

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :  
 :  
Modification to Consolidated : Case  
PUD - Eastgate Family : No. 05-24B  
Housing :  
-----:

Monday,  
June 2, 2008

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 05-24B by  
the District of Columbia Zoning Commission  
convened at 6:30 p.m. in the Office of Zoning  
Hearing Room at 441 4<sup>th</sup> Street, N.W.,  
Washington, D.C., 20001, Anthony J. Hood,  
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
CURTIS L. ETHERLY, JR., Commissioner  
MICHAEL G. TURNBULL, FAIA, Commissioner  
(OAC)  
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary  
DONNA HANOUSEK, Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes  
from the Public Hearing held on June 2, 2008.

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

2 6:36 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen.

5 This is the Public Hearing of the  
6 Zoning Commission of the District of Columbia  
7 for Monday, June the 2nd, 2008. My name is  
8 Anthony J. Hood. We are expected to be joined  
9 by Commissioner Etherly. Also joining me are  
10 Commissioners May and Turnbull.

11 We are also joined by the Office  
12 of Zoning staff, Ms. Sharon Schellin and Ms.  
13 Donna Hanousek. And also the Office of  
14 Planning staff, Ms. Steingasser and Mrs.  
15 Brown-Roberts.

16 This proceeding is being recorded  
17 by a Court Reporter and is also webcast live.  
18 Accordingly, we must ask you to refrain from  
19 any disruptive noises or actions in the  
20 hearing room.

21 The subject of this evening's  
22 hearing is Zoning Commission Case No. 05-24B.

1 This is a request by Eastgate Family Housing  
2 for approval of a PUD Modification for  
3 property located in Marshall Heights  
4 neighborhood that is bounded by Fifth Street,  
5 51st, F Street, Queens Stroll Place and  
6 Benning Road.

7 Notice of today's hearing was  
8 published in the D.C. Register on April 11th,  
9 2008, and copies of the announcement are  
10 available to my left in the wall bin near the  
11 door.

12 The hearing will be conducted in  
13 accordance with the provisions of 11 DCMR 3022  
14 as follows: Preliminary matter, Applicant's  
15 case, report of the Office of Planning. report  
16 of other Government agencies, report of the  
17 ANC, in this case Commission 7E, organizations  
18 and persons in support, organization and  
19 persons in opposition, rebuttal and closing by  
20 the Applicant.

21 The following time constraints  
22 will be maintained in this meeting. The

1 Applicant 30 minutes, organizations five  
2 minutes, individuals three minutes.

3 The Commission intends to adhere  
4 to the time limits as strictly as possible in  
5 order to hear the case in a reasonable period  
6 of time. The Commission reserves the right to  
7 change the time limits of presentations, if  
8 necessary, and notes that no time shall be  
9 seeded.

10 All persons appearing before the  
11 Commission are to fill out two witness cards.  
12 These cards are located to my left on the  
13 table near the door. Upon coming forward to  
14 speak to the Commission, please give both  
15 cards to the Reporter sitting to my right  
16 before taking a seat at the table.

17 When presenting information to the  
18 Commission please turn on and speak into the  
19 microphone first stating your name and home  
20 address. When you are finished speaking  
21 please turn your microphone off so that your  
22 microphone is no longer picking up sound and

1 background noise.

2 Did everybody get that? If not,  
3 I'll read all that again.

4 The decision of the Commission in  
5 this case must be based exclusively on the  
6 public record. To avoid any appearance to the  
7 contrary, the Commission requests that persons  
8 present not engage the members of the  
9 Commission in conversation during any recess  
10 or at anytime.

11 The staff will be available  
12 throughout the hearing to discuss procedural  
13 questions. Please turn off all beepers and  
14 cell phones at this time so not to disrupt  
15 these proceedings.

16 Would all individuals wishing to  
17 testify please rise and take the oath?

18 Ms. Schellin, would you please  
19 administer the oath.

20 SECRETARY SCHELLIN: Please raise  
21 your right hand.

22 Do you solemnly swear or affirm

1       that the testimony you will give this evening  
2       will be the truth, the whole truth and nothing  
3       but the truth?

4               Thank you.

5               CHAIRMAN HOOD: At this time, the  
6       Commission will consider any preliminary  
7       matters.

8               Does the staff have any  
9       preliminary matters?

10              SECRETARY SCHELLIN: Just to  
11       advise that we have received the affidavit of  
12       maintenance and it's in order and the only  
13       other item, I believe, are the proffered  
14       experts.

15              CHAIRMAN HOOD: Okay. Thank you,  
16       Ms. Schellin.

17              I will ask the Applicant if they  
18       will come forward.

19              Good evening, Ms. Giordano.

20              MS. GIORDANO: Good evening.

21              CHAIRMAN HOOD: Can you just tell  
22       me right off who you are proffering as an



1 expert witness?

2 MS. GIORDANO: Okay. First --  
3 well, we are proffering Ms. Kerry Smyser from  
4 Housing Authority because she has expertise in  
5 developing affordable housing in the city and  
6 she has submitted a resume.

7 Theo Rodgers, who is the President  
8 of A&R Development is here this evening. He  
9 has an MBA from Harvard University and I think  
10 the portfolio that is cited in his resume  
11 speaks to his expertise in project economics  
12 and project financing. And he's going to  
13 speak to those issues this evening with regard  
14 to this project.

15 We have also submitted resumes for  
16 the civil engineers, John Lutostanski. I  
17 never get his name right. I apologize, but he  
18 is going to be speaking to the site plan today  
19 and he has expertise in civil engineering.

20 And Iain Banks from O.R. George &  
21 Associates, is our traffic expert. I think  
22 he's been -- both John and Iain have been

1 qualified as experts by this Commission  
2 previously.

3 CHAIRMAN HOOD: Okay. Okay.

4 Do we have everyone's -- we have  
5 all the resumes.

6 SECRETARY SCHELLIN: Do we have  
7 one for Ms. Smyser?

8 MS. GIORDANO: I thought we  
9 submitted one. Did I not? Okay. It's not  
10 critical that she be qualified as an expert.

11 SECRETARY SCHELLIN: Was it with  
12 the other ones?

13 MS. GIORDANO: You know what? I  
14 think it was with -- yes.

15 SECRETARY SCHELLIN: Okay. No.  
16 We don't have it.

17 MS. GIORDANO: It's not critical.  
18 She doesn't need to be qualified as an expert.

19 CHAIRMAN HOOD: We certainly don't  
20 want to discount her. But we would like to  
21 have the resume in front of us --

22 MS. GIORDANO: Okay.

1 CHAIRMAN HOOD: -- so the record  
2 will be complete.

3 Okay. So, we're going to go with  
4 Mr. Rodgers from A&R Development and we are  
5 proffering him for development, economics and  
6 finance.

7 And John Lutostanski. I know I  
8 probably messed that up.

9 MS. GIORDANO: Yes.

10 CHAIRMAN HOOD: I'll probably mess  
11 it up worse than you.

12 MS. GIORDANO: But I've heard it  
13 many times.

14 CHAIRMAN HOOD: And Steve Lyman?

15 MS. GIORDANO: Liam, yes.

16 CHAIRMAN HOOD: Liam. I'm sorry.

17 MS. GIORDANO: He's not here  
18 though.

19 CHAIRMAN HOOD: Oh, okay. And we  
20 know Mr. Banks so I don't think that will be  
21 an issue. We have his resume. Okay.

22 All right. We'll accept these

1 experts.

2 MS. GIORDANO: Okay. Thank you.

3 CHAIRMAN HOOD: You may begin.

4 MS. GIORDANO: Okay. Just as an  
5 opening statement, I wanted to clarify that we  
6 had originally submitted this as a minor  
7 modification. The Commission wanted to have  
8 a hearing on the issue.

9 We have changed the site plan  
10 somewhat since the submission and we're  
11 outside the 20-day period that we're required  
12 to not change the project. That was  
13 necessitated by DDOT's report taking exception  
14 to the number of curb cuts that would be  
15 required because we had a driveway for every  
16 townhouse that's at issue this evening.

17 DDOT has advised us -- we met with  
18 them last week that they will not approve  
19 building permits of curb cuts for this project  
20 with that number of driveways spaced so close  
21 together. So, we -- and they want to see  
22 shared driveways as a way to reduce the number

1 of curb cuts and increase the amount of space  
2 between driveways.

3 So, we have an illustrative site  
4 plan that shows a shared driveway  
5 configuration. But there hasn't really been  
6 time to do the grading that's necessary to  
7 confirm that that works exactly as shown. So,  
8 what we'd like to do is ask for the Zoning  
9 Commission's flexibility to modify the  
10 driveways to meet DDOT's requirements so we  
11 can get the permits that we need for this  
12 project to go forward expeditiously.

13 So, the houses will stay where  
14 they are but the driveways may change somewhat  
15 from what you see there. And there may be  
16 some changes in the fenestration of the  
17 garages also because some garages are going to  
18 have to change slightly to share driveways.

19 So, we have submitted that. I ask  
20 if you would waive the rule that requires us  
21 to submit it 20 days in advance of the  
22 hearing. And I wanted to explain the amount

1 of flexibility that we're going to need.

2 So, what we'd like to do is get  
3 the Zoning Commission's approval to substitute  
4 the 45 -- there's duplex, triplex and  
5 townhouse unit types within that 45 units that  
6 we're asking to substitute for the previously  
7 approved 20. But we'd like to have  
8 flexibility to work with DDOT to gain their  
9 acceptance of the driveway configuration.

10 CHAIRMAN HOOD: Well, let me make  
11 sure I understand, Ms. Giordano.

12 So, what we have in front of us  
13 tonight may change as far -- not as far as the  
14 construction --

15 MS. GIORDANO: It may change  
16 slightly.

17 CHAIRMAN HOOD: -- of the homes,  
18 but as far as the curb cuts?

19 MS. GIORDANO: Exactly.

20 CHAIRMAN HOOD: Okay. And your  
21 first request was that we waive -- what is it  
22 the 20-day?

1 MS. GIORDANO: Twenty-day  
2 requirement. Yes.

3 CHAIRMAN HOOD: Okay. All right.  
4 Why don't we do this. Why don't we go ahead  
5 and get started. I don't think the 20-day  
6 requirement is necessarily a sign to make an  
7 issue. But I do think and I have to the  
8 special designer which I call them about the  
9 curb cut. We may have some issues, but let's  
10 get started.

11 MS. GIORDANO: Okay. All right.

12 I'd like to call Kerry Smyser as  
13 our first witness.

14 MS. SMYSER: Good evening. Kerry  
15 Smyser. I'm with the D.C. Housing Authority.  
16 I'm a Project Manager.

17 In 2004 the Housing Authority was  
18 awarded a \$20 million Hope VI grant from the  
19 U.S. Department of Housing and Urban  
20 Development to revitalize the former Eastgate  
21 Gardens Public Housing site.

22 Prior to the HUD-approved

1 demolition of 34 buildings in 1998 and the  
2 remaining three buildings in 2002, the long  
3 neglected, poorly designed and inappropriately  
4 cited 230-unit development was falling down in  
5 decay. Many of the residents there suffered  
6 in severe poverty and lived in unhealthy,  
7 isolated, dense conditions.

8 Demolition removed the blight and now  
9 the 20.4 acre site is under construction.

10 The revitalized Eastgate is a  
11 critical lynch pan to transform the Marshall  
12 Heights community. The overall goal of the  
13 Eastgate project is to provide mixed income,  
14 mixed use neighborhood which is safe and  
15 healthy for the former residents of Eastgate  
16 as well as other District of Columbia  
17 residents and provides the opportunity for  
18 first-time home buyers to purchase in the  
19 District of Columbia.

20 Hope VI dollars have leveraged an  
21 additional \$68 million in public and private  
22 funds, construction by drawing down Hope VI



1 funds and closing on the private financing.

2 All of those activities were  
3 completed and construction began on the first  
4 component of the development, the off site  
5 senior only building which is Triangle View in  
6 November 2005. The 100 unit building was  
7 completed in December 2006 and occupancy began  
8 in March '07 and completed in December '07.

9 Currently, the on-site family  
10 components, the family rental and home  
11 ownership were in construction and Phase I  
12 will begin occupancy in 30 to 45 days.

13 The District of Columbia Housing  
14 Authority recently received its seventh Hope  
15 VI award on March 20th, 2008. HUD announced  
16 DCHA was one of five recipients to receive \$20  
17 million to redevelop the former Sheridan  
18 Terrace site.

19 Recently DCHA met with HUD and  
20 they stated to the Executive Director he has  
21 a very talented, professional and creative  
22 team. He and the staff should be very proud

1 to be awarded in one of the most competitive  
2 Hope VI rounds.

3 Should Eastgate not move forward  
4 in a timely fashion and not be completed by  
5 September 30th, 2009, the implications would  
6 be devastating. Not just for the Fenty  
7 administration, the District Government or  
8 Michael Kelly, the Executive Director of the  
9 Housing Authority, the Housing Authority staff  
10 or even the A&R Development staff and private  
11 partners, but for the former residents of  
12 Eastgate and the community who have for over  
13 10 years pushed the District Housing Agencies,  
14 the Housing Authority and the Marshall Heights  
15 community to redevelop Eastgate to create  
16 safe, viable housing where they could live,  
17 work, grow and raise their children.

18 The Hope VI was a vehicle to  
19 provide the affordable housing and create a  
20 community where the former residents of  
21 Eastgate can say I was a part of that and  
22 leave a legacy for their children and

1 children's children.

2 When DCHA and the development team  
3 determined that constructing the 20 single  
4 family detached units would not be  
5 economically feasible based on sales of the 14  
6 detached units at Capitol Gateway and the  
7 current market, it was disappointing.  
8 However, we realized by providing the 45 units  
9 there was potential to offer additional  
10 affordable housing.

11 This was exciting new to the  
12 former residents and the community. Unlike  
13 some of DCHA's larger Hope VI project,  
14 Eastgate is truly about community.

15 During the planning of the  
16 project, former residents who were relocated  
17 for over 10 years participated in large  
18 numbers. In the Hope VI application we stated  
19 the CSSP caseload would consist of 86  
20 families.

21 Currently, the community and  
22 supportive services programs serves 85

1 families and 126 individuals. All want to  
2 come back as renters or homeowners and many of  
3 the now adult children of former heads of  
4 household are excited about the project and  
5 want to move back to the revitalized Eastgate.

6 The 45 townhouse units will  
7 received additional Hope VI funding,  
8 approximately \$6 million which adds to the  
9 affordability question and will be used for  
10 constructing units.

11 The 45 units will also assist with  
12 spending the remainder of the Hope VI grant on  
13 housing. Should the 45 units not be  
14 constructed, this money could be recaptured by  
15 the U.S. Treasury and DCHA's successful and  
16 internationally recognized Hope VI program  
17 will suffer embarrassment and could possibly  
18 lose the respect and trust established with  
19 HUD and our public and private partners.

20 Losing \$6 million in Federal  
21 dollars could derail DCHA's plan to compete  
22 for other Hope VI awards.

1           In 2002, Congress established a  
2       rule in the Hope VI program which stated, any  
3       project which has not drawn down all of the  
4       Hope VI funds and completed the proposed units  
5       within 54 months from the date of award, funds  
6       would be recaptured.

7           The Council of Large Public  
8       Housing's (CLPHA) which Michael Kelly is  
9       President of the Board is currently working  
10      that they change the rule. However, Eastgate  
11      has approximately 15 months to drawn down the  
12      \$6 million and complete the project. Time is  
13      of the essence.

14           I thank you for the opportunity to  
15      testify before you and if you have any  
16      questions, I'll be happy to answer them.

17           MS. GIORDANO: Would you like to  
18      hold the questions until the end? Okay.

19           CHAIRMAN HOOD: We can hold them  
20      to the end.

21           MS. GIORDANO: All right.

22           So, at this time I'd like to ask

1 Mr. Rodgers and he'll be assisted by Pam  
2 Frentzel-Beyme who heads up the A&R Washington  
3 Office.

4 MR. RODGERS: Good evening. My  
5 name is Theo Rodgers. I'm President of A&R  
6 Development Corporation. My address is 1040  
7 Park Avenue, Suite 300, Baltimore, Maryland.

8 I'm here to provide the reasoning  
9 for the request that we are making as an  
10 modification to a plan that you previously  
11 approved.

12 What this Commission approved was  
13 a plan of 186 units that was a mixture of for  
14 sale and rental units. It contains 61 rental  
15 units and 125 for sale units. That gave us a  
16 breakdown of 32 percent rental and 68 percent  
17 of home ownership.

18 Of the home ownership units, it  
19 was broken down further into what we consider  
20 market rate units versus those of financial  
21 assistance. And that breakdown was 64 units  
22 that were for market rate and 61 for financial

1 assistance.

2 Financial assistance by our  
3 definition are those home sold to persons  
4 whose income is less than 8 percent of the  
5 medium. That allows them to service a  
6 mortgage based on their ability to service the  
7 mortgage.

8 The project commenced in May of  
9 2007. And at that time that was the beginning  
10 of the turn in the residential market that we  
11 all know about and heard for the last year and  
12 a half how drastic the change that we have had  
13 and have experienced in the housing market.

14 At the same time, we had the  
15 Capitol Gateway Hope VI that was under  
16 construction and just about completed. That  
17 development contained 14 market rate units  
18 that were selling in the neighborhood of an  
19 average of about \$500,000. Those units have  
20 been completed just about a year and of the 14  
21 we have sold one. That's a single family  
22 detached home.

1           The reason for that market is one  
2           is the price. Number two, the requirement to  
3           have what we call a jumbo mortgage that is  
4           over \$417,000. Those mortgages are extremely  
5           difficult to obtain. The interest rate is  
6           much, much higher. The financial requirements  
7           of the buyer are much more.

8           So, we've had -- looking at that  
9           and experiencing that, the decision was made  
10          that it would not make economic sense to go  
11          forward with doing the 20 single family  
12          detached home at Glencrest. We made that  
13          decision. We made an economic analysis of the  
14          decision.

15          In addition to that at the same  
16          time, the bank who was Citi Bank who was  
17          financing both Capitol Gateway and Eastgate  
18          sent down officials from New York to review  
19          both projects. And it was made clear by them  
20          to us that they could not see us going forward  
21          with doing the single family detached homes.

22          We made an analysis. The first



1 analysis indicated that not doing the 20-  
2 single family detached homes would result in  
3 the project losing \$3 million.

4 I'd just like to digress a moment  
5 just to say how Hope VI projects are done.  
6 They are done unlike conventional development.  
7 That is, they're balanced. That is a source  
8 of funds which includes the Hope VI funds and  
9 there is use in terms of the development cost.  
10 It is not based on a profit margin basis.

11 If there is a loss of revenue,  
12 there must be a reduction in expenses. We  
13 have a loss of revenue of approximately \$8  
14 million if we remove and did not go forward  
15 with the 20 single family detached homes.

16 We had a certain amount of fixed  
17 cost because the site work had been completed  
18 for those homes and therefore we would then  
19 suffer a loss.

20 We had two options. One option  
21 was to have the remaining market rate units  
22 absorb the cost of that loss or to add

1 additional units. In doing that, the market  
2 rate homes if they were to absorb the cost  
3 would go from \$325,000 average cost to  
4 \$388,000. Given the situation in the market,  
5 we felt that that was not feasible. We had  
6 evidence that Capitol Gateway that that was  
7 not feasible at those price levels.

8 The other options was to increase  
9 the number of units. We looked at the site  
10 plan. We determined that we could comfortably  
11 do 45 additional units on the site in the same  
12 kind of configuration that we had experienced  
13 before they were designed.

14 In addition, the Housing Authority  
15 as just been testified, HUD had provided --  
16 will provide an additional \$6 million. Now  
17 what this will result in is if we are allowed  
18 to do the 45 units, will result in the fact  
19 that the average mortgage to be serviced on  
20 this project will allow us to go from  
21 approximately 60 percent of financial  
22 assistance up to 100 percent of financial

1 assistance which means that we can provide for  
2 the citizens of the District more work force  
3 housing. That is the key to this in the size  
4 allowing the project to move forward.

5 Where we are now is we've brought  
6 some photographs of where the project is now.  
7 We are approximately 70 percent completed on  
8 the units that are under construction now.  
9 All units under construction except those 45  
10 that we are asking for approval.

11 And I believe in the photograph  
12 that you can see it shows the results of what  
13 this Commission approved. We believe it is  
14 very attractive, high quality housing.

15 The first, we have sold 20 of  
16 these units. The first of these units will be  
17 occupied and settled within the next 30 days  
18 -- we hope within the next two weeks. So,  
19 things are progressing rapidly and that's why  
20 we're asking for this approval.

21 If it not done very rapidly, we  
22 have a contract because the way this was

1 designed to be built was that we would start--  
2 once we start construction, the entire project  
3 would be built. Except for -- again, except  
4 for the 25 units that we're asking, the  
5 project is under construction and moving  
6 rapidly.

7 I believe that the request again  
8 is a reasonable request as it is stated  
9 previously. Except for the curb cuts we  
10 believe that all of the details have been  
11 worked out. We believe it works.  
12 Economically it works. We know that it would  
13 provide again as repeating what I said  
14 earlier, it would provide more work force  
15 housing.

16 So, unless you have questions and  
17 I'm sure you do of me, that's basically the  
18 reason that we are asking for the request.  
19 This is something that was brought on by the  
20 current drastic change in the residential real  
21 estate market.

22 As a part of the progress, one of

1 the things that these projects require that we  
2 voluntarily do. By the way, my firm has done  
3 -- this is number six in terms of Hope VI's  
4 that we've done three in the District. We've  
5 done Willow Creek, Capitol Gateway and this  
6 one. Those are the three that we've done here  
7 and we've done two in another city. So, we've  
8 been doing this since 1997.

9 And one of the requirements are  
10 that we hire former residents and we also use  
11 local small disadvantaged businesses.

12 In the case of Glencrest, we  
13 promised that we would hire 20 former  
14 residents. As of this date, we have hired 27.  
15 We also promised that we were committed to  
16 having 30 percent LSDBE contractors. By  
17 dollar volume as of this point, we have  
18 achieved 55 percent of LSDBE.

19 So, in all respect, the project is  
20 moving forward very, very well. We've kept to  
21 the commitments and exceeded them in all case.

22 So, again, the project is a

1 success and except for the 25 units that we're  
2 asking for approval, we will continue to move  
3 forward.

4 MS. GIORDANO: That completes Mr.  
5 Rodgers' testimony and both he and Pam will be  
6 available for questions. Pam is the person on  
7 the ground at D.C. and she's familiar with all  
8 the details of the project.

9 So, at this time, I will ask for  
10 John to come up and just give a brief overview  
11 of the new revised site plan.

12 MR. LUTOSTANSKI: For the record,  
13 my name is John Lutostanski with Bowman  
14 Consulting. My address is 4508 Hazelnut Court  
15 in Chantilly, Virginia.

16 I'd like to take a moment, it  
17 might be hard to see some of the stuff I want  
18 to show, but let me take a moment if I could.  
19 I think it's visible from there.

20 I want to quickly talk about what  
21 we have started for this project.

22 Initially, the project had some

1 vacant housing on the site and it had not much  
2 development happening on the north side or the  
3 south side toward Fitch Street. There had  
4 been sort of a dilapidated housing project  
5 right here at Fitch Street at this corner.

6 This plan is approved. We've been  
7 to the Commission here, worked out with DDOT  
8 as far as driveways going, curb cuts. All  
9 those kinds of issues over several years  
10 actually to get to this point.

11 What has been constructed today  
12 are the -- basically, the perimeter townhouses  
13 and the road network. And that's really  
14 critical to what we're talking about tonight  
15 actually. The road network is in. Utilities  
16 are in, the sewer, the storm, the water. So,  
17 basically, you know, what's happened is now  
18 due to the economic situation out here, we've  
19 got to sort of fill in the blanks working with  
20 these parameters. We can't come back in and  
21 take the road out. Unfortunately, if we were  
22 here three years ago, we had conversations

1 about moving roads around.

2 I remember being before this  
3 Commission. We talked about the roads. We  
4 talked about entrances, we talked about, you  
5 know, steep slopes on the grade. We talked  
6 about a lot of those things last time.

7 This is the project we have to  
8 work with now. So, we have a framework, if  
9 you will. So, now we have to work with that  
10 a little bit. So, where are we today?

11 If you look at this, this  
12 represents as both Theo and Cynthia had  
13 mentioned, this represents the little areas  
14 we're talking about are really right back in  
15 here. These 45 townhouses are here, here and  
16 right over here. This little group of  
17 townhouses here. Essentially, the perimeters  
18 remain exactly the same. What you see from  
19 the street really looks and feels the same.  
20 It's sort of the inside of the project that  
21 things have changed a little bit.

22 The 45 townhouses, you'll notice,



1 fit exactly -- basically, in the exact places  
2 where single families had been. They'll tie  
3 properly to water, to storm, to sewer. The  
4 storm is in place already so we are sort of  
5 fixed on some of these things.

6 The question from DDOT is that  
7 they want to see the requirement to have 28  
8 feet between curb cuts. The townhouses are  
9 roughly 20/22 feet wide, something in that  
10 range. So, physically, there just isn't 28  
11 feet between townhouses to put curb cuts  
12 there.

13 What we looked at doing and this  
14 is a little different than the plan you have  
15 before you today.

16 The plan as submitted for this  
17 hearing tonight had 45 driveways. Every new  
18 townhouse had a driveway. DDOT said that's  
19 too many driveways. So, we said let's see what  
20 else we can do.

21 So, we've looked at combining some  
22 of those driveways and we've come up with a

1 plan and this is absent any input from DDOT.  
2 And as Ms. Giordano mentioned, what we'd like  
3 to do tonight is get a little flexibility in  
4 working further with DDOT just as we did on  
5 here. We kind of worked with them in the past  
6 before. I think we got a product. If you  
7 look at the photographs, I think anybody would  
8 agree that it's a sharp looking project and  
9 it's really moving in the right direction.

10 We'd have to work a little bit  
11 more with DDOT.

12 This plan tonight and once again  
13 this is new. And I think -- I believe we have  
14 an 11 x 17 submitted now. This plan  
15 represents a reduction of about eight  
16 driveways out there. So, we've got -- we sort  
17 of combined a few of them and it's broken down  
18 to roughly about 18 garage units, 19 pad  
19 parking spaces and about 8 units have on-  
20 street parking here.

21 Basically this is -- once again,  
22 this has not been vetted by DDOT at all.

1 We'll have to have some conversations with  
2 them. But to me, it's a typical part of the  
3 process in going through and getting the  
4 permits.

5 But, once again, we got the  
6 framework to work with. You know, these  
7 things need to occur. We did take some --  
8 some examples, for example, right here. This  
9 whole group only has two curb cuts to serve  
10 everyone with a driveway now. Will enter here  
11 and here for example. So, I think that's  
12 being a little -- a little creative, a little  
13 flexible there. And those are the kind of  
14 conversations we have to have with DDOT to go  
15 forward.

16 I think that's about all I want to  
17 talk about for now. If you have any  
18 questions, will be available.

19 Thank you.

20 MS. GIORDANO: To be clear, John,  
21 so some units are not having a driveway or  
22 off-street parking at all. Right?

1 MR. LUTOSTANSKI: That's correct.  
2 There are eight.

3 In our current scenario and once  
4 again this has not been vetted by DDOT, but  
5 the way it's showing tonight, eight have no  
6 driveways.

7 MS. GIORDANO: So, we'll have to  
8 broaden the flexibility also to leave some  
9 off-street parking for some units.

10 CHAIRMAN HOOD: Are we finished?

11 MS. GIORDANO: Yes. We have the  
12 traffic consultant here, but you have the  
13 report. I don't think he needs to testify  
14 unless the Commission feels otherwise. But he  
15 is available for questions.

16 CHAIRMAN HOOD: Okay. Let me  
17 refresh my memory. Help me refresh my memory,  
18 Ms. Giordano.

19 We did a minor modification of  
20 this once before and what was that about --  
21 parking? And I think you supplied it.

22 MS. GIORDANO: The same issue.

1           in that case we -- DDOT raised the  
2       issue of driveway spacing at the hearing. We  
3       presented testimony. DDOT had indicated that  
4       they were concerned about the driveway spacing  
5       primarily because they felt that the curb cuts  
6       were going to reduce on-street parking.

7           We came to the Commission. DDOT  
8       was not at the hearing. We came to the  
9       Commission and we demonstrated actually there  
10      would be a net loss of parking without -- with  
11      reducing some of the driveways, that it wasn't  
12      feasible on this site to provide alleys and  
13      rear access parking. And the Commission  
14      basically waived the requirement that the  
15      driveways be spaced 28 feet apart. It's in  
16      the Zoning regulations, that requirement.

17           DDOT didn't have an independent  
18      requirement. So, as had been typical of these  
19      kinds of issues in the past, the Zoning  
20      Commission -- we felt that the Zoning  
21      Commission had made that ruling and that we  
22      were good to go for the permit phase. And, in

1 fact, we did pull permits for that site plan  
2 and DDOT signed off on those.

3 But then when we got to the curb  
4 cut or the public space permitting process,  
5 which is at the very end of the process after  
6 the houses -- the foundations were already in,  
7 DDOT re-raised the issue and asked us to  
8 delete some driveways and basically indicated  
9 that they wouldn't sign off on the curb cuts.

10 So, we came back to the Commission  
11 for flexibility at that point to eliminate  
12 some of the driveways. And we eliminated some  
13 of the off-street parking for some units in  
14 order to satisfy DDOT's requirements.

15 CHAIRMAN HOOD: Okay. And I don't  
16 want to call him John. But, John, I wanted  
17 you to pronounce your last name so we could --  
18 I'm sure that maybe one or two questions and  
19 I would ask Ms. Smyser --

20 MS. SMYSER: Smyser.

21 CHAIRMAN HOOD: Smyser, I'm sorry,  
22 if you can come back to the table.

1                   While my colleagues are thinking  
2                   about their questions, I just have two.

3                   John, I know Ms. Giordano has been  
4                   calling you John.

5                   MR.    LUTOSTANSKI:  John Doe.  
6                   Lutostanski.

7                   CHAIRMAN HOOD:  Lutostanski.

8                   MR. LUTOSTANSKI:  Perfect.

9                   CHAIRMAN HOOD:  Lutostanski.  
10                  Probably get it by the end of the hearing.

11                  MR. LUTOSTANSKI:  You got it.

12                  CHAIRMAN HOOD:  Lutostanski.

13                  MS. GIORDANO:  When I look at it,  
14                  that's when I get confused because it doesn't  
15                  look that way.

16                  CHAIRMAN HOOD:  So, I won't look  
17                  down at my papers anymore.  Okay.

18                  Ms. Smyser.

19                  MS. SMYSER:  Yes.

20                  CHAIRMAN HOOD:  I have a question  
21                  for you.  And my understanding of how the U.S.  
22                  Treasury work.

1           You cited -- and for the record,  
2           if you could just cite the statute where that  
3           is.

4           MS. SMYSER: I'll have to look --  
5           I'll have to look at the statute, but it was  
6           in the Notice of Funding Availability for  
7           2002, that if -- and it's in our grant  
8           agreement as well with HUD that if we don't  
9           complete the project 54 months from the time  
10          of the award that the money will be recaptured  
11          from the U.S. Treasury.

12          CHAIRMAN HOOD: And then it's hard  
13          again to get additional funding?

14          MS. SMYSER: Well, you won't get--  
15          once Treasury takes it, that's it. HUD can't  
16          even intervene for you to try to get the money  
17          back. So, it's a hard set line even with our  
18          new grant agreement it's in there. And  
19          they've pulled it and underlined everything.

20          CHAIRMAN HOOD: Even before we get  
21          to the city's grant agreement, it's in the  
22          statute on the Federal regulations?



1 MS. SMYSER: Yes. On the Hope VI.

2 CHAIRMAN HOOD: I don't need you  
3 to get it, but I just wanted to get that from  
4 you on the testimony.

5 MS. SMYSER: Okay.

6 CHAIRMAN HOOD: I mean on the  
7 record.

8 MS. SMYSER: Okay.

9 CHAIRMAN HOOD: Okay. I'm sure we  
10 have maybe one or two questions. Colleagues?  
11 Mr. Turnbull?

12 COMMISSIONER TURNBULL: Thank you,  
13 Mr. Chair.

14 I just had -- Mr. Rodgers had  
15 stated I think Mr. Lutostanski also reiterated  
16 about that the utilities are in, the streets  
17 are in. Are the utilities in in the street or  
18 in the case of the 20 homes, are the utilities  
19 also going to the individual homes?

20 MR. LUTOSTANSKI: The utilities  
21 are in the streets right now, so the laterals  
22 are not provided to the homes.

1 COMMISSIONER TURNBULL: The  
2 laterals have not been provided.

3 MR. LUTOSTANSKI: Right. So, it's  
4 an opportunity to kind of play with that a  
5 little bit.

6 MR. RODGERS: We'll get there.  
7 The laterals are into the homes. We put the  
8 laterals in. We were ready to put the  
9 foundations in in single family detached  
10 homes. So, the laterals are there.

11 COMMISSIONER TURNBULL: How much  
12 of that will you have to --

13 MR. RODGERS: We completely --  
14 that's calculated into the new cost. We have  
15 to take those out.

16 COMMISSIONER TURNBULL: Okay. I  
17 was just curious.

18 On the -- there is three things I  
19 think you're asking for. For relief for  
20 putting in the townhouses, you want curb cuts,  
21 some flexibility on dealing with the curb cuts  
22 and the off-street parking.

1                   Are those the three main areas? A  
2                   reduction in off-street parking?

3                   MS. GIORDANO: That's correct.  
4                   And also those units, the look of the units  
5                   will change. I guess, the garage will become  
6                   a family room. So, there will be some change  
7                   in the facade of those units that lose a  
8                   garage parking space.

9                   COMMISSIONER TURNBULL: Okay. Do  
10                  you know how much off-street parking you're  
11                  looking -- have you -- do you know where  
12                  you're going on how much off-street parking  
13                  you're looking to reduce by?

14                  MR. LUTOSTANSKI: That would be  
15                  the eight non-garage units that would have on-  
16                  street parking.

17                  MS. GIORDANO: So, it's at least  
18                  eight spaces. The units had generally a  
19                  garage and then a pad space behind the garage.  
20                  So, there might be a few more than eight  
21                  actually.

22                  COMMISSIONER TURNBULL: Okay.

1 MS. GIORDANO: But I believe the  
2 transportation report did speak to the  
3 adequacy of parking, even eliminating some  
4 parking. Overall the ratio of parking was  
5 found to be acceptable by the transportation  
6 consultant.

7 COMMISSIONER TURNBULL: Okay.  
8 Thanks.

9 Thank you, Mr. Chair. Those are  
10 my questions for now.

11 CHAIRMAN HOOD: Okay.  
12 Commissioner May?

13 COMMISSIONER MAY: If I read the  
14 previous plan or the plans that I have in  
15 front of me. I don't know what generation I'm  
16 looking at. But if I read these correctly,  
17 there were a lot of units previously that did  
18 not have off-street parking. Right? All of  
19 the Building 1 through 8. Is that right?

20 MS. GIORDANO: That was as a  
21 result of the previous modification, we had to  
22 eliminate parking for some units in order to

1 reach a compromise with DDOT on the curb cuts.

2 COMMISSIONER MAY: Okay. But I'm  
3 correct in looking at this and seeing eight  
4 buildings, 30, 40 units that have no parking  
5 at all. Is that right? I don't see any curb  
6 cuts along F Street or Queens Stroll. That's  
7 right?

8 MS. GIORDANO: Yes.

9 COMMISSIONER MAY: Okay.  
10 What is the extent of the -- the  
11 full extent of the PUD according to this plan  
12 that we have? You know, is it just where the  
13 townhouses are? Does it also include the rest  
14 of Square 5318? Or what's the extent of it?

15 MS. GIORDANO: The extent of the  
16 modification?

17 COMMISSIONER MAY: And can you  
18 point to it on the plan? It's all the land  
19 that's in color there?

20 MS. GIORDANO: It's -- it's the  
21 area that formerly was occupied by the 20  
22 approved single -- okay.

1 COMMISSIONER MAY: All I want to  
2 know is, is it what's in color right there?  
3 All that is part of the PUD?

4 MS. GIORDANO: No. That's the  
5 full PUD. We pointed before to the area that  
6 is at issue tonight.

7 COMMISSIONER MAY: Right. And  
8 that's -- what I'm asking is, what is the area  
9 of the full PUD?

10 MS. GIORDANO: Oh. All of the  
11 green.

12 COMMISSIONER MAY: So, it's  
13 everything that's there in color?

14 MS. GIORDANO: Yes.

15 COMMISSIONER MAY: Okay. Good.  
16 Thank you.

17 The -- what looks like Lot 42,  
18 which is that big open area in the middle.  
19 Right? It's numbered 42 right now.

20 COMMISSIONER ETHERLY: It  
21 s right where Square 5318 is.

22 COMMISSIONER MAY: Where it says

1 Square 5318?

2 COMMISSIONER ETHERLY: Yes.

3 COMMISSIONER MAY: And is that all  
4 just going to be open space forever?

5 MS. GIORDANO: That was approved  
6 as an urban park in the previous PUD. And,  
7 Pam, do you want to come up and speak to that?  
8 There was --

9 COMMISSIONER MAY: Yes. I mean,  
10 who is going to own it? Who is going to keep  
11 it? It's just try to fill in the picture for  
12 me.

13 MR. RODGERS: Yes. If I may, the  
14 lot goes down to here. This is an extreme  
15 slope --

16 COMMISSIONER MAY: Right.

17 MR. RODGERS: -- from this point  
18 down.

19 COMMISSIONER MAY: Right.

20 MR. RODGERS: We have maintained  
21 the vegetation here and the tree. And we will  
22 maintain. That is a part of the resident

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1 association. There's an HOA that goes with  
2 this project that would take care of all the  
3 space.

4 COMMISSIONER MAY: So, they're  
5 going to take care of all of that?

6 MR. RODGERS: Yes.

7 COMMISSIONER MAY: Okay. And now  
8 I understand why there are no alleys backing  
9 up into that. That would certainly make  
10 sense.

11 MR. RODGERS: Yes. Yes.

12 COMMISSIONER MAY: I'm just  
13 curious. With the five houses, I think. I  
14 five single family houses that were -- I'm  
15 sorry, four that were going to be on the end  
16 of the Kimi Gray Court there.

17 MS. GIORDANO: This right here?

18 COMMISSIONER MAY: Yes. That area  
19 there. That four. There wasn't any attempt  
20 to try to work an alley in there because it  
21 seems to me that you could have done that  
22 easily. You have alley-type units. They



1 wouldn't have been that much harder to build.  
2 I'm just a little curious why you didn't  
3 attempt it there?

4 MR. RODGERS: We have a grade  
5 problem and I'll let John handle this. We  
6 have a grade problem here also.

7 COMMISSIONER MAY: Yes.

8 MR. RODGERS: That's why there is  
9 no alley here. We have a grade problem there.

10 So, we have severe slopes that  
11 start here and go down and continue all the  
12 way down. But I think John can answer --

13 MR. LUTOSTANSKI: Additionally,  
14 there was a question about maintaining a  
15 public access to it so we felt -- there's one  
16 here and one here. So, we felt that two sort  
17 bisect to get people from here to here.  
18 There's definitely a big grade change between  
19 this area.

20 COMMISSIONER MAY: There's a grade  
21 between --

22 MR. LUTOSTANSKI: Right.

1 COMMISSIONER MAY: The top to  
2 bottom here too.

3 MR. LUTOSTANSKI: Right. And what  
4 is happening here is basically you have --  
5 there's about a four to five percent grant  
6 down this way. Four to five percent around  
7 this way here and as you know, 51st Street has  
8 got what a 10 percent grade on it. So, we've  
9 got a lot of change between what happens here  
10 and here.

11 So, we took the flattest spots  
12 which were here and here, those two locations.  
13 we wanted people to be able to get from here  
14 to here and sort of get back and forth if they  
15 could. So, bisecting too many times just  
16 became a little bit problematic with the  
17 grade.

18 COMMISSIONER MAY: All right.  
19 Well, I was just thinking that when you redid  
20 the four single family homes and made them  
21 into seven rowhouse units that you might have  
22 been able to cut across it with an alley to

1       serve those homes. But I guess --

2                   MR. LUTOSTANSKI: We were trying  
3       to provide a similar yard that the other homes  
4       have also. And so to introduce something new  
5       would have taken away something from what the  
6       other houses would have --

7                   COMMISSIONER MAY: You have a wide  
8       range of things in there already, all the  
9       different units.

10                  Okay. I guess that's it for me in  
11       terms of -- I don't have any further  
12       questions.

13                  CHAIRMAN HOOD: Okay. Any further  
14       questions? Okay.

15                  Oh, I'm sorry. The ANC.

16                  Is there anyone here from ANC-7E?

17                  Do you have any questions of the  
18       Applicant?

19                  And you are Ms. Hamlett. Okay.  
20       Good evening. Thank you.

21                  Right. We're going to come back  
22       to that part. This was just any questions you

1 had -- I mean of the Applicant.

2 I'm sorry. I'm trying to get to  
3 the Office of Planning. Okay.

4 Ms. Brown-Roberts.

5 MS. BROWN-ROBERTS: Good evening,  
6 Ms. Chairman and members of the Commission.

7 I'm Maxine Brown-Roberts from the  
8 Office of Planning.

9 We are going to stand on the  
10 record as outlined in our -- in the analysis  
11 and recommendation of our report. However,  
12 I'd just like to state that we think that the  
13 proposed changes is or modification is  
14 something that is sort of outside of the scope  
15 of the -- or outside of the control of the  
16 Applicant and, therefore, we would support the  
17 modification.

18 This modification also allows that  
19 the new development will be 100 percent  
20 affordable which is important.

21 One of the things that was  
22 important or was talked about in the original

1 application at the public hearing was the  
2 mixture of uses. And we think that although  
3 we're using the single family detached, the  
4 breakdown on affordability is something that  
5 will be an asset to this area of the District.

6 Regarding the flexibility on the  
7 curb cuts, we have spoken to DDOT on this  
8 issue on a number of occasions and we would  
9 support the flexibility that the Applicant is  
10 requesting.

11 We know that DDOT has been very  
12 adamant about the curb cut. The Applicant has  
13 been working with them for sometime. So, we  
14 believe that that conversation will continue.

15 We therefore recommend approval of  
16 the proposed modification.

17 Thank you, Mr. Chairman.

18 CHAIRMAN HOOD: Thank you, Ms.  
19 Brown-Roberts.

20 Any questions of the Office of  
21 Planning?

22 Does the Applicant have any

1 questions at all? Any questions? Okay.

2 Does the Applicant have any  
3 questions of the Office of Planning? Okay.

4 And we have the submittal of the  
5 concerns. The Applicant has asked for  
6 flexibility dealing with the District  
7 Department of Transportation.

8 Do we have anyone here from the  
9 District Department of Transportation? Okay.  
10 We may have some questions on the back end,  
11 Ms. Giordano.

12 Now, it is time for the report of  
13 the ANC-7E. I'm going to ask Commissioner  
14 Hamlett to come forward. We actually have the  
15 letter, if you just want to come and express  
16 again your support, this is the opportunity to  
17 do that.

18 COMMISSIONER HAMLETT: Good  
19 evening. I'm Rosa Hamlett, a Commissioner for  
20 7E-03.

21 The only thing we have to do is to  
22 submit an -- you know, not an addendum,

1        additionally.  We had this -- we had a meeting  
2        Saturday and we voted on the modification.  
3        So, a letter was prepared to submit on our  
4        findings.

5                    CHAIRMAN HOOD:  So, do you have  
6        that with you tonight?

7                    COMMISSIONER HAMLETT:  Yes.  Yes.

8                    CHAIRMAN HOOD:  Okay.  We can make  
9        that a part of the record.

10                   That's not the same letter we  
11        have?

12                   COMMISSIONER HAMLETT:  No.  It's  
13        not.  This is -- that one is when they first  
14        came to us -- came to our meeting.  I think --  
15        what was it in March.

16                   CHAIRMAN HOOD:  Okay.

17                   COMMISSIONER HAMLETT:  And this  
18        one is our May -- May 31st meeting we had  
19        Saturday --

20                   CHAIRMAN HOOD:  Okay.

21                   COMMISSIONER HAMLETT:  -- to vote  
22        on it.

1 CHAIRMAN HOOD: Did you want to  
2 read that since it's a new letter?

3 COMMISSIONER HAMLETT: Oh, okay.  
4 I can if you want me to.

5 It's directed to the D.C. Zoning  
6 Commission and it's to Mr. Hood.

7 It's the minor modification of a  
8 PUD, Zoning Commission Case No. 05-24. In  
9 parenthesis we have Eastgate Family Housing.

10 On March 20th, 2008, ANC-7E  
11 submitted a letter of support for a proposed  
12 request to modify unit types on the above  
13 referenced project.

14 We understand that this request  
15 will be considered at the June 2nd meeting of  
16 the Zoning Commission. We would like to  
17 reiterate the ANC-7E Commissioner's support  
18 for the proposed modification. We would also  
19 like to specifically request that the  
20 Commission permit the developer to proceed  
21 with the modifications as planned with off-  
22 street parking provided for all of the



1 modified units.

2 This community does not wish to  
3 see an increase in on-street parking when off-  
4 street parking can be provided in private  
5 garages and driveways.

6 A copy of the previous submitted  
7 letter of support is attached.

8 If you have further questions,  
9 please contact me.

10 The endorsement was date of the  
11 ANC-7E was May 31st, 2008. We had a quorum.  
12 Commissioners David Inoue, Naomi P.  
13 Robertson, Rosa Hamlett, Barbara McCoy, Linda  
14 Green and Chester Speight was available. The  
15 vote was five yes, objection one abstained.

16 Sincerely, Rosa A. Hamlett, ANC  
17 Commissioner 7E-03.

18 CHAIRMAN HOOD: Commissioner  
19 Hamlett, let me ask you.

20 The one person who voted against  
21 the motion to support this minor modification,  
22 were they -- was it within their SMD?

1 COMMISSIONER HAMLETT: No.

2 CHAIRMAN HOOD: Okay.

3 All right. Can you submit that?

4 COMMISSIONER HAMLETT: Yes.

5 CHAIRMAN HOOD: Okay. Let me see  
6 if we have any questions.

7 Any questions of Commissioner  
8 Hamlett?

9 No questions.

10 Does the Applicant have any  
11 questions?

12 MS. GIORDANO: No questions.

13 CHAIRMAN HOOD: Okay.

14 Thank you very much for coming  
15 down to testify.

16 Okay. Moving right along.

17 Organizations and persons in  
18 support? Anyone here who would like to  
19 testify in support?

20 Organizations and persons in  
21 opposition?

22 See none, rebuttal and -- well,

1 closing remarks by the Applicant.

2 In support or opposition? Okay.

3 Please identify yourself. Turn  
4 your microphone on.

5 MS. HEDRICK: I am Laverne Hedrick  
6 and I am the -- first of all, I would like to  
7 say Chairperson Hood and Commissioners, good  
8 evening. My name is Laverne Hedrick and I am  
9 the Chairperson for the Eastgate Steering  
10 Committee. Also a board member of the  
11 Eastgate Gardens Redevelopment Association.  
12 And most importantly, a former resident of  
13 Eastgate Gardens.

14 I lived at the Eastgate Gardens  
15 public housing site from 1987 until 2002. I  
16 was one of the 11 families that moved in 2002  
17 that were left on the property.

18 The three of us, Mrs. Anita  
19 Jackson, Mrs. Lucy Johnson and myself who are  
20 affectionately known as the Three Ladies. Ms.  
21 Jackson is deceased since January 25th, '08.

22 We began working with housing

1 advocates, Kimi Gray, Ivory Walters and the  
2 Marshall Heights Community Development  
3 Organization to persuade D.C. Housing  
4 Authority and the District of Columbia to  
5 redevelop Eastgate Gardens. Our units were in  
6 poor repair and were falling down around us.

7 In 1998, HUD approved DCHA to  
8 demolish all but three buildings which were  
9 demolished in 2002, which is when my family  
10 along with the other 10 families were  
11 relocated to other property housing sites in  
12 D.C.

13 At the time, D.C. Housing began  
14 working to apply to HUD for a Hope VI grant to  
15 revitalize Eastgate, Mrs. Jackson, Mrs. Lucy  
16 and myself participated in the development of  
17 the application and provided input on the 10-  
18 year mix and types of units on the newly  
19 constructed site.

20 In March 2004, DCHA was awarded a  
21 \$2 million grant to revitalize Eastgate.  
22 Until recently, all of us ladies were very

1 involved in the Hope VI process and continue  
2 to be involved.

3 I have personally attended the  
4 majority, if not all of the team meetings,  
5 design meetings and community meetings. WE  
6 the former residents provided the vision of  
7 the project and are excited to see our dream  
8 to come back to safe, beautiful and affordable  
9 housing that's being realized.

10 I must admit the community was  
11 slightly disappointed when it was explained  
12 that 20 single family detached units would not  
13 be built. But we understand the economic  
14 implications.

15 We are excited and support DCHA  
16 and the developer in their efforts to complete  
17 the project to maintain the vision to provide  
18 mixed income, mixed use housing at the site.

19 I am excited to be here to talk  
20 about Eastgate with you and do support the  
21 modification before you to change the 20  
22 single detached units to townhouse units.

1           Thank you for the opportunity to  
2           testify before you and I am happy to answer  
3           any of your questions.

4           CHAIRMAN HOOD: Ms. Hedrick, thank  
5           you for sharing your testimony with us.

6           Let me see if my colleagues have  
7           any questions? Any questions of Ms. Hedrick?

8           Seeing none.

9           Does the Applicant have any  
10          questions?

11          And I will share this with you,  
12          Ms. Hedrick. I too was sad to hear about the  
13          single family dwellings not being able to go  
14          forward. Because since I've been on this  
15          Commission we haven't seen a whole lot of them  
16          and I thought this was a good piece. But I  
17          know how market issues can happen and things  
18          happen.

19          Okay. Thank you for coming down  
20          and testifying.

21          Okay. Again, let me make another  
22          call.

1                   Anyone       else       in       support?  
2       Organizations or persons?

3                   Any other organizations or persons  
4       in opposition?

5                   Okay.   Ms. Giordano.

6                   MS. GIORDANO:   In closing, can I  
7       ask Mr. Banks to come forward and answer the  
8       question about the parking ratios with the  
9       revised proposal that was submitted this  
10      evening?

11                  CHAIRMAN HOOD:   Okay.   Let me ask  
12      -- the ongoing.   I think, again, you mentioned  
13      that you wanted flexibility to have ongoing  
14      conversations or DDOT also mentions they are  
15      available to continue.   That is definitely  
16      going to happen because they have to sign off  
17      on it at a certain point.   Okay.

18                  And I must have missed this the  
19      first time.   It's good to see a street named  
20      or area named after Kimi Gray.   I must have  
21      missed that.

22                  MR. BANKS:   For the record, my

1 name is Iain Banks with O.R,. George &  
2 Associates at 10210 Greenbelt Road, Lanham.

3 Just to briefly go through the  
4 adequacy of parking which is obviously an  
5 issue with any development going through the  
6 Zoning Commission.

7 The requirement in this situation  
8 is due to the zoning category and the top of  
9 the unit would be a one-to-one ratio. So, for  
10 every unit you are required to have one  
11 parking space.

12 The previous original approval  
13 back in 2005 was 196 dwelling units with 345  
14 spaces which included a total of 40 on-street  
15 spaces which gave a parking ratio of just  
16 under two spaces per unit. And that was  
17 subsequently modified in 2007 as a result with  
18 DDOT 28 foot curb cut requirement. So, the  
19 parking ratio went down to approximately 1.5  
20 spaces per unit.

21 The proposed modification in front  
22 of you today would have a parking space for



1 each dwelling unit proposed -- the townhouses.  
2 So, 45 units you get an additional 45 spaces.  
3 So, that would give us a total proposed unit  
4 count of 211 with 261 off-street spaces with  
5 14 on-street spaces for a total of 301. So,  
6 that's an equivalent of 1.43 spaces per unit,  
7 still way above the required ratio for the  
8 zoning regulations.

9 Due to the additional modification  
10 before you today of the amended curb cuts, as  
11 John mentioned earlier, we lose about eight  
12 spaces which brings us down to a 1.4 ratio of  
13 spaces to units. So, that's still well within  
14 the zoning regulations which requires the 1:1.  
15 So, from that point of view, it is well within  
16 the zoning regulations.

17 COMMISSIONER TURNBULL: So, you're  
18 not really seeking relief then?

19 MR. BANKS: So, just to clarify  
20 that. That 1.4 ratio includes on and off  
21 street spaces for a total of off-street  
22 spaces, there would be a ratio of 1.2 spaces

1 per unit.

2 COMMISSIONER MAY: Can I ask a  
3 question about the off-street -- the on-street  
4 spaces? Where are those actually in the plan?

5 MR. BANKS: They are -- currently,  
6 we have 40 off-street -- on-street spaces.  
7 There are 21 along the south side of Ivory  
8 Walters Lane and then there are 19 which will  
9 be around Kimi Gray Court. There is 19 around  
10 Kimi Gray Court which are expected to be  
11 within the curb count.

12 COMMISSIONER MAY: And does that  
13 mean that both Kimi Gray Court and Ivory  
14 Walters Lane are private streets? Their  
15 public streets?

16 MS. GIORDANO: They're not  
17 currently. They haven't been dedicated, but  
18 they will be.

19 COMMISSIONER MAY: They will be.

20 COMMISSIONER TURNBULL: There is  
21 no on-street parking on F Street or Queens  
22 Stroll Place?

1 MR. BANKS: There are -- there is  
2 additional parking but they will be public  
3 streets.

4 COMMISSIONER TURNBULL: That's  
5 public. Okay.

6 MS. GIORDANO: They are shared  
7 with the broader neighborhood basically.

8 COMMISSIONER MAY: But the ones on  
9 Ivory Walters and Kimi Gray are going to be  
10 somehow controlled?

11 MS. GIORDANO: They are not really  
12 controller, but I guess the point is that they  
13 are internal so it's unlikely that they would  
14 be occupied by people that live outside the  
15 development as opposed to the perimeter  
16 streets.

17 COMMISSIONER MAY: Okay.

18 CHAIRMAN HOOD: Okay. Any further  
19 questions, colleagues? Okay?

20 You want to finish your closing?

21 MS. GIORDANO: In closing, aside  
22 from the flexibility that we want to allow us

1 to deal with the driveway issue, the driveway  
2 spacing issue and the curb cuts, as Ms. Smyser  
3 indicated and Mr. Rodgers, time is of the  
4 essence. And if the Zoning Commission sees  
5 fit, it would be very helpful to be able to  
6 tell the lenders that we have an approval to  
7 substitute the units at this time, the 45  
8 units for the 20 detached.

9 So, if I might ask for a bench  
10 decision this evening. We're asking.

11 Thank you.

12 CHAIRMAN HOOD: Okay. gentlemen,  
13 I'm not sure. I'll start the conversation.

14 What we would like to do is start  
15 a conversation and we'll see how it ends up.

16 In my opinion and in discussion if  
17 anyone sees anything any different. And  
18 that's one of the questions I asked about the  
19 statute because I know that this project is  
20 already started, it's already gone. DDOT has  
21 to have -- I don't know. It seems like the  
22 shift or the tide has turned. Maybe because

1 Mr. Parsons and Carol have left.

2 But anyway it seems like the DDOT,  
3 they have not -- and this was actually an  
4 issue when they were here. So, maybe I need  
5 to retract that. But I think that what the  
6 Applicant has asked for, because I mean even  
7 if we delayed this. I don't know what we need  
8 to see. I'm in particular ready to move  
9 forward because DDOT does have to do some sign  
10 off on it in working it out with the  
11 Applicant. I think this project has been  
12 official.

13 And, personally, Ms. Smyser -- did  
14 I mess up your name?

15 MS. SMYSER: Smyser.

16 CHAIRMAN HOOD: Smyser. Your name  
17 is harder for me than -- I'm not going to even  
18 try. I'm not going to do it.

19 But I think from her testimony and  
20 I say this a few times. It just seems as  
21 though the project has already started in  
22 which the information she has given us, our

1 hands may be -- I'm not going to say our hands  
2 are tied because they're never tied. But I  
3 just don't know what we gain for not moving  
4 forward.

5 And with that statement, I will  
6 just open it up. I mean, if we're waiting on  
7 something, we may be waiting a long time and  
8 we're putting some financial pieces of this  
9 project in jeopardy.

10 Commissioner May.

11 COMMISSIONER MAY: Yes. You know,  
12 I think I would -- in moving ahead tonight, I  
13 would have preferred to have DDOT here so that  
14 we could discuss this and discuss how -- how  
15 the process would move forward from this  
16 moment. It's a little disappointing that the  
17 whole curb cut thing isn't already resolved  
18 because back when this first was presented as  
19 a minor modification, the curb cut issue I  
20 think was raised. And so it's a little  
21 disappointing that it isn't already fixed.

22 But, again, getting a letter from

1 DDOT that says that they recommend that we do  
2 not approve this for that reason, does seem a  
3 bit harsh, particularly, if they're going to  
4 show up and explain why or explain what the  
5 process is from here.

6 So, you know, given that DDOT does  
7 have some ability to hold up the completion of  
8 the project and the core matter for us is is  
9 it okay to substitute the 45 townhouses for  
10 the 20 single-family homes? I mean, I think  
11 in principle, I feel fine going forward and  
12 allowing the flexibility to work it out with  
13 DDOT.

14 CHAIRMAN HOOD: Well, said.

15 Anyone else?

16 COMMISSIONER TURNBULL: Mr.  
17 Chair, I would agree with Commissioner May.  
18 I think that although it would have been nice  
19 to have them here to explain it, they're not.  
20 And I don't think the Applicant should suffer  
21 because of that.

22 It would nice at some point, I

1 guess, to get a for the record, whatever the  
2 curb cuts are going to be and a drawing would  
3 reflect that. But I don't know, timing-wise,  
4 when that's going to happen.

5 CHAIRMAN HOOD: Well, I think we  
6 may be able to put that in the same situation  
7 as before the order is issued. Before the  
8 order is issued. Hopefully, will this be  
9 resolved before our order?

10 I don't know where we are with the  
11 negotiations. But is it possible that we can  
12 find some kind of way that we make sure this  
13 record is complete?

14 MS. GIORDANO: As a precedent, I  
15 think the MBOC agreements have to come in  
16 before a building permit. Maybe we could do  
17 something similar here. Because I would hate  
18 to hold up the order in case Mr. Rodgers needs  
19 to show something in writing to his lenders.

20 CHAIRMAN HOOD: Okay.

21 MS. GIORDANO: And it seems to be  
22 a fairly simple order to get issued pretty



1 expeditiously.

2 CHAIRMAN HOOD: Okay. Well, we  
3 just want to make sure that if you could just  
4 submit something and make sure that we get it.  
5 I'm going on your good faith effort. I'm sure  
6 you would make sure that this record is  
7 complete.

8 And will that satisfy you?

9 COMMISSIONER TURNBULL:  
10 Absolutely.

11 CHAIRMAN HOOD: Okay. Thank you,  
12 Ms. Giordano.

13 Okay. With that and I'll see if I  
14 can make this motion.

15 I would approve the modification  
16 of Zoning Commission Case No. 05-24, Eastgate  
17 Family Housing, coming from the single family  
18 detached units of 20 going to 45 townhomes.  
19 And also getting the flexibility to the  
20 Applicant and DDOT to work out the remaining  
21 curb cut. And I think there needs to be some  
22 additional landscaping. And there was another

1 one that I may be missing. Fenestration and--  
2 do we have a parking relief? And the eight --  
3 up to eight parking spaces. No more than  
4 eight.

5 Maybe I shouldn't have worded it  
6 no more than eight because you came back to  
7 the table.

8 MS. GIORDANO: We can't say for  
9 sure at this point whether that's going to  
10 satisfy DDOT eliminating eight. There could  
11 be more. Maybe we could do --

12 CHAIRMAN HOOD: The flexibility.  
13 Let me rephrase that.

14 Everything with the flexibility to  
15 work out the remaining issue, fenestration,  
16 parking relief to DDOT. And I don't mean to  
17 pun it, but at this point, you know, out hands  
18 are kind of tied.

19 MS. GIORDANO: And I think it's  
20 appropriate because DDOT certainly has  
21 expertise as to adequacy of parking in  
22 addition to, you know, the safety aspects

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1 associated with the curb cuts.

2 CHAIRMAN HOOD: Okay. All right.

3 I would move then and ask for a  
4 second?

5 COMMISSIONER ETHERLY: Seconded,  
6 Mr. Chair.

7 CHAIRMAN HOOD: Any further  
8 discussion?

9 Chairman May?

10 COMMISSIONER MAY: Yes. I'm not  
11 sure I'm totally comfortable with the idea of  
12 not putting a limit on how many off-street  
13 parking spaces are eliminated, particularly,  
14 given the concern that was expressed by the  
15 ANC. So, I would prefer to have some sort of  
16 a cap on that rather than leave it to the  
17 discretion of DDOT because I mean for all we  
18 now, DDOT may say, okay. You know, no off-  
19 street parking and the Zoning Commission gave  
20 you flexibility.

21 CHAIRMAN HOOD: The Zoning  
22 Commission gave you flexibility. But if they

1 want to sign off -- you know, it doesn't  
2 matter to me either one way or the other. I'm  
3 just trying to move forward.

4 COMMISSIONER MAY: I agree. I  
5 think we should try to move forward but I  
6 think that --

7 COMMISSIONER TURNBULL: What if we  
8 said approximately? Approximately eight?

9 CHAIRMAN HOOD: Okay. So, it was  
10 approximately eight and we got 20 of them.

11 COMMISSIONER MAY: That's a pretty  
12 big approximately. Okay.

13 CHAIRMAN HOOD: Okay. I would be  
14 more in tune to go with that. In other words,  
15 I would accept that.

16 COMMISSIONER MAY: I think  
17 approximately is fine. I think if it became  
18 too much of a problem and, for example, the  
19 community wanted to raise an issue with it,  
20 they could raise an issue and say 28 is not 8.

21 CHAIRMAN HOOD: I just use that as  
22 a hypothetical. Because I will tell you.

1 We've been here long enough, Commissioner May,  
2 and you've seen it. It's gotten very  
3 critical. Very critical.

4 Okay. So, any further discussion?  
5 Do we have a motion, Ms. Schellin? From the  
6 staff? No. Don't repeat it because I won't  
7 be able to repeat it. Okay.

8 All those in favor?

9 (AYES)

10 CHAIRMAN HOOD: Any opposition?

11 So ordered.

12 Staff, would you record the vote?

13 SECRETARY SCHELLIN: Yes. Staff  
14 records the vote four to zero to one to  
15 approved proposed action in Zoning Commission  
16 Case No. 05-24B as stated by Chairman Hood.

17 Commissioner Hood moving,  
18 Commissioner Etherly seconding. Commissioners  
19 May and Turnbull in favor. Commissioner  
20 Jeffries not present, not voting.

21 CHAIRMAN HOOD: I'm going to ass  
22 staff to work -- I mean, also the Office of

1 Planning to assist us with our good friend,  
2 Ms. Ricks and the District Department of  
3 Transportation and when we have issues like  
4 this that we need to have someone present to  
5 help us get through this.

6 While I know that we may not be in  
7 front of things with their agenda, but we need  
8 someone here. And I think I'm going to ask  
9 Jerrily Kress to do a formal letter to the  
10 District Department of Transportation and I'm  
11 going to ask the Office of Planning to help us  
12 with that. Okay.

13 Thank you all. Thank everyone for  
14 their participation tonight and have a nice  
15 evening.

16 (Whereupon, the above matter was  
17 concluded at 7:47 p.m.)  
18  
19  
20  
21  
22