

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Office of Planning

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9 Zoning Commission

10 Regular Public Meeting

11 11/24/14 Public Hearing

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15 6:30 p.m. to 7:47 p.m.

16 Wednesday, November 24, 2014

17

18 Jerrily R. Kress Memorial Hearing Room

19 Judiciary One Building

20 441 4th Street, N.W., Suite 220 South

21 Washington, D.C. 20001

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## 1      Board Members:

2      ANTHONY HOOD, Chairperson

3      MARCIE COHEN, Vice-Chairperson

4      ROBERT MILLER, Commissioner

5      PETER MAY, Commissioner

6      MICHAEL TURNBULL, Commissioner

7

## 8      Office of Zoning:

9      SHARON SCHELLIN, Secretary

10

## 11     Office of the Attorney General

12     ALLISON MYERS

13     JACOB RITTING

14

## 15     Office of Planning:

16     JENNIFER STEINGASSER

17     MAXINE BROWN-ROBERTS

18     STEPHEN MORDFIN

19     BRANDICE ELLIOTT

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

2 CHAIRPERSON HOOD: This meeting will  
3 please come to order. Good evening, ladies and  
4 gentlemen. This is a public hearing of the  
5 Zoning Commission for the District of Columbia.  
6 My name is Anthony Hood. We are located in the  
7 Jerrily R. Kress Memorial Hearing Room.

8 Joining me this evening are Vice Chair  
9 Cohen, Commissioner Miller, Commissioner May, and  
10 Commissioner Turnbull.

11 We're also joined by the Office of Zoning  
12 staff, Ms. Sharon Schellin. Also the Office of  
13 Attorney General, Ms. Allison Myers. It was  
14 going to come to me in a minute. Ms. Allison  
15 Myers and Mr. Jake Ritting. Office of Planning,  
16 Ms. Steingasser, Ms. Brown-Roberts, Mr. Mordfin,  
17 and Ms. Elliott.

18 Oh, see, I got it right. Okay. I messed  
19 up on the left side tonight.

20 Okay. Copies of today's meeting agenda  
21 are available to you and are located in a bin  
22 near the door. We do not take any public  
23 testimony unless the Commission requests someone  
24 to come forward. Please be advised this  
25 proceeding is being recorded by a court reporter.

1 It's also web cast live. Accordingly, we must ask  
2 you refrain from any disruptive noises or actions  
3 in the hearing room, including display of any  
4 signs. Please turn off all beepers and cell  
5 phones.

6 At this time, we'll take any preliminary  
7 matters. Does the staff have any preliminary  
8 matters?

9 MS. SCHELLIN: No, sir.

10 CHAIRPERSON HOOD: Okay. Let's move  
11 right into the agenda. As noted, because of  
12 recent events we've taken two cases off of the  
13 agenda, so those cases are not even listed on our  
14 new agenda. Am I correct, Michelle?

15 MS. SCHELLIN: That's correct.

16 CHAIRPERSON HOOD: Okay. I just have a  
17 few quick announcements then I'll open up, if any  
18 of my colleagues want to expound on anything I'm  
19 going to say.

20 We want to make sure that we keep Mr.  
21 Jeff Hinkles -- Jeff Hinkle lost his spouse.  
22 He's a member of our Board of Zoning Adjustment.  
23 He represents the National Capitol Planning  
24 Commission where he does a fabulous job, and we  
25 want to make sure that we remember him as he

1 deals with the loss of his spouse.

2 Any other comments from anyone?

3 (No audible response.)

4 CHAIRPERSON HOOD: Okay. Also, Ms. Ann  
5 Hughes-Hargrove passed away on November the 7th.  
6 For those who have been around a while and I used  
7 to call years ago, the zoning family. When I  
8 first got into zoning in this city, Ms. Hargrove,  
9 and there was a gentleman named Dick Wolf who is  
10 now passed, they did a lot of work in this city  
11 as far as zoning is concerned, and they did much  
12 more than just zoning. But Ms. Hargrove has left  
13 a legacy of zoning here in the city. She's  
14 worked hard. And we're also sorry to hear of the  
15 passing of Ms. Hargrove.

16 Anyone else who may have known Ms.  
17 Hargrove and they want to say something?

18 MS. COHEN: (Inaudible.)

19 CHAIRPERSON HOOD: Okay. Thank you, Vice  
20 Chair. You know I was not going to forget the  
21 Honorable late, now Honorable Mayor, Marion  
22 Barry. Mayor for life, council member Ward 8,  
23 school board member.

24 Let me do this first. Let me let my  
25 colleagues, if you want to say something or pay a

1 tribute to Ms. Berry, and I'll go last. I'll let  
2 somebody else do it.

3 Okay. Vice Chair Cohen.

4 MS. COHEN: Thank you, Mr. Chairman. I  
5 just really want to simply extend my condolences  
6 to his family, to his friends, to his  
7 constituents, and to his admirers. And I think  
8 what I was saying to you earlier is that he was a  
9 man of many inconsistencies, but he was a person  
10 who strongly believed in the needs of the D.C.  
11 residents and the poor. Social justice is one of  
12 his major goals throughout his life. And of  
13 course may he rest in peace.

14 CHAIRPERSON HOOD: Okay. Anyone else?

15 MR. TURNBULL: I met Marion Barry about  
16 14 years ago. I think I had been here about one  
17 year and there was going to be a function at the  
18 Italian Embassy for the ninth architect of the  
19 Capitol, George White. And so I went to it and I  
20 was speaking on behalf of the current architect  
21 of the Capitol then, Alan Hantman. And I noticed  
22 this guy was talking to George an awful lot and  
23 I, just from Chicago, I really had no idea who  
24 Marion Barry was.

25 And we were waiting out as we were

1 getting ready to leave later on, this big guy  
2 comes up to me and he goes, "Hi, I'm Marion  
3 Barry." And he says, "I've George White for a  
4 hell of a long time. Great guy to work with."  
5 He says, "I hope your new boss is as good as he  
6 is because George White was just tremendous."

7 And he had that look in his eyes that was  
8 just confidence and just a big grin, big smile,  
9 and I think I met him one more time after that,  
10 but it was always this big overpowering  
11 personality. And I was really impressed at the  
12 time. I said, this is a great guy.

13 CHAIRPERSON HOOD: Anyone else? Okay.  
14 Commissioner Miller and then we go to  
15 Commissioner May, and then I will end it all.

16 MR. MILLER: Thank you, Mr. Chairman.  
17 Yeah, I would extend my condolences as well to  
18 his family and friends and constituents.

19 Yeah, I met Marion 34 years ago when I  
20 went to work at the then District Building in  
21 October 1980 for Polly Shackleton, who was a big  
22 ally of his, after he supported Sterling Tucker  
23 for mayor in that first race. She tried to make  
24 up for it the rest of her time in office, very  
25 much so. But he is a larger than life character,

1 person, and has done a lot of good for the city.  
2 A lot of people who aren't really in this region  
3 don't know about, don't care about, probably.

4                   But I went back and looked at the last  
5 time he was here, which was in June on the Barry  
6 Farm case, no relation to Marion Barry, but I've  
7 already read through is testimony which was  
8 classic Marion Barry. You've got the whole life  
9 history of him and the city and then his  
10 interactions with you, Mr. Chairman and Marcie.  
11 I think he called you Marcie. He called me  
12 Commissioner Miller.

13                   I don't think he'd ever addressed me any  
14 name in the 30 years that I had known him, but --  
15 and he said that he saw in his interaction with  
16 me was that he said he sees that I was up here  
17 and I have a much nicer job than I had before.  
18 And I wanted to say, but it doesn't pay as -- pay  
19 anything. But I just said, good to see you again  
20 too, Mr. Mayor. Thank you.

21                   THE COURT: Commissioner May.

22                   MR. MAY: So I would like to extend my  
23 condolences as well to his family, and of course  
24 to the many residents of Washington and beyond  
25 who are grieving the loss of this remarkable man.

1 You know, I only met him I guess relatively  
2 recently. Only about 10 years ago. And  
3 previously I had known him as the mayor and voted  
4 for him many times and voted against him probably  
5 more than once.

6 But you know, he was still such a  
7 remarkable person and he commanded attention in  
8 the room that was just hard to understand how he  
9 could have this presence in the room. I mean, it  
10 was -- and I'm not just talking about here, I'm  
11 talking about, you know, when he walked into a  
12 meeting or when, you know, when he walked --  
13 whether it's a public meeting with 100 people in  
14 it, or you know, in a conference room with 10, he  
15 had this presence and he really was a remarkable  
16 politician. And I think that you know, the city  
17 will be very different without him and I think  
18 we'll miss him.

19 CHAIRPERSON HOOD: Okay. I'm going to  
20 end it up.

21 Growing up in this city, Marion Barry  
22 was, he was just a great guy. He was big. He  
23 was huge to a elementary school student and  
24 Bunker Hill. And who is this mayor? And as I  
25 got older I know my mother had invited him one

1 time to the church, and I saw him there, and  
2 Christopher was small then, and Christopher was  
3 in the car asleep, so you know, I'm hearing all  
4 this thing and I'm like wow, that's the mayor of  
5 the District of Columbia. You know.

6 And as I got older, to have the  
7 relationship that I had with him, he appointed me  
8 -- he found a guy in Ward 5 who knew nothing  
9 about zoning. And he told you all the story. If  
10 you've been here a while he told you the same  
11 story over and over again, a few times, and the  
12 last time he was here I actually mentioned to  
13 him, I said, you're going to never forget that  
14 story.

15 So now that he's passed on I'm going to  
16 have to remind you of the story. I'm going to  
17 have to take his place.

18 The story was Anthony Hood -- well, first  
19 the ABC Board, he didn't tell you all about the  
20 ABC Board and I didn't want anybody in front of  
21 my house protesting. So that's what I knew about  
22 the ABC Board.

23 And he said, what about the Zoning  
24 Commission? And I said, Mr. Mayor, what is that?  
25 I don't know nothing -- no, I can't do that, I

1 don't know nothing. And he's exactly right. He  
2 told the story -- he told it to council about  
3 five times, and he told it down here at least  
4 three. And he was right.

5 I said, Mr. Mayor, I don't know anything  
6 about zoning.

7 He said, you don't know zoning but you  
8 know community. And Marion Barry, for me, gave  
9 me an opportunity that I don't know if I would  
10 have ever had from anyone. And watched this guy  
11 growing up. And then eventually becoming on  
12 first name basis and having his cell number. And  
13 he called me like about three weeks ago and said,  
14 "Hey, Hood. This is M.B."

15 And then the best thing for me was a  
16 couple of weeks ago when Mayor Bowser was -- we  
17 were at the victory party. He came off the stage  
18 and he says to me, he looks to me and says,  
19 Chairman for life.

20 I said, no way in the world. I said, I  
21 don't even equate to nothing for life like you  
22 do. You know, he always looked out for the lost,  
23 the least, and the left out. He always helped  
24 you. And yes, you know, and I agree with him,  
25 Vice Chair Cohen, I agree with you on this. Yes,

1 he didn't come without fault. And I notice  
2 everybody seems to point to that.

3                   But let me just say this, the difference,  
4 and I agree with the mayor on this, the late  
5 mayor on this, the difference with his fault and  
6 all of ours in this room and those who may be  
7 watching us, is his was public, ours isn't.  
8 Because I guarantee you somebody looked in our  
9 closets, including mine, we would have just as  
10 much things going on. His was just public.

11                  But if you ever noticed, he served his  
12 city well, and today I've had many phone calls.  
13 We were up all night Saturday. Saturday night  
14 when we got the call I can tell you that, you  
15 know, everybody is talking about now how we named  
16 something after him, which is a fitting tribute,  
17 and all day today I was trying to think. And I  
18 know there's one out there, but it's not one that  
19 you can decide in a minute, like naming this  
20 after him or naming that after him. This  
21 gentleman has done a lot. He's come all the way  
22 from Itta Bena, Mississippi. And I know that.  
23 My wife is from Jackson, Mississippi. But he's  
24 come all the way from Itta Bena, Mississippi.  
25 And he's played a large role in this individual's

1 life. And I think everybody tells the same story  
2 about the summer youth program.

3 Yes, in '79 I worked at Howard  
4 University. I worked at Howard University in  
5 printing. And I told him this. And now I'm the  
6 chief of printing at the United States  
7 Environmental Protection Agency. So, you know,  
8 we need more people like that to be able to get  
9 people started. See, he could never be replaced.  
10 He will never be replaced.

11 But you know, when I look back at his  
12 life and what he meant to me, he's meant a lot,  
13 we had a great relationship. And I look at over  
14 the years how it went from somebody I didn't know  
15 to somebody I had a very personal and good  
16 relationship with.

17 Growing up in the city, like I said, and  
18 you see somebody on TV all the time, to have his  
19 cell phone number. Yeah, I'm 50 years old now,  
20 but that meant a lot. This was a guy that you  
21 just couldn't reach out and touch unless you're -  
22 - you know, sixth grade, first of all, I couldn't  
23 cross the street. But had a relationship -- to  
24 go from not knowing him at all to being on a  
25 first name basis meant a lot. And as I've

1 reflected back and I thought about the life and  
2 all he's done for everyone in this city, I  
3 thought of what the songwriter wrote, a song and  
4 it said, "May the work I've done speak for me."  
5 And if we just live on that and not talk about  
6 his faults, because like I said, the difference -  
7 - and I agree with him. The difference in his  
8 faults and ours is his were public.

9 So he will be missed. But again, his  
10 legacy, he's done enough around here that things  
11 will last the test of time and for years to come.  
12 And I'll leave it at that. So condolences go out  
13 to the family. I'm sure we will be hearing more  
14 as we move on.

15 And again, I want to thank this  
16 Commission and everyone for agreeing with the  
17 assessment tonight. The Ward 8 community in this  
18 city, we have all been through a lot since  
19 Saturday. So to have two cases from Ward 8, I  
20 know he would have wanted us to go forward, but  
21 to have two cases from Ward 8 on agenda, and have  
22 put more on the Ward 8 residents, let's let us  
23 continue to try to move forward. As the dust  
24 settles and things try to get back to normal then  
25 we will deal with those cases, I think, at our

1 next meeting.

2 So again, my condolences goes out to the  
3 family and to all the friends and those who work  
4 with Mr. Barry through these years. And  
5 especially to his good friend he just introduced  
6 me to about two weeks ago, Catfish Mayfield.

7 So with that, I will leave it at that.  
8 May he rest in peace.

9 Okay. Let's go to the final action.  
10 Zoning Commission case no. 10-15B. I'm sorry,  
11 10-12B, Tiber Creek Associations, LLC., two year  
12 time extension, capitol gateway overlay review  
13 approval and Square 601, Michelle.

14 MS. SCHELLIN: Yes, sir. The applicant  
15 is requesting an additional two year time  
16 extension to November 12th, 2016, at which time  
17 it will be required to file a building permit to  
18 construct the approved hostel -- Sea Hostel and  
19 Hostel project. The applicant has stated the  
20 reason for the request is due to litigation and  
21 other circumstances outside of its control.

22 At Exhibit 5 there is an OP report  
23 recommending approval of the request and we'd ask  
24 the Commission to consider final action on this  
25 case.

1 CHAIRPERSON HOOD: All right. So we have  
2 the crest in front of us. Some of it, this has  
3 been in litigation. They've mentioned it.  
4 Nothing material facts or nothing has changed and  
5 they ask for a two year time extension, I think  
6 goes to the year 2016, or something of that  
7 nature. I'm not sure of the exact date.

8 But anyway, anyone have any comments or  
9 questions?

10 (Pause.)

11 CHAIRPERSON HOOD: No comments,  
12 questions. I'll obtain a motion if the record is  
13 complete.

14 MR. TURNBULL: Mr. Chair, I would move  
15 that we approve Zoning Case No. 10-12B, Tiber  
16 Creek Associates, LLC, two year time extension of  
17 CD overlay review approval at Square 601, and  
18 look for a second.

19 MR. MILLER: Second.

20 CHAIRPERSON HOOD: Okay. It's been moved  
21 and properly seconded. Any further discussion?  
22 All those in favor, aye.

23 Any opposition? Not hearing any, Ms.  
24 Schellin, would you record the vote?

25 MS. SCHELLIN: Yes. Staff records the

1 vote five to zero to zero to approve final action  
2 Zoning Commission Case No. 10-12B. Commissioner  
3 Turnbull moving, Commissioner Miller seconding,  
4 Commissioners Cohen, Hood, and May in support.

5 CHAIRPERSON HOOD: Okay. Next let's go  
6 proposed action, Zoning Commission Case No. 14-  
7 05, this is Forest City Washington Text Amendment  
8 at 1803. Ms. Schellin.

9 MS. SCHELLIN: Yes, sir. Exhibit 23 is  
10 the petitioner's post-hearing submission, Exhibit  
11 24 is ANC 60 supplemental report, and Exhibit 25  
12 is OP supplemental report. We'd ask the  
13 Commission to consider proposed action.

14 CHAIRPERSON HOOD: Okay. Commissioners,  
15 we have proposed action in front of us. Any  
16 comments? Vice Chair Cohen?

17 MS. COHEN: Yes. ANC 60 is still  
18 concerned about the mix of unit size. I think  
19 the -- I believe that the applicant made a fairly  
20 reasonable argument about this particular site  
21 being so close to the stadium. And that there  
22 are other sites that may be more conducive.

23 However, even though they have I guess,  
24 development control over some of the other sites,  
25 we really haven't exacted any type of commitment

1 that they will definitely put in these larger  
2 bedrooms.

3                   So I have been thinking about this  
4 project and the conundrum of wanting to give  
5 great weight to the ANC, and then the alternative  
6 argument that I don't think is unreasonable by  
7 the applicant, of saying this isn't the, you  
8 know, right site.

9                   So I don't know if it's appropriate and I  
10 look to my legal staff to see if there is some  
11 way we could exact a greater commitment on a  
12 future development site.

13                  MS. MYERS: This is Allison Myers with  
14 the Office of the Attorney General. I would have  
15 to look in to that. I think it would have to be  
16 one, the case is raised. We would look into  
17 something to that affect. But at this time I  
18 can't really speculate as to how that would work  
19 and how we would go about that.

20                  MS. COHEN: All right. Well, I'll just  
21 defer more discussion to my colleagues at this  
22 point.

23                  CHAIRPERSON HOOD: Okay. Any other  
24 comments? Commissioner Miller.

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

1 Chairman. Yeah, I think the -- well, I want to  
2 thank the Office of Planning and the applicant  
3 for responding to concerns that the Commission  
4 did express at the hearing. There is stronger  
5 language regarding the accommodating the design  
6 of a public entrance to the Navy Yard Metro Rail  
7 Station.

8 There is a minimum requirement for the  
9 larger bedroom units. Maybe not as much as what  
10 the ANC would have liked to have seen, but it is  
11 an unusual requirement and I think the language  
12 strikes an appropriate compromise. It allows for  
13 us to review if the applicant at that time  
14 decides that they can't do it for some  
15 feasibility reason or whatever, and we can review  
16 it at that point.

17 And I note that there is conflicting data  
18 that the applicant provided regarding the need or  
19 desirability for larger units versus the data  
20 that the OP looked at, which found that there is  
21 a desire for families to live in this  
22 neighborhood, even though it is an entertainment  
23 district. There is that wonderful movie theater  
24 that's going to be right there, as well as the  
25 national ball park and everything else that's

1 going on down there.

2                   But there's a lot that is attractive to  
3 families down there as well. So I think it  
4 strikes an appropriate compromise, but I'll wait  
5 to hear what my colleagues have to say as well.

6                   CHAIRPERSON HOOD: Okay. Any other  
7 comments on this? Commissioner May?

8                   MR. MAY: Well, I appreciate that there's  
9 been some movement on this, but I can't say that  
10 I really love the result. You know, I think that  
11 they made some effort on the prospect of  
12 including some three-bedroom units. Honestly I  
13 don't think that was the biggest issue. I think  
14 the bigger issue was the Metro entrance. And I  
15 think there's a greater good that might be coming  
16 there if there was some willingness to actually  
17 contribute to the construction of a Metro  
18 entrance eventually.

19                   I mean, all it is right now is that  
20 they're, you know, they're planning to  
21 accommodate it. So okay, it will fit in. I know  
22 that, you know, there's precedent for doing that.  
23 It's a little different trying to extract a  
24 promise like that out of George Washington, which  
25 is a nonprofit educational institution versus a

1 developer who is going to get 264,000 square feet  
2 of additional gross floor area. So I'm just  
3 generally -- I'm disappointed. Not that I think  
4 there should be more in the way of three-bedroom  
5 housing, but I was hoping there might be  
6 something on the Metro entrance. But there's  
7 not, other than changing facilitate to  
8 accommodated, which doesn't seem -- I mean, you  
9 know, that seems pretty minor.

10 CHAIRPERSON HOOD: Okay. Any other  
11 comments? Mr. Turnbull.

12 MR. TURNBULL: Thank you, Mr. Chair. I  
13 kind of agree with the Vice Chair in looking at -  
14 - I mean, I understand the five percent is a give  
15 on the -- by the applicant on this. But I guess  
16 is that this covers the whole area, all the  
17 parcels involved. And there's nothing that  
18 really -- I mean, even though if some of them get  
19 to be developed as office areas and there's real  
20 no -- I guess I'm struggling with no incentive to  
21 develop this on other parcels.

22 And I guess my other feeling is agreeing  
23 with Commissioner May. I guess I don't see the  
24 big change from using the word facilitate the  
25 provision of a public entrance the Navy Yard

1 Metro Rail, to accommodate the design. It's not  
2 really a stronger word in my opinion. It's still  
3 basically, yeah, we'll work around it.

4 So I'm struggling with the wording of  
5 that and the actual, I think like Mr. May has  
6 said, I think there ought to be something more  
7 with a stronger backing of this entrance to it.  
8 So I'm not really happy with some of the things  
9 that we've seen so far. I think there has still  
10 got to be some tweaking on this.

11 CHAIRPERSON HOOD: Okay. Has everybody  
12 spoken?

13 I could push a little more for the three  
14 bedrooms, but I also understand the argument. So  
15 to me that was not a show stopper. And I can go  
16 either way with the entrance. And I was actually  
17 prepared to move forward. But after hearing all  
18 my colleagues, I would suggest that the applicant  
19 go back and, you've heard the comments from up  
20 here, go back and revisit some of the comments  
21 you heard.

22 I would not necessarily say that we take  
23 proposed action this evening. I would think that  
24 hearing the vice chair's comments and Mr.  
25 Turnbull's comments as well as Commissioner May,

1 I'm not sure if I remember you saying -- I think  
2 you and I may be closer together, Commissioner  
3 Miller, than the rest.

4 So taking the other three's comments, I  
5 would suggest that we not do propose, that we do  
6 this at our next meeting. And Ms. Schellin, if  
7 you could check with the applicants, see if they  
8 can straighten out some of these issues. It  
9 sounds like it's two issues that are outstanding  
10 for me. The three-bedroom issue, I think. The  
11 two to three-bedroom. Even though I think they  
12 make a good point, and I've actually thought  
13 about that, not just in this case but in general  
14 across the board. And I wasn't going to  
15 necessarily hold this applicant.

16 But I know the ANC had mentioned in a  
17 letter that was one of the things -- I don't know  
18 if they said conditional report, I can't  
19 remember. But support. And the other issue  
20 about the entrance.

21 Anything else? Commissioner Miller?

22 MR. MILLER: Yeah. I just wanted to  
23 reiterate, and I might be in a minority viewpoint  
24 here, that I think there is a greater good to  
25 having a couple hundred thousand additional

1 square feet of housing in this neighborhood, and  
2 with a set-aside of that for affordable housing  
3 as well. And I think it's a civic priority and a  
4 comprehensive plan to have more housing and also  
5 have more affordable housing. So I just wanted  
6 to reiterate that point.

7 CHAIRPERSON HOOD: Okay. All right. So,  
8 does anyone have any other ways that I could move  
9 forward with that after hearing concerns from my  
10 colleagues? I think that's the way we're going  
11 to move in that fashion. Ms. Schellin, can you  
12 work on some dates?

13 MS. SCHELLIN: The applicant would need  
14 to make their submission by Monday in order to  
15 place it on the December 8th agenda. I don't  
16 think there's anything else that we really need  
17 from the ANC on that.

18 CHAIRPERSON HOOD: No, not from the ANC.

19 MS. SCHELLIN: Yeah.

20 CHAIRPERSON HOOD: So --

21 MS. SCHELLIN: So --

22 CHAIRPERSON HOOD: -- who is the  
23 applicant? Who is that?

24 MS. SCHELLIN: -- can you submit  
25 something by December 1st? If not, then we have

1 to move it to January. January? Or -- January.

2 Okay.

3 So if we could just have a submission  
4 then, by January 5th, then we'll put it on for  
5 January 12th.

6 CHAIRPERSON HOOD: Okay. So we're all on  
7 the same page with that? Let's move along.  
8 Zoning Commission Case No. 14-10. This is Office  
9 of Planning Text Amendment to Chapter 7 and 8,  
10 Animal Uses in Residential Areas.

11 Ms. Schellin.

12 MS. SCHELLIN: Yes, sir. On this one we  
13 had a supplemental report from OP at Exhibit 18,  
14 but in the copying it was every other page got  
15 copied, so they made a corrected supplemental  
16 report, Exhibit 19. So the one you really need  
17 to look at is Exhibit 19. Would ask the  
18 Commission to consider proposed action.

19 CHAIRPERSON HOOD: Okay. Commissioners,  
20 we have the revised Office of Planning's report  
21 with some of the changes in front of us. Let me  
22 open it up for any comments.

23 Well, I'll start this off. I had first  
24 had some issues, and if you notice at the hearing  
25 about the 25 feet and the alley and all that.

1     But I think when I looked at the -- and this may  
2     have been here all the time. I may have just  
3     missed it, 7-21.23, there should be no  
4     residential use on the same level as or in the  
5     floor immediately above the proposed animal  
6     boarding use.

7                 For me, that was one of my issues early  
8     on. But I see that it's in here now and I don't  
9     know, Ms. Steingasser, has that sentence been  
10    there the whole time or is that something that --  
11    oh, so we put that in there later?

12                Okay. Well, I'm very happy. See what  
13    one sentence will do? Okay. So that's my  
14    comment. I'm glad we have that in there because  
15    that was my major issue on this whole regulation.

16                Okay. Let me open it up. Any comments?

17    Okay, Commissioner Miller.

18                MR. MILLER: Thank you, Mr. Chairman.  
19    Yes, I just had a couple questions for the Office  
20    of Planning, or OAG, whoever can answer them.

21                Well, the first one is regarding external  
22    yards. There's generally an outride prohibition,  
23    which I guess is in the existing regs that  
24    external yards or other external facilities for  
25    keeping of animals shall not be permitted, except

1 I think in the industrial zones there is that 200  
2 foot buffer requirement and a lot of other  
3 conditions which seem reasonable. But I'm  
4 wondering why we can't have that same kind of --  
5 that kind of permissive language, but with all  
6 those conditions in these other zones for these  
7 fixtures in the yards. Is there a reason it  
8 doesn't work there? There probably wouldn't be a  
9 200 feet in that kind of zone, but if there was,  
10 wouldn't it take care of whatever concern is  
11 being addressed by the prohibition?

12 MR. MORDFIN: It might. The reason for  
13 the 200 feet, and only in the industrial had to  
14 do with, in the other zones you're more likely to  
15 have neighbors and residents who are living close  
16 by. In the industrial zones which don't permit  
17 residential uses, or at least the establishment  
18 of new ones, we do have people that live in  
19 industrial zones. So the idea was to allow it  
20 for animal shelters. And they needed the outdoor  
21 areas because those animals actually live there  
22 as opposed to coming for the day or maybe  
23 boarding for a couple days. They live there and  
24 we couldn't not permit them to go outside. That  
25 just seemed cruel.

1                   So that's why it's in for animal shelters  
2 only, and then the animal shelters within the  
3 industrial zones, because we didn't want to be  
4 disturbing people, there was a fear that, you  
5 know, you would hear the dogs barking.

6                   We have had some BZA cases where they  
7 have permitted animal shelters within a closer  
8 proximity to residential uses and with those also  
9 came a limit on the number of dogs you could have  
10 and the specific hours that you could have them  
11 outside, so as to not adversely affect them.

12                  But that is the reason for the 200 feet  
13 and only in the industrial zones, because we  
14 didn't want to adversely affect any residential  
15 uses that were nearby.

16                  MR. MILLER: I didn't have a problem with  
17 the 200 feet, and I just didn't know if there was  
18 such a buffer in another commercial zone, whether  
19 or not the same kind of condition would be  
20 appropriate.

21                  MS. STEINGASSER: We could certainly  
22 permit that.

23                  MR. MILLER: And is it --

24                  MS. STEINGASSER: Transfer that buffer  
25 into the other zones as well.

1                   MR. MILLER: And it would probably be a  
2 rare property.

3                   MS. STEINGASSER: It would be very rare,  
4 yeah.

5                   MR. MILLER: But if there were, and at a  
6 boarding place where it's being boarded it might  
7 be useful to have that kind of a --

8                   MS. STEINGASSER: Uh-huh.

9                   MR. MILLER: -- external.

10                  MS. STEINGASSER: Yes, sir.

11                  MR. MILLER: For the reason you might  
12 like to have it at the shelter. That's just one  
13 question I had.

14                  The other was, there's the proposal to  
15 allow manner of right use in basement with  
16 certain conditions. I just wanted to know, is  
17 basement a defined term in the zoning regulation.

18                  MS. STEINGASSER: Yes, it is. Yes, it  
19 is.

20                  MR. MILLER: Okay. Thank you. Those  
21 were just my questions I wanted to share.

22                  CHAIRPERSON HOOD: Okay. All right. Any  
23 other questions on this proposal, Commissioner  
24 May?

25                  MR. MAY: Yeah, just on that same

1 question of basements versus cellars. So what  
2 rules apply to a boarding use in a cellar?

3 MR. MORDFIN: Well, there are no specific  
4 rules to ones in a cellar. The only difference  
5 is --

6 MR. MAY: So it would be allowed?

7 MR. MORDFIN: A cellar is more than four  
8 feet below grade in a basement.

9 MR. MAY: I understand. I know what a  
10 cellar is.

11 MR. MORDFIN: So you would be able to do  
12 it in a cellar if you could do it in a basement.  
13 We could clarify that to make it more obvious.

14 MR. MAY: Okay. I mean, I don't know  
15 whether it's necessary or not, but it's --

16 MS. STEINGASSER: The intent was not to  
17 permit by omission, but to permit by specific so  
18 you can be above grade by special exception, you  
19 can be in a basement by -- as a matter of right,  
20 and anything else would not be permitted.

21 MR. MAY: So in a cellar it would not be  
22 permitted.

23 MS. STEINGASSER: It would not be. I  
24 mean, we could add that. When the Commission  
25 talked about it you specifically you said

1 basement. So that's why we kind of seized on  
2 that.

3 MR. MAY: Yeah, and I mean I -- right.

4 Sure. I mean, I would think that if we though it  
5 was okay as a matter of right in a basement we  
6 would think it would be okay as a matter of right  
7 in a cellar, because it's going to be even  
8 further removed from disturbing neighbors.

9 MS. STEINGASSER: It would. Yeah,  
10 typically cellars don't always have windows and  
11 things like that, but that --

12 MR. MAY: Right.

13 MS. STEINGASSER: -- is just dogs anyway.

14 MR. MAY: Sure. Unless it's one of  
15 those, you know, three foot 11 cellars.

16 MS. STEINGASSER: Exactly.

17 MR. MAY: Which are, you know, extra  
18 apartments.

19 MS. STEINGASSER: And I do have dogs, so.

20 MR. MAY: Okay. So I do think we want to  
21 -- do we want to talk about the 25 foot rule  
22 versus that alley? And I think we had two  
23 different -- you had two different options that  
24 you had described, or that you had written in.  
25 And I know you're recommending the bowling alley

1 rule, if you will.

2                   The option one, which is 25 feet, unless  
3 separated by a portion of a street or alley,  
4 versus the more complicated description which  
5 sets it at 25 feet and then describes out it be  
6 measured and so on.

7                   So I'm wondering why -- I mean, you say  
8 you recommend the first option, but the second  
9 option is just there so what do you think of the  
10 second option?

11                  MS. STEINGASSER: Well, we recommended  
12 the first option because that was the direction  
13 the Commission gave us at one point during the  
14 hearing.

15                  MR. MAY: Uh-huh.

16                  MS. STEINGASSER: And so we put that  
17 forwards and we compared it. We put the little  
18 table in there to show the comparison.

19                  Also through the course of testimony, the  
20 Commission also then began to give some other  
21 direction to look at how do we measure that 25  
22 feet, and should that include the alley? And it  
23 was unclear from the discussion whether it was  
24 the 25 feet that was important to the Commission,  
25 or the alley width. And it seemed like there was

1 a consensus to go with the alley width. But that  
2 was also, in our discussions with OAG, very clear  
3 that, you know, the alley widths vary.

4 MR. MAY: Uh-huh.

5 MS. STEINGASSER: That they're not  
6 predictable. They're typically, on average, the  
7 traditional alley is 15 feet, but they can be  
8 much smaller. They can go down, in some cases,  
9 down to four feet in some of the older historic  
10 neighborhoods.

11 So we wanted to make sure that the  
12 Commission understood that it had a variability,  
13 and if the Commission indeed wanted to go with  
14 the alley width, that was what we provided. If  
15 they wanted to go with the 25 feet we provided  
16 some -- it's kind of convoluted. We would work  
17 with OAG to simplify it that 25 feet was the  
18 minimum distance between a residential lot line -  
19 -

20 MR. MAY: Right.

21 MS. STEINGASSER: -- and this use.

22 MR. MAY: Right. I mean, my feeling on  
23 this is that there isn't a whole lot of  
24 difference in terms of sound transmission between  
25 four feet and 25 feet, right? I mean, it's just

1 the nature of acoustics. It doesn't really  
2 change that much.

3 So I'm not sure what makes the most sense  
4 in this circumstance, but I wanted to have that -  
5 - well, I'm interested in hearing what the rest  
6 of the Commission has to say.

7 CHAIRPERSON HOOD: Anybody like to  
8 expound on that? I personally would like the  
9 predictability of the 25 feet and take the alley  
10 and all that abstract, what size it is, it  
11 varies, and all that variation out of the  
12 language and just stick with the 25 feet. That's  
13 my opinion.

14 Anyone else? Commissioner Turnbull.

15 MR. TURNBULL: Yeah. Thank you. Option  
16 two still reads sort of like you need still 25  
17 feet, depending upon how you measure it.

18 MS. STEINGASSER: Yes, sir.

19 MR. TURNBULL: So it's still 25 feet, no  
20 matter what, except you're allowing flexibility  
21 as to where you measure it from.

22 MS. STEINGASSER: There was some  
23 discussion, when we went back to the tape and  
24 watched the hearing, there was some discussion  
25 over whether the 25 feet would include the alley

1 or would exclude the alley, or whether it would  
2 include the external space of the proposed that  
3 the use was on.

4 So we wanted to make it clear that it's a  
5 25 foot space between a residential proposed line  
6 and the boarding use.

7 MR. TURNBULL: Right. And not  
8 necessarily the building frontage.

9 MS. STEINGASSER: That's correct.

10 MR. TURNBULL: Or the rear of the  
11 building or whatever. It's still 25 feet to the  
12 use itself.

13 MS. STEINGASSER: To the use.

14 MR. TURNBULL: No matter what. So.

15 MS. STEINGASSER: So there could be a  
16 laundry room or some other use on that ground  
17 floor that would separate the street front animal  
18 care from the rear of the proposed. And all of  
19 that would count. It's use to property line.

20 MR. TURNBULL: Okay. All right. Thank  
21 you.

22 CHAIRPERSON HOOD: Okay. Any other  
23 comments, questions?

24 Commissioner May.

25 MR. MAY: Mr. Chairman, I just had a

1 question. I mean, is that what you're advocating  
2 was option two, which is 25 feet and then you  
3 just describe how it's measured?

4 CHAIRPERSON HOOD: Yeah, well what --  
5 yeah, and that's what I would like to see because  
6 actually I don't know if Ms. Steingasser was  
7 referring to me about the information about the  
8 alley and the existence. We can go back and look  
9 at the tape because I actually initially wanted  
10 the alley to be inclusive of the 25 feet at  
11 first.

12 MR. MAY: Uh-huh.

13 CHAIRPERSON HOOD: And I think that's  
14 where she was talking about --

15 MR. MAY: Right.

16 CHAIRPERSON HOOD: -- the tape.

17 MS. STEINGASSER: Right. I wasn't  
18 pinpointing anybody. To be honest --

19 CHAIRPERSON HOOD: Well, I just, you  
20 brought my memory --

21 MS. STEINGASSER: -- at the Commission  
22 and OP we're all -- we were touching on every  
23 possible option there in that hearing.

24 CHAIRPERSON HOOD: Well, the reason I  
25 said that is because that's the discussion I

1 think I was having with, I think it was Mr.  
2 Lawson, or was it with you?

3 MS. STEINGASSER: I think it was with Mr.  
4 Lawson.

5 CHAIRPERSON HOOD: Okay. And that was a  
6 discussion (indiscernible) but this Commission  
7 was having. But after I looked at the scenarios  
8 I'd rather go with more as you stated, more the  
9 predictability as opposed to being all over the  
10 place. And I think that's fair and as Andy  
11 Altman always said -- I always have to go back to  
12 what other people said. But anyway, the  
13 government should be predictable. And I believe  
14 that.

15 So tell Andy I agree with one thing he  
16 said. No, I'm just playing.

17 Okay. Any other comments? Commissioner  
18 May, you fine with that or --

19 MR. MAY: I'm fine with the option two  
20 definitions which basically sets it at 25 feet  
21 and describes how it can be measured.

22 CHAIRPERSON HOOD: Okay. Any other  
23 questions? If not, do we delay this? We don't  
24 delay this one do we? Our plate is getting read  
25 to get full.

1               Okay. So I would move approval of  
2 proposed action for Zoning Commission Case No.  
3 14-10 as stated with option two. Is there  
4 anything else? That was it.

5               MR. MILLER: Cellar.

6               CHAIRPERSON HOOD: And the cellar as  
7 well, as stated. And ask for a second.

8               MS. COHEN: Second.

9               CHAIRPERSON HOOD: Okay. It's moved and  
10 properly seconded. Any further discussion?

11               All those in favor, aye.

12               ALL: Aye.

13               CHAIRPERSON HOOD: Any opposition? So,  
14 Ms. Schellin, would you record the vote?

15               MS. SCHELLIN: Yes. Staff records the  
16 vote five to zero to zero to approve Case No. 14-  
17 10 with option two and the cellar, Commissioner  
18 Hood moving, Commissioner Cohen seconding,  
19 Commissioners May, Miller, and Turnbull in  
20 support. And this is approving proposed action.

21               CHAIRPERSON HOOD: Okay. So the last  
22 thing on our agenda is a hearing action, Zoning  
23 Commission Case No. 14-18. This is Mid-City  
24 Financial Corporation, 1st Stage PUD and any  
25 related map amendment in Square 3953.

1                   Ms. Brown-Roberts.

2                   MS. BROWN-ROBERTS: Thank you, Mr.  
3                   Chairman. Good evening, and members of the  
4                   Commission.

5                   Mid-City Financial Corporation proposes  
6                   the demolition and redevelopment of the Brooklyn  
7                   Manor Apartments and the Brentwood Village  
8                   Shopping Center.

9                   Goals or the new community include  
10                  transforming this predominantly low-income  
11                  housing development into a mixed use housing  
12                  community with 2,200 units of which 20 percent of  
13                  440 units would be affordable housing.

14                  Of the 440 units 373 units would be  
15                  replacement units under the Section 8 program,  
16                  and the remainder would be IZ units.

17                  The housing would be accommodated in a  
18                  mixture of apartments, two over twos, and row-  
19                  houses and building heights ranging from 90 to 45  
20                  feet.

21                  To compliment the housing 2,200 square  
22                  feet of ground floor retail uses, including a  
23                  56,000 square foot grocery store is proposed.

24                  Central to the new community would be a  
25                  one acre community green and a one acre

1 pedestrian walk. The development plan would  
2 reconfigure the existing layout by realigning  
3 internal streets to create a nearly grid pattern  
4 with eight new smaller blocks, thus providing  
5 better internal connectivity, connections to the  
6 surrounding community, and improved security  
7 within the development.

8 The site is currently zoned R5A and C2A,  
9 and the applicant is requesting a PUD related map  
10 amendment to the R5B, C2A, and C2B zones. Along  
11 with the zoning flexibility the applicant has not  
12 identified any other areas of flexibility.  
13 However, it is anticipated that additional  
14 flexibility may be necessary as a more detailed  
15 analysis is conducted at a second stage review  
16 for each parcel.

17 The applicant has proffered public  
18 benefits to include new and affordable housing,  
19 urban design, and public space, retail uses, and  
20 green elements including LEED silver.

21 The future land use map designates the  
22 area of the Branchwood Shopping Center as a mix  
23 of moderate density commercial and moderate  
24 density residential, while the area of the  
25 Brooklyn Manor Apartments is designated as a

1 moderate density residential.

2 The generalized policy map designates the  
3 area as a neighborhood conservation area, and  
4 along a main street mixed use corridor. The  
5 future land use map designations are not parcel  
6 specific and in conjunction with the PUD allow  
7 some flexibility to provide a design that meets  
8 recommendation of the city-wide and area elements  
9 of comprehensive plan.

10 In this case the moderate density  
11 commercial, or C2B zone, has been applied to all  
12 of blocks two and three to accommodate the  
13 grocery store, which is likely to draw from a  
14 wider area while the other retail usage, which  
15 would be more neighborhood focus and are all  
16 appropriate along Rhode Island Avenue.

17 The proposed R5B zone on blocks 4, 7, and  
18 8 is not inconsistent with the moderate density  
19 of residential category, and allows a proposed  
20 apartments, two over two units, and row-houses  
21 with heights between four to seven stories.

22 The proposed C2A zone on blocks 5 and 6  
23 is not typical for a moderate density residential  
24 category. While the blocks are predominantly  
25 residential with limited ground floor retail uses

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1 to create an active street scape connecting to  
2 the community green.

3 The six to five foot height provides a  
4 transition between the higher buildings on the  
5 north and the lower buildings to the south. When  
6 taken together the proposed development and zones  
7 for the overall development are not inconsistent  
8 with the comprehensive plan.

9 The Office of Planning is very supportive  
10 of this development which would benefit the  
11 existing residents of the complex, the Brentwood  
12 neighborhood, and would encourage further  
13 economic developing in revitalizing this portion  
14 of Rhode Island Avenue corridor.

15 OP therefore recommends that the proposed  
16 first state PUD and related map amendment be set  
17 down for public hearing and has advised the  
18 applicant to provide the following, prior to the  
19 public hearing. A phasing plan, details  
20 regarding the proposed green building initiative,  
21 details of the affordable housing program,  
22 including the on-site replacement of units and  
23 temporary relocation of residents, the  
24 residential lot occupancy for the mixed use  
25 buildings, views of buildings as seen from the

1 adjacent residences, and specific tedium  
2 measures.

3 Thank you, Mr. Chairman, and I'm  
4 available for questions.

5 CHAIRPERSON HOOD: Okay. Thank you, Ms.  
6 Brown-Roberts. Commissioners, any questions of  
7 the Office of Planning? Commissioner May.

8 MR. MAY: So you know, I really just have  
9 one basic question on this, which is that the  
10 future land use map describes the area primarily  
11 as moderate density residential. And there is  
12 some moderate density commercial kind of in one  
13 corner of it.

14 And what I see is a lot more of the C2A,  
15 C2B type density that would be associated with  
16 the moderate density commercial and a lot less of  
17 the, you know, of the R5B in comparison. I mean,  
18 it just seems like the percentages of the overall  
19 area are almost flipped. And I'm wondering, I  
20 mean, it seems to be pretty substantially  
21 different, if you could explain to me why you  
22 think that it's still appropriate.

23 MS. BROWN-ROBERTS: I think as we said  
24 that we -- I think the applicant wanted to  
25 introduce an additional area of commercial use to

1 support the larger residential use that is being  
2 proposed. It also allows for a better transition  
3 down to the lower density residential areas on  
4 the permit of the site.

5 MR. MAY: Okay. But I don't think either  
6 of those, you know, would contradict doing  
7 something that was a little bit more modest with  
8 C2B or C2A along Rhode Island Avenue and then  
9 stepping down at townhouses for the rest of the  
10 site. I mean, if I looked at the future land use  
11 map that's what I kind of would have assumed  
12 would be happening. But what you have is much,  
13 much, more substantial.

14 I'm not disagreeing with it, I'm just  
15 trying to understand why you think it's okay.

16 MS. STEINGASSER: Well, we agree that  
17 there is this issue, and we did talk to the  
18 applicant about it. And we've requested an FAR  
19 analysis for the site as a whole. The FAR ranges  
20 by square to square from 1.3 FAR and 4.7. 4.7 is  
21 a bit high for the moderate density category.  
22 The 1.3 is low, so we've asked for an overall  
23 cumulative FAR so that we can look at the site  
24 and evaluate it in total, much like we have other  
25 PUDs where there is that kind of fluctuation.

1                   MR. MAY: But you fully support it based  
2 on what you have here.

3                   MS. STEINGASSER: We support it for a  
4 public hearing and we've advised the applicant  
5 that there's additional information that we do  
6 need.

7                   MR. MAY: Okay. So has there been any  
8 feedback from the public that you've heard? Have  
9 there been discussions at ANC meetings or  
10 anything like that? Because it just, it seems  
11 like it's a really really big, big change.

12                  MS. BROWN-ROBERTS: From talking to the  
13 applicant we haven't heard any feedback about the  
14 density on the site. I think the concern has  
15 been more of how are the existing residents are  
16 going to be treated, you know, the relocation  
17 plan and that sort of thing.

18                  MS. STEINGASSER: And what we've heard  
19 has not been directly from the community, but  
20 it's been represented through the applicant that  
21 there is community support. This is very much a  
22 -- has been a hot spot for crime. The commercial  
23 strip has been extremely underutilized, and when  
24 the applicant bought it they notified the  
25 Metropolitan Police Department of their intent to

1 close and fence it off because of the spill over  
2 of some of the less legal activities into the  
3 other parts of the neighborhood.

4 So there has been general support for the  
5 improvement in that regard.

6 MR. MAY: Okay. Well, I mean, those are  
7 all valid concerns and reasons, but I'm not  
8 entirely sold on this notion without having -- I  
9 mean, setting it down for a hearing is a pretty  
10 significant step, but to me it means they're  
11 within the ballpark and I just don't have any  
12 sense of whether they're actually in the  
13 ballpark.

14 Again, not that I'm opposed to density by  
15 any stretch of the imagination. I mean, we've  
16 approved some very dense projects. It's a  
17 question of whether it's, you know, it matches  
18 the comprehensive plan. So, anyway, I'm  
19 interested in hearing what my colleagues have to  
20 say.

21 MS. COHEN: Thank you, Mr. Chairman. I  
22 believe what's driving this project is financial  
23 needs. I know that's not what drives zoning, but  
24 it is a necessity to think about. And one of the  
25 things that they're asking for in the long term

1 is really to, I believe, the 40 year FHA mortgage  
2 will be extinguished at that time, and this  
3 project won't have any debt. But the point is  
4 that there's a lot of affordability and you need  
5 the mixed income to cross-subsidize.

6                 Anyway, those are just my thinking when I  
7 looked at the fact that this seemed a much denser  
8 use of land.

9                 I would like to see, however, a breakdown  
10 not only of the units and the sizes, there seems  
11 to have been a reduction of 85 units. And in  
12 addition, I just want to make sure that they have  
13 five bedroom units here now, and how many of  
14 those will be brought back. So that's why I'd  
15 like to see a table that shows, this is what's  
16 existing and this is what we're proposing in size  
17 of units, and who is going to fit into them.

18                 Now, there are a number of seniors, I  
19 understand, at this site, and there will be a  
20 senior building. And I presume, because we  
21 promise seniors, usually just for one move, as  
22 opposed to families sometimes have to have two  
23 moves, so I would assume that that's a very early  
24 phase, but I don't know that. It wasn't clear to  
25 me.

1                   Nor is the grocery store clear because  
2 one of the needs of a grocery store is to have,  
3 again, units, households. That's the only way  
4 they'll come into a neighborhood is if there is  
5 enough households.

6                   So I'd like to, again, the phasing is  
7 very very important to understand. I'd like  
8 HUD's input because Section 8, there is so much  
9 reduction in subsidies for affordable housing.  
10 Everybody -- well, many congressional people  
11 believe that the government doesn't have a role  
12 in housing, where as the market we all know, has  
13 not taken care of the actual needs for  
14 affordability. The deep subsidies.

15                  So I would like to see a worst case  
16 scenario. What happens when we don't have  
17 funding from HUD and the city has to, you know,  
18 make up for this and there's other projects in  
19 the pipeline that will demand the same resources.  
20 So what are we going to do about this? How will  
21 the phasing impact that? Because again, grocery  
22 stores rely on households and you know, do we  
23 relocate all the seniors out of there? So that's  
24 very important for me to understand.

25                  And in another case we did ask for some

1 type of letter from HUD about this. I don't know  
2 if you're going to get it because it's, you know,  
3 a different -- all the facts aren't the same.

4 You mention that there is a steep grade  
5 on page 10 of your submission, I believe it is.  
6 If there is a steep grade and you're going to add  
7 stairs, how will that impact seniors and ADA  
8 accessibility? So again, I think that's really  
9 more of a second stage detail. But it also  
10 brings up questions in just the whole design of  
11 the project. I want to make sure that all  
12 households can get around, since there are  
13 amenities that may be out of reach.

14 Could you expand a little bit? Page 23  
15 you mention expanding on infrastructure  
16 improvements, that that's one of the things that  
17 you're actually proffering for this project. I'd  
18 just like a little bit more explanation on that.

19 Also you're proffering increased access  
20 to education and employment. You do mention an  
21 employment, construction jobs, grocery jobs which  
22 are very low pay, and the management company.  
23 But I would like you to elaborate on that a  
24 little more.

25 Of course the relocation plan and then,

1 as I said, my numbers is, existing is 525 and for  
2 affordability it's 440. So if you could account  
3 for those missing units.

4 OP has asked the Metropolitan Police  
5 Department to look at this plan. And I really  
6 would like you to encourage to make sure that  
7 they respond because they are changing the street  
8 design and there are entrances into these  
9 courtyards, and is that something that the police  
10 are comfortable with.

11 I'm just curious, where do the kids go to  
12 school from -- you know, there is a number of  
13 schools and I'm going to assume it's North, but  
14 I'm not sure of that. How far do they walk to  
15 schools?

16 And podium designs. I have never seen a  
17 podium that I really really appreciate the design  
18 contributing to the landscape. So if you can  
19 give me some typologies on that.

20 And, you know, just because I'm totally  
21 opinionated, on page A3, in the left-hand corner  
22 for multi-family you have a typology with this  
23 like sore thumb sticking up. I know it exists.  
24 I think I've seen it. I just don't like it. So  
25 I share that with you because I feel like it.

1 Thank you.

2 CHAIRPERSON HOOD: Okay. Any other  
3 questions? Mr. Turnbull.

4 MR. TURNBULL: Thank you, Mr. Chair.

5 This is obviously a very ambitious and  
6 aggressive plan. I think there's a lot of  
7 positive aspects that are in this for the area.  
8 But I have some questions of the Office of  
9 Planning. I'm trying to understand the existing  
10 number of units that are Section 8. At one point  
11 in the Office of Compliance says 525 in the  
12 apartment building. Is that -- but then we say,  
13 oh, the -- we talk about 440 units would be  
14 affordable housing, 373 would be replacement, and  
15 the rest would be under IZ. Do I have the  
16 numbers? Am I missing -- are there currently  
17 525?

18 MS. BROWN-ROBERTS: There are 525 units  
19 currently, but not all of them -- there are some  
20 market rate units within that 525.

21 MR. TURNBULL: Oh, I see. Okay. Okay.  
22 So 440 are really Section 8? Or --

23 MS. BROWN-ROBERTS: No, the affordable  
24 units are going to be 448 and of that the three -  
25 -

1 MR. TURNBULL: Seventy-three?

2 MS. BROWN-ROBERTS: -- 73 is going to be  
3 Section 8.

4 MR. TURNBULL: Section 8. Okay. Now  
5 under IZ what limits are we looking at? What --

6 MS. BROWN-ROBERTS: There was no  
7 information on that.

8 MR. TURNBULL: I think we -- well, we  
9 need to clarify what we're looking at from the  
10 standpoint

11 of --

12 MS. BROWN-ROBERTS: Yes.

13 MR. TURNBULL: -- IZ goal on that.

14 MS. BROWN-ROBERTS: Right.

15 MR. TURNBULL: I think one of your --  
16 Commissioner May and the Vice Chair brought up  
17 some good points and I would concur with them  
18 both on their -- I'm concerned a bit about the  
19 C2A goes all the way -- it goes past Saratoga,  
20 and there is single family homes on the other  
21 side, on Montana. So I'm just worried about the  
22 scale as we get into that residential  
23 neighborhood. I don't know whether we want to  
24 talk about stepping down. I know you've got the  
25 townhouses. But I think we've really got to look

1 at the density and how they're really meeting in  
2 with the residential neighborhoods.

3                   And I think you've actually pointed out  
4 that you want to get views of the buildings as  
5 seen from the adjacent residences, and down the  
6 streets. And I know the Chairman, that's one of  
7 his favorite things, is that he needs to see what  
8 the people are going to see as you look down the  
9 street. So I think we really need some really  
10 good views looking down those streets.

11                  And I would share the Vice Chair -- I'm  
12 always worried about podium parking. I mean,  
13 years ago when I was a young architect we always  
14 heard about four plus ones, where you had one --  
15 you had four floors of office or residential and  
16 the one floor of parking. And a lot of the time  
17 it was just never handled. It was, put it up and  
18 get it built. So, the above-grade podium parking  
19 is going to be a very critical thing to look at.  
20 I mean, that's a difficult, it's an awkward thing  
21 to handle architecturally. It's got to look  
22 right. You can bury some commercial around it,  
23 but if you're not then it's strictly parking and  
24 what is it really going to look like.

25                  So we really need to think and we need

1 some answers on how they're going to handle that.  
2 I think I already mentioned the Montana Avenue,  
3 the 45 feet, the 60 feet stepping down on it.  
4 I'm really concerned about that. And I would  
5 like to see some better sections as the  
6 development meets the neighborhood. I mean,  
7 there are some but I think we need really some  
8 dimensions and at some point one of the things  
9 that they should always do, a shadow study of  
10 what's going on with the neighborhood.

11 And I think at some point, the same old  
12 thing, the construction management plan, how this  
13 thing is going to -- how they're going to  
14 interact with the neighborhood, how they're going  
15 to, you know, solve the problem of building this  
16 without screwing up everything, all the  
17 infrastructure already there with the streets and  
18 everything.

19 There's still a lot of work. I think  
20 there's a lot of work to do, and I think you've  
21 highlighted some of the points and I think that  
22 was very good and I thank you for that. But it  
23 will be an impressive project because I see a lot  
24 of green roofs. And I think you're really going  
25 to have to give us a little bit more -- and I

1 think you've mentioned that too. We're going to  
2 meet about the green building program. I mean, I  
3 see a lot of them on the rendering that shows  
4 that.

5 So, but and I think Mr. Chair, I think  
6 those are my questions.

7 CHAIRPERSON HOOD: Thank you.  
8 Commissioner Miller.

9 MR. MILLER: Thank you, Mr. Chairman. I  
10 would concur also with virtually all of the  
11 comments that have been made by Commissioner May  
12 and Vice Chair Cohen and Commissioner Turnbull.  
13 I would want to see more information on the --  
14 well, you've requested more information on the  
15 overall FAR level to show the -- to try to  
16 support the argument that it's not inconsistent  
17 with the moderate density designation on the comp  
18 plan map. And I think that's important to get.

19 We also have the designation on the  
20 policy map of a neighborhood conservation area.  
21 It might have helped if that had said  
22 neighborhood enhancement area, since that's  
23 what's happening on these 20 acres.

24 And so I just wonder whether -- I know  
25 you're going to be doing the comp plan amendment

1       cycle beginning early next year.

2               MS. STEINGASSER: They're planning to  
3       start in January. End of January.

4               MR. MILLER: Right. And you would be  
5       submitting something to the Council a year from  
6       that or sometime -- there's a lot of public  
7       engagement, I know, that needs to take place.

8               So in any event, it seems that that comp  
9       plan cycle might be completed before they even  
10      contemplate beginning construction of this  
11      project. They said three years. I think 2017  
12      would be the earliest and I think that's the  
13      light -- there's still the mortgage or the HUD.  
14      The HUD thing doesn't run out for another three  
15      years.

16               So I don't know if we've ever done any  
17      kind of contingency zoning. In other words I'm  
18      not saying it's necessarily necessary here. But  
19      maybe we can get some information from OAG or OP  
20      on whether or not we've done a rezoning  
21      contingent upon it taking affect after a comp  
22      plan amendment that does something. It just  
23      seems like -- it does seem more like medium -- I  
24      don't really have a problem with the C2A. It's  
25      really the C2B that seems out of place with the

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1 comp plan. I don't think it's out of place with  
2 Rhode Island Avenue and what's being proposed  
3 here. I think it just seems --

4 I mean, I need more information on the  
5 whole comp plan.

6 MS. STEINGASSER: And we're happy to do  
7 that. I mean, we looked a lot, not just to the  
8 maps but to the policy statements about it's  
9 close to transit, it encourages housing, it's  
10 revitalizing an otherwise neglected neighborhood,  
11 that kind of thing. It's providing new housing  
12 for IZ.

13 So we kind of looked at the confluence of  
14 factors to quote PZA, and came to our early  
15 recommendations as point. But you make valid  
16 points. The applicants here, they're listening,  
17 they're taking notes, and we'll be more than  
18 ready.

19 There's never been a contingency zoning  
20 because the zoning has to, you know, follow the  
21 comp plan. And so we've never seen that. But  
22 I'd like the opportunity to continue to work with  
23 the applicant to get this additional information  
24 for you.

25 MR. MILLER: Okay. Thank you. I would

1 also concur with the -- we need a lot more  
2 specific information on the table that the Vice  
3 Chair mentioned about comparing the existing  
4 number of units on the site. Their size and  
5 their AMI levels and then what's being proposed  
6 in terms of the number and the size units, and  
7 the AMI levels.

8                   And I share the concern that we should be  
9 going at least for one for one replacement of the  
10 highly subsidized housing units. And that the  
11 remainder of the units beyond that should be not  
12 just IZ, but should they should be something in  
13 between the 30 percent of the subsidized, and the  
14 IZ, which might be as high as 80 percent AMI.  
15 There needs to be units at each of the levels,  
16 including market rate as well, obviously, to  
17 support the project going forward.

18                   The grocery store, I think I'd like to  
19 see more definitive -- there was a lot of  
20 language about whether it's actually a  
21 requirement. I think like in another case that  
22 we've acted on, where it originally was an  
23 option, I think that's one of the driving things  
24 that needs to be part of this development. It  
25 needs to be -- I think the applicant has to be

1 fully committed to the grocery store on the site.

2                   And I have a question about -- and they  
3 can provide it at the hearing, I don't need  
4 answers now, as to why on that nice -- on that  
5 green space, the one acre green space in the  
6 middle of the project, well not quite in the  
7 middle, but centrally located, it says there  
8 won't be any dedicated playgrounds or ball  
9 fields, and I don't know why that's the case.  
10 Maybe somebody in the community or the residents  
11 there didn't want that, although I can't see them  
12 not wanting a playground. A playground there.

13                   I don't think I'm supposed to bring other  
14 information necessarily into a case, but I happen  
15 to live adjacent to a D.C. recreation center,  
16 which has a dedicated small ball field which has  
17 a lot of little league games going on all the  
18 time, and then there's a basketball court, and  
19 there's a playground that was recently renovated  
20 as part of the city's renovation to put  
21 playgrounds across the city. And I often hear  
22 the games going on and the kids yelling and  
23 screaming, and it sounds pleasant to me. You  
24 know, maybe I have more buffer than these high  
25 rise -- not high rise. I shouldn't say high. In

1 these multi-family buildings that might be right  
2 up against it, although I saw that there did seem  
3 to be a setback from the lot line.

4 So I would like to -- I guess I want more  
5 information on why there wouldn't be dedicated  
6 playgrounds and playing fields. I would think  
7 that that would be an amenity that the community  
8 right there and nearby would enjoy having.

9 There are a lot of great aspects to this  
10 project and this revitalization is obviously  
11 desperately needed there, and I think it is in  
12 general, a great project. And the extension of  
13 15th Street and the trying to create smaller  
14 blocks so there aren't these super block parcels,  
15 I think is useful. But it seems that the effort  
16 to -- there are two things that could have been  
17 made, that I want more information on why the  
18 applicant isn't proposing in this project, that I  
19 think would contribute the smaller parcel issue.

20 And that is, one is if the closer of the  
21 street is being closed, I'm not sure I understand  
22 why that's totally necessary. But more  
23 importantly I want more information on what this  
24 pedestrian walk is all about. I would think that  
25 you'd get -- more likely to get a successful

1 activation of that space if it was an extension  
2 of the street, an extension of the 14th Street  
3 line at that point, all the way to Rhode Island  
4 Avenue. I realize there may be grade changes  
5 there, but I'd like to know why you just wouldn't  
6 extend 14th Street all the way in the direction  
7 that it's going, all the way up to Rhode Island  
8 Avenue and have ground floor retail instead of  
9 this pedestrian walk which I'm not sure will be -  
10 - I'm not sure how attractive it will be, but  
11 we'll see the renderings.

12 Let me see, Mr. Chairman. I think that  
13 may be most of my questions that I'd like to see  
14 more information on at the set down. But I'm  
15 prepared to move forward with the set down.

16 CHAIRPERSON HOOD: Thank you,  
17 Commissioner. Do they have lights at the  
18 basketball court?

19 MR. MILLER: No, they do not.

20 CHAIRPERSON HOOD: Oh, because we were  
21 looking for a place to have our summer midnight  
22 basketball and we were going to come over there  
23 and play.

24 MR. MILLER: I think already is used  
25 during the -- they use the moonlight.

1 CHAIRPERSON HOOD: Oh, okay.

2 MS. MANDEL: But they're not supposed to.

3 It says they closed at dark, at sunset or  
4 whatever.

5 CHAIRPERSON HOOD: Right. Actually  
6 that's a joke. We wouldn't come all the way over  
7 there to play.

8 I think I would associate myself with the  
9 comments about the recreation with Commissioner  
10 Miller. But I would also say, I expect, and I  
11 know you have to go back out to the neighborhood.  
12 I expect that you come back with some full  
13 support from that community.

14 This is a project that I've heard about  
15 in 1995, and it's almost 20 years old. You wait  
16 another 20 years it may be older than some other  
17 projects.

18 I know there may be some tweaks and some  
19 questions asked. I don't have any. I think that  
20 I expect, and I'm going out on a limb on this, I  
21 expect you to hear a lot of support for this  
22 project. But what I will ask is that we nail  
23 down -- I know there's some still questions about  
24 the phasing. There's still some questions about  
25 the circulation. I saw the circulation here but

1 that just doesn't get it for me. I want to know  
2 how that's going to all move with those proposed  
3 new streets as opposed to what's going on over  
4 there now, how all that stuff is going to  
5 interact with the two churches, and how all this  
6 stuff is going to work with the surrounding area,  
7 because the single-family homes and all of that.

8 So those are some of the things as we get  
9 into it. I don't see this as being a show  
10 stopper for me, for setting this down. But as we  
11 get ready to have those conversations I would  
12 like to see from the applicant, when you come  
13 back, some of those things of how all this is  
14 going to mix in, what's going on, how is the  
15 traffic pattern, how is the pedestrian and as  
16 well as the vehicle, the traffic. Is it going to  
17 go through the site as opposed to how it does  
18 now.

19 Now I saw what you had here, but that  
20 just doesn't take me all the way to the point. I  
21 realize this is the first stage, so I didn't  
22 expect to see a whole lot. And I'm going to say  
23 the same thing. I would again ask my colleagues  
24 and make sure that the applicant understands that  
25 I'm going to be pushing transportation, even

1 through this first stage because this is not  
2 consolidated.

3               Yeah, but anyway, I'm going to be -- I  
4 think we look at transportation throughout the  
5 whole steam of this project. Even in 2024 when  
6 you're trying to finish it up. Hopefully it  
7 doesn't take that long. But anyway, that's all I  
8 have. Any other questions or comments?

9               (No audible response.)

10              CHAIRPERSON HOOD: Okay. So I would move  
11 that we set down Zoning Commission Case No. 14-  
12 18, the First Stage PUD Related Map Amendment to  
13 Square 3953 and ask the applicant to consider and  
14 comment on the comments that have been mentioned  
15 here in this discussion and I ask for a second.

16              MR. MILLER: Second.

17              CHAIRPERSON HOOD: It's been moved and  
18 properly seconded. Any further discussion?

19              MR. MAY: Yes, Mr. Chairman.

20              CHAIRPERSON HOOD: Commissioner May.

21              MR. MAY: Yeah, I'm prepared to go ahead  
22 and set down, because that seems to be the sense  
23 of the Commission, but I do have to say that I'm  
24 really not very comfortable about this given the  
25 comprehensive plan inconsistency. And I would be

1 greatly comforted if what I had was some  
2 indication that the community does actually  
3 support this level of development the way you  
4 believe it will. I mean, not that I don't -- you  
5 know, I believe you have your finger on the  
6 pulse, but we don't have anything in the record  
7 to indicate that and we don't have anything, you  
8 know, that the Office of Planning can testify to  
9 from their own, you know, personal knowledge. So  
10 I just want to register a concern because we've  
11 had a number of cases where we had, you know, I  
12 think development plans that were substantially  
13 supported by the community in their early  
14 planning stages, and then they come before us at  
15 a density that is actually quite off-putting for  
16 the residents and doesn't adequately address, you  
17 know, things like relocations and so on.

18 So there's a lot about this that I'm  
19 really concerned about and I just, I want to say  
20 that now just to make sure that all of the  
21 necessary work goes into this before we get to  
22 the hearing so that we have a good and productive  
23 hearing and we don't wind up kind of scratching  
24 our heads about how to handle it if there's a lot  
25 of neighborhood resistance or if there is

1       concerns about consistency with the comp plan.

2                   CHAIRPERSON HOOD: Okay. And I think  
3       we're saying the same thing. I don't know if  
4       that was anything additional, but I think we're  
5       saying the same thing and I just think you're  
6       going to have some support in that instance, and  
7       things that I stated is going to need to be  
8       tweaked. I know that you are going back out to  
9       work with the community. I've heard that from  
10      Ms. Brown-Roberts. And we'll just go from there.  
11      We'll deal with it on its face when it comes  
12      back.

13                   But again, another thing I want to make  
14      sure that you -- on that note, make sure that you  
15      work hard with the community, so we can come back  
16      with a resolve and we won't have to make the  
17      decisions. Anyway. The community is having a  
18      issue with, you know like we've had in some other  
19      cases.

20                   I think you all get the point. I got the  
21      point. Commissioner May brought that back up  
22      again, but I think we're all on the same page.  
23      We just all say it in different ways at times.

24                   Okay. So it's been moved and properly  
25      seconded. Any further discussion?

1                   All those in favor, aye.

2                   ALL: Aye.

3                   CHAIRPERSON HOOD: Any opposition? Sure.

4    Ms. Schellin, would you record the vote?

5                   MS. SCHELLIN: Yes, sir. Staff records  
6    the vote five to zero to zero to set down Zoning  
7    Commission Case No. 14-18 as a contested case,  
8    Commissioner Hood moving, Commissioner Miller  
9    seconding, Commissioners Cohen, May, and Turnbull  
10   in support.

11                  CHAIRPERSON HOOD: Ms. Schellin do we  
12   have anything else?

13                  MS. SCHELLIN: No, sir.

14                  CHAIRPERSON HOOD: I'm going end the  
15   night's session on something I learned from Mr.  
16   Barry some years ago, and I actually did a speech  
17   on this, and I got it from him.

18                  Let's all make a difference that makes a  
19   difference. With that, this hearing is  
20   adjourned.

21                  (Hearing adjourned at 7:47 p.m.)

22

23

24

25