hundred parking spaces that the police
8 currently need on the street and closing that
9 space off 24 hours a day, seven days a week for
10 eight months?

11 COMMISSIONER BRADBERRY: Well, not just on
12 any Street. On a street that currently is not
13 being used much, from what we can tell, by the
14 neighborhood. It's not zoned at all for -- it's
15 not an RPP.

16 MS. MOLDENHAUER: The garage structure, you
17 asked -- I believe the applicant in conjunction
18 with the zoning --

19 COMMISSIONER BRADBERRY: I'm sorry. Can I
20 just add to that?

21 CHAIRMAN HILL: Sure. Go ahead. Add to it,
22 please.

23 COMMISSIONER BRADBERRY: So another
24 suggestion that Commissioner Wood, I think,
25 mentioned was during the eight months relaxing

1 parking restrictions in the neighborhoods so that
2 you could create a few more spaces just, you know,
3 when you get closer to the stop sign and that sort
4 of thing.

5 MS. MOLDENHAUER: Sorry. So going back to
6 the questions of the parking structure, I believe
7 that during an ANC meeting or discussion it was
8 confirmed that the parking garage would be part of
9 the meaningful connection to the police building,
10 and would be done as a matter of right?

11 COMMISSIONER BRADBERRY: Was that something
12 that you asserted?

13 MS. MOLDENHAUER: I believe it was stated by
14 the architect, and by myself maybe in connection.
15 But you had indicated that you didn't know what
16 the plan was. So were you aware that that had
17 been stated previously?

18 COMMISSIONER BRADBERRY: I can not recall
19 that, but it might have been.

20 CHAIRMAN HILL: You have one more minute,
21 Ms. Moldenhauer.

22 MS. MOLDENHAUER: I am done.

23 CHAIRMAN HILL: Okay. Thank you.

24 So thank you all very much.

25 Oh, sorry, Commissioner Miller.

1 Commissioner Miller, please. Would the Board like
2 to ask some questions?

3 MR. MILLER: Just one. Thank you both for
4 your testimony, and thank all of the previous
5 witnesses that were part of the party status.

6 Commissioner Bradbery, you're part of the
7 community advisory team that's working with the
8 City --

9 COMMISSIONER BRADBERRY: Yes, I am.

10 MR. MILLER: Has a good-neighbor agreement
11 been drafted yet, or are you just in discussion
12 phase?

13 COMMISSIONER BRADBERRY: We haven't started
14 drafting that yet.

15 MR. MILLER: And so have some of these --
16 there have been discussions with the City in the
17 context of that?

18 COMMISSIONER BRADBERRY: Actually, we haven't
19 gotten to the good-neighbor agreement yet.

20 MR. MILLER: But do you anticipate that some
21 of the issues that have been raised about, you
22 know, the location of the trash dumpsters, and the
23 health and safety, and the lighting, that some of
24 that could become part of that good-neighbor
25 agreement.

1 COMMISSIONER BRADBERRY: Yes. I would
2 certainly hope so. I think the relevance of those
3 issues goes to the question of whether there would
4 be any negative public impact from -- and that's
5 part of the zoning application, if I'm not
6 mistaken. So I think that goes to that.

7 COMMISSIONER MILLER: And have you been told
8 a timetable on when that kind of agreement will
9 be --

10 COMMISSIONER BRADBERRY: Probably I think
11 we'll start within the next few months. The next
12 meeting is with the John Eaton folks. And I think
13 after that, hopefully we'll be getting into the
14 good-neighbor agreement.

15 COMMISSIONER MILLER: All right. Thank you
16 for all of your work.

17 COMMISSIONER BRADBERRY: Thanks.

18 CHAIRMAN HILL: Thank you.

19 Anything else from the Board?

20 All right. Mr. Brown, do you have anything
21 that you'd like to ask of your own -- of the
22 people that have testified?

23 MR. BROWN: I have no questions.

24 CHAIRMAN HILL: All right. Okay. Thank
25 you. Commissioner, also thanks for coming down,

1 and staying here, and providing your testimony.

2 It really is appreciated.

3 I'm sorry. Board Member White.

4 MS. WHITE: I'm looking at a community
5 engagement schedule, and I wanted to ask you --
6 there's a -- on Tuesday, March 7th, there's a
7 advisory team meeting with DCPS.

8 COMMISSIONER BRADBERRY: Correct.

9 MS. WHITE: I just wanted to get your
10 thoughts on what level of participation will you
11 be involved in, and what do you -- what do you
12 think will be discussed during that meeting.

13 COMMISSIONER BRADBERRY: Well, I haven't seen
14 the agenda. I imagine it will go around and have
15 a chance for people to express concerns and issues
16 that are associated with the shelter, and see kind
17 of what schools are thinking as far as how to
18 handle those. We haven't heard yet from the
19 schools so -- you know, especially from John Eaton
20 I know it's a concern as to how to handle
21 additional children.

22 MS. WHITE: Okay. I just wanted to note
23 that I had a schedule. So the next meeting
24 appears to be on March 7th.

25 COMMISSIONER BRADBERRY: It was done --

1 MS. WHITE: Quick.

2 COMMISSIONER BRADBERRY: Yes.

3 MS. WHITE: Thank you.

4 CHAIRMAN HILL: Okay. So I thank you so
5 much.

6 So what I'd like to do is provide the
7 applicant an opportunity for rebuttal. However --
8 well, first of all what I'd kind of like to do is
9 provide the opportunity to the applicant for
10 rebuttal, and then the party of opposition will
11 have a chance to cross. And then I'm going to ask
12 for closing statements to be submitted written
13 from both the applicant, as well the party of
14 opposition. Afterwards, unless the Board has any
15 other thoughts, because we really have to -- we
16 have, shockingly, a completely full docket still,
17 I would like to ask for findings of fact and
18 conclusions of law. So just to let you all know
19 that's where we're kind of going at.

20 So that being the case, in terms of
21 rebuttal -- and at this -- I feel really the
22 record is substantial, and so I was going to hope
23 that the rebuttal would not particularly take very
24 long. Ms. Moldenhauer, I somehow think I got a
25 request for a time that seemed a little bit --

1 that I was not going to be able to live with, to
2 be quite honest. So I'm going to say 15 minutes.
3 Okay? How long do you think you possibly could go
4 for rebuttal?

5 MS. MOLDENHAUER: Respectfully, rebuttals
6 are question and answer of each individual person,
7 and it does take longer than an initial
8 presentation. We've just been here since 9:30
9 listening to an exceptional amount of information,
10 which we would like to respond to. And so I would
11 think that we would need at a minimum of 45
12 minutes.

13 CHAIRMAN HILL: Okay. Office of the
14 Attorney General, do you have any suggestions for
15 me? Is there any way to -- there's no way to do
16 rebuttals in written form? No, right? Okay.

17 Let's try for 25 minutes. Okay? Let's try
18 for 25 minutes. All right? Let's try for the
19 most efficiency as possibly, because we have
20 another -- oh my gosh, everybody from this
21 morning. I'm like having déjà vu.

22 MS. MOLDENHAUER: This is the rebuttal team.
23 That's why.

24 CHAIRMAN HILL: That's great. That's good.
25 I'm sorry. I'm just trying to, like, make it a

1 little light so I just don't die up here. Right?
2 None of us have had anything to eat, right? And
3 so let's see. So, again, if you want to take a
4 couple minutes to like focus hard so then you can
5 come back and do the 25 minutes, and then
6 Mr. Brown. We're going to try to get you as
7 quickly as possible through any kind of cross you
8 may have. And then we're going to go to closing.
9 And I think you're with me again for the next one,
10 correct? Okay. Great. So we're all trying to do
11 the same thing here. I'm going to let everybody
12 stand and -- are we ready? Are we good? We need
13 another couple of minutes? Take a minute.

14 So, Mr. Moore, if you could, just kind of
15 keep track of some of the things that the Board
16 has asked for of the applicant at the end. There
17 are some different things. And also the Board can
18 remember what they had asked for.

19 And then as far as the applicant, again, if
20 we get to the end and you haven't had an
21 opportunity or you feel as though there are more
22 things that you need to add to the record, then
23 perhaps you can add them in written form, and then
24 the party in opposition could also submit
25 something to that effect, and then we can also get

1 written closing statements. But we'll see how we
2 go. Okay?

3 MS. MOLDENHAUER: Thank you very much,
4 Chairman Hill. I will first start off by asking
5 Director Gillis to respond to some of the comments
6 earlier about CFA recommendations.

7 DIRECTOR GILLIS: Yes. Actually, with
8 regards to the CFA recommendations, quoting from
9 CFA, it says that, "The mayor receives
10 recommendations from the Commission of Fine Arts
11 or referrals for review of proposed demolition,
12 alteration, or new construction pursuant the
13 Historic Protection Act." Under 45 CFR 2101.1,
14 "For public buildings to be erected in the
15 District of Columbia by the federal government and
16 for other structures to be so erected which affect
17 the appearance of the City, the Commission
18 comments and advises on the plans and on the
19 merits of the designs before final approval or
20 action or action." Under 45 CFR 2103.1, it
21 states, "The Commission functions relate to the
22 appearance of proposed projects within its purview
23 as specified herein. These functions are to serve
24 the purpose of conserving and enhancing the visual
25 assets, which contribute significantly to the

1 character and quality of Washington as the
2 nation's capital."

3 Further, I would also like to add DCRA.
4 DCRA, the permitting arm for us uses their
5 discretion in considering the recommendations and
6 comments of the Commission of Fine Arts before
7 issuing permits, and it is not necessarily
8 obligated to require an applicant to fulfill those
9 recommendations prior to issuing of a permit.

10 Furthermore, it's my understanding that
11 there's certain instances where DCRA discerns that
12 CFA recommendations are unnecessary, or
13 inappropriate, in which case they may issue the
14 permit in light of outstanding CFA
15 recommendations.

16 MS. MOLDENHAUER: So to break that down,
17 that means that the Board of Zoning Adjustment has
18 to evaluate the height; and that, based on that
19 decision, it will be able to go forward with
20 permitting?

21 DIRECTOR GILLIS: That is correct.

22 MS. MOLDENHAUER: I now turn to Mr. Young to
23 address and just to maybe provide a very brief
24 statement about additional public discussion, or
25 the way in which the site selection process

1 obtained information.

2 MR. YOUNG: Sure. So certainly after we
3 initially proposed sites, as my testimony
4 indicated, we talked with the neighborhood
5 extensively. When counsel made the determination
6 to change locations and the site on Idaho Avenue
7 was selected, certainly the community was advised
8 at that point and AMC's were notified. And so
9 there was a period of really up to this point
10 extensive conversation and discussion with the
11 affected communities, this affected community
12 about that location change and impacts of the
13 location change. The point being that there has
14 all along been extensive conversation and input
15 provided for, and will continue in this process
16 for this particular ward, both from the original
17 site and the subsequent site. In fact, one can
18 argue that this particular ward has had even more
19 of that and more accommodations made to the
20 location based upon the issues that they have
21 raised throughout this process.

22 MS. MOLDENHAUER: Thank you.

23 Mr. McNamara, we have comments indicating
24 that the building could be designed as a winged
25 design where maybe you have multiple wings in a

1 shorter structure. Can you address that?

2 MR. MCNAMARA: I'm sorry?

3 MS. MOLDENHAUER: Three stories, two wings,
4 can you explain as to what potentially the
5 challenges would be in that design and how that
6 might not meet the programmatic requirement?

7 MR. MCNAMARA: Sure. Sure. To begin, a
8 larger footprint would probably exceed the limits
9 of the south portion of the site and need to
10 extend into the garden area. The circulation
11 becomes a challenge. In a larger footprint
12 building, you end up doubling the amount of
13 vertical circulation you need. You end up needing
14 to create two stacks of utilities coming down
15 through the building. It becomes that much more
16 costly from an envelope cost prospective for the
17 amount of building we have to build around. Those
18 are just a few of the items that are challenging.

19 MS. MOLDENHAUER: I'm going to just tag on
20 that and then I'm going to come back to you.

21 Director Gilles, if the architect's team had
22 to redesign the building to change the design to
23 that level, would that allow you to accomplish the
24 goals and the timing set out by legislation that
25 closed DC General?

1 DIRECTOR GILLIS: No, it would not.
2 Actually, I would need to have them redesign
3 everything they have at the start of the design,
4 add to that, go back through the permitting
5 process back through CFA. At the end of this, we
6 would be pushed and 2020 to deliver the site, and
7 would miss the 2019 timeframe.

8 MS. MOLDENHAUER: And that would actually
9 have to go back through this board, is that
10 correct, because that would actually be a
11 redesigned project, which this project obviously
12 has to go through special exception relief, so
13 there's additional delay which would not be within
14 the goals and the needs of the programmatic
15 requirements of the City; is that correct?

16 DIRECTOR GILLIS: That is correct.

17 MS. MOLDENHAUER: You mentioned that the
18 challenge also is not just with the programmatic,
19 but you would also have to then push the structure
20 into the gardens. Can you talk about the
21 practical difficulty of that as it relates to the
22 unique elements of the site?

23 MR. MCNAMARA: The garden area to the west
24 of the retaining wall -- first, there's quite a
25 number of plots that are to the west of that wall

1 that will be effected. But then there's also a
2 significant grade drop-off on the south portion of
3 the site, which is currently fairly overgrown. If
4 we were to try to build in that area, it would
5 take some fairly significant foundation challenges
6 and excavation challenges even accessing that part
7 of the site. And so there'd be a significant cost
8 impact of trying to build on that part of the
9 property.

10 MS. MOLDENHAUER: There was testimony about
11 the possibility or options of further excavating
12 the basement and putting the case management work
13 into the lower level. As an architect and as an
14 expert qualified by this Board, what is your
15 opinion of that and how would that possibly meet
16 or not meet the different programmatic
17 requirements of the City?

18 MR. MCNAMARA: As I mentioned in my
19 testimony, I think it's important to have those
20 administrative offices directly adjacent to the
21 lobby where they can start to foster relationships
22 with the residents, because they deal with very
23 weighty issues and they want to foster this
24 relationship where the residents feel comfortable
25 and can open up to the case workers. And so

1 creating a separate area that, you know, is almost
2 often a dungeon area would have the exact opposite
3 effect.

4 MS. MOLDENHAUER: Thank you.

5 Ms. Zeilinger, do you have anything to add
6 to that in regards to the options that we heard in
7 testimony regarding being able to maybe redesign,
8 or put some administrative offices or uses in the
9 basement?

10 DIRECTOR ZEILINGER: Sure. So we know when
11 we are sort of forced into trying to provide
12 important supportive services for people who are
13 experiencing homelessness based on the constraints
14 of a building it is compromising to our ability to
15 support families. It's what we have at DC
16 General. So no, I would absolutely not design
17 case management services and the supportive
18 service things that we have to be set up in a
19 basement. Part of the opportunity we have is
20 actually to set it up then the right way.

21 MS. MOLDENHAUER: I am now going to
22 address -- under the special exception standard
23 for 25 units, it indicates -- or the special
24 exception standard in general for an emergency
25 shelter, it says, "The facility shall not have

1 adverse impact on the neighborhood because of
2 traffic noise, operation, or similar facilities."
3 We've heard a lot of testimony in opposition about
4 that. So I just want to touch on some of those
5 specific issues. Ms. Zeilinger, can you please
6 provide testimony as to why, in your opinion, a
7 facility of this type would not have an adverse
8 effect on the neighborhood based on noise?

9 DIRECTOR ZEILINGER: Sure. So we will have
10 24-hour staffing on site so there -- we don't have
11 people who are coming and going all at the same
12 time. They generally are coming and going at
13 times when other residents are coming and going,
14 because they have similar rhythms to their day as
15 to their surrounding neighbors. We do have the
16 opportunity to offer to the community that in the
17 good-neighbor agreement we can vary much stricter
18 guidelines around how we operate and practices and
19 policies that we can put in place and enforce
20 related to any concerns related to noise. Just
21 also in terms of the way that staff come and go,
22 also very easy to plan and negotiate around in
23 order to have no impact on the community in that
24 way.

25 MS. MOLDENHAUER: Director Gillis, I'm going

1 to ask you the same question. Based on your
2 understanding as DGS who owns the current site in
3 its existing use, do you believe that this
4 facility at the site would have any adverse impact
5 to the neighborhood, or change the existing
6 neighborhood conditions as to noise?

7 DIRECTOR GILLIS: No, I do not. And the
8 reason why I make that statement is something that
9 was brought up earlier in testimony by the party
10 in opposition. It's an active police station as
11 it is. There's noise from the police station as
12 it is. Beyond the officers in the parking lot,
13 the surface parking lot as it is with regards to
14 sirens and movement, there's also an impound lot
15 that is there that tow trucks actually come in and
16 they're actually unloading cars that the police
17 officers have taken into custody. So that noise
18 is already there in that surface lot.

19 Two, there is also a trash dumpster that is
20 there. So there's trash service and garbage
21 removal right there currently existing on the
22 surface lot. In fact, one of the things we're
23 doing with regards to this site, we're moving that
24 trash dumpster from that south wall, which is
25 adjacent to that single-family home, and moving it

1 back to the west wall, the wall that's adjacent to
2 the McLean Gardens. That's going to be right next
3 to the proposed parking structure. So we're
4 moving the dumpster away from that south wall to
5 help in that instance. But I don't see an adverse
6 impact in regards to noise as a result of this
7 particular site location.

8 MS. MOLDENHAUER: Mr. McNamara, as an
9 architect, can you walk through some of the
10 modifications that have been done to reduce any
11 potential adverse impact on the community.

12 MR. MCNAMARA: Sure. We initially looked at
13 the site plan, the south of the building being an
14 opportunity to create the play area to create a
15 greater buffer zone between the building and the
16 adjacent homes. The pushback on that was the
17 noise concern. And to address that, we moved the
18 playground to the west side of the site further
19 away from the neighbors to the south, and
20 maintained that area without moving the building
21 any closer to the side lot.

22 In addition, as Director Gillis just
23 mentioned, the trash and deliveries have now moved
24 onto the north side of the building, whereas
25 before they had come around the west side, the

1 back side of the building closer to the homes to
2 the south. And so that should be no noise impact
3 to the neighbors to the south there.

4 And then the traffic, we don't expect this
5 project to generate traffic issues beyond what we
6 have today from the MPD.

7 MS. MOLDENHAUER: Thank you.

8 Director Zeilinger, if you could, now
9 address whether or not in your expert opinion the
10 type of facility that is being proposed here would
11 have any adverse impact on the neighborhood based
12 on operation.

13 DIRECTOR ZEILINGER: No, I do not believe
14 there would be an adverse impact based on the
15 program operations. Again, any concerns that have
16 been talked about today have been things that we
17 can easily solve, and communicate about, and
18 document, and enforce through a good-neighbor
19 agreement. So there's absolutely nothing in the
20 operation of our programs that should impede the
21 quiet enjoyment of the neighbors.

22 MS. MOLDENHAUER: Ms. White, can you address
23 the same aspect, the same question in regards to
24 traffic?

25 MS. WHITE: Yes. As stated in our

1 transportation assessment, we concluded that the
2 project will not adversely impact traffic
3 conditions, in particular for a couple of reasons.
4 One, the residents wouldn't own vehicles, and so
5 there wouldn't be an impact associated with the
6 residents driving. I think we understood less
7 than one percent of residents would own vehicles.
8 Staff, obviously there would be a higher
9 percentage of staff that would drive; but just the
10 way that shifts work out, staff would arrive very
11 early between -- there's a shift that starts at
12 seven a.m. So that peak doesn't coincide with the
13 peak period of adjacent street traffic. And then
14 there's the later shift sort of when the peak
15 afternoon would happen is like 11 p.m. at night.
16 So in addition to these time periods, also just
17 having the limited level of staff, you know, we're
18 talking about a minimal trip generation for the
19 project.

20 MS. MOLDENHAUER: Thank you.

21 Then, jumping down a section that I know the
22 Board has been hearing a lot of testimony about,
23 section six where the Board of Zoning Adjustment
24 may approve an emergency shelter for more than 25
25 people based on kind of a two-different-prong

1 test. One, the board has to find that the program
2 goals and objectives the District can not be
3 achieved by a facility of a smaller size at the
4 same subject location, and if there is no other
5 reasonable alternative to meet the program needs.
6 So first, Laura, there was questions about whether
7 two physical structures, or two smaller structures
8 could be built and possibly, you know, what would
9 be the programmatic challenges there. Can you
10 address that?

11 DIRECTOR ZEILINGER: Sure. So with two
12 structures, we would have to operate two programs.
13 That would double our operating costs practically
14 on a year, not just in the development capital of
15 the project, but every year in the way that we
16 would operate that would leave us less money in
17 our budget to pay for the services and supports
18 that families need to actually end their
19 homelessness. So it creates issues in terms of
20 having a system that works in that is balanced.

21 It also, in terms of our goal of getting
22 through what we need to do to close a replace DC
23 General, it extends our timeline years and years
24 out, which is -- and there is a serious impact of
25 doing that that is negative, as what we heard from

1 what it is like to live and have to receive
2 services at DC General, or in a motel because the
3 City just doesn't have viable alternatives to
4 offer today. So the longer we sort of drag things
5 out to try to do something different, we have to
6 remember that people are hurt by that.

7 MS. MOLDENHAUER: You heard conversations
8 and discussions on the previous portions of this
9 testimony about how we have been referencing that
10 some portions of our obligations and programmatic
11 needs have been legislated, or have been
12 identified by code. Can you clarify that point,
13 and that we're not talking about the site
14 selection, but that we're talking about the other
15 elements of -- you know, whether it's design
16 requirements or timeframes that you just touched
17 on?

18 DIRECTOR ZEILINGER: Sure. So several years
19 back when DC ran out of room and ran out of money
20 to pay for hotels during the Gray administration,
21 they were putting families in congregate settings
22 and rec centers. As a result, the City Council
23 legislated the Shelter With Dignity Act that
24 required that the District shelter families in
25 private rooms when we're in overflow and that we

1 use apartment-style shelters. As we did the
2 committee on program design with our own agency
3 counsel on homelessness got the recommendations
4 and brought that report forward, and asked to be
5 able to provide and develop those DC placement
6 sites with private rooms, as opposed to
7 apartment-style shelter. The requirements around
8 that were legislated so that up to 50 units per
9 site were put into legislation by the Council
10 requirements on minimum number and type of
11 bathroom facilities so that we're able to meet our
12 obligations, reasonable accommodation request also
13 put into law. So they went into the legislative
14 record and there was a lot of emphasis on making
15 sure that, if the District was going to lower its
16 standards from providing apartment-style shelter
17 to accept being able to provide a single room with
18 shared facilities, that we adhere to certain
19 design guidelines; and we have been true to that
20 in our process.

21 MS. MOLDENHAUER: Thank you very much,
22 Director Zeilinger.

23 CA Young, can you just -- the next prong of
24 this is that there are no other reasonable
25 alternatives. Can you provide a little bit of

1 background about your role in the City, and your
2 experience in going through other processes on
3 whether or not you believe this process has been
4 appropriate and reasonable in conjunction with the
5 zoning standard before us?

6 MR. YOUNG: Sure. In my role as a city
7 administrator, my job is to really run the
8 day-to-day operations of the entire District
9 government. And often when we make policy
10 decisions, we do that not having a perfect
11 solution at our disposal. It is usually and in
12 most instances where we make major policy
13 decisions of which I have been a part, not only in
14 DC, but the other four cities which I have run
15 across the country, that you have to make
16 tradeoffs and balance a lot of competing interests
17 to get to a policy solution that is workable.

18 In this instance the factors that we
19 consider are numerous. It is both what is
20 necessary and we know to work from a programmatic
21 standpoint and from our ability to deliver
22 services to meet our ultimate objective and goal,
23 which is to make homelessness for families brief,
24 rare, and non-recurring, it is also what financial
25 resources we have to bear to make a solution

1 workable and what then the timing is to achieve
2 the policy goals that we have.

3 In this instance we have looked at all
4 possibilities at the front end of this process
5 from owning property, to leasing property, to
6 siting facilities on our own property for each and
7 every ward that we've pursued. We've looked at
8 the cost of -- the balancing test around costs,
9 whether it's more advantageous to lease versus
10 buy. All in consideration of the context of the
11 timing to do this particular work.

12 When the Council, which is within their
13 purview, says that their policy determination is
14 that we have to have these sites located on
15 properties that we own, as opposed to some other
16 alternative, it does create a constraint for us.
17 And in looking at this particular site and
18 location, given all of the things that we have to
19 consider, and all of the things that we have to
20 balance, this absolutely, we think, is a
21 reasonable alternative, and there isn't another
22 alternative for us to move to in Ward Three that
23 achieves the policy direction, or achieves the
24 policy outcomes that we've adopted both by plan,
25 by legislation, by mayoral directive, and within

1 the resource constraints that we have, and that
2 can best serve the families that we're trying to
3 serve for the overarching policy we're trying to
4 achieve.

5 MS. MOLDENHAUER: Thank you very much
6 Mr. Young.

7 Turning to Director Gillis, you had
8 testified at the beginning and then there was,
9 again, a lot of questions about the request for
10 proposals, inventory review. Can you just
11 briefly -- I don't need you to repeat what you
12 said earlier, but I think there are some issues
13 that were stated that were incorrect and just some
14 brief clarification.

15 DIRECTOR GILLIS: Okay. If you're referring
16 to the work that we did and the assessments that
17 we did, then yes, I can comment on that. The
18 District did look at and assess what would be
19 available properties within the wards for these
20 locations, and we did it in all wards. But for
21 Ward Three we looked at our inventory first and
22 foremost. Our procedure, if we were looking for
23 inventory for any use, for any District government
24 use, for an agency, for any use, we would look at
25 our inventory first. That is not a public

1 process. That is a process that we would go into
2 our database of properties, and look to see what
3 would be available. We would check the inventory
4 to see what would match against the criteria as
5 given to us by the Department of Human Services,
6 as well as the design criteria, what would be a
7 right footprint, the right square footage of the
8 property that could site a location such as this.
9 What would be the amenities close to public
10 transportation, that was also one of the criteria.
11 We would check all of that, and we did. The site
12 also needed to be available for use. If there was
13 no available site within our inventory that could
14 actually house this purpose and meet the criteria,
15 then we went to a solicitation for offer. The
16 city administrator talked about that, how we
17 actually went out to look at any lease
18 opportunities. So that helps to clarify what was
19 done.

20 MS. MOLDENHAUER: Thank you very much.

21 I'm going to jump back over to Mr. McNamara
22 on some of the architectural elements. We heard
23 concerns about light pollution. The building is
24 going to be Lead certified, and that is part of
25 the record. Can you clarify how that possibly

1 addresses that issue?

2 MR. MCNAMARA: Yes. The building would be
3 Lead Gold certified, and we would utilize night
4 sky fixtures with cut off so that there is no
5 light leaving the confines of the site. Was there
6 a followup to that? Okay.

7 MS. MOLDENHAUER: Thank you. That answered
8 that question. Then there were comments about the
9 fact -- I think the opposition, the NRG indicated
10 that they were opposed and they believe that the
11 relief requesting for two structures, two primary
12 structures on a single lot is a use variance. But
13 I want to be clear, it has to do with the actual
14 physical structures, is that correct, not the
15 uses?

16 Let me rephrase that. I'm sorry. If these
17 two structures were connected by a meaningful
18 connection, under the zoning regulation, would
19 that be -- would that remove that area of relief?

20 MR. MCNAMARA: If the emergency shelter were
21 connected to the MPD station?

22 MS. MOLDENHAUER: Yes, correct.

23 MR. MCNAMARA: Would that remove the --

24 MS. MOLDENHAUER: Two primary structures on
25 a single lot.

1 MR. MCNAMARA: Yes, yes.

2 MS. MOLDENHAUER: And is there a physical or
3 is there a practical difficulty --

4 MR. MCNAMARA: Yes.

5 MS. MOLDENHAUER: -- With connecting the
6 two, the emergency shelter and the MPD structure,
7 by a meaningful connection?

8 MR. MCNAMARA: Yes. They operate separately
9 for obvious reasons. They don't want to be
10 crossing paths.

11 MS. MOLDENHAUER: And that's the rationale
12 for seeking the two separate structures?

13 MR. MCNAMARA: Yes, it is.

14 CHAIRMAN HILL: Mr. Moy, could you put five
15 minutes on the clock, please? We've gone into
16 overtime. Thank you.

17 MS. MOLDENHAUER: Director Gillis, there has
18 been comments about the RA zone in other zones,
19 and how the overall degree of relief being sought
20 here is overly large, beyond the scope of this
21 board. Can you please just briefly talk about the
22 other three shelters that are moving forward and
23 how those compare in regards to relief and
24 process?

25 DIRECTOR GILLIS: Sure, I can do that.

1 Starting with Ward Four, Ward Four was one that
2 also was approved by the Board. We've requested a
3 variance on height. 50 feet was allowed. 59
4 feet, two inches was requested. Floor area ratio,
5 2.5 was allowed. 3.0 was requested and approved.

6 We also looked at construction of an
7 emergency shelter in the MU-4 Zone, which was
8 approved.

9 For Ward Seven height also 49.5 feet was
10 requested. 40 is allowed. It's also a RA-1 Zone.

11 In our Ward Seven site FAR 2.38 was
12 requested. 0.9 is allowed. Lot occupancy was
13 also -- was a variance. 64 percent was requested.
14 40 percent is currently allowed. Rear yard, 14.25
15 feet requested. 20 feet allowed. Side yard, five
16 feet requested. 12.38 allowed. And with the
17 parking, because we felt that there would be no
18 parking needs required for residents of this
19 particular facility, we requested zero parking,
20 and that was approved.

21 For Ward Eight, it's a very similar -- it's
22 also an RA-1 Zone. Height, 40 feet allowed. We
23 requested 67 feet. Parking, we requested 11 as
24 part of the variance. The loading requested, no
25 platform or berth. We received 30 feet of berth

1 and 100 square feet of platform.

2 MS. MOLDENHAUER: Thank you.

3 Mr. McNamara, I'm just going back through
4 questions of the height and story relief. The --
5 is it your opinion that this site is exceptional
6 or unique in regards to the topography and the
7 challenge in regards to where you have limitations
8 on locating a building, given the existing police
9 location and other physical condition -- physical
10 structures on the site?

11 MR. MCNAMARA: It is exceptional in that
12 it's not typical to have a site with a drop of 18
13 feet from one onto the other. So in looking at
14 the siting, especially when you're talking about
15 trying to build a tall building, you want to look
16 to the place where it's going to have the least
17 impact.

18 MS. MOLDENHAUER: And will there also be
19 challenges with possibly using other areas of the
20 site, which have to do with the gardens or other
21 portions of the site that are on Newark?

22 MR. MCNAMARA: Are there possibilities?

23 MS. MOLDENHAUER: Practical difficulties
24 associated with that.

25 MR. MCNAMARA: Yes, there are practical

1 difficulties in that -- well, Newark Street for
2 one is a much smaller street than Idaho Avenue.
3 The gardens are pretty much along that entire
4 street, and so we would take out -- to put a
5 shelter there would pretty much wipe out all those
6 gardens. The services or Newark are not as large
7 as they are on Idaho Avenue. And then moving back
8 away from Newark Street --

9 MS. MOLDENHAUER: By Services you mean
10 utilities?

11 MR. MCNAMARA: Yes. And then to look for
12 space within the site that doesn't have gardens
13 are just too far away from either street, so you'd
14 need to do extensive work to extend the utilities
15 to the site.

16 MS. MOLDENHAUER: And, given all those
17 factors, from a design perspective, it would be
18 practically difficult then to build something that
19 is within the programmatic requirements that would
20 not obviously be you located where it currently is
21 and be lower than six stories?

22 MR. MCNAMARA: Correct.

23 MS. MOLDENHAUER: And in your professional
24 opinion, the design is in harmony with the
25 property surrounding it?

1 MR. MCNAMARA: It is. We worked hard to
2 develop a building that was -- that utilized
3 architecture that was in keeping with the area.
4 We didn't want something that was going to stand
5 out and make a statement. This is something
6 that's going to need to live with these neighbors,
7 so that was the driving force behind the form and
8 the materials that were chosen.

9 MS. MOLDENHAUER: Last I just turn to
10 Ms. Zeilinger. There were some comments at the
11 end of the discussion about DCPS, and that the SMD
12 would be looking for some sort of plan. Can you
13 address the legal parameters under which DCPS is
14 working with and then also your expert opinion on
15 how homeless families work within the DC public
16 school system.

17 DIRECTOR ZEILINGER: Sure. So there is
18 legislation in the federal law that governs -- in
19 the McKinney-Vento Act that governs the rights of
20 children who experience homelessness as it relates
21 to their education and schooling. It protects
22 their ability when they experience an episode of
23 homelessness to maintain enrollment in their
24 school of origin, or to enroll in a school where
25 they are in the zoning in which they are staying

1 during the time that they are experiencing
2 homelessness in their temporary setting. They
3 then are able to stay there through the conclusion
4 of that school year. And if they then move to
5 permanent housing destination in a different place
6 in the City, they would then enroll their children
7 in their new home school.

8 Our experience here, which is very much like
9 it is throughout the country, is that parents most
10 often choose to keep their children in their
11 school of origin. Now, I know parents of children
12 in Eaton are very proud of their home school, and
13 that is true of many parents throughout the
14 District of Columbia. And that educational
15 continuity is something that parents care a lot
16 about. Pulling kids out of the school where they
17 have friends and relationships with teachers is
18 something that many parents find is disruptive.
19 Now, it would absolutely be within their right to
20 enroll at Eaton; and should they choose, DCPS has
21 communicated to us that they are very comfortable
22 with their ability to accommodate that.

23 I think it is a little-known fact that in
24 virtually every school in the DC public school
25 children there are children who are experiencing

1 homelessness. It is not unusual for them that
2 they are serving children who are experiencing
3 homelessness. Now, an education definition of
4 homelessness is broader to ensure those rights,
5 and includes all children who are in doubled-up
6 capacity. So if someone, instead of coming into
7 shelter has someone they can temporarily stay
8 with, it still evokes the same rights. But
9 it's -- it is not unusual for them. So they are
10 very confident in their ability to accommodate
11 children who might matriculate from this program.

12 The funding formula for schools is based --
13 it goes up based on children, serving children who
14 are at risk. And children experiencing
15 homelessness meet that at-risk definition. So the
16 school will do projections based on the expected
17 enrollment. It will impact their formula. And we
18 will work closely with Eaton. We have parents of
19 Eaton, representatives from Eaton and the area
20 schools on our community advisory team. And we
21 have had conversations with the principal of
22 Eaton, and we look forward to having a focussed
23 conversation on all concerns related to DCPS with
24 the community in our next advisory team meeting as
25 well.

1 But there is -- I guess to answer your
2 question about a plan, there would not be one
3 separate discreet plan that says here is our start
4 and stop plan as it relates to Eaton that I'm
5 aware of. It would be -- certainly they would
6 make plans related to expected enrollment, which
7 is consistent with a process that DCPS does as
8 part of -- from my -- from what they've conveyed,
9 is part of their normal operations. And that's
10 something that, again, that this city
11 administrator, since he oversees all of government
12 operations, could speak to perhaps with more
13 fluency.

14 MS. MOLDENHAUER: Thank you.

15 CHAIRMAN HILL: Okay. Great. Thank you.
16 Well, thank you all very much. That was extremely
17 efficient. And --

18 MS. MOLDENHAUER: Sorry. There's just one
19 procedural issue. Our expert, Ms. White, has to
20 run out in 25 minutes. So if we could redirect
21 questions to her first, if that is possible.

22 CHAIRMAN HILL: Sure. That's fine.

23 Mr. Brown, if you wouldn't mind, during your
24 cross here -- and I was going to go ahead and put,
25 if it's all right, 15 minutes on the clock for now

1 and see how that goes. Okay? If Mr. Moy is still
2 there. He is. Ms. White -- if you could direct
3 any questions you might have to Ms. White first,
4 and then we can get to kind of the end of this
5 case.

6 MR. BROWN: Ms. White, you said that part of
7 your traffic assessment was based on --

8 CHAIRMAN HILL: You might want to speak
9 closer to that microphone, Mr. Brown. Sorry.

10 MR. BROWN: Ms. White, you said that part of
11 your traffic assessment was based on the notion
12 that residents wouldn't own vehicles, right?

13 MS. WHITE: Yes.

14 MR. BROWN: Where did you get that
15 information?

16 MS. WHITE: It was given to us as part of
17 programming early on from DHS and DGS.

18 MR. BROWN: So that's their perspective on
19 the rate of vehicle ownership by homeless people,
20 not yours?

21 MS. WHITE: That is correct.

22 MR. BROWN: All right. I don't have any
23 other questions for Ms. White.

24 CHAIRMAN HILL: Okay. Does the ANC have any
25 questions for Ms. White?

1 All right. Just for the record, the ANC is
2 shaking their head no. Okay.

3 Thank you, Ms. White. Ms. White, do you get
4 to leave?

5 MS. WHITE: I do. Sorry.

6 CHAIRMAN HILL: Okay. Good. All right.
7 The clock's not moving.

8 Mr. Brown, please continue.

9 MR. BROWN: Director Gillis, you talked
10 about the various zoning relief obtained in the
11 Ward Four, Five, and Seven homeless shelter cases.
12 Those cases were all decided on one day last June;
13 weren't they?

14 DIRECTOR GILLIS: Yes, they were.

15 MR. BROWN: Were you here?

16 DIRECTOR GILLIS: I was not.

17 MR. BROWN: Oh, all right. Those cases were
18 all uncontested in the sense that there weren't
19 any parties like my client sitting in opposition
20 and asking questions; isn't that right?

21 DIRECTOR GILLIS: That is correct.

22 MR. BROWN: Did you see the summary orders
23 issued in those cases?

24 DIRECTOR GILLIS: I did not.

25 MR. BROWN: Did you know that those summary

1 orders, by virtue of the fact that there was no
2 party in opposition, had no findings of fact and
3 conclusions of law?

4 DIRECTOR GILLIS: I did not.

5 MR. BROWN: You said that you looked at the
6 available opportunities for other sites, and your
7 first and foremost look was inventory of DC
8 properties, right?

9 DIRECTOR GILLIS: Correct.

10 MR. BROWN: And that you checked them for
11 the availability and suitability for use?

12 DIRECTOR GILLIS: Right.

13 MR. BROWN: You also said that you looked at
14 lease opportunities, right?

15 DIRECTOR GILLIS: Correct.

16 MR. BROWN: What did you do in particular
17 with regard to canvassing private property owners
18 who might be interested in selling their property
19 to the District for use as the Ward Three homeless
20 shelter?

21 DIRECTOR GILLIS: That was a part of the
22 solicitation opportunity that we placed the
23 solicitation for offers would actually bring those
24 developers who would be interested in bringing in
25 any opportunities as well. So that would be a

1 part of that entire solicitation process.

2 MR. BROWN: Was there such a solicitation
3 for Ward Three, and when was it?

4 DIRECTOR GILLIS: There wasn't a
5 solicitation for Ward Three, because it was a
6 solicitation SFO for all wards, for all sites that
7 we did. And we talked about that earlier. It was
8 in 2015, early in 2015.

9 MR. BROWN: That was before a decision was
10 made that there would be no leasing of
11 privately-owned properties?

12 DIRECTOR GILLIS: Correct, correct.

13 MR. BROWN: Did you hear Mr. Powers'
14 testimony about solicitations for leasing
15 privately-owned properties?

16 DIRECTOR GILLIS: Mr. Powers that was here
17 as part of the NRG, correct.

18 MR. BROWN: Was he mistaken in some fashion?

19 DIRECTOR GILLIS: He talked about the
20 solicitation for offers for leasing. That is
21 correct. And I said as part of that process
22 that's where also anyone that would be interested
23 in providing their properties for acquisition
24 would also come forward as well.

25 And then also we had a broker we used. As I

1 opined in my testimony, we had a broker that also
2 looked in our behalf and the District's behalf on
3 properties and developers who would also be
4 interested in providing that -- providing their
5 sites to us for an acquisition and purchase.

6 MR. YOUNG: And to be clear and to follow
7 onto that, we never started with the intention of
8 solely leasing. Our intention at the beginning in
9 looking for property was never focused only on
10 leasing properties. We looked for every method of
11 acquisition or use that we could, properties we
12 owned, properties we could lease, or properties we
13 could buy.

14 MR. BROWN: Who was the broker?

15 MR. YOUNG: Stuvley (phonetic)?

16 DIRECTOR GILLIS: Savas Dudley (phonetic).

17 MR. BROWN: Mr. Young, you stated in your
18 testimony that in addition to looking at sites
19 that you own, you looked at cost as well.

20 MR. YOUNG: I did.

21 MR. BROWN: My question is, You weren't
22 anticipating the rather sudden increase in costs
23 that this project has experience at that time when
24 you were looking at costs; did you?

25 MR. YOUNG: No, we were not. But I will say

1 that as we looked at this overall project we
2 really thought about -- we did -- we -- we
3 developed a budget based on a very preliminary
4 assessment of what it would cost to implement this
5 program with the full knowledge that the actual
6 cost to implement this program would be dictated
7 by a number of things, including where the site
8 was, the method of acquisition or use, whether it
9 was lease versus purchase versus something that we
10 owned, and what the ultimate design would be. So
11 we anticipated all along that our preliminary
12 budget was, in fact, preliminary.

13 MR. BROWN: Do you happen to remember what
14 the projected lease cost per unit was when the
15 Ward Three shelter was originally proposed for
16 Wisconsin Avenue?

17 MR. YOUNG: I do not know off the top of my
18 head that.

19 MR. BROWN: Do you disagree with the
20 testimony you heard today about the ultimate cost
21 of -- per unit cost of the Ward Three shelter
22 would be something on the order of \$600,000?

23 MR. YOUNG: I would disagree with the method
24 of calculating that cost as it relates to the per
25 unit cost for this project. This is not a site or

1 a project for which we are developing sort of
2 housing in the sense that that example was given.
3 There is a service component to this. There is a
4 case management component to this as well that's
5 factored into the overall cost to deliver the
6 program. So this isn't the same as saying we're
7 doing affordable housing at X dollars per unit,
8 because that's not really what this is.

9 MR. BROWN: Mr. McNamara, you said that a
10 larger footprint such as would be involved in a
11 three-story, two-wing structure would be more
12 costly than a six-story, single-wing structure,
13 correct?

14 MR. MCNAMARA: Correct.

15 MR. BROWN: Can you give me a ballpark
16 judgment of the difference in cost between those
17 two options?

18 MR. MCNAMARA: I really can't. I mean, I
19 can take a guess at it and say a 25- to 35-percent
20 increase, something along those lines. But it's
21 really just a wag. I, you know --

22 MR. BROWN: All right. Well, let's go with
23 the -- let's go with the 30-percent increase.
24 What is the projected construction cost of this
25 facility?

1 MR. MCNAMARA: I'm sorry. Could you repeat
2 the question?

3 MR. BROWN: Let's just -- I want to ask you
4 a question based on a 30-percent increase. The
5 preliminary question is, What is the -- what is
6 the cost that you would project to construct the
7 facility that you have in mind now for the Ward
8 Three shelter?

9 MR. MCNAMARA: I believe that the cost
10 stated was 18 million.

11 MR. BROWN: Okay. So --

12 MR. MCNAMARA: 18.9.

13 MR. BROWN: We'll add another five or \$6
14 million to that. It would be something like 24
15 million to do a two-wing structure?

16 MR. MCNAMARA: That sounds like a fair
17 enough guess.

18 MR. BROWN: Okay.

19 Ms. Zeilinger, you said that the design
20 requirements were in part significantly controlled
21 by the Shelter With Dignity Act, correct?

22 DIRECTOR ZEILINGER: That was certainly one
23 factor which was our starting point as we begun
24 this process where we needed to understand what
25 was required of us in law and ask for a change

1 from DC Council as it related to that.

2 MR. BROWN: Were there other additional
3 requirements that were legislated at a later time
4 as into law?

5 DIRECTOR ZEILINGER: Yes. So the Council in
6 December did two things at the administration's
7 request and legislation. One had to do with our
8 policies and practices around eligibility,
9 allowing us the 30 to establish an interim
10 eligibility process to provide access to safe
11 shelter for families while we're still completing
12 eligibility and trying to remedy a situation, a
13 housing situation. The second was to revisit the
14 requirement for an apartment-style shelter, and to
15 allow us to create in -- not just for hypothermia
16 overflow, but in our year-round permanent
17 inventory shelter that included single rooms with
18 shared bathroom -- with shared bathroom
19 facilities.

20 MR. BROWN: Okay. So we have a requirement
21 to provide single rooms and shared bathroom
22 facilities. Is there also a requirement that
23 there should be precisely ten units per floor?

24 DIRECTOR ZEILINGER: Not in statue.
25 Certainly in the report that informed our work

1 from the ICH, and in the legislative record
2 related to the law that the Council eventually
3 passed. There are requirements around the number
4 of units in the building overall, as well as the
5 numbers and types of bathrooms, and some of the
6 other amenities, but it did -- I don't think -- I
7 don't think the 10 units per floor was in the
8 legislation. There's a clear -- it was a clear
9 guideline provided by the Interagency Council on
10 Homelessness.

11 MR. BROWN: Yes, that was the term I was
12 going to suggest to you, guideline. The -- is it
13 also a guideline that it is preferable to have
14 only 10 units per single floor, rather than to
15 have two units of 10 -- two wings of 10 units per
16 floor?

17 DIRECTOR ZEILINGER: I'm sorry. I don't
18 understand your question.

19 MR. BROWN: I just want to understand
20 whether it's regulatory or a guideline your
21 decision that you have a -- you obviously have a
22 strong preference for 10 units per floor, and not
23 a situation where you have two different wings on
24 the same floor --

25 DIRECTOR ZEILINGER: Right.

1 MR. BROWN: -- of 10 units each.

2 MS. MOLDENHAUER: I will just object to the
3 terminology. I don't believe my clients have ever
4 said that it's a preference to have that.

5 MR. BROWN: Well, I'm happy to have her
6 explain.

7 DIRECTOR ZEILINGER: Okay. So in the
8 Interagency Council on Homelessness' report that
9 created the design requirements -- and this
10 report, again, is not -- I was one member on a
11 much larger committee that created these
12 guidelines. There's a very specific
13 recommendations that then informed the entire
14 process going forward. This was a critical step
15 in being able to build support in the community to
16 do something other than apartment-style shelter.
17 So these were -- we took these as requirements as
18 we moved forward, as was intended by the process.
19 If we were going to do something fundamentally
20 different than was set forth in the ICH report,
21 then I -- then there would have likely been a lot
22 of questions and not the same ability to build
23 support for the legislative relief and that we
24 needed to move forward.

25 But also just from a -- you have to take it

1 into a program in upper -- it's not arbitrary into
2 the context of what it means to operate a program.
3 So if we have two separate distinct wings, then we
4 now have to have this -- remember what we talked
5 about in terms a sight lines, children, the
6 ability to maintain and control a predictable
7 space that you -- while you want to have the right
8 ratio of private family bathrooms per family, you
9 also want to -- if someone's in there, you want
10 the ability to be able to use a different
11 facility. All of these work together with 10
12 units per floor. When you then create separate
13 wings with separate access, it -- it does change
14 very much, and so does the nature of the design
15 operations.

16 And I will also just let you know that
17 there -- it was a lot -- the -- some of the most
18 vehement opposition that came our way was even at
19 the notion of temporarily doing anything on the
20 other side of the wall related to the garden. So
21 suggesting that somehow a footprint that would
22 necessarily go into the community gardens somehow
23 provides relief that's being sought I don't quite
24 understand.

25 And I want to note that your person who

1 heads the Neighbors for Responsible Government
2 said under no circumstances do they think it's
3 actually just an issue of height, but they were
4 opposed to it being the density of 50 families.
5 So I'm not quite -- just also important for the
6 record.

7 CHAIRMAN HILL: Just to let you know,
8 Mr. Brown, we went 15. I'm going to put another
9 five on the --

10 MR. BROWN: That's not necessary. I'm don.

11 CHAIRMAN HILL: Oh, okay. Are you sure?

12 MR. BROWN: Yeah.

13 CHAIRMAN HILL: Okay. All right. So what I
14 was going to request now -- and I think I lost
15 Mr. Moy. I saw him. He's trying to probably run
16 away. But I wanted to ask again the Secretary,
17 Mr. Moy, to kind of go over the things that we had
18 asked for, and perhaps maybe the Board can also
19 help clarify from the applicant and the party in
20 opposition.

21 But to begin with, again finding of fact and
22 conclusions of law would then give you the
23 opportunity also, Mr. Brown, to respond to your
24 first point, I think, in terms of the record
25 staying open due to the late filings.

1 Then also -- that's really all I have. I
2 mean, I don't know what other things, Mr. Moy,
3 perhaps there was that the Board had requested, or
4 if the applicant or the party in opposition could
5 remind us at this point. I know that -- I thought
6 you had something, Commissioner Miller. I think
7 it was just findings in fact and conclusions of
8 law.

9 Oh, yeah. And then, of course -- thank you.
10 And then closing statement, please, for the
11 record. If you could, just submit those in
12 writing.

13 MR. MILLER: Mr. Chairman?

14 CHAIRMAN HILL: Yes.

15 MR. MILLER: There was -- you know, there
16 was a lot of testimony about the height, and the
17 effect on the single-family adjacent homes. If
18 the applicant maybe in some kind of post-hearing
19 submission could address the height variance test
20 and the problem about the integrity of the zone
21 and no substantial impact on the public good. If
22 it could show a rendering from the south that
23 shows the height of the building, and maybe
24 provide information on -- which they provided
25 today on the -- there's the 60-foot side yard I

1 think you mentioned -- what mitigations there are
2 in the design that would -- or what elements there
3 are in the design and the materials that would
4 mitigate against the impact on those single-family
5 homes that are adjacent or nearby to the south. I
6 don't know if that's something you can provide, or
7 direct into the new record. I think it would be
8 useful to have that supplemented in the record
9 since that seems to be a lot of the focus of the
10 adjacent neighbors at least, or the nearby
11 neighbors.

12 CHAIRMAN HILL: Ms. Moldenhauer, do you
13 understand?

14 Okay.

15 MR. BROWN: Mr. Chairman?

16 CHAIRMAN HILL: Yes, sir.

17 MR. BROWN: May briefly add for Mr. Miller's
18 benefit Exhibit 5 to our prehearing statement is
19 an architectural rendering, orthographic
20 projection of a comparison of the elevations of
21 the houses to the south of the project with the
22 project done by DC-certified architect.

23 MR. MILLER: I appreciate you directing me
24 to that, and I will look more carefully at that.
25 I had seen that briefly. So if the applicant can

1 respond directly to that submission as part of
2 your submission on this point.

3 MR. MOY: Mr. Chair?

4 CHAIRMAN HILL: Yes.

5 MR. MOY: Other than what's already been
6 mentioned, I have on the staff notes two other
7 items which may or may not, depending on how the
8 discussion had moved forward, but there was talk
9 earlier about -- I'm not sure these are the right
10 words, but just to paraphrase -- some questions or
11 issues revolving on whether there are other model
12 types for this type of facility around the
13 country. I don't know whether that's something
14 that's already been resolved by the Board, or you
15 moved forward and don't need that information any
16 longer.

17 The other is -- I guess this was in
18 reference to Ms. Zeilinger about numbers, point in
19 time about numbers regarding the number of people
20 in shelters and on the street. Does that ring a
21 bell? If not, then we're good to go.

22 CHAIRMAN HILL: Okay. I don't have anything
23 further. I mean, I think that the -- the items
24 that have thus far been requested is fine for me,
25 unless, you know, anyone has anything else. And

1 again we go with findings of fact, the conclusions
2 of law, the diagrams Mr. Miller is speaking of in
3 terms of the properties to the south.

4 I guess I would also be interested in
5 hearing a little bit more about the community
6 outreach in terms of the advisory teams. Like, I
7 guess, you know, there's been a lot of discussion
8 about how there has been a lot of community
9 outreach. There was a timeline in your
10 presentation in terms of the type of community
11 outreach. But really, you know, you -- one can
12 see that there still needs to be a lot of
13 community outreach. And I would like to know, and
14 perhaps other board members as well, just what is
15 the plan moving forward in terms of what types of
16 community outreach is supposed to be happening,
17 who is invited, you know, how -- who are composed
18 of those teams, and how they kind of came about.
19 I mean, that perhaps is something in your
20 submission that I would be kind of interested in
21 knowing. You know, there was testimony given in
22 terms of some people didn't get to participate, or
23 didn't participate. And I was kind of curious as
24 to how those teams were kind of brought together.

25 And also, actually, Ms. Zeilinger, Director

1 Zeilinger, you're welcome to testify right now. I
2 am a little curious as to how those teams kind of
3 came together. I hate to ask questions but --

4 DIRECTOR ZEILINGER: No. That's easy, and
5 I'm happy to just -- to address it for you. So we
6 created for -- that we would use in each and every
7 ward a general sense of representative membership
8 of stakeholder groups, community associations,
9 immediate neighbors, ANC business groups nearby,
10 and faith groups, and then worked with a council
11 member and then made -- there are guidelines in
12 the document that we have to you, and we can
13 also -- we will also submit it for the record
14 about who is able -- and then people are able to
15 appoint additional representatives. So on our
16 community advisory team, while we don't -- we have
17 representatives, for example, in Ward Three from
18 McLean Gardens Community Association, from the
19 feeder -- Eaton and the DCPS elementary school's,
20 the parent groups there. We have Adas Isreal as a
21 faith representative. I cochair it with the ANC.
22 We have communications that we'll share with you
23 where we reached out first to the ANC asking to
24 cochair, and then to help us name the
25 representatives on the community advisory team

1 with the description of the milestones and the
2 work that we would be doing together and a clear
3 articulation of purpose.

4 CHAIRMAN HILL: From the ANC?

5 DIRECTOR ZEILINGER: From the ANC. So
6 the -- I co-facilitate with the ANC rep -- the
7 former -- my former cochair moved. And when he
8 moved, then Nancy MacWood became the cochair with
9 me most recently. But before that Carl Roller was
10 cochair but --

11 CHAIRMAN HILL: Okay. I was just -- okay.
12 Thank you. Thank you. I was just curious again
13 as to how those names were submitted so --

14 DIRECTOR ZEILINGER: So there were
15 certain -- the council member made certain
16 selections; the ANC made certain selections; but
17 they were also made in terms of the representative
18 groups who are on -- the idea was that all of the
19 different stakeholders in the immediate area would
20 have representative on the advisory team to share
21 information back and forth.

22 CHAIRMAN HILL: Ok.

23 DIRECTOR ZEILINGER: And we also then -- and
24 I offered to all of them to ask them to bridge
25 information as much as possible, but I would go

1 out to their individual groups as well to do
2 meetings. And I did that with McLean Gardens as
3 well. So in addition to all of our regular public
4 meetings, we did a special meeting hosted by
5 McLean Gardens, as one example.

6 CHAIRMAN HILL: Okay. Okay. So still in
7 the record, though, if you could just kind of
8 outline again how you went about finding people.
9 I'm curious in general, okay, because it's going
10 to be on all the different facilities. And then
11 again, how this moving forward -- like which group
12 meets when, and how, and transportation, the
13 education, the schools, those type of things.

14 Does the Board have any other things they'd
15 like to ask of the applicant?

16 Okay.

17 MS. MOLDENHAUER: Could I just ask a
18 procedural timing question?

19 CHAIRMAN HILL: Sure. Of course.

20 MS. MOLDENHAUER: Is there any other
21 comments that we need to submit?

22 CHAIRMAN HILL: I, actually, before you -- I
23 did want to just mention for the record that we
24 did have a letter that was submitted by the
25 council member for Ward Three in support of the

1 application. But, again, I just needed to put
2 that in for the record there.

3 Let's see. In terms of the timing, is that
4 what you're kind of looking at?

5 So Mr. Moy, I guess we'd try to do this when
6 Mr. Miller is back again?

7 MR. MILLER: I can come back whenever it's
8 convenient for --

9 CHAIRMAN HILL: So then how early can we get
10 back here?

11 MR. MOY: If I'm concluding that the Board
12 is looking at a decision meeting, as opposed to a
13 continued hearing?

14 CHAIRMAN HILL: A decision meeting.

15 MR. MOY: Okay. Perfect. So we could do
16 that much sooner. Assuming that it's only a
17 one-time filing from all of the parties with no
18 responses, then we can do it as early as -- and I
19 think it may be healthy to have time to have the
20 transcripts available in the record.

21 CHAIRMAN HILL: That's true.

22 MR. MOY: It was a long hearing. So I think
23 March 22nd probably would be the appropriate time
24 for a decision meeting, and to have filings a week
25 beforehand. Well, you know what, let's make it

1 that Friday before. So if the Board schedules a
2 decision meeting on Wednesday March 22nd, then if
3 all the parties can make their filings by Friday,
4 March 17.

5 MS. MOLDENHAUER: And I understood Chairman
6 Hill to indicate that you were going to leave the
7 record open for additional, some of these
8 additional documents and facts. I would think
9 that both opposing counsel and myself would need
10 to have a record closed, and understand what the
11 closed record was before drafting filings of facts
12 and conclusions of law. It may get a little dicey
13 if we're trying to draft that and things are still
14 coming into the record.

15 CHAIRMAN HILL: That's fine. So I was going
16 to get there next, but thanks. That's all right.
17 So we are going to close the record, except for
18 findings of fact and conclusions of law from both
19 parties, as well as your conclusions -- sorry.

20 MS. MOLDENHAUER: Closing statement.

21 CHAIRMAN HILL: Your closing statements.

22 And so was that --

23 Mr. Brown, did you have a question or
24 comment?

25 MR. BROWN: Yes. One of the reasons that we

1 decided not to protest the start of this hearing
2 today was that we actually anticipated that the
3 applicant would be filing more detailed
4 information about the parking plan and a scale
5 drawing of the three-deck parking facility, as
6 well as more detail on the operation of parking,
7 temporary parking on the tennis courts and
8 community gardens during the construction period.
9 If they are not intending on filing any additional
10 information, I just want to reserve the right to
11 object that the information is not adequate for
12 the Board to make a decision on some of those
13 matters. But if they are planning on filing
14 additional information along those lines, which is
15 what I think the ANC was looking for, then that
16 should be factored into this process, those
17 submissions should be factored into the process.

18 CHAIRMAN HILL: Does the Board have any -- I
19 don't -- I didn't need anything concerning the
20 parking garage or anything further. Did the
21 Board?

22 So I think then what I'm going to do is
23 continue along with my thoughts, which are that
24 the findings of fact, conclusions of law -- we've
25 heard a lot of testimony. There's been a lot in

1 the record. I mean, there's just already so much
2 in the record. If you would like to address
3 something concerning parking in your closing
4 statements, you are more than welcome to. Ok?

5 MS. MOLDENHAUER: Can I -- we had -- we had
6 agreed with the ANC that we would, only for the
7 sole purpose of the temporary use, leave the
8 record open. So we would just respectfully ask
9 that the ANC have an opportunity, if they want to
10 file anything about the temporary parking use,
11 that they would have until the 10th to file any
12 additional documentation, since that was a verbal
13 discussion that we had with them, with the ANC.

14 CHAIRMAN HILL: Would that timing work for
15 the ANC?

16 DIRECTOR ZEILINGER: Mr. Chairman, we did
17 request that at the last ANC meeting of the
18 applicant if they did agree to request to leave
19 the record open because we didn't have any
20 exhibits to rely on. The problem with March 10th
21 is that our next ANC meeting is not until March
22 20th. So the ANC would not have an opportunity to
23 actually review it formally at a public noticed
24 meeting.

25 CHAIRMAN HILL: I don't think there's

1 anything you're reviewing. I don't understand.

2 What is it that --

3 MS. MOLDENHAUER: I don't think we would
4 have to review it. I think we would feel fine --
5 I mean, or the Board could move our deadline from
6 March 17th to March 21st, and that would make it
7 all work.

8 CHAIRMAN HILL: Would that work for the
9 Commissioner?

10 DIRECTOR ZEILINGER: Yes.

11 CHAIRMAN HILL: Okay. Mr. Moy, are you
12 following along a little bit? I'm mostly -- I'm
13 trying to accommodate everyone's information so
14 that the record can be whole before the Board has
15 an opportunity to deliberate.

16 MR. MOY: Yes. I -- as with you, I believe
17 in efficiency. But I'm guessing the Board would
18 want a little bit more time to review the
19 materials.

20 CHAIRMAN HILL: You mean the 21st and the
21 26th?

22 MR. MOY: Yeah.

23 CHAIRMAN HILL: I think we're okay for the
24 21st or the 26th, yeah.

25 MR. MOY: The 22nd, instead of the 29th?

1 MS. MOLDENHAUER: March 22nd?

2 CHAIRMAN HILL: Sorry. So the 21st is the
3 submission and then the 22nd --

4 MR. MOY: Yeah.

5 CHAIRMAN HILL: So when's the next date?

6 MR. MOY: The 29th.

7 CHAIRMAN HILL: The 29th. Let's say the
8 29th.

9 MS. MOLDENHAUER: I mean, is there any way
10 we can keep it on the 22nd and we could file
11 our -- we would be more than willing then to file
12 our findings of facts and conclusions of law
13 without being aware of what the ANC says and the
14 chips can fall where they may. We would be fine
15 with filing it on the 17th.

16 CHAIRMAN HILL: So you're going to file on
17 the 17th. The ANC would get in till the 21st.

18 MS. MOLDENHAUER: Yes.

19 MR. BROWN: Can I ask a question just on the
20 temporary use of -- does the applicant -- does DGS
21 expect to have a more definitive alternative by
22 that point that you might be able to, whatever
23 you're going to share maybe with the ANC you could
24 share with us, or share in your closing statement
25 so that that would be part of it? That would be

1 useful.

2 DIRECTOR GILLIS: Yes, we will have a more
3 definitive answer by that time.

4 MR. BROWN: That's good.

5 DIRECTOR GILLIS: That's correct.

6 CHAIRMAN HILL: And then you would be
7 meeting with the ANC that day, or --

8 MS. MOLDENHAUER: We will be constantly in
9 contact with the ANC about any --

10 CHAIRMAN HILL: Okay.

11 MS. MOLDENHAUER: -- development --

12 CHAIRMAN HILL: So the 21st. And I'm sorry
13 to throw you all under the bus so you get one day.
14 So then the 21st you can submit. Okay. So we're
15 back to the applicant on the 17th.

16 MR. MOY: So we're back to all parties
17 filing on the 17th, decision on the 22nd.

18 CHAIRMAN HILL: Except for the ANC. The ANC
19 is going to have until the 21st for their
20 submittal.

21 MR. MOY: So the ANC will file all their
22 materials by the 21st, correct?

23 CHAIRMAN HILL: Yes.

24 MR. MOY: Okay. Wonderful.

25 CHAIRMAN HILL: All their materials

1 concerning the parking, correct.

2 MS. MOLDENHAUER: And the applicant will
3 answer questions that the Board asks for
4 supplemental information by the 10th so that
5 opposing counsel can review that before he is to
6 file his simultaneous closing and findings of fact
7 and conclusions of law. Is that -- is that
8 correct? I just want to --

9 CHAIRMAN HILL: That works for me. If you
10 want to help us out here, that's great,
11 Ms. Moldenhauer. No. That's fine. Mr. Moy?

12 I'm sorry. Could you repeat that,
13 Ms. Moldenhauer, your suggestion?

14 MS. MOLDENHAUER: My suggestion was that the
15 Board had respectfully requested additional
16 documents. We would like to put those into the
17 record by the 10th. That way there would be
18 sufficient time for opposing counsel to review
19 them, and then for closing remarks to be due on
20 the 17th, and findings of facts and conclusions of
21 law simultaneously by both opposing counsel and by
22 the applicant, I'm assuming, and then decision on
23 the 22nd.

24 CHAIRMAN HILL: That's fine with the Board.
25 It's all right with me, if it's all right with

1 Mr. Brown.

2 MR. BROWN: I'm not trying to delay this
3 process, so let's move forward.

4 CHAIRMAN HILL: Okay. Thank you, Mr. Brown.
5 We have another case with you right in about 10
6 minutes so --

7 MR. BROWN: Are you breaking for lunch?

8 CHAIRMAN HILL: Lunch? Yeah, we're breaking
9 for lunch. I don't know if count it lunch at 4:30
10 but -- all right.

11 MS. MOLDENHAUER: Thank you very much for
12 your time.

13 CHAIRMAN HILL: So are we all good with the
14 dates and everything?

15 All right. So just again thank you,
16 everyone. We're going to be back here, say, in
17 15. Okay. Let's try 20 minutes. Okay. All
18 right? Because you've all got to go out and get
19 something. Okay. Whatever you all did, then go
20 do it. So we'll be back here in 15 to 20 minutes.

21 (Thereupon, the public hearing concluded at
22 4:31 p.m.)

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