

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Zoning
3 Board of Zoning Adjustment
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9 PUBLIC HEARING
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13 9:57 a.m. to 2:38 p.m.
14 Tuesday, June 28, 2016
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18

19 441 4th Street, N.W.
20 Jerrily R. Kress Memorial Room
21 Second Floor Hearing Room, Suite 220 South
22 Washington, D.C. 20001
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25

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1 Board Members:

2 MARNIQUE Y. HEATH, Chairperson

3 FREDERICK L. HILL, Board Member

4 JEFFREY L. HINKLE, Board Member

5 ROB MILLER, Zoning Commission

6 ANTHONY HOOD, Zoning Commission

7 CLIFFORD MOY, Board Secretary

8

9

10 Office of Planning:

11 MATT JESICK

12 MAXINE BROWN-ROBERTS

13 BRANDICE ELLIOTT

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

2 CHAIRPERSON HEATH: The hearing will please
3 come to order. Good morning, Ladies and gentlemen.

4 We're here in the Jerrily R. Kress Memorial
5 Hearing room at 441 4th Street Northwest. Today's
6 date is June 28th, 2016, and we're here for the
7 public meeting and hearings of the Board of Zoning
8 Adjustment of the District of Columbia.

9 My name is Marnique Heath, Chairperson.
10 Joining me today is Fred Hill, Board Member, Jeffrey
11 Hinkle, also a Board Member, Rob Miller and Anthony
12 Hood, both members of the Zoning Commission sitting
13 in as members of the Board today.

14 Please be advised that this proceeding is
15 being recorded by a court reporter and is also being
16 webcast live. Accordingly we must ask you to refrain
17 from any disruptive noises or actions while in the
18 hearing room today.

19 The Board's hearing procedures and how we
20 will process applications can be found on the table
21 by the back door. All individuals wishing to testify
22 today will need to do two things. The first is,
23 prior to testifying we will need each person who
24 wants to address the Board to fill out two witness
25 cards. That's two witness cards prior to testifying,

1 and give those to the court reporter seated to my
2 right.

3 The second thing you'll need to do is now
4 stand and take the oath, which will be administered
5 by the Board Secretary, Mr. Moy.

6 MR. MOY: Good morning.

7 [Oath administered to the participants.]

8 CHAIRPERSON HEATH: Thank you. Good morning,
9 Mr. Moy. Do you have any preliminary matters coming
10 before the Board?

11 MR. MOY: Yes, I do. Yes, I do, Madam Chair.
12 Good morning, Members of the Board. I have some
13 brief remarks for the record and as well as to the --
14 for the -- with regards to cases to be heard on the
15 docket. Or in this case, not to be heard.

16 Two applications have been postponed,
17 rescheduled to July 6th, 2016. And July 6th for the
18 public is a Wednesday. That's Appeal No. 19274 of
19 ANC 3D, and 19281 of DGS of D.C.

20 Two applications have been withdrawn by the
21 applicant. These two cases are 19290 of Jamal's
22 Tony, LLC., and 19285 of the Marital Trust U Et
23 cetera, case. And, let's see, I think there are
24 preliminary matters to the cases that I think the
25 Board can address when the case is called. I will

1 remind the Board that there is a preliminary matter
2 to the appeal -- to an appeal case on the public
3 hearing session, which is 19275 of ANC 6B, which is
4 in regards to the applicant's request for a
5 postponement. And that's it for me, Madam Chair.

6 CHAIRPERSON HEATH: Okay. Thank you, Mr.
7 Moy. Can you call our first and our only meeting
8 case today?

9 MR. MOY: Yes. That would be Application No.
10 19255 of David G. Helfrich. As currently before the
11 Board a request for a variance from the nonconforming
12 structure requirements under 2001.3, which would
13 permit an addition to an existing one-family
14 dwelling, DC/R-5-B District, 1735 Frazier Court
15 Northwest, Square 110, Lot 819.

16 Madam Chair, there is a late filing in the
17 record yesterday, Monday, June 27th, from the
18 applicant, which would finalize supplemental
19 information the Board had requested and I think
20 that's all I have on this, Madam Chair.

21 CHAIRPERSON HEATH: Okay. Thank you. Before
22 the Board begins deliberations on this I know the
23 applicant and the applicant's rep are here. I'd like
24 to ask the representative to just please come forward
25 for a couple quick questions.

1 MS. MOLDENHAUER: Good morning. Meredith
2 Moldenhauer for the record.

3 CHAIRPERSON HEATH: Thank you. Can you just
4 clarify for us the relief being requested? I mean,
5 we've had some discussion about 2001.3 and 402.2, and
6 just want to make sure that the Board is clear on
7 where you stand currently with your request.

8 MS. MOLDENHAUER: Okay. We had -- sorry. I
9 just want to make sure I pull my notes out. We are
10 requesting we had voluntarily offered to modify the
11 application to request 402.2 and 2001.3. Those being
12 the areas of relief we had discussed the possibility
13 of making a modification for a height relief. But
14 based on our information that we got from L'Enfant,
15 and from HPO, we did not need to modify the relief in
16 any way to that regard.

17 CHAIRPERSON HEATH: Okay. So you are not
18 adding 402.2?

19 MS. MOLDENHAUER: We are.

20 CHAIRPERSON HEATH: Oh, you are. Okay.

21 MS. MOLDENHAUER: If necessary, yes.

22 CHAIRPERSON HEATH: Okay. All right. This
23 is a self-certified application so it's up to you as
24 to the Board is not going to make any -- we're going
25 to rely on you to determine what you feel you need.

1 So, I know you've said, if necessary.

2 MS. MOLDENHAUER: The Zoning Administrator --

3 CHAIRPERSON HEATH: I'm just letting you
4 know --

5 MS. MOLDENHAUER: -- has opined on this and
6 indicated that it's not necessary. So unless the
7 Board needed us to supplement the self-cert then we
8 can obviously ask for both areas of relief. If the
9 Board asks us to supplement the self-certification
10 then we would stick with what we've already filed.

11 CHAIRPERSON HEATH: Okay. All right. Thank
12 you. Any other questions from the Board while we
13 have their representative?

14 Okay. All right. Thank you. So is the
15 Board ready to deliberate on this? All right. So I
16 think this was an interesting project and one that we
17 picked apart quite a bit through the course of
18 several hearings.

19 We really started talking mostly about the
20 relief being requested at the rear of the house to
21 construct the bedroom addition on the second floor.
22 And through the course of the first hearing and
23 subsequent submissions from the applicant they found
24 that they were able to reconfigure the bedrooms on
25 the second floor such that they reduced the relief

1 being requested and no longer were dependent on at-
2 risk windows for emergency egress.

3 This, our second hearing on this, or
4 continued hearing on this on June 14th really focused
5 on the issues related to the elevator. And at that
6 time Office of Planning was asking for additional
7 solutions. The Board asked for the applicant to look
8 at a specific solution regarding the elevator and
9 shifting it just a bit, which would eliminate one of
10 the many stairs in this house.

11 I think one of the other things that became
12 clear to me during that hearing was just how
13 treacherous the stairs are in the home, and that
14 reinforced the fact that an elevator really is
15 necessary in this home, and since the hearing we've
16 received several additional submissions from the
17 applicant from Historic Preservation Office, as well
18 as from L'Enfant Trust stating their strong
19 preference for not modifying the existing roofline,
20 which the elevator proposal that the Board discussed
21 at the last hearing would have caused.

22 And I understood from the applicant's
23 additional submission why the split elevator scenario
24 proposed by Office of Planning was more expensive,
25 highly complicated, and so I appreciate that the

1 applicant took the time to put together that third
2 supplemental submission because I think it did a lot
3 to -- that and the hearing did a lot to help me get
4 on board with this.

5 The relief being requested here for the
6 elevator is really de minimis at one percent. And or
7 -- sorry. Zero point --

8 MR. HILL: Zero one.

9 CHAIRPERSON HEATH: Exactly. 0.01 FAR. And
10 this is a really complicated house. It's really
11 large, it's got lots of stairs, circulation through
12 is very complicated, and as I mentioned the stairs
13 are extremely treacherous.

14 So I am in support of this application and I
15 want to see where my colleagues stand. Yeah,
16 whoever.

17 MR. MILLER: Thank you, Madam Chair. I think
18 you did a great job of summarizing the case. I think
19 the applicant has done a great job of demonstrating
20 that they've met the tests of the various standards
21 for relief, and I thank the applicant for their
22 patience and getting to this day, and look forward to
23 supporting this project.

24 CHAIRPERSON HEATH: If you have anything to
25 add.

1 MR. HILL: I mean, I don't really have much
2 to add. I think you said everything very well. I
3 mean, I was not originally in favor of it in terms of
4 the fact that the Office of Planning was so much
5 opposed, but after seeing, again, the building itself
6 and you know, the stair cases and you know, the
7 steepness of the stairs, you know, kind of convinced
8 me in terms of the need for the elevator, and again
9 that it's a 0.01 FAR, it being a pretty de minimis
10 increase.

11 I was also then swayed, and also happy that
12 Office of Planning could come back and be in favor of
13 the bedrooms. You know, and after that. And that
14 also it was nice, you know, the Office of Planning to
15 actually go to the site and take the time to do that.
16 And so -- but I would be favor it as well.

17 CHAIRPERSON HEATH: Okay. Anything else?

18 All right. Then I will make a motion that we
19 accept the request for -- oh, oh, okay. Sure.

20 MR. COCHRAN: Just for the record.

21 CHAIRPERSON HEATH: Sure.

22 MR. COCHRAN: OP agrees that the applicant
23 has now satisfied all of the tests and we would
24 recommend approval of all of the requested relief.

25 CHAIRPERSON HEATH: Very good. Thank you.

1 That certainly helps, so we appreciate you being here
2 and reviewing the information and adding that. So.

3 MR. HILL: What was the description of the
4 treacherous stairs again? It was a --

5 CHAIRPERSON HEATH: Perilous.

6 MR. HILL: Perilous.

7 MR. COCHRAN: One was dangerous and the other
8 was, I believe, perilous.

9 MR. HILL: Okay. All right. I just want to
10 remember that.

11 MR. COCHRAN: Kind of like treacherous today,
12 added on.

13 CHAIRPERSON HEATH: Right. All right. Okay.
14 So, then I will make a recommendation -- or I will
15 make a motion that we approve the request for
16 variance relief to permit an addition to an existing
17 one-family dwelling for Application No. 19255.

18 MR. HINKLE: I'll second the motion.

19 CHAIRPERSON HEATH: The motion has been made
20 and seconded. Any further discussion?

21 [Vote taken.]

22 CHAIRPERSON HEATH: The motion carries.

23 MR. MOY: Staff would record the vote as four
24 to zero to one. This is on the motion of Chairperson
25 Heath to approve the application as requested.

1 Seconding the motion, Mr. Hinkle. Also in support,
2 Mr. Hill, Mr. Robert Miller, we have a board member
3 not present, not voting. So the motion carries,
4 Madam Chair. Four to zero.

5 CHAIRPERSON HEATH: Summary. Thank you. All
6 right. We'll change Zoning Commissioners, so we'll
7 be ready in just one moment for our hearing case.
8 And, Mr. Moy, our first hearing case I'd like to call
9 the appeal.

10 MR. MOY: Yes. That would be Appeal No.
11 19275 of ANC 6B as captioned and advertised pursuant
12 to DCMR 3100 and 3101 from the appeal of February 5,
13 2016 decision by the Zoning Administrator, Department
14 of Consumer and Regulatory Affairs to issue
15 Certificate of Occupancy Number C01, or rather
16 C01601252, permitting a general office space for
17 counseling in the C-2-A District, 201 15th Street
18 Southeast, Square 1060, Lot 47.

19 CHAIRPERSON HEATH: All right. Thank you.
20 Good morning. Would you all introduce yourselves?

21 MR. TONDRO: Good morning. Maximilian Tondro
22 on behalf of DCRA and the Zoning Administrator.

23 MS. VALDIVIA: Good morning, Olga Valdivia.
24 I'm the Administrative Assistant at Andromeda
25 Transcultural Health. Department of -- yeah.

1 Certificate of Occupancy holder.

2 CHAIRPERSON HEATH: Okay.

3 MR. GUZMAN: Good morning. My name is Alvaro
4 Guzman. I am the Executive Director of Andromeda
5 Transcultural Health, and we are the COO, the owner
6 of the place.

7 CHAIRPERSON HEATH: Okay. Your mic is not
8 on.

9 MR. JAYARAMAN: Good morning. I am ANC
10 Commissioner Chander Jayaraman representing ANC 6B.

11 CHAIRPERSON HEATH: Okay. And so the first
12 issue that we want to deal with is the request. We
13 understand that there's been a request to postpone.
14 Can you just explain why you're making this request?

15 MR. JAYARAMAN: Right. We received the
16 pretrial response from the Zoning Administrator on --
17 right after close of business on Thursday. And I
18 spent Friday and then Monday trying to go and get --
19 review the case law that they cited. And, you know,
20 I volunteer. I have a full-time job so this is not
21 something I can do in the matter of two days to be
22 able to prepare a response, an adequate response to
23 the Zoning Administrator's statements. So that's the
24 primary reason.

25 CHAIRPERSON HEATH: Okay. And you're not

1 prepared to speak to those issues?

2 MR. JAYARAMAN: I believe I can speak to some
3 of them, you know, but not to the extent that I would
4 like to be able to.

5 CHAIRPERSON HEATH: Okay. All right. Mr.
6 Tondro, do you have any issues with postponing this
7 based on the reasons that the Commission has cited?

8 MR. TONDRO: Yes. No, we're willing to
9 consent, although I would point out that I believe
10 that the ANC has met with the Zoning Administrator.
11 These aren't new issues that were raised in my
12 filing, but if they believe they need additional time
13 we're willing to do that. My only request would be
14 that whatever new documents or witness list they're
15 going to propose that they provide that in the
16 standard sort of two week, one week, before the next
17 date.

18 But the certificate of occupancy holder may
19 have their own sort of response.

20 MR. JAYARAMAN: If I could have a chance to
21 respond to that, please?

22 CHAIRPERSON HEATH: Sure. Sure. And then
23 we'll hear from the C of O holder.

24 MR. JAYARAMAN: The first time I have had a
25 conversation with the Zoning Administrator about this

1 case, was yesterday. Literally I was at their office
2 and then we exchanged back and forth and yesterday
3 was really the only day. I have spoken with Mr.
4 LeGrant on previous matters before the ANC, but not
5 this particular case. So I just want to clarify
6 that.

7 CHAIRPERSON HEATH: Okay.

8 MS. VALDIVIA: We will like to just confirm
9 what Mr. Tondro has said, that we're consenting to
10 the request that they are given even though, you
11 know, taken the circumstances they have plenty of
12 time. You know, these are not new issues that have
13 been arised. It's just, you know, things that we had
14 already discussed with them --

15 CHAIRPERSON HEATH: Okay.

16 MS. VALDIVIA: -- during you know, a ANC
17 Committee meeting that we had when we first arised
18 the issue that we're trying to occupy that building
19 to provide the type of services that we do provide.

20 CHAIRPERSON HEATH: Okay.

21 MS. VALDIVIA: So, that's --

22 CHAIRPERSON HEATH: Okay. So how much time
23 do you feel you need, and understand that we're going
24 to need your statement two weeks in advance of any
25 new hearing date.

1 MR. JAYARAMAN: Agreed. Looking at the Board
2 calendar, 14 days, and it appears that, you know,
3 17th may not provide enough time. So we would
4 request that it be after the Board convenes again
5 after the August recess.

6 CHAIRPERSON HEATH: Okay. All right. So are
7 we scheduling anything yet for September?

8 MR. MOY: Absolutely, Madam Chair. We are.
9 We do. We have.

10 CHAIRPERSON HEATH: Okay. All right.

11 MR. MOY: Okay. Well --

12 CHAIRPERSON HEATH: I haven't seen the
13 September calendar yet, so.

14 MR. MOY: Let's -- we can -- the Board can
15 schedule the ANC's appeal as early as September 13th
16 or thereafter. After the 13th we have September
17 20th, which is wide open, so that could -- that, I
18 think, could be the staff's recommendation.
19 September 20th.

20 CHAIRPERSON HEATH: 20th. Okay. All right.
21 And that way you can get -- you'll have the month of
22 July and August to --

23 MR. JAYARAMAN: Agreed. We appreciate that.

24 CHAIRPERSON HEATH: -- collect your documents
25 and if any additional meetings are necessary with the

1 Zoning Administrator you'll have time to do that.

2 MR. JAYARAMAN: That would be fantastic.

3 Thank you.

4 MR. MOY: Yeah, so, Madam Chair, there's a
5 timeline then. If it's the 20th, then perhaps if the
6 appellant can make your filing by, I think after
7 hearing DCRA, possibly two weeks before the 20th
8 which would be September 6th, if that's doable.

9 MR. JAYARAMAN: Yeah.

10 MR. MOY: Okay. So your filing would be due
11 September 6th.

12 CHAIRPERSON HEATH: Okay. Sure. Go ahead.

13 MR. HILL: I just had a question of the
14 certification of occupancy holder. What's there now?
15 Are you guys in operation now?

16 MS. VALDIVIA: Not at the moment. We had
17 submitted the certification application to the
18 Department of Behavior Health and we were actually --
19 they are actually, we're waiting on the outcomes of
20 today's hearing in order for them to -- they're not
21 very familiar with the whole process of an appeal
22 against a certificate of occupancy, so there's going
23 to be a lot of clarifications that we're going to
24 have to do on our end. I have requested Mr. Tondro
25 to help us out with that.

1 So right now the building is empty at this
2 point.

3 MR. HILL: The space is empty.

4 MS. VALDIVIA: Correct. Yeah.

5 MR. HILL: It hasn't been built out or
6 anything?

7 MS. VALDIVIA: We did some remodeling. There
8 was a lot of graffiti. We painted that out.

9 MR. HILL: Uh-huh.

10 MS. VALDIVIA: We already furnished the
11 building so all we waiting for is the certification
12 from the Department of Behavioral Health in order for
13 us to --

14 MR. HILL: Okay. Okay. I was just curious.
15 Thank you.

16 MS. VALDIVIA: Yeah.

17 CHAIRPERSON HEATH: Okay. All right.

18 MR. HILL: Thank you, Madam Chair.

19 CHAIRPERSON HEATH: Okay. So September --

20 MR. JAYARAMAN: 20th.

21 CHAIRPERSON HEATH: 20th. And September 6th.

22 MR. JAYARAMAN: 6th.

23 CHAIRPERSON HEATH: As the deadline for
24 filings. Okay? All right. Thank you all.

25 All right. Mr. Moy, you can call our next

1 hearing case and we can start at the top of the
2 order.

3 MR. MOY: Okay.

4 CHAIRPERSON HEATH: Or hearing docket.

5 MR. MOY: Very good, Madam Chair. Applicants
6 to the table to Application No. 19287 of DGS of DC as
7 captioned and advertised for relief for variances
8 from the limitation of number of stories,
9 requirements under 400.1 FAR requirements, 402.4 lot
10 occupancy requirements, 403.2 rear yard requirements,
11 404.1 side yard requirements, 405.9 parking
12 requirements, 2101.1, and a special exception from
13 the emergency shelter requirements under 360.1. This
14 would establish a short-term family housing facility,
15 R-5-A District, 5004 D Street Southeast, Square 5322,
16 Lot 32.

17 CHAIRPERSON HEATH: Okay. Good morning.
18 Would you all please introduce yourselves?

19 MR. YOUNG: Rashad Young, City Administrator
20 for the District of Columbia.

21 MS. ZEILINGER: Laura Zeilinger, Director
22 Department of Human Services.

23 MS. MOLDENHAUER: Meredith Moldenhauer from
24 the law firm of Griffin, Murphy, Moldenhauer, and
25 Wiggins, Land Use Counsel.

1 MR. CUNNINGHAM: Ralph Cunningham, Cunningham
2 Quill Architects.

3 MR. VANPELT: I'm Dan VanPelt with Gorove
4 Slade Associates, transportation engineers, planners.

5 CHAIRPERSON HEATH: Okay. So we've reviewed
6 the documents submitted to the record and I think it
7 appears that the file is complete. I think the Board
8 may have a few questions but I don't know that we'll
9 need a full hearing or a full presentation from you.
10 Let's just see what questions the Board has.

11 One thing I would like for you to -- well,
12 quick question. Are there other community based
13 residential facilities within 500 feet of this
14 location?

15 MS. MOLDENHAUER: Yes. This does have other
16 community residential facilities in proximity and so
17 we are asking for a waiver of that --

18 CHAIRPERSON HEATH: Okay.

19 MS. MOLDENHAUER: -- requirement.

20 CHAIRPERSON HEATH: Okay. And I know there's
21 a pretty thorough traffic study that was done on this
22 and we've had a chance to review that.

23 Let's see. There are 39 -- or 35 units
24 proposed here. Okay.

25 MR. CUNNINGHAM: Yes.

1 CHAIRPERSON HEATH: Okay. And given the
2 amount of relief you've requested to get to that 35,
3 I assume there was no way to get to 50?

4 MR. CUNNINGHAM: No.

5 CHAIRPERSON HEATH: Okay. All right. All
6 right. Any other questions from the Board?

7 MR. HILL: I don't have any questions.

8 CHAIRPERSON HEATH: Okay. All right. Okay.
9 Then, if you're okay with us proceeding on.

10 MS. MOLDENHAUER: Yes, we are. There was a
11 letter that was in the record this morning. I
12 believe regarding notification for a condominium. I
13 don't know if the Board, as a preliminary matter, has
14 accepted that or has not, but we would just notice
15 Section 3113.5A which is part of the regulations
16 which allows for notification of a condominium over
17 25 units to go to the condominium association and not
18 the individual unit owners. Plus the property was
19 properly noticed and also had multiple community
20 meetings. I just wanted to make sure that issue was
21 addressed.

22 CHAIRPERSON HEATH: Sure. Sure.

23 MS. MOLDENHAUER: It was filed last night at
24 11:35 p.m. So the Board may not even be admitting
25 that into the record. I'm not sure.

1 CHAIRPERSON HEATH: This person must have
2 known Anita wasn't going to be here today.

3 MR. HOOD: Well, let me say this, Madam
4 Chair. Having dealt with that issue last night at a
5 hearing, Mrs. Moldenhauer is exactly correct. That
6 is the procedures in our regulations moving forward,
7 as far as notification. And we just dealt with that
8 last night. Today was more temporal, and it was more
9 pleasant dealing with this situation today. Last
10 night was a little difficult. But Ms. Moldenhauer is
11 exactly correct.

12 MS. MOLDENHAUER: The Court of Appeals have
13 also addressed this in Quincy Park.

14 CHAIRPERSON HEATH: Okay.

15 [Discussion off the record.]

16 CHAIRPERSON HEATH: Okay. All right. So
17 this is a request to postpone. I don't see -- I
18 don't see any reason that would cause the Board to
19 postpone this.

20 Yeah, it was properly posted. The ANC met.
21 We've received approval from the ANC so I think we've
22 certainly taken the appropriate steps to notify the
23 community.

24 MR. HOOD: And also, Madam Chair, I think our
25 staff can certify that we didn't get any returns on

1 what we sent out. I think they can do that.

2 CHAIRPERSON HEATH: Uh-huh.

3 MR. HOOD: And once they do that then we've
4 done our proper notice.

5 CHAIRPERSON HEATH: Okay. All right. Okay.
6 Thank you for bringing that to our attention. All
7 right. Any other questions from the Board? All
8 right.

9 MS. MOLDENHAUER: At this point, then, we
10 would rest on the record, but we would ask for an
11 opportunity to provide any additional statements
12 after anybody in the audience comes forward during
13 our rebuttal or closing.

14 CHAIRPERSON HEATH: That sounds good.

15 MS. MOLDENHAUER: Thank you.

16 CHAIRPERSON HEATH: Okay. We'll do that.
17 All right. So then with that I'd like to turn to
18 Office of Planning for any additional comments.

19 MS. BROWN-ROBERTS: Good morning, Madam Chair
20 and Members of the BZA. Maxine Brown-Roberts for the
21 record, from the Office of Planning.

22 We are going to stand on the record with our
23 recommendation for approval for the special exception
24 and the variances, and we have nothing else to add to
25 the record and therefore I'm available for questions.

1 Thank you.

2 CHAIRPERSON HEATH: Okay. Thank you. All
3 right. Board, any questions of Office of Planning?
4 Applicant, any questions of Office of Planning?

5 MS. MOLDENHAUER: No questions of Office of
6 Planning.

7 CHAIRPERSON HEATH: All right. Is there
8 anybody here from ANC 7E on this application? No ANC
9 7E? Okay.

10 We do have a letter from ANC 7E recommending
11 approval. We also have a letter recommending no
12 objection from Department of Transportation.

13 And so we also have it looks like now a few
14 letters in support. I believe those also came in
15 late, but we do have those in the record now.

16 MS. MOLDENHAUER: It's actually, just to
17 point out, it's actually from the same condominium
18 association that the other letter was from.

19 CHAIRPERSON HEATH: Okay. All right. All
20 right. Is there anybody here wishing to speak in
21 support of this application? Anybody in support?

22 Anybody here wishing to speak in opposition
23 to this application? If you would, please come
24 forward. To the table, please.

25 Were you here this morning to be sworn in?

1 [No audible response.]

2 CHAIRPERSON HEATH: Okay. Then we're going
3 to have you stand and take the oath.

4 [Oath administered to the participant.]

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

6 CHAIRPERSON HEATH: Your mic isn't on.

7 MS. ELLIOTT: Okay. Thank you. My name is
8 Nichole Elliott. I submitted the letter last night.
9 We had a very small condo, like immediate meeting.
10 There are two different sides on this. Some of us
11 are in support, some of us are not in support. I'm
12 definitely someone who has concerns and issues and
13 not immediately supporting this hearing.

14 I had questions in reference to the Sasha
15 Bruce House that is already in our area. The shelter
16 is up and running. It's an emergency shelter for
17 young women. So where are we with the zoning of an
18 additional shelter so close? That's a major concern
19 of mine.

20 Also, we were not on the list of people who
21 were notified. Yes, some of us have missed some ANC
22 meetings. Again, like I said, we are on two
23 different sides of this issue. Some of us who have
24 been to the ANC meetings are in support, and others
25 are not. But we still are represented and we were

1 not properly notified with the letter.

2 So perhaps if we were notified on that
3 mailing list we could have been more prepared to --
4 and maybe I just wouldn't be here by myself. But a
5 lot of people didn't have time to repair (sic) a
6 rebuttal.

7 CHAIRPERSON HEATH: Okay. Does that conclude
8 your statement?

9 MS. ELLIOTT: Yeah. Uh-huh.

10 CHAIRPERSON HEATH: Okay. All right. Any
11 questions from --

12 MR. HOOD: I just wanted to ask, you're not
13 exactly opposed, you just have some concerns, some
14 further information that you and maybe others may
15 need on what's exactly going on. Correct?

16 MS. ELLIOTT: Yeah. But according to my
17 knowledge there's only supposed to be one shelter per
18 zone. Is that not true based on our --

19 CHAIRPERSON HEATH: The Board has the ability
20 to waive that.

21 MS. ELLIOTT: Uh-huh. I'm aware.

22 CHAIRPERSON HEATH: And so --

23 MS. ELLIOTT: I'm aware. But, I mean --

24 CHAIRPERSON HEATH: So yes, the Board has the
25 ability to waive that.

1 MS. ELLIOTT: Okay. So has that happened?
2 Is it being waived, or you know --

3 CHAIRPERSON HEATH: That is to be determined
4 at this hearing today.

5 MS. ELLIOTT: Okay. Okay. And also the
6 additional space, it's, I guess they're asking for
7 additional, like an additional level. Trying to
8 understand why that -- if it's going to happen, make
9 it as -- you know, think about us. This is not the
10 type of neighbors that anyone in this room wants to
11 see on a daily basis. These new neighbors are not
12 being welcomed with open arms. We have a lot of
13 concerns about our safety. We have a lot of concerns
14 about our safety, how we're going to function on a
15 day to day basis, coming in and out of our homes
16 feeling safe.

17 MR. HOOD: Okay. You know, I have my own
18 personal issues but that's not before us today. But
19 I can tell you that some of the residents, and I've
20 seen them around the city, and what's sad is when I
21 watch them on New York Avenue pushing baby carriages
22 to get their kids to school, and the school bus has
23 to pick them up on New York Avenue.

24 So, and I understand the concern, but also
25 note, I'm a realist. And I also know what goes on in

1 our communities, and sometimes we have to, you know,
2 as we say, look out for others. And I'm not sure
3 exactly what the Board is going to do. And I
4 understand your concerns. I was just -- where I was
5 going earlier, I wanted to make sure that you
6 participated because I think the administration had
7 meetings all over the city, and taking concerns and
8 addressing concerns. I know some of the wards got
9 some concerns out and some changes were made.

10 But at the end of the day this is the
11 furthest I've seen. And I've been around a long
12 time. Furthest I've seen in helping people that are
13 homeless. Especially when you go on New York Avenue
14 and you witness, and you see those young ladies
15 pushing those baby carriages, taking their kids to
16 school. And I think some of those concerns will go
17 away, because they're our neighbors.

18 MS. ELLIOTT: I'm not opposing that. I'm all
19 about helping people. It's just that there is a lot
20 of -- that's coming; a lot of people coming to a very
21 poverished community. We're already poverished. We
22 do want to help but this structure is huge. It's
23 huge. And if there is between 100 and -- I read
24 between 116 beds, or 140 beds, it almost outnumbered
25 the entire street. That's a lot of foot traffic

1 coming to our area.

2 So what is going to come along with that foot
3 traffic? And there is no parking. Why isn't there
4 any parking for the people who are -- of course, if
5 you're struggling you're not probably going to drive
6 a vehicle, but it's 24 hour service. Where are these
7 people going to park? Right? It's a 24-hour care.

8 MR. HOOD: Okay.

9 MS. ELLIOTT: It's a lot of issues.

10 MR. HOOD: Okay. Thank you.

11 CHAIRPERSON HEATH: All right. So, Ms.
12 Moldenhauer, a number of questions have been posed by
13 this witness. If you could at this point address her
14 questions? And I don't know that this would be your
15 rebuttal. I know you said you'd like to use it -- or
16 your closing. But certainly this could be rebuttal.
17 So.

18 MS. MOLDENHAUER: Are we then concluding
19 individuals in opposition? Just want to make sure.

20 CHAIRPERSON HEATH: I only saw one hand
21 raised when I asked for anyone wishing to speak in
22 opposition. Is there anyone else?

23 Yeah. So, we only have one individual
24 testifying in opposition.

25 MS. MOLDENHAUER: Okay. So then obviously,

1 you know, we will -- we'll go down the list for the
2 couple of people to just speak on different areas
3 that were touched on. But we'll just start off by
4 indicating that a lot of the concerns that were just
5 brought up in regards to safety, you know, are not
6 actually germane to the zoning process. But we will
7 address the questions that were brought up that do
8 have to do with the zoning process.

9 So at this point I'd just like to turn over
10 to Laura Zeilinger, the Director of the Department of
11 Human Services, to just briefly talk about the type
12 of individuals that will be here and the type of
13 services that will be provided to those individuals.

14 MS. ZEILINGER: Sure. Thank you. So the
15 program that would take place at this site is for
16 families who experience homelessness. So these are
17 parents, or adults who are accompanied by a minor
18 child. There would be 35 units. The majority of
19 adults who experience homelessness in families are
20 parenting, are single parents and so the majority of
21 people in the facility, in the program, are actually
22 children when we talk about the overall population.

23 It is very important for us,
24 programmatically, to be able to provide a setting
25 that is different from the motels on New York Avenue

1 where we're in overflow, or the falling down building
2 that we're trying to keep up to provide the emergency
3 care that families need at D.C. General.

4 Without alternatives, such as what we're
5 requesting the relief to provide today, that is on
6 the type of space that we have to resort to to meet
7 the emergency need that families experience when they
8 don't have a safe place to lay their kids at night.

9 The issues with continuing to provide
10 services in the settings we are, like D.C. General,
11 is that it's just absolutely too big. Having 260,
12 there's a big difference between having 260 families
13 in one location, and having up to 50.

14 We, in terms of the intimacy of the
15 environment, the quality of the space, and the
16 services that we're able to deliver there. We need
17 programming space so that there is space for children
18 to play, engage in developmentally appropriate
19 activities, as well as to provide services to the
20 parents to help them be able to access permanent
21 housing in the community.

22 And so the relief that is requested is
23 requested so that we are able to provide the services
24 that families need in order to successfully exit
25 homelessness, and to address the issues that brought

1 them there so that they can be supported to reenter
2 permanency in the community.

3 I know there are some concerns that are
4 articulated about safety, and people in -- because
5 they lack housing and it does not, on its face, make
6 them dangerous folks, but we also are very concerned
7 about safety, both for the residents inside the
8 program and because we want to be good members of the
9 community with others. Just as in all government
10 buildings where we operate and provide services, we
11 will have security on site there 24 hours. It will
12 be well lit, and well cared for. There will be
13 staffing on site 24 hours as well.

14 And because we do have minor children, we
15 have pretty specific policies about people who can
16 come and go who are not residents of the facility, as
17 well as what -- as well as accounting for people who
18 are there in the business that they're doing there
19 that we think helps promote a safe environment, both
20 for neighbors and for all who are on site as well.

21 There are a number of additional things that
22 happen inside to also promote a place of safety and
23 to support the well-being of the families and
24 children who are there. So this is --

25 MS. MOLDENHAUER: Could I just ask you to

1 just -- one of the comments that were made was the
2 question of, why do you need the height of the
3 building and the relief. Can you identify the
4 different requirements that are required for this
5 facility and how that obviously impacts the size of
6 the building?

7 MS. ZEILINGER: Sure. So when we began the
8 process of a strategy to replace the types of
9 programs like D.C. General where we're not able to
10 provide the types of services and the environment
11 that we desire, we engaged in a process with the
12 District's interagency council on homelessness that
13 included child development experts, advocates, people
14 who are experiencing homelessness in our system,
15 attorneys, and architects to really, to have a broad
16 input process on the design requirements. That was
17 done pursuant to a mayor's order that was issued late
18 last summer, and that group began meeting in
19 September.

20 That preceded legislation that then went to
21 council about the requirements that would be there
22 for families in the setting in which we provide
23 homeless services which are in law. So each program
24 will include space for wrap-around services. We have
25 social workers on site and case managers. We bring

1 meals in for our families and so there is a dining
2 room with a warming kitchen to do that. Children are
3 -- we have children of all different school ages and
4 so it's important to have computers and computer
5 facilities for children to do homework as well as for
6 adults to do apartment search and job search. We
7 also provide laundry facilities for families as a
8 necessity of course, and common rooms on each floor,
9 again where people can be out of their room in a safe
10 environment where they can play and do homework. We
11 also have space for health and wellness. We've had a
12 strong partnership with Georgetown's Hoya Clinic
13 where we are able to offer certain health and
14 wellness supports that are very important for our
15 families.

16 That is just a summary of some of the
17 requirements. Of course the requirements around just
18 basic amenities that families need in terms of
19 bathroom facilities and all of those things of course
20 take up square footage. And we, at each of the
21 locations in this particular, we are balancing
22 creating a space where people -- that is dignified,
23 where people are able to access what they need, and
24 where we can have the economy of scale to provide the
25 services to the families who rely on the District for

1 those supports.

2 MS. MOLDENHAUER: Thank you very much. At
3 this point in time just going to follow through and
4 make sure we address these points fully. I'm going
5 to turn to Ralph Cunningham, the project architect,
6 to talk a little bit about how this project, despite
7 the relief, does fit into the community.

8 MR. CUNNINGHAM: Sure. Good morning.

9 CHAIRPERSON HEATH: Morning.

10 MR. CUNNINGHAM: This site is on D Street
11 Southeast, and as you will see in the transportation
12 analysis is reasonably close to public
13 transportation, the Benning Road Metro, other public
14 facilities that are nearby.

15 This site, I would say is -- or this
16 neighborhood even, is characterized by a series of
17 mid-rise apartment buildings that are approximately
18 the scale that we are discussing today, and also
19 single-family houses.

20 So if you look at the surrounding context our
21 building is very much in scale with that. I would
22 like to elaborate a little bit on something that
23 Laura just said.

24 So I a typical multi-family building you
25 might approach efficiency as in service to served

1 ratios of 90 percent/85 percent. These buildings are
2 more like 60 percent. And the reason why, and this
3 explains the relief, is that additional 40 percent
4 are all of the wrap-around services that we need to
5 make these state of the art facilities work.

6 So, you know, this is the opposite of some
7 sort of dormitory style housing. This is dignified
8 housing with only 10 units per floor, with a similar
9 amount, you know, so maybe that's 60 percent of the
10 floor. And the other part of the floor are things
11 like common rooms, dining facilities, laundry
12 facilities, bathrooms, places to do homework, places
13 to warm, you know, warm bottles, that sort of thing.

14 Remember that this program is for rapid
15 rehousing. So, we are trying to do wrap-around
16 services on each floor, and on the first floor, and
17 in the basement of the building in order to help
18 people to leave homelessness and get into permanent
19 housing. But in order to do that we need space for
20 that. So that is, I think, explains the size of the
21 building.

22 In addition the height of the building, which
23 is similar to neighboring structures, has to do
24 partially with two things. So the ground floor has
25 five units and a variety of public facilities,

1 including dining and a playground. And then the
2 upper three floors have what we call neighborhoods of
3 10 sleeping units per floor. And all of the work
4 that HHS has done, this is seen as an ideal size
5 population to live together so that there can be
6 security. There's a straight line of site through
7 the entire building, and also so that we can provide
8 services on each floor so that again, the ratio of
9 service to resident is very, very high.

10 The other thing that was mentioned earlier is
11 that we have a large population of children in this
12 building. Parents have to be with their children at
13 all times, so that causes architectural implications
14 also. So, if you go to the common room, and
15 Meredith, maybe you can go to just a typical plan.
16 That would be great.

17 So, you know, on a typical floor in the blue
18 you see the ten sleeping rooms, the common room in
19 orange. So all of those things, and one other thing
20 that I should mention is that the floor to floor
21 height of this building is a little taller than
22 usual. It's 11 feet. That actually has to do with a
23 couple of things. It has to do with a mechanical
24 system because we're going to put all of the
25 mechanical units in the ceiling of the corridor.

1 That is to allow maintenance of those units at any
2 time, but also to not allow residents to have access
3 into those units. So that's one of the items that
4 increases the building height.

5 So I think I've addressed the comments you
6 asked me. But you may have others. Thank you.

7 MS. MOLDENHAUER: Let me just actually, if
8 you can go to the design and kind of how it's in
9 keeping with the -- how you looked at designing the
10 building and in keeping with surrounding communities.

11 MR. CUNNINGHAM: Sure. So again, I mentioned
12 earlier that the block is characterized by other mid-
13 rise apartment buildings. You see the building on
14 the left which is also four stories. Also brick.
15 The materials here would be brick and fiber cement.
16 We have had discussion with the community at the
17 variety of community meetings that were mentioned
18 earlier, in terms of their preferences.

19 And the other thing that we have done in
20 terms of site location is to move the building to one
21 side so that there is a larger side yard on the right
22 side as you look at it towards the single-family
23 neighbor, and also because of the irregular shape of
24 the lot it allows for the playground to be in the
25 rear.

1 So in terms of outdoor space, also we've set
2 back the building from the street because this is a
3 neighborhood or street where the common public space
4 is a street, a curb, a sidewalk, and a building. No
5 green space at all. So one of the things we're
6 working on with DDOT is to try to improve the
7 streetscape generally in that area.

8 MS. MOLDENHAUER: Thank you. At this point
9 in time we'll just briefly touch on the parking
10 impact and the analysis that's been conducted by
11 Gorove Slade.

12 CHAIRPERSON HEATH: Sure. One question
13 before we start that.

14 MR. HILL: Just, thank you, Madam Chair. Ms.
15 Moldenhauer, just as far as the traffic study again,
16 how this will not affect the -- you know, there's
17 another I guess community-based facility nearby
18 within the 500 feet. So if you could just -- from a
19 traffic perspective, how that this is not going to
20 harm the community.

21 MR. VANPELT: I mean, I think that most of
22 the traffic generated by this project, and I think we
23 didn't specifically look at that other project and
24 the trips generated by it, but the traffic is
25 actually -- vehicular traffic is very low. There's

1 just not much vehicular traffic generated. Most of
2 that is the comings and goings of the staff that,
3 from a vehicular standpoint. And the residents will
4 be taking transit or will be on foot, or will be
5 dropped off. So I don't think that from an overall -
6 - from impact on this immediate neighborhood, this
7 project itself is just going to have very minimal --
8 very minimal, no adverse impact on the neighborhood.

9 Now as far as how that relates to the other -
10 - oh, yeah. And I guess what the -- while we haven't
11 specifically studied the Sasha Bruce facility, it's
12 for youth and you know, they are not driving in. So
13 they're on foot. So I don't think from a vehicular
14 standpoint we're not -- we wouldn't have a concern
15 about the combination of the two having some sort of
16 adverse impact on the network.

17 CHAIRPERSON HEATH: So for both it's really
18 staff that would be the --

19 MR. VANPELT: Staff is really the predominant
20 trips generated and the parking need.

21 CHAIRPERSON HEATH: Okay.

22 MR. HOOD: Madam Chair, can I ask a question?

23 CHAIRPERSON HEATH: Sure.

24 MR. HOOD: Mr. VanPelt, typically though, in
25 your analysis, don't you usually -- I think the

1 traffic handbook that you all refer to all the time,
2 doesn't it usually tell you how far you're supposed
3 to go in a surrounding area that you're supposed to
4 look at in your evaluation?

5 MR. VANPELT: It does, but I think that
6 there's other criteria within the District. So DDOT
7 has their own -- the Comprehensive Transportation
8 Review Guidelines that we need to follow. And
9 there's thresholds that we need to trip, determine
10 whether we need to do a transit analysis, a vehicular
11 analysis, a pedestrian analysis. The trips generated
12 by this facility are so low we don't really trip any
13 of those thresholds. What we focused on, though, was
14 the parking because we think if there is going to be
15 an impact it's really going to be in the parking.
16 And that's worked out with DDOT through the scoping
17 process. And we've had multiple conversations with
18 DDOT on this project and on the shelters in general
19 because we wanted to make sure that our
20 transportation statements address them in the
21 appropriate way. And that ended up with us focusing
22 largely on how they would be staffed, how the comings
23 and goings of the staff, and how that parking would
24 be accommodated.

25 MR. HOOD: Okay. Thank you. Thank you,

1 Madam Chair.

2 CHAIRPERSON HEATH: Uh-huh. Go ahead.

3 MR. HILL: Thank you. Actually, if you could
4 just walk through the slides for this portion of the
5 presentation here, that would be helpful.

6 MR. VANPELT: Okay. I'll just go ahead and
7 give you my testimony then. The site is located on
8 the 5,000 block of D Street Southeast between 50th
9 and 51st Streets. There's several Metro bus lines
10 nearby, as well as the Metro rail which is eight
11 tenths of a mile from the site. The Benning Rail
12 Metro Station has Blue and Silver Line service and
13 the U5 and the U6 bus stops are right at the end of
14 the block on 55th Street. The nearest Capitol
15 BikeShare station is located at Benning Road, the
16 Benning Road Metro Rail Station, and there's also car
17 sharing options provided near the Benning Road Metro
18 Rail Station.

19 Access to several transportation options and
20 services are available on foot or on bike. The
21 transportation plan takes advantage of the
22 transportation offerings in the proposed TDM plan we
23 believe will work to incentivize the non-auto modes.

24 The transportation statement was scoped with
25 DDOT, as I mentioned earlier, and it was performed

1 for this project. It will include 35 rooms in the
2 facility for families with approximately 116 beds.
3 Information provided by the District Department of
4 General Services and the District Department of Human
5 Services tell us that the residents are not allowed
6 to park cars at the existing D.C. General facility,
7 and that the number of residents that owned vehicles
8 is extremely limited.

9 Bicycles are also not stored for residents at
10 D.C. General currently, and DGS staff are not aware
11 of any residents that own bicycles. Residents are
12 expected to primarily take transit, walk, or be
13 dropped off, shuttled in.

14 Information was provided regarding staffing
15 levels and shifts. There will be 10 staff on site at
16 all times with 22 to 26 staff being present at the
17 peak staffing times, depending on the additional
18 program that's being offered on a given day.

19 The majority of staff are expected to drive,
20 and the relatively small number of vehicular trips as
21 given in the statement, are not expect to have an
22 adverse impact on the network. There's also the
23 capacity and the other modes that will accommodate
24 the new non-auto trips that are generated.

25 And as I said a few minutes ago, we scoped

1 the statement with DDOT and we're pleased -- we are
2 pleased to have DDOT support for the project as noted
3 by the chair. The staff report states no objection
4 and no conditions from DDOT's review.

5 Under current zoning the project's parking
6 requirements are determined by the Board of Zoning
7 Adjustment and there's no parking to be provided at
8 this location. Site constraints made it difficult to
9 provide any parking on site.

10 Since the parking will rely on on-street
11 parking, we did a review of the parking in the
12 vicinity. We looked at 389 on-street spaces within a
13 couple blocks of the site, which really we think is a
14 walking distance that people would likely park, and
15 found that in the evening when the neighborhood
16 residents are returning home, it's only about a third
17 of the on-street spaces in the immediate vicinity are
18 utilized. So there's over 200 and some available on-
19 street spaces in the evening hours.

20 There's ample parking available to
21 accommodate the new demand of the staff without
22 adverse impact. About half of the block face on the
23 site side is not occupied when we did our study, and
24 this is about what the demand that the staff would
25 generate.

1 Switching to TDM, the project will include a
2 transportation demand management plan. It was
3 developed in consultation with DDOT and is tailored
4 in a way to best suit the residential tenants and the
5 staff here to take advantage of the non-auto options.
6 It includes the TDM coordinator, marketing program,
7 bicycle parking, and transit subsidies for residents.

8 And then lastly, loading facilities. They're
9 not required by zoning, and at this location all the
10 loading will occur on D Street. In order to avoid
11 double-parking or loading activities in front of
12 other properties, we've proposed a 40-foot loading
13 zone and discussed that with -- and are discussing
14 that with DDOT. There's a result and a net loss of
15 about 20 feet of curbside or one parking space
16 because there's the existing curb cut that would
17 actually be eliminated with the redevelopment of the
18 site.

19 And so address any concerns about this
20 loading activity a loading management plan was
21 developed and this amount of activity is going to be
22 limited to a couple food service deliveries per day
23 and trash pick-up several times a week. But the plan
24 will point a member of staff to coordinate the
25 loading activities. So I think that concludes my

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

2 MR. HILL: Thank you.

3 MR. HOOD: Let me just ask, Madam Chair, my
4 last question. Mr. VanPelt, RPP. I'm looking, I
5 don't see any RPP within the surrounding area of the
6 project.

7 MR. VANPELT: In the blocks that we
8 inventoried and looked at for the study there was not
9 RPP. It's all unrestricted parking.

10 MR. HOOD: Okay. Thank you.

11 CHAIRPERSON HEATH: Okay. Any other
12 questions from the Board? Okay. Does that conclude
13 your rebuttal?

14 MS. MOLDENHAUER: That concludes our rebuttal
15 testimony. I would just point out two additional
16 items. The Sasha Bruce House was referenced in our
17 prehearing statement, which is Exhibit 29 on page 14,
18 and it does indicate that that is a location that has
19 two staff members and eight youth children at that
20 facility.

21 In addition to that, as part of our
22 PowerPoint presentation I won't jump back, but our
23 PowerPoint presentation, page 20, does also outline
24 our community benefits program. I'm sorry. Our
25 community outreach that we've done at the site, and

1 we have worked with the community back since February
2 8th, and then we had design review meetings at the
3 community. We also worked with the single-member
4 district for this ANC, who personally flyer the
5 community. I know that she went around and she hand-
6 flyer the community with a flyer that we worked
7 with her on, and they also posted that on Facebook
8 and in other social media programs, and that was an
9 event that we held on Saturday, June 11th. We do it
10 on a weekend, so that way if people were working they
11 could try to attend that and hear more about the
12 program and about the relief that we were requesting.

13 That being said, at this point in time I can
14 just quickly jump into our conclusion and our --

15 CHAIRPERSON HEATH: Sure.

16 MS. MOLDENHAUER: -- just summarizing the
17 legal arguments. We are looking for relief on a
18 Height FAR, lot occupancy, rear yard, side yard,
19 parking, and then a special exception pursuant to a
20 360. The special exception standards, we believe,
21 have been satisfied, and we also want to just confirm
22 and review that this is an application for a public
23 service as in this case the Board may apply a more
24 flexible standard when applying the test.

25 The property is exceptional in regards to the

1 small lot size, the unusual rear yard. And as
2 outlined by the Director of the Department of Human
3 Services, the needs for a program such as this for
4 wrap around services, and those programmatic needs.
5 I just identify, you know, the fact that we have
6 satisfied the different practical difficulties for
7 all of the areas of relief.

8 Focusing a little bit on the parking, just
9 kind of turn your attention to a BZA case that went
10 to the Court of Appeals, which is the 1,700 block of
11 N Street. That was a case where it was a YMCA that
12 had purchased that property in the south of DuPont
13 Circle area, and they ended up asking for a parking
14 relief based on their programmatic needs of the YMCA
15 needing a pool.

16 I think that obviously, you know, the
17 programmatic needs of a facility such as this
18 obviously exacerbate and provide a much higher degree
19 of necessity for the city and for those individuals
20 that are currently being housed at D.C. General to be
21 able to -- need to be able to utilize a facility such
22 as this and need the varying areas of relief that are
23 required here, including the parking relief that
24 would have no adverse impact on the community based
25 on our parking analysis and DDOT's reports as well.

1 And then in regards to, you know, the fact of
2 no adverse impact to the community, there we don't --
3 for the variances, not for the special exceptions, we
4 believe there should be no, you know, adverse impact
5 from the setback relief, from the height given the
6 fact that the property does mirror some of the
7 designs of surrounding projects and that it does
8 align with the stated goals of the Comprehensive
9 Plan.

10 In regards to the special exception standard,
11 one, we obviously point out that this is a special
12 exception and that it's, you know, deemed to be
13 appropriate in the zone that is provided. We do
14 indicate that we are harmonious with the zoning plan
15 in order to provide a new short-term housing
16 facility. We do ask for relief as pointed out here,
17 pursuant to 35, 358.7 from the statements regarding
18 having another facility close by. We do not believe
19 that that will have any impact on traffic or impact
20 on the surrounding communities.

21 While we heard testimony from a neighbor in
22 regard to the concerns, there was no specifically
23 stated issues other than parking, which I think we
24 have addressed. And overall safety, which is not per
25 se, something that the BZA should take into

1 consideration. But we believe that we do satisfy all
2 of the requirements and that we meet the standards
3 for the 358 requirements under the Zoning Regulations
4 for special exception relief.

5 That being said, we believe that we have
6 articulated, both in our written submissions, our
7 supplemental submissions and during oral testimony
8 today, both the variance standards for the variance
9 relief that we're requesting, as well as satisfying
10 the standards for the special exception and we
11 believe that the case is ripe and would request that
12 the Board provide us a bench decision in support of
13 the relief. Thank you.

14 CHAIRPERSON HEATH: Okay. Thank you. Is the
15 Board ready to deliberate on this? Anybody want to
16 start?

17 MR. HOOD: I'll start it off and somebody
18 else can go through the regulations.

19 Madam Chair, I would be in support of this
20 application. I think that we can waive our rule
21 which we have the authority to do to approve one
22 community based residential facility in a square
23 within 500 feet, only when the Board finds that the
24 cumulative effect of the facilities would not have an
25 adverse impact on the neighborhood because of

1 traffic, noise, or operations, and I think that the
2 record basically exemplifies that we meet those
3 requirements to waive that rule.

4 Also, I think under 360.1, emergency shelters
5 our regulations require 25 persons. We're proposing
6 116. The height, 400, regulations 40 feet, three
7 stories, with 49.5 feet four stories, 0.9 maximum
8 floor area ratio, we're going to 2.38. The lot
9 occupancy is 40 percent. We're looking at the first
10 floor, 64 percent at 58 percent on the second through
11 the fourth floor, the rear yard, 24, 20 feet minimum,
12 14.25 feet average. The side yard and the parking
13 relief as noted. And that's my motion that we
14 approve.

15 With the exception -- with the exception that
16 Ms. Moldenhauer mentions that safety is not a part of
17 our jurisdiction. Actually, it is. When we're sworn
18 in we're sworn to protect the safety also. So that's
19 part of our whole parameter. So I just wanted to
20 make that correction. Other than that I would make a
21 motion that we approve.

22 CHAIRPERSON HEATH: Sure. Thank you for
23 pointing that out. And I appreciate that despite
24 that comment you did speak to issues that you're --
25 the ways that you're addressing safety issues. So I

1 appreciate that, and I will second. So the motion
2 has been made and seconded. Any further discussion.
3 All those in -- yeah, go ahead.

4 MR. HILL: No, I just wanted to mention to
5 Ms. Elliott, you know, I appreciate you coming down
6 here and I'm sorry that you missed the ANC meetings
7 that were talking about this. I mean, your ANC did
8 approve this. But you are sitting next to the City
9 Administrator. Perhaps he can speak to you about
10 your concerns, or at least put somebody in your
11 office there since you came all the way down here.
12 I'm sure he will be happy to do that.

13 MS. ELLIOTT: Thank you.

14 MR. HILL: So, but yeah, I'm in favor as
15 well. So, thank you, Madam Chair.

16 CHAIRPERSON HEATH: All right. Thank you.
17 All right.

18 [Vote taken.]

19 CHAIRPERSON HEATH: The motion carries.
20 Thank you all.

21 MS. ELLIOTT: Thank you.

22 MR. MOY: Staff would record the vote as four
23 to zero to one. This is on the motion of Mr. Anthony
24 Hood. Seconding the motion, Chairperson Heath. Also
25 in support, Mr. Hill, Mr. Hinkle, board member not

1 present with us today. Motion carries, Madam Chair.

2 CHAIRPERSON HEATH: Thank you. Summary.

3 MR. MOY: Thank you.

4 CHAIRPERSON HEATH: All right. We're going
5 to take a five minute break and then we'll come back
6 with our next application, which will be 19288.

7 [Off the record from 11:06 a.m. to 11:15
8 a.m.]

9 CHAIRPERSON HEATH: All right. We're going
10 to come back to order. You can call our next case,
11 Mr. Moy.

12 MR. MOY: Yes, I will. With pleasure. This
13 would be Application No. 19288 of DGS of D.C. And
14 this application, Madam Chair, it's a request for
15 variances from the limitation of number of stories
16 requirements for 100.1, off-street parking
17 requirements, 2101.1 and 2116.4, loading berth
18 requirements under 2201.1 and a special exception
19 from the emergency shelter requirements under 3601 --
20 or rather, 360.1, establishing a short-term family
21 housing facility R-5-A, 4200, I believe, 6th Street
22 Southeast, Square 60207, Lots 53 through 56.

23 CHAIRPERSON HEATH: All right. Good morning.
24 Would you all please introduce yourselves?

25 MS. ZEILINGER: Laura Zeilinger, Director

1 District Department of Human Services.

2 MS. MOLDENHAUER: Meredith Moldenhauer from
3 the law firm of Griffin, Murphy, Moldenhauer, and
4 Wiggins, Land Use Counsel for DGS.

5 MR. DAVITT: Matt Davitt. I'm an architect
6 for the DLR Group Sorg.

7 MS. MILANOVICH: Jami Milanovich with Wells
8 and Associations, the transportation consultant for
9 the project.

10 CHAIRPERSON HEATH: Okay. We're going to
11 allow you to make your presentation, given the issues
12 that we've seen on this. We did get the ANC's letter
13 and their -- and they indicated their close vote on
14 this and we received another letter from two of the
15 single-member district commissioners who were in
16 opposition to this.

17 So I understand there is an ANC commissioner
18 here on this.

19 MS. MOLDENHAUER: There are four ANC
20 commissioners here.

21 CHAIRPERSON HEATH: Wow.

22 MS. MOLDENHAUER: From Ward 8.

23 CHAIRPERSON HEATH: Okay. I heard that one
24 of them had to leave and so they wanted to -- so,
25 we're going to go slightly out of order just to make

1 sure that you can be heard since you did come down,
2 and so we'll ask you to come forward now in advance
3 of your presentation. Okay. If you could give us
4 your name and then we'll allow you to make your
5 statement.

6 Were you sworn in this morning?

7 MS. HENDERSON: Yes.

8 CHAIRPERSON HEATH: Okay. Make sure your mic
9 is on.

10 MS. HENDERSON: Good morning. Good morning,
11 Chair and the Board of the BZA.

12 My name is Olivia Henderson. I'm the ANC
13 Chairperson of ANC 8D and also the single-member
14 district commissioner where the proposed site will
15 be.

16 I just wanted to make, for the record, that I
17 stand in support of the resolution that the ANC
18 submitted to the BZA. And I will pray that the BZA
19 look at -- work towards great weight. The ANC, we do
20 have bylaws and we asked for a minority report for
21 each commissioner that would like to submit that
22 oppose a project, that we could submit it with the
23 resolution that we submit to the BZA. Our ANC
24 meeting was on Thursday of last week. They had
25 Friday, Saturday, Sunday, Monday to submit that

1 letter, in which they didn't. And when I speak on
2 great weight, that means that if you have an
3 opposition of what the ANC already voted on, all the
4 ANCs would like to see just, you know, what you
5 stated within your letter and which the ANCs did not
6 see any letters from single-member district
7 commissioners that would submit it.

8 Not speaking as the Chair, but as the single-
9 member district commissioner that been living and
10 working within this ANC that the site is proposed to
11 be in, but I hear a lot of people state about these
12 people and those people, and the citizens that
13 they're speaking on are residents of the District of
14 Columbia. And it's very hurting because the first
15 thing that they will state is that the criminal
16 activities of the area that you're trying to place
17 this site in, which there are criminal activities
18 throughout the entire District of Columbia.

19 And we have worked really hard within the
20 4,200 block of 6th Street to eliminate criminal
21 activities. We work with DGS in regards to, if you
22 want something placed on the site do something for
23 the site that's already there. They cut the grass,
24 we have better lighting, and which many people are
25 now saying the light is a health hazard or it's

1 hurting people eyes because it's too bright within
2 our community. So my thing is, is that we welcome
3 the project to our community and I would just pray
4 that we stand on the great weight of the ANC
5 commissioner that we voted to support the site coming
6 to our community.

7 CHAIRPERSON HEATH: Okay. Thank you, Ms.
8 Henderson. We did receive a letter. I believe it
9 came in either last night or this morning, from Mr.
10 Thomas Ruffin and Ms. Theresa Jones, who indicate
11 that they were the two dissenting single-member
12 district commissioners who voted.

13 MS. HENDERSON: Yes, Madam Chair, they were.
14 And I do want to add that I didn't vote. I didn't
15 have to vote because the measure passed without my
16 vote as a single-member district.

17 CHAIRPERSON HEATH: Okay.

18 MS. HENDERSON: And we also had our
19 secretary, who was not there, but she left a proxy
20 vote and we did not count her proxy vote, in which
21 her proxy vote stated that she also would have been
22 in support of this measure.

23 So I go on honesty, and it was stated that if
24 I came down here to the Board of Zoning that no one
25 else would have come to speak in regards to our ANC.

1 However, I see that that didn't occur today. You
2 know, so that's why I came to speak on the whole
3 commission instead of a single-member district
4 commissioner because this have nothing to do with
5 personal antics. Just has something to do with all
6 us as a whole.

7 CHAIRPERSON HEATH: Okay. All right. Well,
8 thank you.

9 MS. HENDERSON: And thank you, and I also
10 want to say thank you to DGS and the other
11 organizations who are willing and moving forward to
12 working with us as a commission to make sure that
13 this project move forward. And to also add that we
14 always talk about the different resources. This site
15 is DGS. This is District land. So that's not
16 something that we can say we don't want in our
17 community because this land been empty for over 15
18 years and no one have paid attention or did anything
19 to this land. It's just next to a elementary school.
20 It sits next to daycare centers, and which we're
21 talking about families and children. They will have
22 actually, access. It's by hospitals. It's by
23 walking distance stores. They will have access to
24 stores, to hospitals, to daycare centers, to schools.
25 So I just can't see if we stood in support of

1 writing a solution of the all eight wards when the
2 Mayor came to us and said, hey, would you support it,
3 I think we will contradict ourselves if we say now
4 that we don't support you guys coming and start
5 building within our community. So I do thank you
6 guys for allowing me to speak. Thank you.

7 CHAIRPERSON HEATH: Thank you for coming
8 down. And we, the Board will give great weight to
9 the ANC. We do have your resolution and we're
10 required to give great weight, and we will. So,
11 thank you.

12 MS. HENDERSON: Oh, one more thing. I just
13 wanted to add just in case no one else say, that
14 there were five meetings within our community in
15 regards to this. The fourth meeting was our ANC
16 meeting. We asked DGS to come back because they had
17 concerns and questions that the ANC wanted answers.
18 DGS sent us all those questions and concerns that we
19 addressed at our fourth meeting. So it's not as if
20 they're not trying to work with us. They didn't
21 inform the community. They're not building
22 partnerships like with the daycare center or the
23 schools, because there's conversations that's being
24 held, but individuals that I will say that's not -- I
25 have to say the single-member district commissioner,

1 they would not know that these conversations are
2 actually being held with partners that's going to
3 really be affected by this site.

4 So, in closing, that is it for me. Thank
5 you.

6 CHAIRPERSON HEATH: Thank you.

7 MR. HOOD: Madam Chair, I just had one quick
8 question for Chairperson Henderson. I want to make
9 sure I understood what you said now. The vote was
10 three to two, but you, the chairperson and the
11 secretary, because of your bylaws, I guess however
12 they speak to, you all did not vote.

13 MS. HENDERSON: Yes, I did not vote.

14 MR. HOOD: And neither did secretary.

15 MS. HENDERSON: The secretary was absent but
16 she left a proxy vote in which I do have a proxy
17 vote, and which we did not add because some of the
18 commissioners stated that within the proxy vote she
19 had other things also pertaining to the whole meeting
20 instead of just addressing that she support the
21 application of the BZA. Even though that was in
22 there.

23 MR. HOOD: Right.

24 MS. HENDERSON: We didn't want to go into a
25 long discussion, so we just stated the votes that we

1 added and the ones that said no.

2 MR. HOOD: Okay.

3 MS. HENDERSON: And we didn't need the proxy
4 vote.

5 MR. HOOD: Because on the surface, to me, it
6 looked like a close vote, but now I see the two votes
7 that would have been in support are not recorded.

8 MS. HENDERSON: Right.

9 MR. HOOD: Is that correct, the assumption
10 that I'm making.

11 MS. HENDERSON: Well, no, they wasn't
12 recorded.

13 MR. HOOD: Okay. That's all I needed to
14 know. Thank you.

15 MS. HENDERSON: You're welcome.

16 CHAIRPERSON HEATH: Thank you.

17 MS. HENDERSON: Thank you, Madam Chair.

18 MS. MOLDENHAUER: And thank you very much,
19 Commissioner Henderson, for coming. I just -- you
20 had indicated and I just wanted to make sure it was
21 clear to the -- so we had one meeting with the ANC in
22 June, and then the ANC asked us to come back, sorry,
23 in May. And ANC is supposed to come back in June.

24 MS. HENDERSON: Correct.

25 MS. MOLDENHAUER: And during the time frame

1 between May and June you asked the applicant to talk
2 with the Southeast Children's Fund, which is a child
3 development center that abuts the property.

4 MS. HENDERSON: Correct.

5 MS. MOLDENHAUER: And we provided the ANC
6 with that information and the dialog that we had had
7 with them. Is that right?

8 MS. HENDERSON: Correct.

9 MS. MOLDENHAUER: And then we also had
10 supplemented the record, answering a lot of the
11 operational questions that ANC Commissioners had, and
12 we hand-delivered and we mailed them all in hard
13 copies to all the commissioners so that they could
14 review that.

15 MS. HENDERSON: You're correct.

16 MS. MOLDENHAUER: Okay. Thank you very much
17 for your time.

18 MS. HENDERSON: Thank you.

19 MR. HILL: Ms. Moldenhauer, just when you're
20 going through your presentation again, for me I'd be
21 most curious again in the community outreach and the
22 efforts that you made and kind of the items that came
23 up during those meetings. Just as you go through it.
24 Thank you.

25 CHAIRPERSON HEATH: All right. So you can

1 start your presentation.

2 MR. HILL: And, Ms. Henderson, thanks for
3 coming down, also.

4 MS. HENDERSON: Oh, thank you guys, and have
5 a great day.

6 MS. MOLDENHAUER: So first, our first witness
7 would have been Rashad Young, the City Administrator
8 who was not able to stay but we have a written copy
9 of his testimony that's being passed out and can be
10 added to the file.

11 Also, our next witness would be Laura
12 Zeilinger. Zeilinger? Zeilinger. I've got it now,
13 sorry. Zeilinger. The Director of Human Resources
14 here at the District of Columbia. And so she will
15 summarize part of the city administrator's testimony,
16 just hitting on some of the key points, and then
17 going into her testimony.

18 MS. ZEILINGER: Thank you. I'm happy to be
19 here today with you requesting relief for the short-
20 term family housing program in Ward 8. Mayor Bowser
21 has made one of the highest priorities of her
22 administration, our efforts on homelessness, which
23 are to make homelessness rare, brief, and non-
24 recurring in the District of Columbia.

25 Over the past five years the number of people

1 experiencing homelessness has continued to rise with
2 more than 7,000 men, woman, and children experiencing
3 homelessness on any given night in our community.
4 The mayor, both during her campaign and in office,
5 has promised District residents that she would
6 develop smaller shelter alternatives and ultimately
7 close D.C. General.

8 We know what it takes to end homelessness in
9 the District and we have a strategic plan that helps
10 us get there. That strategic plan is called Homeward
11 D.C., the District's Interagency Council on
12 Homelessness adopt this -- adopted this plan in March
13 of 2015. The City Administrator chairs the
14 Interagency Council on Homelessness and that official
15 body is made up of not only government officials, but
16 community stakeholders, advocates, and providers as
17 well as people who have experienced homelessness.
18 And it is the policy -- one of the important policy
19 setting bodies on homelessness for the District of
20 Columbia.

21 In the fiscal year '16 budget, the mayor's
22 first budget, with support from the Council, a very
23 important down payment was made on our efforts to end
24 homelessness investing in proven solutions through
25 the provision of robust services, investments in

1 permanent supportive housing, in rapid rehousing, and
2 in fiscal year '17 the council has just passed a
3 budget that continues these investments, in addition
4 expanding targeted affordable housing program.

5 In order to achieve our goals on
6 homelessness, we have many things underway around
7 homelessness prevention, and the permanent housing
8 and affordable housing that people need to exit
9 homelessness, but very critical in that is what
10 happens when people experience homelessness, and for
11 families, what their experience in shelter is like
12 and our ability to support them from that place of
13 instability back into stability and permanent
14 housing. This has been something that the mayor,
15 again, has committed to doing and we've had more than
16 12,000 residents signing a pledge urging the mayor
17 forward on -- toward our efforts on ending
18 homelessness.

19 And to achieve this we needed to identify
20 small community based sites to develop facilities for
21 families of which this program is an essential part.
22 We wanted the entire community to be part of the
23 solution so we searched for sites across every single
24 ward. We need between 270 and 280 units of short-
25 term family housing spread out across all eight wards

1 with each site requiring roughly 30,000 gross square
2 feet. We seek -- we were seeking sites that were
3 approximate to public transportation and other
4 services and amenities, sites that are economically
5 feasible and able to be developed within a 24 to 30
6 month timeline. We started looking with District
7 owned properties that are in the City's inventory,
8 and once we had exhausted that, based on our
9 criteria, we looked for properties for purchase or
10 lease.

11 With amendments from the counsel on June
12 13th, all proposed sites will now be District owned
13 and each new facility will be small, dignified, and
14 accommodate up to 50 families.

15 The community engagement process has been
16 robust. On February 9th the mayor shared her plan
17 with counsel and the public. Two days later the
18 administration officials from the Bowser
19 Administration fanned out across the District,
20 holding our first community meetings in each of the
21 eight wards to share specific plans with residents
22 and respond to initial questions and concerns. This
23 was step one in a multi-year community engagement
24 process that we're committed to keep on going.

25 Since these initial community meetings

1 members of the administration have met with
2 neighborhood leaders, conducted neighborhood safety
3 walks, participated in subsequent community meetings,
4 shared designs, solicited feedback on community
5 advisory committees and responded to dozens of e-
6 mails and phone calls to answer questions, discuss
7 concerns, and resolve issues.

8 We provided a website at
9 Mayor.dc.govhowardDC, where we've included in
10 information about our plans and have continued to
11 update that website with answers to questions that
12 have come in frequently as well as robust information
13 about the solicitation process, the selection, and
14 the program.

15 Over the next couple weeks we will create
16 advisory bodies in each and every neighborhood,
17 including in Ward 8, where we will -- and the purpose
18 of these bodies is to provide feedback on concerns
19 related to quality of life during construction to
20 disseminate information to neighborhood and other
21 constituent groups, to work with partners, to develop
22 good neighbor agreements, and to have agreements in
23 place in each community that address how we operate
24 in harmony with the community around maintenance of
25 the property, safety issues, and have an ongoing code

1 of conduct around communication and that will promote
2 mutual respect between the program and neighbors so
3 that it is something that will work again, in
4 hopefully will be able to exist in harmony with the
5 community around it.

6 The council held a public hearing. We
7 introduced all of the proposed sites and legislation,
8 and the council held a public hearing on the mayor's
9 legislation on March 17th. And on May 16th,
10 announced and voted on several revisions to the
11 original plan, including changing three of the eight
12 sites. Council finalized the plan, including their
13 revisions by unanimous vote on May 31st.

14 We will go through in the course of the
15 presentation, the BZA relief that we're seeking, so
16 although that's summarized as well in the City
17 Administrator's testimony, I won't go through that
18 now, but I will shift to talk with you a little bit
19 more about the program and what it is that we're
20 trying to accommodate with this particular location.

21 As I noted earlier this morning, we need to
22 be able to do better by residents who experience
23 housing instability and homelessness in our
24 community. In particular, people who are parenting
25 where there are young children who are impacted. We

1 are just not able to accommodate the goals of our
2 strategic plan and the services that families need
3 and deserve to quickly exit homelessness with the
4 types of facilities that we have now in D.C. General.
5 And again as we then are overflowing into motels, we
6 need to be able to create a system of care for
7 families who experience homelessness that provides
8 safety and dignity and supports them to exit quickly
9 into permanent housing.

10 And as we are able to do that more
11 effectively and efficiently, the beds that -- in the
12 units that we have will be able to serve more
13 families because we, by achieving the right
14 programmatic supports, we will reduce the lengths of
15 stay and each unit that we have will be able to
16 therefore serve more families and to serve them
17 better.

18 The programs and the buildings that need to
19 house them need to have the design requirements that
20 reflect the worth that we feel on the families who
21 come to us for services. When we serve families in
22 overflow and in rundown buildings, it -- the
23 environment does not convey that these are folks that
24 are supported, that are cared about, and that we're
25 willing to invest in. And it is very important to --

1 when people have experienced instability and the
2 trauma that has brought them to homelessness, that
3 they are in a place and in an environment where the
4 design reflects that they are cared for and they are
5 -- we're investing in a quality of space and a
6 quality of service that is going to support them
7 successfully forward.

8 So we've taken great care with our partners
9 at DGS and with architects working on behalf of the
10 District to really design facilities that will help
11 us accomplish our programmatic goals. This is
12 something that's important to the entire community,
13 something that we received a lot of input in as well
14 from our Interagency Council on Homelessness.

15 In order to achieve the supportive
16 environment we will provide wraparound services for
17 families, that we will have social work support, we
18 will have housing assessments, we will have housing
19 counseling that will help families keep focused on
20 what they need in order to be able to move to housing
21 quickly. We will also support parents, as parents
22 with their parenting, with conflict resolution. We
23 will invite in community groups and have strong
24 partnerships around tutoring and programs in play,
25 and supports that children need.

1 We will provide meals to families and we will
2 do that. We will have dining facilities to do that.
3 We will provide a computer room and small rooms for
4 study that allow -- that allow for both tutoring and
5 children to be able to do homework, for parents to be
6 able to engage in job search and so forth. We will
7 have common rooms and living space for families on
8 each floor, and we will provide health and wellness
9 as well, as we have in the past with other partners.

10 We also strive and have designed each site
11 for privacy and safety with 10 or less sleeping units
12 on each floor, with appropriate security, and to make
13 sure that families have access appropriately to
14 bathroom facilities. We've taken great care to
15 exceed the design requirements that were initially
16 put into legislation. We heard a lot of testimony in
17 our hearings around design requirements that
18 indicated concern from families, that when a family
19 has multiple children and they don't have their own
20 in-suite bathroom and a child needs to go at night,
21 needing to wake everybody up because at D.C. General
22 you have to travel a corridor that can have up to 75
23 different families in rooms in order to be able to
24 get to the bathroom.

25 We've designed these so that each -- if a

1 room doesn't have its own bathroom it only shares a
2 bathroom with one other room, and it is fully within
3 site. So a parent can just open the door and their
4 child, if they need to go use the facility, they can
5 see them enter, see them come back, and that we have
6 security features so that access to each sites is
7 restricted only to those families who should have
8 access. So there is great care again in creating a
9 space of safety, of dignity, and where you just don't
10 have people coming in and out in the way that we have
11 to accommodate now in a congregate site.

12 Doing that has required us to request relief
13 because we have to have the square footage in order
14 to accomplish those types of design requirements.
15 We're very excited to be able to create facilities
16 that will allow us to achieve what we think is a
17 really important public interest and public purpose
18 on behalf of residents who deserve to be invested in
19 and supported, to a place of safety and stability so
20 that they can access the vast opportunity that
21 exists, and the community that we live in. So I very
22 much appreciate the time of this body in considering
23 our application.

24 MS. MOLDENHAUER: Thank you very much, Ms.
25 Zeilinger.

1 MR. HILL: Excuse me. I'm sorry. I just
2 wanted to ask Ms. Zeilinger a question. The advisory
3 bodies that you were speaking of, have you worked out
4 the mechanics of that? Do you know how that's
5 actually going to work?

6 MS. ZEILINGER: So we, we do have a draft of
7 what those will look like, and we're working with
8 each community to make sure that we have the right
9 representation for each of the wards. So we are
10 consulting currently with the ANC commissioners so
11 that we appropriately include representatives from
12 the in-bound school, from neighborhood associations
13 and others who are the ANC and others who should be
14 represented on that body.

15 So we are working on the composition as well
16 as the particular issues that we -- having a set of
17 milestones that each of the advisory bodies will have
18 the opportunity to weigh in on both related to the
19 design and all the way up through the construction of
20 the good neighbor agreements that really define some
21 -- address specific community concerns about the
22 operations at each location.

23 We then can use the requirements that we put
24 in the good neighbor agreements as the Department of
25 Human Services contracts for an on-site service

1 provider for each location, and so that we're able
2 through that contract mechanism to ensure that the
3 services that we're procuring are consistent with the
4 agreements that we've made with community and we will
5 continue to operate those in an ongoing way to make
6 sure that we're resolving any issues that are not
7 anticipated that come up with neighbors. It's
8 something we've done in other locations as well,
9 where we provide services where there have been
10 concerns by the community in order to create a path
11 toward mutually agreed upon resolution of those
12 concerns.

13 MR. HILL: Okay. Thank you.

14 MR. HOOD: Madam Chair, can I just ask about
15 the good neighbor policy? Is it a good neighbor
16 policy or good neighbor agreement?

17 MS. ZEILINGER: It's a good neighbor
18 agreement.

19 MR. HOOD: Okay.

20 MS. ZEILINGER: So we negotiate the specifics
21 with the members of the community advisory team.

22 MR. HOOD: So you use the advisory
23 neighborhood commission, the civic association. So
24 you know who is identifiable and you work together
25 collaboratively to make sure that that agreement is

1 being fulfilled.

2 MS. ZEILINGER: Yes, sir.

3 MR. HOOD: Okay. Thank you. Thank you,
4 Madam Chair.

5 MS. MOLDENHAUER: In regards to the good
6 neighbor agreement, we have spoken with Commissioner
7 Henderson about that, and that's been brought up at
8 both of the ANC meetings that we attended, and
9 actually some of the other commissioners who voted in
10 support of the project were very excited and
11 indicated to the individuals in the audience to say,
12 we need to start hearing from you and letting us know
13 for those in the audience at the different ANC
14 meetings, let us know if you're interested in being a
15 part of this as we continue the dialog. So we have
16 had discussions and the ANC has opened the door to
17 start hearing from the community of those individuals
18 who may want to be a part of those specific groups
19 and part of that negotiation of the good neighbor
20 agreements.

21 CHAIRPERSON HEATH: Okay. You can continue.

22 MS. MOLDENHAUER: So at this point in time
23 thank you very much, Ms. Zeilinger for kind of
24 walking through the needs of the District's Human
25 Services Department and now we just want to

1 obviously, you know, identify the reduced standard of
2 relief based on the public service provided by the
3 District and the standard for that as noted in the
4 PowerPoint slide.

5 We will turn now to Matthew Davitt from Sorg
6 Architects to walk through the architectural elements
7 of the project.

8 MR. DAVITT: Good morning. So this is our
9 property. It's located on 6th Street Southeast in
10 Ward 8 and it's zoned R-5-A. And I think it's a
11 unique property for a number of reasons. It has that
12 kind of funny L shape, which is largely due to the
13 alley, which comes off of 6th Street and creates that
14 dog-leg.

15 We also, along the frontage of the street,
16 for a portion of it, we have to set back 15 feet and
17 that's due to the fact that 6th Street transitions
18 from a 90-foot right of way down to a 60-foot right
19 of way, across our frontage.

20 There is a building restriction line which
21 carries on southward of that transition. Then we
22 also have a very steep site, from a high point in the
23 northwest the site slopes down to the southeast,
24 approximately 25 feet, which is a change of about two
25 stories in height.

1 So those are some of the challenges that
2 we've had to deal with during our design.

3 This is an aerial image of the site and the
4 neighborhood. The site and the neighborhood. The
5 site is currently undeveloped, as you can see where
6 just south of the Henley Elementary School in the
7 intersection of 6th and Chesapeake. And this area is
8 served by a number of Metro bus lines and Jami from
9 Wells and Associates will discuss that, and other
10 traffic related topics later in the presentation.

11 Next slide. So, here you can see some images
12 of the community context. Generally the buildings
13 which front 6th Street are two-story brick row houses
14 and residences. You can see an example there on the
15 upper left-hand corner. However the buildings to the
16 north and to the west which abut our property are
17 much larger and taller in scale. These are three and
18 four stories and they appear even taller when viewed
19 at the bottom of the hill from 6th Street.

20 So the next slide shows some examples of
21 these larger buildings. The top two images are of
22 the Henley Elementary School, and the lower two
23 images are one of the residential buildings which
24 abut our property from 4th Street. And the
25 differences in the scale of the context have been

1 very important in terms of how we have sited and
2 masked our building.

3 Next slide. So here we have a view of our
4 design from 6th Street, and you can see the main
5 strategy has been to really push that building as far
6 back from 6th Street as we could to better relate to
7 its larger neighbors up the hillside.

8 The lower form that you see is clad in brick.
9 It's very similar to adjacent buildings in the
10 neighborhood, while the upper five floors, the
11 residential floors, these are clad in glass and metal
12 panel. And these floors have actually been set back
13 even further, which helps to further reduce the scale
14 of the building.

15 We met with the community to present the
16 project and to solicit feedback regarding these
17 exterior finishes, and that feedback has helped to
18 inform this design. The overall aesthetic --

19 MR. HILL: Excuse me.

20 MR. DAVITT: I'm sorry.

21 MR. HILL: That's all right. I'm just
22 curious. What feedback was it? How did you change
23 the design?

24 MR. DAVITT: We offered a number of different
25 colors of finishes in terms of the brick and the

1 metal panel.

2 So the overall design aesthetic that we were
3 looking for was to have a dignified building which
4 avoids the typical institutional look associated with
5 temporary housing projects, and instead has a
6 positive impact on its community.

7 Next slide. So here we see the site plan and
8 I think here it's very clear how far we've set back
9 our building. It's about 130 feet from the building
10 to the street, and we've also tried to work with the
11 topography. So those upper floors slide back from
12 the ground floor to better follow the natural slope.
13 So we've essentially set the building into the hill
14 side on that side.

15 And the setback from 6th Street provides an
16 opportunity for us to develop that space into a
17 landscaped garden, which I'll get into in a little
18 more detail later. The primary pedestrian access is
19 from 6th Street through this garden to the main
20 entrance at the north end of the building, and the
21 service entrance is on the south. Parking has been
22 provided off the alley, including 11 spaces and a
23 loading area.

24 Next slide. So now as we move to the
25 building interior, which has been developed to meet

1 the DHS requirements as just outlined by Director
2 Zeilinger, this is the ground floor and it houses the
3 major common functions for the residents as well as
4 the administration and service functions. To orient
5 you, the main entrance is on the right side of the
6 slide, and it leads directly to a lobby with a
7 reception desk. There is a computer lab right off
8 the lobby, and then the community dining room, the
9 indoor recreation room, and the multipurpose room
10 have been pushed to the front of the building to
11 maximize their exposure to daylight as the rear of
12 the building has been set into the hill.

13 The case management office space is located
14 behind the lobby. We have a health and wellness room
15 a little bit further down the corridor. And the
16 staff lounge and operations offices are located to
17 the left, closer to the service entrance.

18 Opportunities for secure bike storage have
19 been provided in the administration area, as well as
20 accessible from the exterior. These spaces in
21 generally have been organized to be as simple and
22 efficient as possible, so we have just a single,
23 double-loaded corridor to maximize the safety and
24 security of the occupants. This organization system
25 repeats on the upper floors as well.

1 So here we have a typical residential
2 floorplan for a community of 10 family units.
3 There's a core of common spaces centralized on each
4 floor, which includes a small lobby with a reception
5 desk, a common room, a laundry, and a study space.
6 We've provided six bathrooms per floor, two of which
7 are private bathrooms located inside the units, and
8 the remaining floor are individual family units which
9 are accessible from the corridor.

10 The units themselves are a mix of three and
11 four bed, and we've allowed for the possibility of
12 combining adjoining rooms to accommodate larger
13 families as needed.

14 As you can see we've also, along the front,
15 we've projected these units in and out in an
16 alternating pattern which helps to kind of provide
17 some visual interest along that front façade and to
18 further reduce the scale.

19 Next slide. And on the upper two floors
20 these bays on that front side flip from projecting to
21 recessed so there's a little more modulation there.
22 Other than that all five residential floors are laid
23 out the same. One thing I do want to point out is
24 that we've allowed for windows at either end of the
25 corridor to help to bring daylighting into those

1 interior spaces to help warm it up and provide a more
2 residential feel.

3 The next slide shows our roof plan and
4 penthouse plan, which has been designed per the
5 Zoning Regulations. And here, the intent has been to
6 shift that penthouse as further to the rear of the
7 building as we could to minimize its impact on 6th
8 Street.

9 The next slide, this is our front elevation.
10 And I think here, again, you can see how those
11 projecting bays help to activate that façade and to
12 reduce its scale. You can also see on the ground
13 floor, that brick form has been offset from the upper
14 floors and helps to provide a base for the building
15 in general.

16 Next slide shows a section through the entire
17 site. 4th Street is on the left side going all the
18 way down to 6th Street on the right side, with our
19 building in the middle. And what this slide shows is
20 that the new building will have limited visibility
21 over the neighboring buildings. So, from 4th Street
22 the new building will not be visible over the
23 neighboring building, and from 6th Street, only the
24 top two floors will be visible over that row house
25 there. And even then only from the east side of the

1 street.

2 My final image is of the landscape plan. And
3 here I think you can see how we've tried to develop
4 the landscape plan to really be kind of a welcoming
5 environment, and to compliment the building as well
6 as provide a bit of a buffer to the adjacent
7 properties.

8 Earlier I had mentioned the garden in front.
9 This has been developed to include pathways and
10 seating elements, and we've included a couple of
11 short-term bike racks as well.

12 We've also included a playground area and a
13 half basketball court. We understand that this
14 facility is multigenerational so we've tried to
15 provide recreation opportunities for all ages.

16 I'd also like to point out that we've tried
17 to limit the disturbance of the existing property
18 along that north side. This is generally the highest
19 in elevation area. It's also kind of -- it's oddly
20 shaped there in the back, and so it's not very
21 conducive to construction. So we've tried to limit
22 the major elements of the project south of that.

23 And then finally, I just want to note that
24 the east/west section of the alley, we've shifted our
25 parking spaces there to the north and widened a

1 portion of the alley there to be 20 feet in width to
2 better accommodate vehicular circulation. And I'll
3 turn it over to Jami to get into that and the other
4 traffic related topics.

5 MS. MILANOVICH: Thanks, Matt. To start I'd
6 just like to briefly hit just a few of the key
7 elements that relate to the transportation component.
8 As you've heard, the project will include 50
9 residential units, which would provide approximately
10 178 beds.

11 In terms of staff on the site, there would be
12 a maximum of 38 staff on the site, and that's during
13 shift changes. During any given shift the number of
14 staff would be limited to approximately 24 to 27
15 people.

16 Access to the parking and loading facilities
17 are provided via the public alley per DDOT's request
18 and guidelines. Parking spaces, 11 will be provided
19 on site and one service and delivery space will also
20 be provided on site.

21 In terms of the site context, we are situated
22 south of Chesapeake Street, immediately south of
23 Henley Elementary School, located between 4th and 6th
24 Streets. Vehicular access will be provided along 6th
25 Street, and specifically by the public alley that you

1 can see there with the blue dashed line.

2 I would note that at the intersection of 6th
3 and Chesapeake there is a pretty significant bus stop
4 located there that provides access to six bus routes,
5 including the A-line. The A-line is the sixth most
6 heavily traveled bus line in the District.

7 Just zooming in a little more closely you can
8 see here a zoomed in shot of the alley so you can see
9 that the parking is provided off of the alley. On
10 the west side of the alley there are five parking
11 spaces in the service and delivery space. And then
12 on the north side of the alley there are six parking
13 spaces.

14 As Matt mentioned we will be widening this
15 portion of the alley for 20 feet to provide a width
16 of 20 feet, and that's just to make access a little
17 easier for vehicles.

18 In order to estimate the vehicular trip
19 generation for the site we looked at characteristics
20 of both residents and employees of the current
21 facility at D.C. General. And what we learned was
22 that less than one percent of residents at D.C.
23 General own vehicles. And so the majority of the
24 vehicle trips would be made by the staff as opposed
25 to the residents.

1 Eighty percent of the staff is expected to
2 drive to the site. The other 20 percent are expected
3 to use other modes of transportation, predominantly
4 public transportation. I would note that at D.C.
5 General currently 60 percent of the staff drive. It
6 is closer to Metro at that location and so for this
7 site we have assumed that a slightly higher
8 percentage would drive.

9 I think it's important to note that the
10 vehicular trip generation based on the number of
11 staff, the percentage that are expected to drive, the
12 overlapping shifts, given all of that the vehicular
13 trip generation is expected to still be minimal, and
14 importantly the peak hour trip generation for the
15 site occurs outside of typical commuter peak hours.

16 You can see in the table provided that the
17 morning peak hour occurs between 6:30 and 7:30 and
18 the evening peak hour occurs at 10:30 at night. And
19 so those are outside of what we typically consider a
20 commuter peak hour, so they're occurring when there
21 is lighter traffic on the surrounding roadways and
22 more capacity to handle that traffic.

23 To the extent that the vehicle parking demand
24 for the site needs to be supplemented with on-street
25 parking, we evaluated the on-street parking inventory

1 and availability in the area surrounding the site.
2 And you can see the area that we considered in this
3 picture here. The parking is predominantly
4 unrestricted parking and you can see that denoted by
5 the green shading along the roadways. There are
6 currently 248 spaces during the daytime hours.
7 There's 292 in the evening hours, and the green
8 represents 59 percent of those parking spaces. So
9 again, predominantly unrestricted parking.

10 There is a bit of RPP parking in the area,
11 which you can see in the burgundy and the yellow
12 color. So this area here is RPP and there's a small
13 stretch here that is RPP.

14 Based on the staffing needs for the site, and
15 again looking at the shift changes when that peak
16 parking demand would occur, we have estimated the
17 demand for the facility to be 30 parking spaces.
18 Eleven spaces would be provided on site, so we
19 anticipate that there would be a small amount of on-
20 street parking.

21 We conducted parking occupancy counts in the
22 area that I just showed you, to determine the
23 availability of that on-street parking. That study
24 was conducted from 10:00 a.m. to 3:00 p.m., and that
25 time was selected so that we could ensure that we

1 captured the peak parking demand of the adjacent
2 elementary school. And then as well we did the study
3 from 6:00 p.m. to 11:00 p.m., and that timeframe was
4 selected to ensure we captured the peak parking
5 demand that's happening because of the residential
6 nature of the area.

7 Based on our study we found that the peak
8 parking for the on-street parking spaces occurred at
9 11:00 p.m. During that time just 52 percent of the
10 parking spaces in that roughly two-block area were
11 occupied. And at that peak 139 spaces remained
12 unoccupied and available. And so we concluded that
13 there was abundant parking to accommodate the
14 expected spillover parking in the area.

15 In terms of loading the applicant is seeking
16 relief from providing a 30-foot loading berth with a
17 100 square foot platform. In lieu of that they are
18 providing a service and delivery space. Based on the
19 information that we were provided the expected trash
20 service would just be three to four times per week
21 and the really, the only regular delivery would be
22 meal deliveries that occur twice during the day. So
23 that service and delivery space would be adequate to
24 accommodate those expected loading demands.

25 And just by way of conclusion, based on our

1 study, looking at the trip generation, the parking,
2 and the loading, we have concluded that the project
3 would not have an adverse impact on the surrounding
4 neighborhood. The trip generation is minimal and
5 occurs outside of normal commuter peak hours. There
6 is adequate and abundant on-street parking available
7 to supplement the 11 spaces provided on site, and the
8 proposed loading facilities are expected to
9 accommodate the loading needs of the site. And I
10 would just lastly point out that they have provided
11 short-term bicycle spaces, four short-term bicycle
12 spaces outside of the building as well as six long-
13 term bicycle parking spaces inside of the building,
14 and that was at the request of DDOT.

15 MS. MOLDENHAUER: Thank you very much. That
16 concludes our witnesses for our case in chief. What
17 I would like to do is reserve an opportunity to
18 provide a closing and rebuttal arguments following
19 most, you know, testimony from other ANC
20 commissioners that are present.

21 CHAIRPERSON HEATH: That sounds good. Yes.
22 All right. So, any questions from the Board based on
23 what we have just heard?

24 All right. Then we will proceed on to hear
25 from Office of Planning. Ms. Brown-Roberts. I know

1 that was long. It's all you.

2 MS. BROWN-ROBERTS: Thank you, Madam Chair.
3 The Office of Planning will stand on the record. We
4 are in recommendation of approval for the requested
5 special exception and the variances, and we are
6 available for questions.

7 CHAIRPERSON HEATH: Okay. Thank you. Board,
8 any questions of Office of Planning? Applicant, any
9 questions of Office of Planning.

10 MS. MOLDENHAUER: No questions of Office of
11 Planning. Thank you.

12 CHAIRPERSON HEATH: All right. So we heard
13 from the chair of the ANC 8D. I'm not sure how to --
14 whether -- are there other single-member district
15 commissioners from ANC 8D here?

16 MR. JORDAN: Yes, there are.

17 CHAIRPERSON HEATH: Okay. Why don't I have
18 you all come forward at this time and have you make
19 your statements?

20 MR. MOY: Madam Chair, are you going to be
21 setting a time or not?

22 CHAIRPERSON HEATH: We will, yes. They
23 typically get five. Okay. All right. Okay. Okay.
24 Okay. All right. So we're going to allow each of
25 you to speak and we typically give five minutes. So

1 you can use all of the five or less. It's up to you.
2 I'll have you introduce yourself and then you
3 can start your statement.

4 MR. JORDAN: Good morning. My name is
5 Absalom Jordan.

6 CHAIRPERSON HEATH: I don't think your mic is
7 on. It sounds like you're picking up somebody
8 else's.

9 MR. JORDAN: Okay. I'm sorry.

10 CHAIRPERSON HEATH: There you go.

11 MR. JORDAN: Good morning. My name is
12 Absalom Jordan. Actually, I have two brief points.
13 One is, I am a commissioner who is in support of the
14 proposal for the house, housing.

15 I have two concerns that I want to provide
16 for the Commission. First of all, based on the mass
17 initiative, in January of this year the Commission
18 adopted a resolution 16-1. And in that resolution we
19 supported the need for housing for the homeless.
20 Also I would note, though, in that resolution we said
21 whereas as a city the government should repurpose the
22 D.C. General site, including the whole of Reservation
23 13, and dedicate it to the provision of appropriate
24 public owned housing for families.

25 So I wanted to make that point, that we have

1 been on record of using -- of supporting Reservation
2 13 being used for housing for low income or extremely
3 low income housing.

4 The other thing is that in our last meeting
5 of the 23rd of this month, we had some points that we
6 wanted to talk with the presenters about. And part
7 of that was, again, discussion of something about
8 Reservation 13. But the more important thing was a
9 discussion of an advisory group to provide input into
10 the length of stay and the services that would be
11 provided to the families. And the Department of
12 Human Resources agreed to that.

13 So in our resolution that we've submitted
14 there is a statement that says that the District
15 Government has agreed to working along with the ANCs
16 to ensure that we -- residents that we know of in our
17 community who have expertise in many of the areas
18 that will concern the services that will be provided
19 to the families in those -- in the shelter, that we
20 would be a part of that process of helping to
21 determine what those services will be and how the
22 families will be served in the shelter.

23 That's all I have to say.

24 CHAIRPERSON HEATH: Okay. Thank you, Mr.
25 Jordan.

1 MR. JORDAN: I will submit a copy of our
2 resolution so that you will have it because I don't
3 know if that's been made a part of the record.

4 CHAIRPERSON HEATH: I don't think it has, so
5 you can submit that. You can give it to the Board
6 Secretary.

7 MR. JORDAN: No, I have -- yes, I will.
8 Thank you.

9 CHAIRPERSON HEATH: Thank you.

10 MR. JORDAN: Can I leave now if --

11 CHAIRPERSON HEATH: Yes, you can. Thank you
12 for spending so much time.

13 MR. HOOD: I actually had a question for him
14 but if he wants to leave, I --

15 MR. JORDAN: I'm trying to make an ACC
16 meeting, so --

17 MR. HOOD: Okay. Just one quick question.

18 MR. JORDAN: Sure.

19 MR. HOOD: Some of the recommendations that
20 you made, I know that Director Zeilinger had
21 mentioned some of the things, the -- well, I call it
22 the good neighbor policy --

23 MR. JORDAN: Yes, sir.

24 MR. HOOD: -- but good neighbor agreement.
25 Is some of that in the agreement?

1 MR. JORDAN: It certainly is, and again I
2 think she's noted earlier today that it's open for
3 discussion in terms of what the agreement will
4 ultimately look like. But we are encouraged and that
5 was one of the demands that we had.

6 But it was predicated upon some criticism,
7 some concerns that had been expressed by residents in
8 the ward.

9 MR. HOOD: Sounds good. Thank you for all
10 the work you do. Thanks.

11 CHAIRPERSON HEATH: Thank you. All right.
12 You can begin.

13 MR. RUFFIN: Thank you very much. I'm Thomas
14 Ruffin. I'm the single-member -- I represent single-
15 member District 8D-05, and first of all I want to
16 express some of the concerns of the residents very
17 close to where the proposed shelter is. A lot of
18 them did not know about the project. And so in order
19 to address that concern for the last meeting that
20 took place on Thursday, the last Thursday, I actually
21 passed flyers out in the neighborhood and found out a
22 lot of the people who didn't know about the project,
23 and also who were very worried about what the project
24 would pretend for their neighborhood.

25 And I want to thank Mr. Moy for passing out

1 an edited version of what Ms. Jones and I filed
2 yesterday. Because we made the decision on Thursday
3 and it as a controversial matter, it called for us to
4 write a dissent, and writing the dissent, the
5 complicated rules with regard to the Zoning
6 Regulations and the local law needed to be analyzed.

7 And so we finished with 13 pages and then
8 overnight we cut it down to 11 to make the reading a
9 little better. So we hope that you accept that.

10 Now, with regard to this project, at the last
11 hearing and even at the first hearing that we had at
12 the ANC, the community was greatly opposed to it, at
13 the last meeting, last Thursday. Notwithstanding the
14 debate at the -- among the Advisory Neighborhood
15 Committee, Commission. All of the community who came
16 to the meeting, from 6th Street all the way up to
17 Wingate House, but most of the people coming from the
18 6th Street area, they were opposed to the project.

19 And let me lay out some of the concerns that
20 they had. And even though the letter documents some
21 of the legal analysis according to your law on
22 regulation, it still represents the views of the
23 community. Number one, the community was greatly
24 concerned that the proposal was for the development
25 of the six-story project in this area. That's really

1 a wooded -- an urban forest. And that there was
2 never any consideration for using Saint Elizabeth's
3 East, which right now is undeveloped parcels and
4 certainly an ambitious project that the city has for
5 that. But if this project is going to be so good for
6 the 6th Street community, the neighbors in that area
7 thought it would be equally for Saint Elizabeth
8 community that's being projected for that site. So
9 that's number one.

10 Number two, there's a shelter at 6th Street
11 and Chesapeake. It's called D.C. Vets Transitional
12 Housing. It's for veteran, homeless veterans. Under
13 D.C. Law, particularly under your regulations, that
14 it Title 11, Section 358.3, there's a requirement
15 that D.C. -- that general services make, first of
16 all, a determination of whether this shelter is
17 within 500 feet of the proposed site. And it's
18 actually within -- it's about 435 feet from the site.

19 Their proposal does not address the
20 requirement that first of all, anything within 500
21 feet cannot be constructed as a second shelter
22 without a variance. Then secondly, at 358.7, at
23 358.7, Section 358.7 there's a second requirement
24 that the General Services Administration missed, and
25 that is for an assessment of the impact of D.C. vets

1 shelter, along with the proposed shelter in terms of
2 traffic, noise, and operations. The proposal never
3 addressed that.

4 And what the neighbors recognized was that
5 this project, which they knew so little about, didn't
6 address a lot of the concerns that they had as
7 residents, knowing about that other shelter, knowing
8 about Henley School. They were wondering what a 178
9 bed shelter, its impact upon the neighborhood.

10 Okay. Then we go to number three, the off-
11 street parking issue. For a shelter with 178 beds,
12 the community unanimously outside of the activists on
13 the Commission, they were wholly disturbed that there
14 would be only 11 off-street parking spaces. They
15 expected that those spaces would be used and overused
16 by the staff, and yet some homeless people live in
17 their cars. And so there was this concern.

18 No, no, what I mean is, before people find
19 shelter, some homeless people actually live in their
20 cars. During the time when I was actually going
21 through the 6th Street community I met some homeless
22 -- former homeless people. And they talked about
23 living in their automobiles before they found
24 shelter.

25 And so the question that this proposal raises

1 is, does the District of Columbia expect people who
2 have cars to abandon them so that they would live in
3 the shelter? In other words, it doesn't seem like
4 the project was fully thought out in terms of these
5 concerns.

6 And I see that my time is running out so let
7 me just list real quickly, the other concerns.

8 The shelter would be constructed very close
9 to Atlantic Gardens, a multi-family garden apartment
10 complex and very close to row houses along 6th Street
11 and the daycare center. In so far as doing that,
12 there would be overcrowding issues with light and
13 air. As you see with the portrayal, the Atlantic
14 Garden projects, which are the projects on the top of
15 the hill, they would be substantially blocked out
16 with light and air, and also their vista towards the
17 east is blocked.

18 And similarly you have a vista problem with
19 regard to the row houses at the bottom of the hill
20 and the daycare center. Their vista facing westward
21 is blocked. And there's a similar problem that's not
22 even shown there, and that is Henley Elementary
23 School. The students at Henley Elementary School,
24 along with the teachers, they have a southerly view
25 that will be totally absent because of that project.

1 It doesn't take in consideration the light
2 and air requirements that your regulations impose
3 upon this project.

4 Insofar as this project calls for the
5 construction of a 178 bed shelter, it's interesting
6 that the District of Columbia Government didn't think
7 about using Section 360.1 exceptions for smaller
8 shelters. One here, and maybe in other areas. In
9 other words, there seemed to be a conflation of the
10 District's interest in building a huge shelter to
11 help subplant the D.C. General project, and imposing
12 their interest on the community rather than looking
13 to see what -- in other words, your regulations with
14 regard to variance say this; there has to be a look
15 at the need of the people. I believe that's under --
16 pardon me. One of your regulations say, there has to
17 be a look at the program needs of the people in the
18 area, along with the program goals and objectives of
19 the city government when they want to build a
20 shelter. I can't exactly remember. It's Section
21 358.8. And insofar as --

22 CHAIRPERSON HEATH: Mr. Ruffin --

23 MR. RUFFIN: Yes.

24 CHAIRPERSON HEATH: -- if you could bring
25 your statement to a close?

1 MR. RUFFIN: Yes.

2 CHAIRPERSON HEATH: We've let you go over
3 your time, but --

4 MR. RUFFIN: But I think the real problem is
5 that this project has been hastily conceived, and the
6 impact upon the community hasn't been adequately
7 assessed. Insofar as the proposal never even
8 recognized that there was a shelter at 6th and
9 Chesapeake. That shows a tremendous flaw both in
10 research and planning. We certainly ask that you
11 look at the revised 11-page statement that we wrote
12 which states what Ms. Jones and I have to say, and
13 that you deny the application. Thank you so much.

14 CHAIRPERSON HEATH: Thank you.

15 MS. JONES: [Speaking off mic.]

16 CHAIRPERSON HEATH: No, you'll have to push
17 the button to --

18 MS. JONES: Yes.

19 CHAIRPERSON HEATH: That's working.

20 MS. JONES: Okay. Thank you.

21 CHAIRPERSON HEATH: Okay.

22 MS. JONES: My name is Theresa Hal Jones.

23 CHAIRPERSON HEATH: One second. We're going
24 to start the time again. You'll have five minutes,
25 similar to everybody else. You can begin. Thanks.

1 MS. JONES: Okay. My name is Theresa Hal
2 Jones. I am a Commissioner and I am here today to
3 oppose the application for the 6th Street temporarily
4 homeless shelter. Not going to read all of my
5 statement because I wanted to say some other things.

6 The reason that the city, the District of
7 Columbia, which I have lived in all my life, has the
8 homeless crisis is because of the failed policies of
9 the city. When I was on the committee to get the
10 homeless out of D.C. Village of Blue Plains, because
11 the pollution was killing children and women and men
12 and whomever else was their staff, and we attached
13 Marion Barry, and I use that word because that's what
14 we had to do. And the clients there were put into
15 D.C. General.

16 D.C. General was supposed to be temporary,
17 but it was never given enough money to succeed. So
18 now you have human beings in a dilapidated building
19 that you didn't keep up, but you seem to be blaming
20 the clients for their situation.

21 Now the following are some of the issues that
22 my constituents in 8D-07, and we're going to be
23 impacted greatly because our DHC center will have to
24 give major service to the clientele in the 6th Street
25 shelter. And then the other agencies that are in my

1 SMD, and we just have -- we have to oppose it because
2 this application should not go forward.

3 One, there was no timely notice to the ANCs.
4 Oh yes, they came out, but they gave us less than 14
5 days each time that we asked them to come out or they
6 came out.

7 The second is that there's timely notice to
8 the surrounding community. I went into the D.C.
9 assessment on the internet and I have started
10 contacting these people around the -- asking, did you
11 know about it? Oh, I didn't know about it. And
12 their for-profit is on here so I'm not certain as to
13 what property they're really talking about.

14 Their application has provided no evidence of
15 giving notice to those people. And a little bitty
16 card that I tried to read from the street is
17 inadequate.

18 The height is higher than any of the
19 structures in the surrounding neighborhood. I talked
20 with some architects from AIA and they told me that a
21 building should be compatible with the rest of the
22 buildings in the neighborhood.

23 Populations -- see, I'm really getting upset
24 right this -- there's a statement in the application
25 to say that the property, the property in the

1 neighborhood's value would increase with the
2 construction of this building. That isn't true. It
3 is a known fact that institutions that are put in the
4 middle of residential areas, the property value
5 decreases.

6 An example is Metro. We suffered four years
7 of a decrease in our property value when the
8 structure came. Now, I would like to get to the way
9 we're going to treat human beings. I listened very
10 carefully to DHS. I listened to them at the ANC
11 meeting, and I've listened to them today. But you
12 said nothing about adequate space for food services
13 and the supervision of the storage of medicine. And
14 most of those people, the doctors at George
15 Washington University said, that we have the sickest
16 population in the city. Ward 7 and 8. And those
17 people come from Ward 7 and 8. And you said nothing
18 about taking care of them properly.

19 I ask because I couldn't figure out where the
20 elevator was, and on the maps that you gave me, I
21 thought there was a little room. But I was corrected
22 that it is elevator space. But is that elevator
23 adequate for a woman that's got a baby on her hip, a
24 stroller in her hands, and a four-year old acting
25 like four-year olds act? I think not.

1 The failed policies of the government has
2 caused the homeless problem we have now and it is
3 expanding. So the statistics say, and I took time to
4 read them from the Census Bureau, we are not giving -
5 - we're not going to give adequate funding to the --
6 that has been proposed, and the structure is not
7 adequate for the needs of the clientele that's going
8 in there.

9 At this point I'm going to give you my whole
10 statement, but at this point I'm asking that this
11 body sit down the application that has been proposed
12 by the -- let me give you the number, the
13 application, so it will be on the record.
14 Application 19288 - 4200 6th Street Southeast, that
15 you sit it down and let them come to us with
16 transparent information.

17 I asked the question why the presentation
18 made to the Advisory Neighborhood Commission was not
19 done from a line item budget so that we would know
20 what really was going on. I cannot find -- I looked
21 at the city's budget. 6th Street is budgeted in
22 there, but there's no other -- there is no other
23 shelter that I can find that's going to be put up
24 into the area that has a budget. What it means is
25 that in somebody's mind, government mind, that you're

1 going to take D.C. General and drop it in Ward 8, as
2 they usually do to us, and another shelter will never
3 be built.

4 Now you have to convince me that you're going
5 to do that. Not convince me that you're going to
6 drop the D.C. General shelter on us. But you have to
7 convince me that you're going to build these other
8 shelters because I hear the City Councilmembers
9 saying no. And at this point every other ward in the
10 city has had the right to change the site, look at
11 other sites, and this kind of thing that we have not.

12 And I -- well, I know why, but we have not.
13 So I am requesting that the application be set down
14 at this point until the people that are doing the
15 presentation can come and make a line item budget
16 presentation to Advisory Neighborhood Commission 8D.

17 Now, some people --

18 CHAIRPERSON HEATH: Ms. Jones, your time is
19 up and we let you go over, but I'm going to have to
20 ask you to bring it to a close.

21 MS. JONES: Yeah. I just want to say one
22 more thing. I find that notification and when we
23 talk about outreach notification, there are many
24 meetings that we had, Matthews Memorial Church. I
25 didn't get any notification. Flyers were never given

1 to me for my area. And I'm concerned about, also,
2 about the humans that are going on -- that are going
3 into that building and how they're going to be
4 treated. Thank you.

5 CHAIRPERSON HEATH: Okay. Thank you.

6 MS. JONES: Okay.

7 CHAIRPERSON HEATH: Any questions from the
8 Board? Okay.

9 There were a number of points or questions
10 that you both brought up that I think the applicant
11 addressed during their presentation, and so it was my
12 hope that with allowing them to make their
13 presentation at the beginning that some of those
14 points would be answered. But I do want to just to
15 be clear, allow the applicant to respond to the
16 points that were brought up, just to make sure that
17 questions are answered in this forum. Those that are
18 pertinent to BZA.

19 MS. MOLDENHAUER: Yes. And I think that
20 there are a few that are pertinent to the BZA and I
21 think that there are others that have been brought up
22 in regards to identifying as Mr. Ruffin asked, you
23 know, the ability to use Saint Elizabeth's. You
24 know, that's obviously not part of this specific
25 proceeding and these locations have already been

1 approved by the mayor and by the council. So we're
2 moving forward, obviously with the given property
3 that is specifically before the Board today.

4 There was a point that was just identified in
5 regards to the location, which is veteran's permanent
6 facility at 4100 -- sorry, 4,134 6th Street
7 Southeast, that was mentioned by Mr. Ruffin, and also
8 was part of his written statement. That is pursuant
9 to PIVS, an apartment building for eight units and
10 Ms. Zeilinger can actually address exactly what that
11 is and how that relates to the fact that it's not
12 zoned from a zoning perspective, as a community based
13 facility, but also what that is and how that
14 contributes towards the City's initiative and
15 homelessness and to provide for citizens in our
16 neighborhood as well as veterans.

17 MS. ZEILINGER: So just the, I think the
18 important distinction to understand is that the city
19 offers, and in this case the VA, with the program
20 that was specifically referenced permanent supportive
21 housing for people who need that as an intervention
22 to exit homelessness. Permanent housing, permanent
23 supportive housing is housing that is provided at an
24 affordable rate where people -- and that has
25 services, supportive services that accompany that.

1 It is not a homeless program because when people are
2 in permanent housing they are not homeless anymore.
3 They have a lease, they have the ability to stay
4 there, and so I think it's very, very important from
5 a zoning perspective that when people are able to
6 transition into housing in the community with the
7 supports that they need in order to be able to live
8 like other residents that we don't, we don't label
9 them as what they did not have at a period of time
10 when they were experiencing homelessness.

11 So the fact that people may have had a
12 history of homelessness, the veterans who stay there,
13 and now they're in housing and the supports that come
14 with that, help them maintain that permanent housing,
15 is I think what is a very, very important distinction
16 in terms of a permanent housing setting which is our
17 understanding of what U.S. Vets provides at that
18 particular location.

19 MS. MOLDENHAUER: In addition there were
20 comments made about whether or not the ability for
21 other wards to be able to finalize the program and
22 having this be one of the only locations, obviously
23 one, we just had a prior case approved. That will be
24 moving forward in Ward 7. But if you can also talk
25 about the, you know, all eight ward strategies and

1 the council's perspective on that, just to supplement
2 the record?

3 MS. ZEILINGER: So the council passed
4 legislation on June 13th. It appropriates \$100
5 million in capital for the development of the
6 multiple replacement sites for D.C. General. It's an
7 important distinction that D.C. General has -- is a
8 260-unit facility and the replacements are multiple
9 and they do not exceed 50 units, which is different,
10 you know, makes it very different in many ways, not
11 only because of just the nature of -- the services
12 are serving a similar clientele or the same
13 clientele. But the intimacy and the small setting
14 makes what we do there and how we provide it
15 fundamentally different, and the size is very
16 important to that. That is the size that we feel
17 where we can provide the intensity of services with -
18 - and have the right economy of scale without it
19 being overwhelming, but still reserving funding in
20 order to be able to support people toward accessing
21 permanent housing.

22 And so we always need every dollar we're
23 spending on shelter. Those are resources we're not
24 spending on permanent housing, and we need to be able
25 to balance so that we can maximize our investments

1 and what people need in order to end their
2 homelessness while supporting them properly in an
3 appropriate setting and that is the balance that we
4 feel that we're striking here.

5 But it is important to note in the council
6 legislation and the mayor's proposal, that there are
7 seven family programs that are replacing the D.C.
8 General shelter.

9 MS. MOLDENHAUER: Thank you. And then just
10 two more points to address comments that were made.
11 One, in regards to the notice, this project was
12 properly noticed on May 10th in Exhibit 18. That's
13 part of the record. The ANC received notification
14 from the Office of Zoning. In Exhibit 20, 200
15 notifications went out.

16 In addition to those we had multiple ANC
17 meetings. This ANC did request that we postpone or
18 not receive a vote at their first ANC meeting, but
19 rather come back. We provided a lot of information
20 about the other seven ward locations to the ANC
21 commissioners. That package is actually not even
22 part of this BZA record. It was additional, kind of
23 more operational answers, Q and A that was provided
24 to the ANC Commissioners that had to do with not the
25 zoning standards, but rather the operational

1 questions that are going to be continuing to be
2 working with the ANC in regards to the good neighbor
3 association and good neighbor agreements. So we just
4 want to make sure that that was noted.

5 I'll just quickly turn to the architect to
6 speak a little bit about the question about the
7 distance and the consistency in the neighborhood for
8 the design, and if I can just address that quickly?

9 MR. DAVITT: Yeah. So there was a question
10 about kind of how far from other buildings we were.
11 So, we are -- we're actually exceeding the rear yard
12 setback requirement. We are 24.4 feet from the rear
13 yard line. We're also exceeding the side yard
14 setback. We are 33.1 feet on that side, adjacent to
15 the school.

16 And then in terms of light and air, we are --
17 we're well exceeding the requirement for lot
18 occupancy. So the maximum is 40 percent and we're
19 only 18 percent. So that's 82 percent of the lot
20 that is completely open to air.

21 In terms of compatibility with the
22 neighborhood, I mean, we are larger, obviously. But
23 we -- I think we have gone through a lot of design
24 efforts to make this building very compatible. So,
25 as I had outlined before that ground floor zone, that

1 brick form has been set off on its own. So I think
2 that it is very compatible with the adjacent
3 structures.

4 And then all of the work that we have done
5 with the bays on the front, you know, trying to
6 modulate that façade there, it appears more as a
7 series of row houses, I think, in that respect. So I
8 think that, the fact that we have pushed the building
9 back from 6th Street, and those smaller buildings up
10 to where the larger buildings are, tried to make more
11 of a community in that zone on top of the hill, I
12 think are some of the efforts that we have done.

13 MS. MOLDENHAUER: And I think just the last
14 quick point was about the traffic that Mr. Ruffin
15 talked about the concern of the parking, if you can
16 just maybe summarize what you've already stated in
17 the record. I don't know how much more you need to
18 provide, but --

19 MS. MILANOVICH: Sure. So as I noted in my
20 presentation, we did do a detailed parking study in
21 the area surrounding and found that during the day
22 there are almost 250 spaces. In the evening there
23 are nearly 300 spaces on-site. At the peak time when
24 the largest number of those spaces are occupied
25 currently, only 52 percent of those spaces are

1 occupied, which leaves a significant number of
2 available parking spaces.

3 Based on our analysis the parking demand
4 during peak, and that occurs when the busiest shifts
5 overlap, you know, during shift changes, the peak
6 parking demand anticipated is 30 spaces. We are
7 providing 11 on-site and so that leaves a delta of 19
8 spaces.

9 And again, with the amount of available
10 parking, at peak time there were 139 unoccupied on-
11 street parking spaces. So we do not believe that
12 that spill-over would have any adverse impact.

13 MS. MOLDENHAUER: Thank you. With that point
14 we can move in, unless the Board has any specific
15 questions for any of the rebuttal witnesses.

16 CHAIRPERSON HEATH: Does anyone? No? Okay.
17 All right.

18 So then if you're okay we can continue
19 proceeding on.

20 MS. MOLDENHAUER: Yes.

21 CHAIRPERSON HEATH: Okay. All right.

22 MS. MOLDENHAUER: I don't know if we
23 mentioned DDOT's report.

24 CHAIRPERSON HEATH: We haven't yet, but is
25 there another comment you'd like to make on it? We

1 do have DDOT's report recommending no objection. So
2 at this point, since we've heard from the full ANC, I
3 am going to open the floor to those who are here
4 wishing to speak in support of this application.
5 Anyone wishing to speak in support?

6 Anyone wishing to speak in opposition to this
7 application? Any opposition?

8 All right. Then unless the Board has any
9 other questions we'll turn back to you for closing.

10 MS. MOLDENHAUER: Thank you, Chairwoman Heath
11 and Members of the Board. We are seeking today,
12 relief for a location at 4200 6th Street Southeast
13 for height relief, loading relief, and parking
14 relief. The areas of parking relief are one for
15 locating the parking between the front of the
16 property and the building location for six of those
17 11 spaces.

18 And then the question of the fact that the
19 Board, pursuant to an emergency shelter, can actually
20 determine the number of parking spaces required so
21 either the Board can determine that the 11 that we're
22 providing satisfy the requirement, or if they deem
23 relief is needed we've requested that area of relief.

24 We're also seeing special exception relief
25 under 360.1. We believe that we satisfy the three-

1 prong variance test for exceptional conditions given
2 one, the unique size of the lot. Two, especially the
3 topography as we heard from Mr. Davitt, from Sorg,
4 that this has got almost like a three-story delta in
5 the topography of the site creating an exceptional
6 challenge. That creates a practical difficulty as
7 well as the programmatic needs, and that there is no
8 substantial detriment to the public good.

9 Looking at this from the realm of the
10 applicant as a public service, and that the Board may
11 provide a more flexible standard, we believe that we
12 have satisfied the variance test. As indicated the
13 property is unique as to the irregular shaped
14 topography, the building restriction line, and the
15 specific programmatic needs of the District of
16 Columbia.

17 The height, we believe, creates a practical
18 difficulty in order to provide a safe environment and
19 satisfy the 10-unit desire per floor, and all of the
20 common and wraparound services. The parking, we
21 believe, is satisfied on this location in order to
22 provide those 11 spaces, giving relief in that one
23 area, but also then having the large number of
24 available parking on the street for both individuals
25 that are using the facility, as well as staff that

1 are coming to serve the facility.

2 The loading, we are providing a van space but
3 asking for relief from the specific loading
4 requirements here, and we do not believe that any of
5 the relief requested would create a adverse impact to
6 public good or the zone plan. We believe that this
7 actually is very much in line with the goals of the
8 Comprehensive Plan and in line with the initiative
9 that the council has supported and the mayor has
10 proposed and presented.

11 The special exception relief that we are
12 requesting here is for under 360.1. We believe that
13 we are in compliance with that in regards to all the
14 policies and procedures of the District, and we will
15 -- I believe that we'll have no adverse impact on the
16 neighboring properties in regards to light and any
17 impact in regards to the local community. We do not
18 believe that we need a waiver of any requirements in
19 the fact that the reference made by Commissioner
20 Ruffin was actually for a permanent facility, not
21 another community-based facility within the local
22 area.

23 Based on that we believe that we satisfy all
24 of the varying standards under 358 in regards to the
25 need to review different agency approvals and that as

1 I know the applicant filed, the programmatic goals of
2 the District cannot be achieved with a smaller
3 facility at this location and that in order to
4 accomplish those goals relief is needed.

5 Just to summarize from the points regarding
6 notice to the community, we had a small group meeting
7 with community leaders on February 8th, then an
8 introduction of the plan, and discussion on February
9 11th. We had a meeting with a local condominium
10 owners on February 29th. They made a community
11 meeting on March 12th, a community meeting on April
12 7th, which we discussed the design and had an
13 opportunity for design comments and suggestions. And
14 as we indicated, we've presented three different
15 times to the ANC on March 31st, May 26th, and June
16 23rd when we received a vote in support, which as we
17 heard testimony today from Commissioner Henderson, it
18 was a letter in support receiving great weight with a
19 three to two vote, but that really it was a five to
20 two vote where one proxy was not -- or was challenged
21 and was not really pursued. And then where
22 Commissioner Henderson believed that it was already
23 approved by a majority, and so she then did not find
24 it necessary for her to vote.

25 So we would ask that the Board give great

1 weight to the ANC, the Office of Planning, and DDOT,
2 and to support this application we believe that we've
3 satisfied the variance and the special exception
4 relief, and we would ask that the Board issue a bench
5 decision. Thank you.

6 CHAIRPERSON HEATH: All right. All right.
7 Thank you. Is the Board ready to deliberate on this
8 application?

9 MR. HILL: Sure.

10 MR. RUFFIN: Excuse me. Ms. Jones has a one-
11 page statement she would like admitted into the
12 record.

13 CHAIRPERSON HEATH: You can give that to Mr.
14 Moy at the conclusion of the hearing.

15 MR. RUFFIN: I'd be happy to.

16 CHAIRPERSON HEATH: Thank you. All right.
17 So, we've heard a lot of testimony here today on this
18 application, and I believe given the relief requested
19 and the evidence in the record, the application --
20 the applicant has proven that they meet the
21 requirements for the relief being requested for
22 height, parking, loading, and certainly as a public
23 facility we do allow for flexibility for -- in order
24 to move forward with this great need for the
25 District.

1 So, I appreciate that the ANC was split on
2 this. I understand how the vote was taken and the
3 issues around that which led it to be -- to appear to
4 be a closer vote than it actually would have been had
5 the proxy been counted and Ms. Henderson, also had
6 she voted. But that said, I do appreciate both you,
7 Mr. Ruffin, and you, Ms. Jones, coming down here to
8 present your issues around this application. I think
9 it was helpful when we saw that there was a split
10 vote on this. We always have questions around that
11 to understand the issues as to why the vote was
12 split, so we appreciate your statements and the time
13 you took to come down here and explain your position.

14 MR. RUFFIN: We appreciate your patience as
15 well, but really --

16 CHAIRPERSON HEATH: This is our time for
17 deliberation, so not --

18 MR. RUFFIN: No, I know it's your time but
19 the one person was on vacation.

20 CHAIRPERSON HEATH: No, excuse me. You're
21 out of line. This is not your time to speak. So,
22 this is deliberation. We gave you your time, so this
23 is the Board's time to speak.

24 So, that said, I am in support of this
25 request and would move that we approve the request

1 for variances and special --

2 MR. HILL: [Speaking off mic.]

3 CHAIRPERSON HEATH: Yeah, you can, you can,
4 you can. You can. Well, I'll hold my motion then,
5 and let you talk.

6 MR. HILL: No, Madam Chair, I just, I mean,
7 this has gone on fairly long for something that had
8 the approval of the ANC, the approval of OP, and the
9 approval of DDOT. And I think that, you know, you've
10 been very good about going through the slide
11 presentations and having the opportunity of the
12 applicant to present their case.

13 Where I stand again is that, you know, I
14 think that the applicant has met the three-prong test
15 for the relief, and also would, you know, rest on
16 just basically the record and that how OP has
17 presented everything.

18 What I also just wanted to mention, I mean,
19 that it was great to hear from both sides of the
20 community in terms of from the -- at the ANC and the
21 chair came down and I got a chance to learn a little
22 bit more about the site, and you know, the 15 years
23 that it's been sitting empty, the -- and then even
24 more from the Director Zeilinger about you know, the
25 outreach effort that's taken place and the fact that

1 this has gone through, already, you know, hearings
2 and the council and the council has passed this site
3 location.

4 And so, I mean, I know you were moving
5 towards a motion and so just wanted to -- since I
6 have been sitting her for an hour and whatever it is,
7 you know, to express my thoughts on the case and why
8 I would also be in support.

9 CHAIRPERSON HEATH: Anybody else want to
10 weigh in? All right.

11 MR. HOOD: I don't have anything to add,
12 Madam Chair. I'm just waiting on your motion so I
13 can vote in favor of this.

14 CHAIRPERSON HEATH: Okay. All right. Thank
15 you.

16 Then I will make a motion that we approve the
17 request for variances and special exception for
18 short-term family housing at 4200 6th Street
19 Southeast, Application No. 19288.

20 MR. HILL: Second.

21 CHAIRPERSON HEATH: Okay. The motion has
22 been made and seconded. Any further discussion?

23 [Vote taken.]

24 CHAIRPERSON HEATH: The motion carries.
25 Thank you.

1 MR. MOY: Staff would record the vote as four
2 to zero to one. This is on the motion of Chairperson
3 Heath to approve the application for the relief
4 requested. Seconded the motion, Mr. Hill. Also in
5 support, Mr. Hood and Mr. Hinkle. Board member not
6 present. Motion carries, Madam Chair.

7 CHAIRPERSON HEATH: All right. Summary.

8 MR. MOY: Thank you.

9 CHAIRPERSON HEATH: And we're going to take
10 five minutes before we hear our last case.

11 [Off the record at 12:58 for a short break.]

12 CHAIRPERSON HEATH: I think we're ready.
13 Okay. All right. We're going to come back to order
14 with your last case.

15 Mr. Moy, can you call 19289?

16 MR. MOY: Yes, with pleasure, Madam Chair.

17 The last and remaining application in the
18 public hearing session is Application No. 19289 of
19 5th Street Partners, LLC., on behalf of D.C. as
20 captioned and advertised for variance relief from the
21 height requirements under Section 770.1 FAR
22 requirements, 771.2, and non-conforming structure
23 provisions under Section 2001.3, and a special
24 exception from the community based residential
25 facilities requirements under 732.1. This would

1 establish a short-term family housing facility, C-2-A
2 District, 5505 5th Street Northwest, Square 3260, Lot
3 54. And I believe, Madam Chair, I said earlier there
4 was a preliminary matter on this application.

5 CHAIRPERSON HEATH: Sure. Okay. So before
6 we get into this hearing I would like to address the
7 preliminary matter that Mr. Moy brought up, and that
8 is Exhibit 42, the request for postponement of this
9 hearing by -- is this from ANC 4D? From the
10 chairperson of ANC 4D, Ms. Colbert. Mr. Collins, I
11 assume you've seen this request and I'll have you all
12 introduce yourselves, but I assume you've seen this
13 request and I'd like, once you introduce yourselves,
14 for you to speak to this and let us know your
15 thoughts on the request for postponement.

16 MR. COLLINS: Sure. Thank you. My name is
17 Christopher Collins with Holland and Knight, and yes
18 we have -- and I have seen the document that actually
19 had came in twice. First it came as an e-mail from
20 the single-member district commissioner, and that is
21 Exhibit 33.

22 CHAIRPERSON HEATH: Uh-huh.

23 MR. COLLINS: And then this morning it was
24 posted as Exhibit 42, the formal letter.

25 The concern that we have with that request is

1 that it addresses -- it does not address the merits
2 of the application. But it does address issues that
3 are unrelated to this application. It addresses
4 several things. They have asked that the council is
5 revised -- because the council's revised plan will
6 save money, this is from their Exhibit 33, because
7 the council's plan to acquire the site will save the
8 city money, then it should be used to redesign the
9 units in this project to include private kitchens and
10 private baths.

11 And then secondly they said it's not clear
12 whether the owner would be willing to sell the
13 building, and if the owner is not willing to sell the
14 building then isn't the application moot?

15 They, in the exhibit that came in today,
16 Exhibit 42, they raise those same concerns, including
17 that the -- that if this application goes forward it
18 puts the city at a disadvantage for negotiating
19 securing competitive price for purchase of this
20 property. But those issues are not issues before the
21 Board. Those issues were issues before the council.

22 The council has already adopted legislation,
23 and the legislation is included as Exhibit 37 in the
24 record. The council has already allocated funds,
25 they've identified the site, and they've identified a

1 method by which the city would acquire the site, and
2 it's a two-step -- it's two-step process. There is a
3 negotiation between the owner and the city, and if
4 those negotiations don't, in the City's view, result
5 in an appropriate price, then the mayor is authorized
6 to acquire the site by imminent domain. And I'm sure
7 you're familiar with the process. Imminent domain
8 means the District simply has to go to the court and
9 file papers, and the title passes to the city. So
10 the city will own this site one way or the other.
11 This will be a city site.

12 So, about the issues about negotiating for a
13 price and changing the design of the units, the
14 design of the units, that's part of the program that
15 Director Zeilinger can talk about in more detail, but
16 that's what they're proposing for this additional
17 money to redesign. That's not the program that's
18 before this Board. What's before this Board is an
19 application for variances and special exception.
20 It's only the zoning issue.

21 So we don't believe that those issues raised
22 by the ANC are relevant to this application. As a
23 matter of fact, on section 3115.1E of the
24 regulations, the Board is supposed to -- the ANC is
25 supposed to address the issues and concerns about the

1 appeal or application as related to the standards of
2 the Zoning Regulations against which the appeal or
3 application must be judged. And that's what gets
4 great weight.

5 So, for that reason we don't think that the
6 ANC's views are relevant to the issues before the
7 Board and we request that they not be accepted.
8 Thank you.

9 CHAIRPERSON HEATH: Sure. So the ANC met on
10 June 21st last week.

11 MR. COLLINS: I'm sorry?

12 CHAIRPERSON HEATH: The ANC met on June 21st.

13 MR. COLLINS: Yes. Yes, they did. And we
14 appeared and we brought our entire team of people
15 sitting behind me to my left, and we asked for the
16 opportunity to make a full presentation because we
17 were told that we would not be -- at first they were
18 told -- we were told we would not be given the
19 opportunity to make a presentation, that they would
20 be bringing up the postponement request.

21 I asked the ANC to consider reviewing the
22 application and making -- taking a position on the
23 application itself, and I mentioned to them that if
24 they did not then this Board may consider that their
25 postponement request is outside the bounds of the

1 regulations, and therefore the board may move forward
2 without their input. And they determined not to take
3 a vote on the merits of the application.

4 CHAIRPERSON HEATH: So there was no
5 presentation?

6 MR. COLLINS: There was a presentation.

7 CHAIRPERSON HEATH: Oh, okay.

8 MR. COLLINS: They reserved the question
9 about the postponement until the end of our
10 presentation.

11 CHAIRPERSON HEATH: Okay.

12 MR. COLLINS: But we did a presentation, had
13 a number of questions. The questions that were
14 raised by the community and by the Board, the ANC,
15 really did not go to the merits. Nothing came to the
16 merits of the application. We made a presentation on
17 the merits of the application, but there was no
18 discussion about that.

19 CHAIRPERSON HEATH: Okay. All right. And so
20 they clearly didn't understand, based on your
21 conversation, that the issues that they've brought up
22 are not those before the Board, but were certainly
23 issues that they should have taken up with council
24 prior to their vote. The Board has no control over
25 location of sites or the other issues that they

1 brought up, or the program of the site. So, yeah, it
2 seems that you're explanation fell on deaf ears. So,
3 but I agree and we'll -- would like to say that -- or
4 see if the Board agrees that we will deny the request
5 for postponement on the basis that the issues that
6 have been brought up are not those that are under the
7 jurisdiction of the Board.

8 MR. HOOD: Well, typically, Madam Chair, I
9 know on the Zoning Commission we -- sometimes the
10 land has not even transferred and we basically hear
11 the case because we're basically dealing with land
12 use issues.

13 I think that the argument from the applicant
14 is exactly correct. Whether this happens or not we
15 are dealing with the land use issues and how the deal
16 was made, the design. I know that the BZA does not
17 get into design where we do, but I think that this is
18 not premature. I think it's in order. Now, if the
19 ANC has some other issues that are land use germane
20 then that may be taken into consideration. But
21 anything outside of the council action or anything,
22 is not within our jurisdiction.

23 CHAIRPERSON HEATH: Uh-huh. All right. All
24 right. So we will -- we're going to proceed through
25 the hearing and we will go through our typical

1 procedures and hear from those who are here
2 representing, first Office of Planning, then the ANC,
3 and then those wishing to speak in support or
4 opposition after the applicant has a chance to make
5 their presentation.

6 MR. COLLINS: Should we introduce ourselves?

7 CHAIRPERSON HEATH: Yes, please.

8 MR. FINLAND: Bruce Finland, a managing
9 member of 5th Street Partners, LLC.

10 MS. ZEILINGER: Laura Zeilinger, Director
11 D.C. Department of Human Services.

12 MR. COLLINS: Christopher Collins, Holland
13 and Knight.

14 MS. BLOOMFIELD: Jessica Bloomfield, Holland
15 and Knight.

16 MR. PICHON: Sean Pichon, PGN Architects.

17 MR. VANPELT: Dan VanPelt with Gorove/Slade
18 Associates.

19 MR. COLLINS: Thank you. This is an
20 application for a special exception and variance
21 relief for zoning approval of the emergency shelter
22 to serve the Ward 4 community. This is the
23 culmination of Mayor Bowser's plan and her campaign
24 promise to close D.C. General as a homeless shelter
25 and implement her administration's Homeward D.C.

1 initiative.

2 The mayor's plan was endorsed by the council
3 and legislation, which you'll find at Exhibit 37 of
4 the record. The policy has already been adopted as
5 law. Today we're here to discuss the zoning
6 approvals necessary to make this plan a reality.
7 This is a very important program and we want to be
8 sure that we can answer all your questions, so in
9 addition to DHS Director Laura Zeilinger to my left,
10 also here today are Stephen Campbell of DGS, Lisa
11 Franklin Kelly of DHS, Jay Melder, Chief of staff of
12 DHS, and Casmie Holt from the Office of the City
13 Administrator.

14 We're pleased also to have the support of
15 Office of Planning and Department of Transportation.

16 The city administrator was scheduled to join
17 us but was unable to attend this session today, and
18 we have submitted his written testimony into the
19 record. If there are any questions about that
20 Director Zeilinger will be able to answer them. So
21 unless there's any questions I'd like to go directly
22 to DHS Director, Laura Zeilinger.

23 CHAIRPERSON HEATH: Thank you. Before you
24 do, just -- we've had the benefit of hearing this as
25 the third application on similar types of projects

1 for the Homeless shelter. So, if anything in your --
2 and I know, Mr. Collins, you were here this morning.
3 So if anything in your presentation is more general
4 about the program, and we've heard it already, then I
5 would ask that you not be duplicative in your
6 presentations, but just stick to those issues that
7 are relevant for this particular site.

8 MR. COLLINS: With all due respect, we do
9 need to make a record in this case. These are three
10 separate cases with three separate records. So --

11 CHAIRPERSON HEATH: Understand.

12 MR. COLLINS: -- if you'd bear with us we'll
13 do it as abbreviated as possible, consistent with
14 needing to make a full record in this application.

15 CHAIRPERSON HEATH: Understand. Thank you.

16 MS. ZEILINGER: So just very quickly, as
17 clear from testimony this morning, this particular
18 application in Ward 4 is consistent with the
19 Department of Human Services and the mayor and the
20 District's plan to close and replace D.C. General and
21 improve the way in which we're able to provide
22 emergency short-term family housing for families who
23 experience homelessness. We are very limited in our
24 ability to provide the services that are need in D.C.
25 General and in our overflow, and so this is essential

1 to really do the reforms that are needed in our
2 strategic plan, Homeward D.C., to make homelessness
3 rare, brief, and nonrecurring for families within the
4 District of Columbia. This building will be
5 specifically designed to accommodate our program
6 requirements with wraparound services, dignified
7 space, a full renovated program for families who
8 experience homelessness.

9 This program will include 49 units for
10 families. Our policy is to not do any program that
11 is over 50 units. This will be 49 -- up to 49 units
12 for families, and we'll be able to do that in keeping
13 with the same standards of not having to have
14 congregate restroom facilities limiting access not
15 more than two families sharing a restroom facility.
16 Many of them having their own. We will provide
17 laundry and other necessary amenities, as well as
18 again, a real focus on the types of services and
19 supports that are necessary for families who
20 experience homelessness to be able to have their
21 needs met and transition quickly and successfully
22 back into the community and permanent housing.

23 We're very excited about the prospect of what
24 we can do with this particular space, which has not
25 been in productive use for quite a long time.

1 MR. COLLINS: All right. As stated
2 previously in the other cases, the reduced standard
3 relief for variance cases would apply here when the
4 applicant is a public service. In this case it would
5 be the city providing this facility. So when we get
6 to the variance part of the test it is a somewhat
7 more relaxed standard. At this point I'd like to
8 turn it over to Sean Pichon, the architect with the
9 project, with PGN Architects, who will go through the
10 plans.

11 MR. PICHON: Thank you, Chris. Good
12 afternoon, Board. I'm going to go expeditiously
13 through this plan and hopefully cover everything
14 that's pertinent here.

15 We are proposing the emergency shelter. The
16 site is located at 5th and Kennedy Street Northwest.
17 It's in a C-2-A district along the commercial
18 corridor of Kennedy Street. This is an aerial view
19 that shows the context surrounding the site. We are
20 one property removed from Kennedy Street up 5th
21 Street, but we are still part of the C-2-A zoning
22 area.

23 The Kennedy Street corridor is characterized
24 with a series of two and three-story commercial uses,
25 as well as some residential uses along the corridor.

1 Our building is an existing five-story building that
2 was built during a time when the zoning allowed for
3 buildings to be built to 60 feet in height in the C-
4 2-A District, and to a 2.0 FAR for nonresidential
5 uses.

6 The existing building is that. It's been
7 vacant for many, many years. This is one of many
8 programs that have tried to repurpose this building,
9 and at this point this use for the emergency shelter
10 seems to be a very compatible use for the building to
11 get it back into a useful standard in the community.

12 The design we are proposing would be to
13 increase the light and air into the building. We're
14 converting it from a commercial office use, to a
15 commercial residential multi-family residential use
16 and through that we are increasing the number and
17 size of the window openings along the façade. We're
18 recladding the entire building with a series of
19 windows, glazing, metal panel, and a wood-like metal
20 panel system that will give the building a new life
21 and image in the community.

22 As has been stated before, the program has
23 been very well vetted through different agencies and
24 through the council. We've responded to that program
25 with a layout that proposes an addition to the

1 existing building. The existing building currently
2 is the singular bar along the 5th Street frontage.
3 We are proposing to add an additional footprint off
4 to the rear of the building that would accommodate
5 additional units and building area.

6 The existing building, as you will see in
7 later slides, it sits up currently on top of a berm
8 that is approximately eight feet above the street
9 grade or the sidewalk level, which creates some of
10 the height challenges that we're requesting relief
11 from.

12 On the ground floor there is program spaces.
13 Administrative offices are all to the right of the
14 slide, and there are some residential units to the
15 left and to the rear. As you first walk into the
16 facility there is a receptionist area, sorry, excuse
17 me, receptionist area for greeting the patrons in the
18 building and also for secure access throughout.

19 As we go up the building, as I mentioned
20 before this is a five-story building. So each floor
21 beyond that is repetitive. As you go up the building
22 there is a number of residential units surrounding
23 the exterior of the building with additional
24 bathrooms and service spaces, including laundry
25 facilities on each floor, warming kitchens on each

1 floor which will include a sink and a microwave, and
2 some area for communal space on each floor.

3 The lowest level which in this case is
4 accessed through the front of the site, through an
5 existing curb cut, has an access through the building
6 to a rear area that houses the parking garage. On
7 this level you'll have 11 spaces of parking. We also
8 have 17 total bike spaces in the building. And to
9 the front of the building facing 5th Street, will be
10 our multipurpose area which will have the communal
11 warming kitchen and provide some additional indoor
12 rec space for the residents.

13 Again, the existing building is the outline
14 that's in dark here, and then the -- and the dark
15 black line. And the addition to the rear, you can
16 see, is a T shape rear addition off to the back. The
17 roof structures will be designed to the current
18 penthouse standards where all the mechanical units
19 are screened and set back from the edge of the
20 appropriate distances. And we will be providing all
21 the GAR related standards.

22 Again, I've already sort of gone through the
23 front of the building. As we go around the building,
24 the rear of the building which we thought had similar
25 aesthetic standards to the community, surrounding, we

1 have proposed to clad that in a similar material as
2 we're doing on the front, reglazing the windows and
3 as well as recladding the existing building and
4 keeping the addition consistent with that.

5 These are views from the sides. This section
6 illustrates the height requested. And the reason why
7 we're requesting the height, the existing building,
8 as you can see, is to the left of the slide. It
9 currently sits above the grade about eight feet, and
10 from the measuring point at the street curb we rise
11 up 59 feet, two inches. The addition, in order to
12 provide access through the building without the need
13 for stairs and ramps internally, are matching the
14 existing heights of the existing building, and
15 therefore the addition is requesting the height
16 relief.

17 Again, this is just showing the exterior
18 façade and some of the material choices that we met
19 with the community on, and some of the decisions that
20 were made through the community input. We have
21 incorporated the coloration of the accent color on
22 the prominent façade as per the community's
23 consensus.

24 MR. HILL: Can I ask a question. May I ask a
25 question?

1 MR. PICHON: The relief needed to --

2 MR. HILL: Excuse me. I just ask a question?
3 The community input again that you speak of, like,
4 when was that -- when did that take place and how was
5 the -- the design was changed. Like, when was the
6 community input that led to those design changes?

7 MR. PICHON: Yes, we held a meeting on April
8 4th, I believe it was, where we presented the design
9 to the community. And --

10 MR. HILL: Was that at an ANC meeting?

11 MR. PICHON: It was an overall community
12 meeting. It wasn't ANC meeting, but it was to the
13 broad community. It was held just blocks down from
14 the site itself, and we had a pretty good
15 representation of the community there at the meeting.

16 MR. HILL: And how was that advertised?

17 MR. HOOD: Was that part of the meetings that
18 the administration had all over the city, and they
19 had I think the same night in every ward. So that --

20 MS. ZEILINGER: So, within a period of a few
21 days we did the first two meetings where we had the
22 full designs ready to share, where we shared a view
23 of the façade and introduced the program and the
24 concept. And we said we would come back, you know,
25 within a particular time period to share the details

1 of the design and for input around that. And so we
2 did do -- and that we would provide notice of that.
3 So we flyer'd the neighborhood immediately around the
4 site in advance of that meeting, notified ANCs,
5 notified community list serves and other ways in
6 which we notify the public when the administration
7 calls a meeting in advance of that particular
8 meeting.

9 MR. HILL: And, Director Zeilinger, that was
10 -- it was pretty well attended?

11 MS. ZEILINGER: Yes.

12 MR. HILL: Thank you.

13 MR. HOOD: So can I just follow up? Would
14 you testify that basically what I see here, this
15 rendering, is the development of not just your firm
16 but the community's input. So this is a joint
17 venture. Would I be incorrect for making that
18 statement?

19 MR. PICHON: What we presented beyond the
20 program requirements of the facility, we presented
21 several options for coloration and choices to be made
22 on the exterior, what the public would see from the
23 outside of the building. So there were two options
24 on the façade treatment. There were some options on
25 fencing for the rear of the building that the

1 neighbors were going to be impacted with, and some of
2 the landscaping choices that were going to be
3 provided on the public side, the public space.

4 MR. HOOD: So is it fair for me to say that
5 this is input from the community? I can say this a
6 joint venture, because you said it took input from
7 the community, correct?

8 MR. PICHON: Yes.

9 MR. HOOD: So I can say -- that's a fair
10 assessment for me to say this is a joint venture.

11 MR. PICHON: Yes.

12 MR. HOOD: Okay. You might not want to go
13 that far but I think that everybody collaborated and
14 said, okay, this is the kind of design we'd like to
15 see.

16 MR. PICHON: Yes.

17 MR. HOOD: Okay.

18 MR. PICHON: We did.

19 MR. HOOD: You got where I wanted to go.
20 Thank you. Thank you, Madam Chair.

21 MR. COLLINS: Thank you for the relief needed
22 for this project. We need variance relief for the
23 addition to a nonconforming structure. As Sean
24 mentioned it's a building that was constructed at a
25 time when the C-2-A zone allowed a 60-foot height and

1 a maximum of 2 FAR. And so it's an addition that
2 we're putting on the back is an addition to a
3 nonconforming structure. And because it exceeds the
4 permitted -- current permitted height of 50 feet, and
5 it will exceed the current permitted FAR to go to
6 2.83, where 2.5 is permitted for an emergency
7 shelter, we need the variance in height, FAR as well.
8 And also the special exception under Section 732 for
9 the emergency shelter.

10 Now that 732 references section 360 and 358
11 and we've addressed Section 358 in our presentation.

12 Bear with me. Go on to the next slide. We
13 do believe that under Section 3104.1 for the special
14 exception, it is harmonious with the general purpose
15 and intent of the zone plan, and that it will have no
16 adverse impact on neighboring property, and that's
17 addressed in slides 23 and 24 that you have before
18 you.

19 Beginning on slide 25, we do believe that we
20 satisfied the provisions of Section 358 of the
21 regulations, 358.2, and 358.3. There are no other
22 properties containing a community based residential
23 facility for seven or more persons, either in the
24 same square or within 500 feet. We have people here
25 to address that specific issue if you'd like. We

1 have made that as an affirmative statement in our
2 presentation. But if you need more information we're
3 happy to address that and we'll just -- I'll be
4 guided by you as to whether you need that or not.

5 Section 358.4 we believe there is adequate
6 appropriate located and screened off street parking
7 and Mr. VanPelt will discuss that in his
8 presentation.

9 358.5, the proposed facility will meet all
10 applicable code and licensing requirements.
11 Department of Human Services will make sure that it
12 meets the licensing requirements, and Department of
13 General services will be responsible for making sure
14 that it meets the code requirements. And we have
15 people here from both those agencies if you'd like
16 more information on that issue.

17 358.6, the facility will not have an adverse
18 impact on the neighborhood because of traffic, noise,
19 operations, or number of similar facilities. With
20 regard to traffic, Mr. VanPelt will address that in
21 his presentation.

22 In terms of noise, our position is that this
23 is a residential building. This is no different than
24 any other residential building, and the noise that
25 you might here might include noise of children

1 playing on the playground, the noise that you hear
2 that may be opening and closing doors. There will be
3 no adverse impact based on noise. And to the extent
4 that there becomes a noise issue there are security
5 people on staff 24 hours a day, to address issues if
6 they become issues.

7 In terms of operations, the Director of
8 Department of Human Services here can talk about the
9 operation of the facility. I think you've heard that
10 and others. We've addressed that in our
11 presentation, our written materials. But if you'd
12 like more information on that, Director Zeilinger is
13 here to talk about that as well.

14 A number of similar facilities in the area is
15 not applicable because there are no other facilities
16 within the same square, or within 500 feet. 358.7 is
17 not applicable for the same reason. 358.8 is to be
18 addressed, at this point, by Director Zeilinger.

19 MS. ZEILINGER: So similar to our other
20 applications, the nature of the services needed and
21 the program, and just the efficiency and cost require
22 that we need to be able to serve more than 25
23 individual people in one program, and when we provide
24 homeless services to families, if we're going to meet
25 the scale of need.

1 You may be aware that there is a law in the
2 District of Columbia that creates a right to shelter
3 during hypothermia season for anyone who may need it,
4 so we do -- are obliged to scale up our services and
5 supports to meet that full need, and the cost of that
6 -- that entitlement would be -- is already very great
7 and with the requirement -- having to meet the
8 requirement of no more than 25 persons would just be
9 pretty impossible within our budget, to achieve.

10 MR. COLLINS: Is it fair to say, Director,
11 that trying to provide -- with 149 families here,
12 having to do six separate facilities to house 150
13 families -- I'm sorry, 150, 149 people, that the
14 economics, the economies of scale of trying to
15 provide the same wraparound services that you're
16 providing at one site would be very difficult if you
17 had to provide the same type of facilities at six
18 different sites just in Ward 4?

19 MS. ZEILINGER: That's correct.

20 MR. COLLINS: All right. Thank you.

21 With regard to Section 358.9, that has been
22 completed. Exhibit 17 through 20 of the record show
23 that the referrals have been to the various agencies.

24 With regard to the variance test, it's a
25 three-prong test. The site is affected by an

1 exceptional situation or condition, the strict
2 application regulations would impose a practical
3 difficulty, and third, there's no substantial
4 detriment to the public good or no substantial
5 impairment of the intent, purpose, and integrity of
6 the zone plan. And again, when the applicant is a
7 public facility, as in this case, that the variance
8 standard is somewhat relaxed.

9 In terms of the exceptional situation or
10 condition, and the parts that are in this, I would
11 turn this over to Mr. Pichon.

12 MR. PICHON: Yes, as stated earlier, the
13 height regulations, this is an existing building that
14 was built during a time when the C-2-A zoning allowed
15 for a maximum 60 feet and 2.0 FAR. We are here to
16 get a height variance for the extension of that
17 height and the addition. We are also located on a
18 berm where the first floor is approximately eight
19 feet above the sidewalk grade, which pushes the
20 building up in height as well, from the measuring
21 point.

22 And the overall FAR are driven by the
23 programmatic needs of the Homeward D.C. initiative
24 programmatic requirements.

25 As far as the practical difficulty without

1 relief in the zoning, if we were not to have the
2 height allowed in the addition, we would have,
3 through several iterations, the reduction in units
4 caused by the lack of height and the continuation of
5 the addition, would impact the overall programmatic
6 needs of the project. We've looked at this in a
7 number of different ways. Currently we are blow the
8 lot occupancy requirements on the site. If we were
9 to lower the building down and spread it out more on
10 the site, then we would be asking for lot occupancy.

11 So in this case we looked at this as the best
12 case scenario, where we have the least impact on the
13 neighboring properties, by keeping the building
14 footprint consolidated and matching the existing
15 height that's already there.

16 MR. COLLINS: So you'd say, just in summary,
17 that the reasons set forth in slides 29 and 30 would
18 be the reasons that would be a practical difficulty.

19 MR. PICHON: Correct.

20 MR. COLLINS: Okay. And as to no substantial
21 detriment to the public good, the project is
22 consistent in character with other residential
23 buildings in the vicinity. It's an existing
24 building. It will be improved.

25 And an apartment house, I'd like to point

1 out, an apartment house at this site could be built
2 to 3.0 FAR as a matter of right today. And with
3 Inclusionary Zoning. But Inclusionary Zoning does
4 not apply to emergency shelters, so therefore, that's
5 why we're asking for the variance to go to 2.83 to
6 fit the program on the site. But it is not busting
7 the envelop, if you will, because a larger building
8 could be put in this location for residential use.

9 In terms of community outreach, I think
10 that's been touched on a little bit by the director,
11 but I would like her to summarize again those
12 meetings.

13 MS. ZEILINGER: So there have been at least
14 eight instances of engagement with the community
15 around our proposal to develop short-term family
16 housing here. Again, as we did in all eight wards,
17 we came out in February 8th to introduce the
18 community right after the mayor's announcement
19 earlier that week to the concept and the program,
20 which we did on February -- we did, I'm sorry, a
21 small meeting with some leaders in the community,
22 including some folks from the ANC, to ahead of the
23 mayor's announcement, which we did on February 8th.
24 We did the community meeting on February 11th, met
25 with the ANC 4D on March 16th. Again, on April 4th,

1 which is the meeting we spoke about earlier regarding
2 the input on design elements, Deputy Mayor Donald,
3 the Deputy Mayor of Health and Human Services has
4 been our lead administration official who has been a
5 part of the engagement related to the Ward 4 program.

6 She did a meeting with 16 -- the 16th Street
7 Height Civic Association on April 12th. We did a
8 safety walk in the community on April 26th that
9 included the Deputy Mayor for Health and Human
10 Services, as well as other key government
11 stakeholders, and of course shared copies with the
12 BZA application and prehearing statement on May 4th
13 and June 14th respectively, and presented to the ANC
14 4D on June 21st.

15 That's in addition to numerous phone calls,
16 e-mails, and other communication to just respond to
17 questions in the community about this particular
18 program.

19 MR. COLLINS: Thank you. Just, this is
20 something I commented on previously about, the
21 standards of giving weight to the ANC's view, and
22 you've already spoken about that issue. So we can at
23 this point, go on to Mr. VanPelt with his
24 presentation.

25 MR. VANPELT: All right. I'm going to just

1 touch on the highlights of the transportation
2 statement that we performed for this site. The site
3 is located on the 55 block of 5th Street Northwest
4 between Kennedy and Longfellow Streets. There's
5 several Metro bus lines nearby with the nearest Metro
6 Rail Station, Fort Totten, a little over a mile away.

7 The U4 Bus Line connects the Metro Rail
8 Station where there is Red, Yellow, and Green Line
9 services. The nearest bus stops are at the end of
10 the block serving the U4 on Kennedy Street and the 62
11 and the 63 Bus Lines on 5th Street.

12 The nearest Capitol BikeShare station is
13 practically at the project's front door on 5th
14 Street. There are also car sharing opportunities
15 nearby.

16 Walk score gives the location the designation
17 of very walkable, good transit, and bikeable. Access
18 to several transportation options and services are
19 available on foot or on bike as just described. The
20 transportation plan takes advantage of these
21 transportation amenities and the proposed TDM plan is
22 meant to incentivize the non-auto modes.

23 Statement was scoped with -- the
24 transportation statement was scoped with DDOT and it
25 was performed. The site, as mentioned, will include

1 49 rooms for families and approximately 148 beds.
2 The information that was provided to us by DGS and
3 the Department of Human Services does, as previously
4 testified to the other cases, tells us that residents
5 really are not allowed to park cars at D.C. General
6 today and that their ownership is very minimal.

7 Residents are also not allowed to store bikes
8 at D.C. General today, and the residents don't own
9 bikes that DGS is aware of.

10 Residents are expected to primarily take
11 transit, walk, or be shuttled into the site.
12 Information was also provided regarding the staffing
13 levels and shifts. At this site it's expected to be
14 11 staff on site at all times, up at peak times there
15 would be 24 to 26 staff present, depending on the
16 program that's being offered on that given day.

17 The majority of staff are expected to drive.
18 However, that's still a relatively small number of
19 vehicular trips. We do not anticipate that to have
20 an adverse impact on the surrounding network.
21 There's also the capacity and the other modes to
22 accommodate the non-auto trips.

23 We scope the transportation statement with
24 DDOT and they were pleased to have DDOT's support for
25 the project. The staff report states no objection

1 and no conditions in the -- from the review.

2 Under the current zoning the project's
3 parking requirements are determined by the Board of
4 Zoning Adjustment. There will be 11 parking spaces
5 provided on site at this location, and it will
6 accommodate a very large portion of the staff parking
7 needs, since not all staff parking is expected to be
8 accommodated on the site. We did review the status
9 of the on-street parking in the vicinity.

10 We looked at over 600 on-street spaces within
11 a couple blocks of the site, and found that in the
12 evening, when neighboring residents are returning
13 home, there's about two thirds of the parking in the
14 immediate vicinity is utilized; about a third of it
15 is available.

16 We found that there's adequate parking
17 available to accommodate the new demand from the
18 staff at the site that will need to park on the
19 street, without it having an adverse impact on the
20 community.

21 Much of the available street parking is on
22 the block faces nearest to the site.

23 The project will have a transportation demand
24 management plan and this plan was developed and
25 tailored in a way that best suit the residential

1 tenants and the staff to take advantage of the non-
2 auto options afforded to this site. It's going to
3 include a TDM coordinator, marketing program, bicycle
4 parking as Sean described earlier, and the transit
5 subsidies for residents.

6 And lastly, the loading facilities aren't
7 required by zoning, however at this location the food
8 deliveries that will happen twice a day will occur in
9 the garage where there's easy access to the kitchen.
10 Trash will be accommodated curbside a few times per
11 week, and then for other loading activities there is
12 a loading zone on Kennedy Street at the corner with
13 5th Street, a short distance away. And these
14 accommodations were discussed with DDOT and they did
15 not have an objection to it.

16 To address any of the concerns, though, about
17 truck activity a loading management plan has been
18 developed and the plan will appoint a member of the
19 staff to coordinate these loading activities. So
20 with that I'll pass it back over to Chris.

21 MR. COLLINS: That concludes our
22 presentation. We'll be happy to answer any questions
23 you may have.

24 CHAIRPERSON HEATH: Okay. All right. Thank
25 you. Does the Board have any questions at this

1 point?

2 All right. So, if you're okay with us
3 proceeding on we'll hear from Office of Planning at
4 this point.

5 MR. COLLINS: Please.

6 MS. FOTHERGILL: Good afternoon, I'm Anne
7 Fothergill with the Office of Planning and the Office
8 of Planning recommends approval of the zoning relief
9 and rests on the record in support of the
10 application. I'm happy to take any questions.

11 CHAIRPERSON HEATH: Okay. Thank you. Any
12 questions from the Board for OP?

13 Any questions from the applicant for Office
14 of Planning?

15 MR. COLLINS: No, thank you.

16 CHAIRPERSON HEATH: Okay. Is there anyone
17 here from ANC 4D? If you would please come forward?

18 To the table, please. And did you fill out
19 witness cards?

20 MS. BOWSER: I did.

21 CHAIRPERSON HEATH: Okay.

22 MS. BOWSER: [Speaking off mic.]

23 CHAIRPERSON HEATH: We haven't made a --
24 well, we made a decision based on the request for
25 postponement. But you're now able to be heard as the

1 head of the ANC. Or representative of the ANC.

2 You were here this morning to be sworn in?

3 MS. BOWSER: No.

4 CHAIRPERSON HEATH: Okay. Then, we'll have
5 to have you stand before you make your statement and
6 Mr. Moy will administer the oath.

7 [Oath administered to the participant.]

8 MS. BOWSER: I do.

9 MR. MOY: Thank you.

10 MS. BOWSER: Thank you for the opportunity to
11 testify in Case 19289. My name is Renee Bowser. I'm
12 a commissioner for 4D-02. ANC 4D-02 invites Chair of
13 ANC 4D and I'm testifying on behalf and on the
14 authority of ANC 4D.

15 We requested a postponement and I raised my
16 hand several times and called out to try to get
17 recognized before you made a decision on the
18 postponement, and I'm dismayed that the Board of
19 Zoning Adjustment chose to rule on the postponement
20 with only hearing from one side.

21 The developer asserted that the Board -- that
22 the developer asserted, and the Board held without
23 ANC 4D's input that the operation of the transitional
24 housing does not impact the issue of variances and
25 special exceptions. Yet, we believe that that's

1 inaccurate. In its own presentation the developer,
2 under Section 358.6, is asserting that the facility
3 will not have an adverse impact because it will
4 operate similar to a multi-family apartment building.
5 The written submission goes on to cite
6 characteristics which are unlike an apartment
7 building.

8 So I think that the issues that we raised in
9 our letters, we have two letters, one from me as the
10 ANC 4D-02 Commissioner and one from the Commission
11 asking for a postponement because we believe that it
12 will make a difference. We're pushing to make sure
13 that the District gets a fair price for the property
14 because this is in the context of a situation where
15 the District was going to lease the property and
16 really was going to be a windfall for developers.
17 Now that the property is required to be purchased it
18 will affect the construction of the building.

19 The building is not like a multi-family
20 apartment building because there's a situation for --
21 let me just give an example, with an apartment
22 building the residents can cook in their own
23 apartment. Here, I asked Director Zeilinger at a
24 meeting that I attended, what does a resident do who
25 is working as a security guard, comes home at

1 midnight, what did they do for food? They couldn't
2 answer that question.

3 So, the operation of the building makes a
4 difference. You're putting the residents of that
5 building out on to Kennedy Street at all hours of the
6 night where there are no food facilities that operate
7 late at night. So unlike an apartment building, it's
8 going to have an adverse effect, mainly on the
9 residents because there are going to be more people
10 out trying to get food or because there are no
11 cooking facilities on site.

12 And I also want to comment that I would not -
13 - you may call it a joint venture but I don't think
14 that's factually accurate. The evidence, I don't
15 think, bears out a joint venture because there's many
16 questions that could not be answered and I was told
17 that we would get answers back to you. I had written
18 questions, gave a written question to Director
19 Zeilinger and never got a response.

20 So, we were asking for a postponement so that
21 a lot of things could be thrashed out, questions
22 could be answered to the satisfaction of the
23 commission, to the satisfaction of the community.
24 What my purpose is, we believe ANC 4D that the best
25 facility will be a boon for not only the residents

1 who live in the facility to facilitate them getting
2 out of homelessness, but will be the best for the
3 community, the Kennedy Street community, the section
4 that I represent up to 5th Street, and the other
5 sections of Kennedy Street. And we don't believe
6 that the -- that that has been answered.

7 And as I say, I particularly point to 358.6
8 because even though the petitioners say that it's not
9 relevant how the building is constructed and what's
10 in the -- how the building will operate, they spend
11 time talking about the building and characterizing it
12 as a multi-family apartment building, which it is
13 not. And one of our concerns is that it should be
14 made more like a multi-family apartment building and
15 that will be better for the people who use the
16 building and better for the community.

17 We also had a -- and we believe that with the
18 savings of money and no windfall for the developer,
19 that that would be more -- more can go into the
20 facility. It may be that it should not be for 49
21 people, it may be just for 39 people. But to make
22 the facility to better fit into the community, which
23 it -- which we don't believe that in the current
24 configuration, it's going to do.

25 And I also would like to ask the Board of

1 Zoning Adjustment to check the distance between the
2 Terrific, Inc., which is 418 Missouri Avenue, that
3 recently we've gotten complaints from people in my
4 single-member district and I wanted to -- this is on
5 behalf of just ANC 4D-02 because that is -- it's
6 built as a residential facility at 418 Missouri
7 Avenue and that's in the next square over from the
8 proposed building.

9 And I will leave my comments at that.

10 CHAIRPERSON HEATH: All right. Thank you,
11 Ms. Bowser. Sure, go ahead. We have a couple
12 questions for you.

13 MR. HILL: Ms. Bowser, I just had a question.
14 So you were at the ANC meeting where they presented?

15 MS. BOWSER: Yes, I was.

16 MR. HILL: Okay. And how come you guys
17 didn't vote?

18 MS. BOWSER: Well, we were -- I had sent in a
19 letter a couple weeks ago, asking for a postponement
20 and we voted on a postponement and sent that letter
21 in on Friday, the 24th. And we were asking for a
22 postponement so that questions could be worked --
23 questions could be answered because we didn't believe
24 that -- we raised some of the things that are in
25 their presentation, didn't believe that we had a

1 complete explanation, an accurate explanation of what
2 is going to go forward there.

3 MR. HILL: So you didn't take a vote because
4 you were waiting to see what happened with the
5 postponement.

6 MS. BOWSER: We took a vote on the
7 postponement.

8 MR. HILL: Okay.

9 CHAIRPERSON HEATH: So your questions, the
10 questions that were raised that you felt you still
11 needed answers to, were they specifically about the
12 fact that they're comparing this to a multi-family
13 apartment building, questions about the program? Can
14 you just help me understand what questions you're
15 still looking for answers to?

16 MS. BOWSER: Well, in their presentation on
17 page 4 they state that the emergency shelter will be
18 a residential use and will inherently not produce any
19 adverse impacts due to noise. I'm not questioning
20 the noise issue. They are saying the proposed use
21 will also not adversely impact the neighborhood due
22 to its operations because it will operate similar to
23 quote, a multi-family apartment building which use is
24 found in close proximity to the site. That is just
25 factually inaccurate and I raised that on Tuesday.

1 It's just not accurate.

2 When you have a building -- when you have,
3 they're more like dormitories, when you have -- and
4 it's not even a real dormitory setting because I
5 lived in a dormitory for four years in college,
6 you're living with people for a year, a minimum of a
7 year, if not four years. And whether at that point
8 back many years ago we were all girls, even if it's
9 girls and boys, but it really is more of a dormitory
10 of a camaraderie.

11 Here, you're basically having strangers
12 living with strangers. And so to say that it's a
13 multi-family apartment building like conditions is
14 just not factually so. A multi-family apartment
15 building, the ones I've lived in, never have shared
16 bathrooms. They all have kitchens. And it's
17 problematic and I asked the Director a couple months
18 ago, what does someone do, if I'm homeless and I'm
19 working part-time and living in that building, I get
20 home at midnight, what do I do for food?

21 And that is -- it's important, structurally
22 for the community, one block away on Kennedy Street,
23 6th and Kennedy Street, there's always crime. I have
24 to say. There's just every report. I'm on the 4D
25 list serve, and so why would we want to put homeless

1 families -- why would not we want facilities so that
2 they can have all the facilities in their apartment?
3 Why would we want to put families out there at
4 midnight looking for food when it would be cheaper
5 for them, and safer, if they could heat up some soup,
6 make a grilled cheese or tuna fish sandwich? It
7 doesn't make sense.

8 And we're saying -- and in the earlier
9 presentations they said, well, they exceeded the
10 requirements under the law. Well, the Bowser
11 administration fought to reduce, to weaken the
12 requirements or the right to the homeless, and now
13 say they're exceeding them. That doesn't give me any
14 joy there.

15 And so it does impact the community. What's
16 best for the homeless families is best for the
17 surrounding community. The better that shelter is,
18 the better is for the community. That's the problem
19 with D Street. It's never kept up.

20 CHAIRPERSON HEATH: So to get back to my
21 question about your question. So I heard a question
22 about what is a homeless person, or what does
23 somebody who is working until midnight and comes home
24 late, do for food? So there's an operational
25 question.

1 Ms., is it --

2 MS. ZEILINGER: Zeilinger.

3 CHAIRPERSON HEATH: Zeilinger.

4 MS. ZEILINGER: Uh-huh.

5 CHAIRPERSON HEATH: Can you answer that
6 question?

7 MS. ZEILINGER: Absolutely. And I don't
8 recall getting that and not answering that.

9 MS. BOWSER: I was sitting right next to you.

10 CHAIRPERSON HEATH: But either way --

11 MS. BOWSER: May I please say --

12 CHAIRPERSON HEATH: -- if you could just --

13 MS. BOWSER: -- I was sitting right next to
14 you and gave you the card --

15 CHAIRPERSON HEATH: Ms. Bowser.

16 MS. BOWSER: -- asked you the question and
17 gave you the card.

18 CHAIRPERSON HEATH: Ms. Bowser. Ms. Bowser,
19 we're asking her a question.

20 MS. BOWSER: Okay.

21 CHAIRPERSON HEATH: So, if you would let her
22 answer.

23 MS. ZEILINGER: So it's a very straight
24 forward and simple answer. We all of the time, today
25 and would in this program, hold meals for people, and

1 we have refrigeration to do that. If they're
2 working, they're not there at mealtime.

3 In addition, each family will have its own
4 small refrigerator in their rooms. That is one of
5 the design requirements that was -- so before we ask
6 for legislative change regarding the requirements for
7 each of those programs, we did a working group
8 throughout Interagency Council on Homelessness, and
9 when and what people felt was that families needed
10 access to their own private refrigeration, as well as
11 shared microwave and sink and so forth. And so that
12 will exist on each floor.

13 So a family in the situation that you
14 described would have the option of having a meal held
15 that they could warm up when they came home from
16 work, or to be able, if they wanted to keep soup or
17 something like that that they wanted to warm up for
18 themselves, they would have access to refrigeration
19 and microwave in order to be able to do that. So in
20 no case would the only option be to be walking around
21 at midnight in search of a place that's open to buy a
22 meal.

23 CHAIRPERSON HEATH: Okay.

24 MR. COLLINS: And I'd just like to point out
25 also that the test that's been cited here, Section

1 358.6, is that there shall not have -- the facility
2 shall not have an adverse impact on the neighborhood
3 because of operations. We're not talking about
4 internal operations. We're talking about adverse
5 impact on the neighborhood.

6 CHAIRPERSON HEATH: Sure. Sure. I
7 understand.

8 MS. BOWSER: Well, it does have adverse
9 impact on the neighborhood if you're putting people
10 outside at late hours and they may be subject to
11 crime.

12 CHAIRPERSON HEATH: Sure.

13 MS. BOWSER: Their part of the neighborhood.

14 CHAIRPERSON HEATH: Understand, and that's
15 why I asked the question because I wanted to make
16 sure that that wasn't -- that your concern was not
17 something that would actually happen, that the
18 operations are set up to prevent something like that
19 from happening. Is there another specific question
20 that we can try to flush out while we're all here
21 together?

22 MS. BOWSER: Well, there is also one of the
23 issues raised at our meeting on the 21st before the
24 vote was that even if the property may be taken by
25 imminent domain, if the property is upgraded prior to

1 that, that's still going to raise the value of it.
2 What we're saying is that we don't believe that the
3 developers should have a windfall. That was the
4 original plan to give the developers millions of
5 dollars' worth of windfall. We believe that that
6 money should be used not only for the -- should be
7 used for the facility and for anything surrounding
8 the facility that would upgrade the -- it would
9 upgrade the situation for the homeless families and
10 for the Kennedy Street neighborhood.

11 CHAIRPERSON HEATH: Unfortunately that sort
12 of issues is not relevant to this Board.

13 MS. BOWSER: Okay.

14 CHAIRPERSON HEATH: That is a Council issue.
15 So our hands are tied with that. We can't speak to
16 any issues about how the property is being purchased
17 or what the value of it might be at time of purchase.
18 That's just not under the purview of this Board.

19 Are there other questions?

20 MS. BOWSER: And finally, the issue of really
21 bringing in the community, Mr. Hood spoke about --
22 Commissioner Hood spoke about a joint venture. The
23 facts don't support that. I was at the meetings.
24 Most of the meetings. And I believe Director Donald
25 is very well meaning. She could not answer most of

1 the questions that were posed. And they kept saying,
2 we'll get back to you, we'll get back to you. But as
3 my written question to the Director close here, no
4 one gets back to you. So to say that it was a joint
5 venture I think is factually inaccurate.

6 MR. HOOD: Okay. Madam Chair --

7 CHAIRPERSON HEATH: So --

8 MR. HOOD: I'm sorry.

9 CHAIRPERSON HEATH: Go ahead.

10 MR. HOOD: Madam Chair, can I speak on that?
11 And I want to thank you, Commissioner Bowser, because
12 I know all the hard work that you do in Ward 4 and
13 across the city. But I just want to say a few points
14 and I want to touch on the joint venture because I
15 want to explain how come I was going to the joint
16 venture.

17 One of the things in your request for a
18 postponement, and I will answer my position on it, I
19 didn't see where what you're requesting were germane,
20 and as the Chair has already mentioned, to our
21 proceedings because you're talking programmatic
22 versus land use. And we have to stay -- the BZA
23 follows a tighter line than the Zoning Commission.
24 We can kind of peruse out. The BZA has a specific
25 regulation application they have to follow, and I

1 think they have dealt with the land use issues, as
2 the Chair has already mentioned.

3 The issue about the joint venture, I was
4 going there because I wanted to see exactly how much
5 involvement it was with the community. That's why I
6 pushed them to joint venture. He didn't say it. I
7 pushed him there because I wanted to see if they
8 would actually go there and say that this was a joint
9 venture because at least the testimony I heard, and
10 you know sometimes I may mishear things, but I
11 thought he said they made some changes, some
12 architectural changes on comments you received from
13 the community. And that's why I said, okay, so can
14 we classify this as a joint venture.

15 Now I know I'm not saying we all agreed and
16 held hands. But can we say that some of what went on
17 is input from the community? And I think -- can we
18 say that, Ms. Bowser?

19 MS. BOWSER: There was some input from the
20 community, but --

21 MR. HOOD: Some. Okay.

22 MS. BOWSER: -- most of the questions that
23 people raised at the meetings I was at, were
24 unanswered.

25 MR. HOOD: Okay. And I think the Chair

1 today, even though it's not necessarily within our
2 jurisdiction, is trying to, as we have the Director
3 here, to try to help you facilitate some of those
4 answers, and I'm sure there's going to be ongoing
5 dialog. There's a community good neighbor -- no.
6 What is it? Neighbor agreement? I like to call it
7 the good neighbor policy. I'm going to use mine, but
8 I don't want to change what -- but I like to call it
9 the good neighbor policy. But they have an agreement
10 and I think that can be tweaked as this could be in
11 other cases.

12 So there's still some room for some of those
13 questions to be asked, some of the other
14 considerations that the community have to be inputted
15 into this as we take care of those who really need
16 it.

17 MS. BOWSER: I mean, I recognize that you, as
18 you indicated, there have to be -- that you, your
19 jurisdiction are land use issues. But I think that
20 the residents of Kennedy Street and the neighborhood
21 around Kennedy Street are very much skeptical of not
22 just this administration, but previous
23 administrations with regard to the upgrade of Kennedy
24 Street.

25 It just, I sat in those meeting as the ANC

1 Commissioner back in 2007, 2008, and then I didn't
2 run for about four years, and come back in 2013 and
3 practically nothing, nothing has been done to upgrade
4 Kennedy Street outside of Hattie Home Senior Wellness
5 Center, which is a wonderful facility, although it
6 closes so early.

7 MR. HOOD: But that did help jumpstart.

8 MS. BOWSER: Oh, yes. No question.

9 MR. HOOD: I'm familiar with Kennedy Street.

10 MS. BOWSER: But what I'm saying is that I
11 think that's why you have a skeptical community, even
12 though I must say I believe that we should have, I
13 think, more than eight because I believe there could
14 be better facilities for the people if there are more
15 than eight transitional housing. But I think there's
16 a lot of -- I have to say on behalf of 4D-02 and ANC
17 4D, that there's skepticism because people don't
18 believe that there is going to be the upgrade that
19 there should be.

20 It's took me three months to get the
21 crumbling sidewalk in front of the bus shelter at 5th
22 and Kennedy repaired by DDOT, and they repaired it so
23 sloppily. You know, it's just really -- it's really
24 just really poor. I just, it's as if because it's
25 Kennedy Street and you do have a lot of working class

1 and poor people, it's not given full consideration.

2 MR. HOOD: Okay.

3 MS. BOWSER: And so people are very
4 skeptical. As I say, I believe people should be
5 facilitated the best they can out of homelessness and
6 we should not put obstacles in their path. And I
7 think -- and one of the reasons I'm here is that the
8 set up, I think, puts an obstacle in their path. But
9 I think generally the commission and the residents in
10 my single-member district and the rest of 4D are
11 skeptical because of the really poor performance by
12 the District agencies along Kennedy Street when we
13 look from 2006, when the project started for
14 upgrading Kennedy Street, and we look at 2016 10
15 years later, and so, so little has been done.

16 MR. HOOD: Okay. Thank you. Thank you,
17 Madam Chair.

18 CHAIRPERSON HEATH: Any other questions from
19 the Board? Okay. All right. Did you have any other
20 questions, Ms. Bowser?

21 MS. BOWSER: No, ma'am.

22 CHAIRPERSON HEATH: Bowers.

23 MS. BOWSER: Bowser. It's Bowser.

24 CHAIRPERSON HEATH: Bowser. Okay.

25 MS. BOWSER: I had the name before the mayor

1 did.

2 CHAIRPERSON HEATH: Okay. When I said I
3 thought, that doesn't sound right. Okay. Bowser.
4 Thank you for coming down and thank you for your
5 statement.

6 All right. So we also have a letter -- we
7 have a letter of no objection from Department of
8 Transportation and I assume there's no one here on
9 this application from DDOT. So with that then, I'd
10 like to see if there's anybody here who is wishing to
11 speak in support of this application. Anyone wishing
12 to speak in support? Anyone wishing to speak in
13 opposition to this application? Please come forward.

14 And if you could give your witness cards to
15 the court reporter? Perfect. They you can have a
16 seat. You'll introduce yourself and we'll give you
17 three minutes to make your presentation.

18 MR. SMITH: Thank you, Ma'am. My name is
19 Myles Smith. I'm a resident of the neighborhood. I
20 live about three blocks away on Kansas Avenue. While
21 I am one of the cofounders of the Kennedy Street
22 Development Association which has been deeply
23 involved in this process, I speak here on my own
24 behalf, not on behalf of the organization.

25 And I want to echo the sentiments of

1 Commissioner Bowser and the unanimous vote of the
2 Commission to delay this vote. Also that I should
3 mention after the presentation by these gentlemen at
4 that ANC meeting, the commissioners asked for the
5 public's input on that vote and I believe it was
6 unanimous. It was about 35 against proceeding with
7 this variance and none in support.

8 Certainly at that meeting I think one of the
9 decisive factors was this issue of the city council
10 requiring that this property be purchased, but there
11 being a, in my opinion, and I think in the opinion of
12 the people in that room, a conflict of interest
13 between a private developer getting the support of
14 the city to get the variance from this Board before
15 they are forced to purchase the property, and that
16 that variance will increase the value of the
17 property, and thus increase the burden on the tax
18 paper to pay for it later.

19 Even if it goes to imminent domain, a five-
20 story building is worth more than a four-story
21 building.

22 Now, at all of these meetings there was
23 certainly a lot of opposition which our group did not
24 actually fall in with. At the end, we were
25 supportive of there being this facility at this site,

1 and me personally, I don't have any problem with this
2 particular design, but just for the record, and as
3 somebody who was present for all of these meetings I
4 think it's worth putting it into the record that
5 there was a lot of opposition from a broad level,
6 first on there being no alternatives to this site
7 presented, but more narrowly on the fact that this is
8 the poorest area of the entire city which this site
9 has been chosen and it's the poorest area of Ward 4
10 which of course brought up concerns about
11 concentrating poverty, concentrating crime,
12 concentrating other sorts of problems in the area.

13 Again, I don't share these sentiments but I
14 think that they should be mentioned.

15 Finally, there was certainly, I think
16 concerns related to the number of bathrooms and
17 kitchens which are pertinent to this Board, which I
18 only ask that professional advice be sought from
19 independent experts on whether or not that is the
20 best plan. I've heard different explanations for why
21 private bathrooms or private kitchens should not be
22 provided to the residents of this facility. At one
23 time it was to save cost. At another time it was
24 because we didn't want the residents of this facility
25 to get too comfortable living there. This was Brenda

1 Donald's response at one point. And that if they got
2 too comfortable in an apartment-like environment that
3 they would be likely to want to stay and not move on.
4 Again, I mean, these are policy issues that I think
5 should be addressed and that they should be
6 considered when these design considerations are made.

7 CHAIRPERSON HEATH: Okay.

8 MR. SMITH: Now, finally --

9 CHAIRPERSON HEATH: Okay. I was going to ask
10 you to wrap up.

11 MR. SMITH: Sorry.

12 CHAIRPERSON HEATH: Thanks.

13 MR. SMITH: There was also a list of concerns
14 about the design elements that were discussed at the
15 meeting that your Board brought up in April,
16 including very indistinct designs that were presented
17 to the group. There was no rear view of this
18 building presented to the group, so the folks
19 couldn't see the impact of having a six-story
20 building that was attached to the back of the
21 existing -- sorry. A five-story building attached to
22 the front facing five-story building. There was no
23 clear idea of the site plan. We had an architect who
24 called the plan pitifully underdeveloped. There was
25 no clear plan for lighting, for exterior street

1 furniture, for trash receptacles, for anything else.
2 This was the plan that was presented to the community
3 for input.

4 And the input was thus, we don't have a
5 coherent set of design options here, there was no
6 question about whether the public wanted a five-story
7 building, whether the public wanted this outbuilding
8 built on to the back. It was only whether we wanted
9 blue or yellow flowers, whether we wanted the fences
10 to be metal or wood, whether we liked blue paneling
11 or white paneling on the front of the building. That
12 was not a real community input process, and it was
13 certainly not a joint venture between the community
14 and the developers. Thank you.

15 CHAIRPERSON HEATH: All right. Questions
16 from the Board? All right. Thank you for your
17 testimony. All right. Anybody else here wishing to
18 speak in opposition? All right.

19 Then Mr. Collins, I'll turn back to you if
20 you want to make any rebuttal based on the last
21 witness's testimony, you can do that prior to close.

22 MR. COLLINS: Certainly. Thank you. I think
23 that the issues that were raised in the last
24 testimony are issues that the Board has already
25 discussed here earlier, so I don't know that we need

1 to go through those again. I just, I do note that
2 the last sentence of Mr. Smith's letter to the Board
3 does say that I have no objection to the variance
4 requests if made under District ownership of the
5 property. And I did point out the District will
6 ultimately own the property. So, I just raise that.

7 Unless you have any other questions of member
8 of the panel on any issues that you think are
9 outstanding, then that we simply respectfully request
10 approval of our application.

11 CHAIRPERSON HEATH: Okay. All right.

12 MR. COLLINS: Thank you.

13 CHAIRPERSON HEATH: Thank you. The one thing
14 that I'd say still gives me a little bit of
15 discomfort about this are the comments about the
16 community not having proper input on this project.
17 And I don't know where my colleagues stand on this,
18 but I just want to address that one last time. I
19 know that we saw a list of community meetings that
20 were held, but if you could just speak to issues
21 around design, the -- and presentation on design and
22 program for this facility, that's just the one area
23 where I still feel like I need more input or more
24 feedback from you.

25 MR. HOOD: But you know, Madam Chair, let me

1 ask, do you think the applicant can give that to us
2 today, or do you think --

3 CHAIRPERSON HEATH: I'm not sure.

4 MR. HOOD: Okay.

5 CHAIRPERSON HEATH: I'm trying to get at that
6 to see what their --

7 MR. HOOD: Because it seems to me like they
8 need to go back and have a conversation. I think
9 that's where you were going.

10 CHAIRPERSON HEATH: Yeah. That's what I'm
11 trying to get at, to see if enough has been done with
12 the community. I see the list of meetings, but I'm
13 trying to just understand how some of the
14 conversations have been had. And maybe it's -- I
15 sort of am already there that it sounds like there
16 needs to be at least one more ANC meeting, another
17 presentation. There's still -- I know Ms. Bowser
18 asked a number of questions, but there still seem to
19 be questions about the design and there seem to be
20 concerns from the community that they haven't had
21 enough input, and that there were questions left
22 unanswered during the last presentation.

23 So I just want to address that before we
24 decide what we're going to do.

25 MS. ZEILINGER: So I think it's worth

1 pointing out that the issues that Commissioner Bowser
2 raised, and that the community has raised about
3 private kitchens, private bathrooms, were matters of
4 law that had a very robust community process. So
5 even before the vast counsel process on what are the
6 requirements for how we provide emergency shelter to
7 families in the District, we did an input process
8 with Interagency Council on Homelessness that is not
9 just a government body but that included advocates.
10 The families that we serve, most importantly, as well
11 as child development experts, people from Children's
12 Hospital was really a robust group of folks who
13 weighed on how do you, in a short term setting,
14 really best meet the needs of families who experience
15 homelessness.

16 Then we shared that report with the Council,
17 asked for legislative relief, the Council held a full
18 hearing on that bill and then voted on that
19 legislation. So there was a robust process around
20 what are the requirements. And the design that has
21 been put forward is a design that is -- what is
22 required in order to include all of those program
23 requirements in a building.

24 Now what was brought forward for the
25 community to weigh in on was not the interior of how

1 many bathrooms and kitchens, because that is really
2 about the internal program operations, and how we
3 balance what we're able to provide in a short-term
4 setting with having the resources to help families
5 exit homelessness and be in permanent housing where
6 they have all of those things in an apartment as
7 quickly as possible.

8 So while, no, we did not ask the community
9 for input into -- in the context of this particular
10 site plan into the bathrooms and the kitchens, that
11 was a process that happened in a different space.
12 And then we worked as hard as we could within what we
13 could do with this particular site to maximize. And
14 we exceeded then the requirements that counsel was
15 comfortable passing in law. So I think what is -- in
16 addition, we not only answered letters to ANCs in
17 Ward 4, but we also published answers to many of the
18 same questions that are asked here on the website so
19 that folks could -- because many of the same
20 questions came in from all of the ANCs, you know, and
21 many different stakeholders in the community about
22 this particular replacement plan.

23 And so questions around program operations
24 and what families need and the decisions and what to
25 provide, as well as the program, we answered those

1 questions and made the public. We also answered
2 those questions to Council, and those are all
3 officially in the record on both the council's
4 website as well as on the Homeward D.C. website.

5 So I just want to just challenge that we have
6 not been transparent and fully answered the questions
7 that are posed to us. We absolutely have made every
8 effort to do that and to publish them and make them
9 accessible to people who don't come to all the
10 meetings to hear their questions answered.

11 MR. COLLINS: In this ANC meeting that
12 occurred on the 21st for this Board of Zoning
13 Adjustment proceeding, there were no issues raised
14 about the exterior design of the building or the
15 features. The building is an existing vacant
16 building. It's been vacant for 10 years or more.
17 It's an eyesore in the community. Anything that's
18 done, frankly, is going to be an improvement. And
19 there was a process, one of those meetings was
20 soliciting and put on design elements, and that's
21 what was done, and the product that you saw in the
22 slides is the result of that input of the design
23 elements.

24 I'm not sure that another meeting with the
25 ANC is going to produce -- it's certainly not going

1 to produce a different building envelope. It's not
2 going to produce a different design. It's an
3 existing building. You know, the same -- I'm told
4 that actually probably that you can --

5 MS. ZEILINGER: So, and I think it's also
6 just relevant to point out we had at least as many
7 community meetings as we did with Ward 7 and 8 where
8 I think we satisfied the community input process in
9 Ward 4. So we had at least as many, if not more
10 meetings, because I know the deputy mayor had some
11 additional meetings as well in her office. So just
12 wanting to point out that we were consistent with or
13 exceeded what we did with the applications that were
14 also before you today.

15 CHAIRPERSON HEATH: Okay.

16 MR. COLLINS: I do think that in terms of
17 design -- thank you for that. In terms of design,
18 the building as designed is the result of the talents
19 of PGN Architects, the program goals and requirements
20 of the Mayor, and the input that was received in the
21 meeting on April 4th to solicit and put on design
22 elements. So there's nothing that's going to change
23 the envelope of the building, the height of the
24 building, the number of windows, the locations of
25 windows. So for that reason we do believe that there

1 was a full and fair process on building design and
2 getting input. So with that I think that's our
3 answer to that issue.

4 CHAIRPERSON HEATH: Okay. All right. Any
5 other questions from the Board?

6 Okay. Are we ready to deliberate on this?
7 [Discussion off the record.]

8 CHAIRPERSON HEATH: I'd like to do one more
9 thing. Ms. Bowser, since you're still here can you
10 come back up? We just have a couple quick questions
11 for you.

12 It's cold in here. I blame the Board
13 Secretary. He has on a jacket.

14 All right. So my last question for the
15 applicant had to do with making sure that the
16 community has been heard, and you heard their
17 response to that. It does sound like there has been
18 considerable outreach, and there are certain elements
19 of this facility that are fixed as dictated by
20 Council. And so I want to make sure that the
21 concerns of the ANC are heard. And at this point we
22 don't have a letter from the ANC voting in support or
23 opposition. We have their request for postponement.

24 So, I just want to be -- I want to be
25 sensitive to the ANC's concerns and if your concerns

1 really are about the value of the property, whether
2 it's this project is approved or not, again, that's
3 not of the Board's -- under the Board's jurisdiction.
4 But if you do have more concerns about the design of
5 the project, or any other questions that you think
6 another meeting could help facilitate, I just want to
7 hear from you now whether you think that would be
8 something that would be valuable for the ANC.

9 MS. BOWSER: Well, the last meeting at which
10 -- I was at the -- I'm thinking that they're saying
11 the April meeting at Hattie Home Senior Wellness
12 Center at 3rd and Kennedy. There were a lot of
13 questions raised and the promise was to provide
14 answers and we did not get any answers as the
15 Commission. We did not get notice of those answers
16 so it might be good to have those, and those design
17 changes presented that were taken -- the design
18 changes that were made based on the input of the
19 community.

20 I don't know, and we were not -- I know I was
21 not, and I'm on my e-mail regularly, I was not
22 notified of the design changes that were made
23 pursuant to the questions raised at that last
24 meeting. I was not able to go on the work -- on the
25 walkthrough. I was not there, but I doubt if that

1 was an environment where they could get people
2 together and say, this is what we've changed. I
3 don't know, because I was not at that walkthrough.

4 CHAIRPERSON HEATH: Okay. And you were at
5 the meeting on the 21st, correct?

6 MS. BOWSER: Correct. Yes, I was.

7 CHAIRPERSON HEATH: Last week? And so the
8 design or the project was presented again, correct?

9 MS. BOWSER: Yes. They didn't talk about
10 what changes they made pursuant to the questions that
11 were asked at the meeting at the Hattie Home Senior
12 Wellness Center.

13 CHAIRPERSON HEATH: And no one brought those
14 questions up again?

15 MS. BOWSER: There may be different people at
16 the -- at that meeting of the ANC, than were at the
17 Hattie Home Senior Wellness Center meeting.

18 CHAIRPERSON HEATH: Okay.

19 MR. COLLINS: May I address that issue?

20 CHAIRPERSON HEATH: Sure. That would be
21 helpful.

22 MR. COLLINS: We certainly want to be
23 respectful of the ANC process. The ANC is obligated
24 to get notice and an opportunity to comment. It's 30
25 days' notice. Whatever happened at the Hattie Homes

1 meeting on April 4th had resulted in the design
2 changes. Those design changes were incorporated in
3 the application that's before this Board. And that
4 was sent to the -- the application was sent to the
5 ANC, the prehearing statement was sent to the ANC.
6 We made a presentation to the ANC on the 21st. They
7 did not take a vote on the design issues. They
8 didn't say we like or don't like the design issues.
9 They had a notice and they've had an opportunity to
10 comment.

11 Their written report to the Board today
12 simply requests a postponement. These design issues
13 occurred before the BZA process. They're really not
14 -- they're not strictly part of the BZA process,
15 although they resulted in this design that's before
16 the Board. If there needs to be some discussion
17 about further discussion about design details, we
18 respectfully request that they can -- could they be
19 offline, outside of the zoning process, because we
20 believe that we have satisfied the zoning process and
21 we'd request that you, you know, approve our
22 application on that.

23 And there will be, as Chairman Hood has said,
24 the good neighbor policy will continue and this may
25 be something that can be handled as part of that

1 process as well.

2 CHAIRPERSON HEATH: What are the next steps
3 with regard to the good neighbor policy?

4 MS. ZEILINGER: So we'll work with the ANC
5 commissioners and the council member to make sure
6 that we have a representative board of community
7 members who can work with us both as in related to
8 the final design elements, issues that may come up
9 during the construction, as well as program
10 operations in a going forward way.

11 We will set a set of milestones. In
12 particular, that we want to make sure that we have
13 representative community input on, and we will make
14 sure we have a cadence of meetings as well, equipped
15 in each community, so that we have input on each of
16 those milestones that need to occur in the project.

17 I also, I am wanting to note we had talked
18 about the hearing that we did around the design
19 elements. We also, when the council held three
20 hearings, also had a hearing as it related to these
21 specific property proposals after we had done the
22 community meetings around the design elements where
23 there was additional input, opportunity to provide
24 input on the public record and we did hear a lot of
25 support in particular for the ward -- the site during

1 the council hearing, which may be relevant in terms
2 of opportunities for input as well.

3 But those are specifically around the
4 community advisory teams. Those are the next steps
5 we're moving forward within the next week or so, to
6 convene those teams to work with us. We wanted to be
7 a little clear on where we stood as it related to our
8 development based on our request for zoning relief.

9 CHAIRPERSON HEATH: Okay.

10 MR. HILL: So, I guess, Madam Chair, I'm just
11 kind of -- my discomfort is that I don't have a
12 letter from the ANC.

13 CHAIRPERSON HEATH: Uh-huh.

14 MR. HILL: And I don't have anything to kind
15 of go on, one way or the other, what they really
16 think. And I'm disappointed that the ANC did a vote,
17 you know? I mean, all they voted on was for a
18 postponement. I mean, we've heard now, the whole
19 hearing. You know, I guess we could deliberate and I
20 could also -- you know, I'm going to be a little
21 wishy washy here. I could also move to deliberation.
22 But, you know, if I had something from the ANC to --
23 and the ANC, the reason why we're not going with the
24 postponement is because the reasons that were given
25 were not in our purview. I mean, it just doesn't

1 matter, you know, what -- and there has been brought
2 up, you know, cost and price. And that's not
3 anything that is within our purview.

4 And so, there wasn't any reason for us to
5 postpone based upon what we were given as a reason to
6 postpone.

7 To Mr. Collins, I suppose, you know, if this
8 were at a limited hearing and there was an
9 opportunity to just, you know, hear from -- because I
10 don't even -- again, I don't know if it was a
11 three/two vote, if it as a four/one, if it was
12 opposed. You know, I don't know anything about what
13 the ANC thinks about the actual project. I mean,
14 I've heard somebody come and testify that they had a
15 lot of concerns, however, they don't really have a
16 problem with the project.

17 And so it makes it difficult for me. So the
18 question that I have for you is, you know, is three
19 weeks, 45 days, or maybe Director Zeilinger can --
20 Zeilinger? Can tell me again, is that really going
21 to harm the project, because I don't want to get in
22 the way of that either.

23 MS. ZEILINGER: So -- oh, were you asking me
24 about time line? So we are on a very aggressive time
25 line and we -- our hope is to be able to move forward

1 expeditiously. We've been working, you know, for a
2 number -- for more than a year, a year and a half on
3 the preparation and we have a lot of urgency around
4 being able to provide the services that are needed
5 for families. I have hundreds of families in
6 overflow motels right now because of our inability --
7 because we need the program space to provide the
8 services that are needed. And there is a tremendous
9 cost to the District every single day that that is
10 the case. So I have a lot of urgency in our ability
11 to move forward with this project as quickly as we're
12 able.

13 Now, I absolutely respect the value of the
14 answering the questions and the community input, and
15 we have done everything within our power and our
16 intent was to do that fully, and we did it the same
17 way in Ward 4 with this ANC as we did everywhere else
18 throughout the District, and hope that we can move
19 forward.

20 I think that generally the opposition is not
21 to the actual project. There may be outstanding
22 questions but those questions were not about, should
23 we move forward with this particular site as is
24 generally designed. And I hope that we can move on
25 behalf of the residents who are looking to us to

1 provide the necessary services.

2 MR. HILL: Okay. So then, Madam Chair, based
3 on Director Zeilinger's comments, I would be happy to
4 deliberate today.

5 CHAIRPERSON HEATH: So is the Board ready to
6 move to deliberation? Okay. All right. Anybody
7 want to start?

8 MR. HILL: You know, Madam Chair, I think I
9 said a lot of the things that I had concerns about.
10 And for me, you know, I didn't want to kind of stand
11 in the way of the opportunity to deliberate now and
12 move this forward for the good of the families. I
13 mean, this again in my opinion, has you know, what I
14 think again is that it does, the variance, the three-
15 prong test has been met. You know, the Office of
16 Planning has you know, rest on the analysis of the
17 Office of Planning in terms of why the variance
18 should be approved and why this application should
19 move forward.

20 Again, for me it was just the actual not
21 having a letter or such from the ANC, but what they
22 provided us with was just something that was not in
23 our purview in order to postpone it. So I don't know
24 if that necessarily would have changed anything for
25 me because I do think that the standard has been met.

1 And so there -- different things that might have come
2 up with, again, with price and those type of issues,
3 I mean this again has gone through the council
4 already. This has been approved by the council. And
5 so it's our job to see if it has met the variance in
6 order -- you know, the standard, in order to move
7 forward and I believe it has. So I would be in
8 support.

9 CHAIRPERSON HEATH: Okay.

10 MR. HOOD: And I would just add, Madam Chair,
11 I know that we were contemplating on whether to send
12 it back and let the ANC get some involvement. But I
13 feel very good about what I've heard in all these
14 cases where there would be an opportunity for Vice
15 Chair Bowser and the ANC to continue to have ongoing
16 dialog with the -- I'm going to use their word, the
17 agreement policy or policy agreement. I like the
18 good neighbor policy.

19 But that gives me a comfort level to know
20 that those discussions are still going to be head
21 because as far as I'm concerned, I've been around a
22 long time. Not even on the Zoning Commission or
23 community activist in Ward 5, and I can tell you that
24 this homelessness issue has gotten further than I've
25 ever seen it, at least in my lifetime.

1 So I think we need to not be standing in the
2 way of it. I think everybody, we need to get on
3 board, and I think that with the agreement
4 Commissioner Bowser and others, some of the concerns
5 that they have can be addressed in that situation and
6 I'm looking to the administration to make sure that
7 those agreements happen because we don't want to put
8 neighbors on promise land, and so far I have not seen
9 that done. I don't have any evidence of it, I think
10 that agreement could be forthcoming, and I think it
11 will be something that the community and the
12 administration can continue to collaborate on. So
13 that's my second the motion.

14 Was that a motion?

15 CHAIRPERSON HEATH: It was not a motion yet.

16 MR. HILL: No, but I also wanted to just
17 mention, Commissioner Hood, that yes, the advisory
18 bodies that have been mentioned and these are going
19 to come up again before us. You know, that's
20 something that I think is very good to hear more
21 about and how the mechanics of them work, and moving
22 forward what happens after here. That's very helpful
23 for us. Thank you.

24 CHAIRPERSON HEATH: Yeah, and I will echo
25 that because as I said earlier, my real concern was

1 making sure that the community has been heard and
2 that the ANC in particular feels that they are a part
3 of this process. So I'm really encouraged by this
4 community neighborhood agreement, or policy as
5 Commissioner Hood has called it. But you know, the
6 fact that this continues even in the next week, I
7 think is a really good thing.

8 And one of the reasons why I can feel -- I
9 can support moving forward with a decision on this
10 and support this project today rather than waiting
11 until the ANC has another chance to meet on this, I
12 know there -- this policy will allow the ANC to weigh
13 in on whatever issues, whether they're germane to
14 this board or not, then weigh in on whatever issues
15 they can and hopefully get whatever questions they
16 have, answered, whether there's any ability to change
17 anything or not, I think they certainly deserve to
18 know the process and to have their questions
19 answered. So I hope that that will happen as a part
20 of the next steps that begin as soon as next week,
21 and that the ANC will be an active participant in
22 that.

23 So with that I will make a motion that we
24 approve the -- get back to my notes here. The
25 request for variances and special exception from the

1 community based residential requirements to establish
2 a short-term family housing facility at 5505 5th
3 Street Northwest.

4 MR. HILL: Second.

5 CHAIRPERSON HEATH: The motion has been made
6 and seconded. Any further discussion? All right.

7 [Vote taken.]

8 CHAIRPERSON HEATH: The motion carries.
9 Thank you. And thank you, Ms. Bowser.

10 MR. MOY: Staff would record the vote as four
11 to zero to one. This is on the motion of Chairperson
12 Heath to approve the application for the relief
13 requested. Seconded the motion, Mr. Hill. Also in
14 support, Mr. Hinkle and Commissioner Anthony Hood.
15 No other member participating. The motion carries,
16 Madam Chair.

17 CHAIRPERSON HEATH: All right. Can we do
18 either -- do we have to do a full order on this since
19 we don't ANC?

20 MR. MOY: I don't believe so. I would defer
21 to OAG.

22 CHAIRPERSON HEATH: We don't have an
23 opposition.

24 MR. MOY: There's no opposition letter from
25 the ANC at all.

1 CHAIRPERSON HEATH: Okay. So then, summary.
2 All right. Any other matters coming before the
3 Board?

4 MR. MOY: There's only one last one, which is
5 the roll call vote of the Board on closed meetings
6 for the month of July.

7 CHAIRPERSON HEATH: The vote is no. All
8 right. So, in accordance with Section 405C of the
9 Open Meetings Act of D.C., Official Code Section 2-
10 575C, I move that the Board of Zoning Adjustment hold
11 closed meetings on the Mondays of July 11th, July
12 18th, July 25th if necessary, and Tuesday, July 5th.
13 These meetings start at 4:00 p.m. and are held for
14 the purpose of obtaining legal advice from our
15 counsel, and deliberating upon but not voting on
16 cases scheduled to be publically heard or decided by
17 the Board on the day after each such closed meeting.

18 Those cases are identified on the Board's
19 public meeting and hearing agendas for July 12th,
20 July 19th, July 26th, and Wednesday, July 6th.

21 A closed meeting for these purposes is
22 permitted by Sections 405-B4, and 405-B13 of the Act.
23 Is there a second?

24 MR. HINKLE: Second.

25 CHAIRPERSON HEATH: Will the Secretary please

1 take a roll call vote on the motion?

2 MR. MOY: Thank you, Madam Chair. And when I
3 call a member's name if you could please reply with a
4 yes or a no?

5 [Roll call vote taken.]

6 MR. MOY: Commissioner Hood.

7 MR. HOOD: Yes. Yes. I'm sorry. Yes.

8 MR. MOY: Mr. Hill?

9 MR. HILL: Aye.

10 MR. MOY: Chairperson Heath?

11 CHAIRPERSON HEATH: Yes.

12 MR. MOY: Mr. Hinkle.

13 CHAIRPERSON HEATH: If you have to.

14 MR. HINKLE: I guess. I will lose if I voted
15 no, so.

16 CHAIRPERSON HEATH: All right. All right.

17 MR. MOY: Thank you.

18 MR. HINKLE: Yes.

19 MR. MOY: And Vice Chair Butani is not
20 present today, but the motion carries, Madam Chair.

21 CHAIRPERSON HEATH: Okay. So, I request that
22 the Office of Zoning provide notice of these closed
23 meetings in accordance with the act.

24 MR. MOY: Thank you.

25 CHAIRPERSON HEATH: Any other matters?

1 MR. MOY: Not from the staff.

2 CHAIRPERSON HEATH: Then we're adjourned.

3 Thank you.

4 [Whereupon, at 2:38 p.m., the Board Hearing
5 was adjourned.]

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