

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 ZONING COMMISSION

3
4 Public Hearing

5 19451

6 ANC-6D

7
8
9 10:19 a.m. to 11:04 a.m.

10 Wednesday, March 1, 2017

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13 Jerrily R. Kress Memorial Hearing Room

14 Judiciary One Building

15 441 4th Street, N.W.

16 Suite 220 South

17 Washington, D.C. 20001

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21 Pages: 1 - 43

22 Reported By: Shaylah Lynn Burrill

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APPEARANCES

Board Members:

- FREDRICK HILL, Chairman
- CARLTON HART, Vice Chair
- ROBERT MILLER, Commissioner
- LESYLLEE WHITE, Commissioner

Office of Zoning:

- CLIFFORD MOY, Secretary

Office of Planning:

- MARIE BROWN-ROBERTS

District Department of Transportation

- JOEL LAWSON
- EVELYN ISREAL

1 PROCEEDINGS

2 CHAIRMAN: Okay, let's get started again.
3 Is there anyone here that has not been sworn in?
4 Has everyone been sworn in who's going to
5 testify? If there is anyone that has not been
6 sworn in if you could please stand and take the
7 oath administered by the Secretary.

8 MR. MOY: Administering oath.

9 AUDIENCE THAT WILL TESTIFY: I do.

10 MR. MOY: Okay, thank you. Please be
11 seated.

12 CHAIRMAN: Alright, great.

13 MR. MOY: Mr. Chairman this is the third
14 shelter case known as Application number 19451 of
15 District of Columbia. Caption and advertise for
16 special exception under the parking requirements
17 of subtitle C section 703.1, and the RF-use
18 requirements of Subtitle U section 320.1 (a) and
19 a variance of the height requirements of Subtitle
20 E section 303.1. This would allow the
21 construction of a short term family housing
22 facility with a ground floor health care facility

1 of the RF-1 zone. This is at 850 Delaware Avenue
2 South West (Square 590E, Lot 800).

3 As the board is well aware, there was a party
4 status in opposition request which has been
5 withdrawn. The only other preliminary I have Mr.
6 Chairman is that there was a filing from an
7 individual late morning or early afternoon. That
8 was handed to me by the name of Dan Forsyth.
9 Attached to his written testimony was a request
10 for party status. As the board is aware, the time
11 requirements, this is untimely as a request for
12 party status has a deadline of fourteen days.

13 CHAIRMAN: Yeah, thank you, Mr. Moy. I did
14 get the paperwork that you are speaking of, and
15 it is untimely. So, I am not going to entertain
16 the thought of the party status at this point.
17 With that, if we could just introduce ourselves
18 from right to left. My right to left.

19 MR. VANPELT: I'm Dan VanPelt, principal
20 of Groove Slade Associates.

21 MS. GILLIS: Greer Gillis, Director of
22 Department of General Services.

23 MS. ZEILINGER: Laura Zeilinger, director
24 of the Department of Human Services.

1 MR. BURKE: John Burke, principal at
2 Studio 27 Architecture.

3 MS. BLOOMFIELD: Jessica Bloomfield, the
4 law firm of Holland and Knight.

5 MR. COLLINS: Christopher Collins, Holland
6 and Knight.

7 MR. MARZOLF: Jacob Marzolf, Studio 27
8 Architecture.

9 CHAIRMAN: Okay, who is going to be
10 presenting?

11 MR. COLLINS: I will.

12 CHAIRMAN: Okay, Mr. Collins how much time
13 do you think you would like to present your case?
14 And we can do this as officially as possibly, and
15 I don't have any particular questions right off
16 the top of my head. If the board does then,
17 please let me know right now which way to direct
18 Mr. Collins. Is there anything specific that you
19 like to hear? Okay, the record I believe is full.
20 We have now been very well practiced in these
21 cases over the past 14 hours.

22 [LAUGHTER]

1 And so - thirteen hours. And so, Again you can
2 take - well, how much time do you think you need?

3 MR. COLLINS: Well, Mr. Chairman, I am
4 mindful of the fact that we do need to make a
5 record. But I am also mindful of the fact that
6 there is a lot in the record.

7 CHAIRMAN: Yes.

8 MR. COLLINS: So, uh -

9 CHAIRMAN: Mr. Collins, I want you to be
10 efficient. I don't want to again do this in a way
11 that's too expeditious also.

12 MR. COLLINS: Thank you. Thank you. In
13 terms of time, we probably could do it in - if we
14 start with forty minutes and we will probably use
15 less.

16 CHAIRMAN: Okay, let's see how that goes.
17 Alright, thank you.

18 MR. COLLINS: Alright, first of all, just
19 a housekeeping measure. We do have three expert
20 witnesses. They all previously have testified as
21 experts, and I just would like to make sure that
22 they are qualified as experts. In this case, it
23 would be director Zeilinger, from Department of
24 Human services. John Burke, for Studio 27. And

1 Dan VanPelt, for Groove Slade Architects.

2 CHAIRMAN: At least two of the people have
3 been with us all day. I reviewed everything that
4 has been submitted, and I don't have any issues
5 in terms of them being submitted as experts. Does
6 the board have any comments? Okay, thank you.

7 MR. COLLINS: This is an application as
8 Mr. Moy read for two special exceptions and one
9 variance for the emergency shelter. We have some
10 slides here that you've seen before in the other
11 cases, but they are in this case as well. These
12 are general cases. This one describes the
13 homeward DC initiative. The next would be the DC
14 law that guides the design and identifies this
15 site. The next page would be the description of
16 the project. Again, this is all in the record.

17 CHAIRMAN: Mr. Collins, which exhibit is
18 that? Just so I can get to it. Do you know?

19 MR. COLLINS: The exhibit? The PowerPoint?

20 CHAIRMAN: Yeah.

21 FEMALE SPEAKER: Sixty.

22 CHAIRMAN: Sixty? Thank you.

1 MR. COLLINS: We're on page four, which
2 describes the project as a city-owned land. Seven
3 story emergency shelter. Family services wrap
4 around services on the site. Including space for
5 the wrap around services. The dining room,
6 computer room, laundry. Common rooms on each
7 floor. Health examination room, outdoor
8 recreation play space, and indoor play areas as
9 well on each floor.

10 It is a wholly contained facility. Similar to
11 what you have seen in the other cases as well.
12 The facility will be dignified ensuring privacy
13 and safety. There will be private bathrooms. The
14 project service is in support are listed there.
15 The wrap around services, partnership with
16 community organizations, and twenty-four-hour
17 staffing and security.

18 The goal is to transition into - residents
19 into permanent housing as soon as possible. The
20 next slide shows a design requirements. All these
21 are present in the Ward Six program. Then finally
22 and as it's been pointed out in the other cases,
23 but just to make the record here. Especially -
24 the special exception variance case. And in

1 variance cases, the Board of Zoning Adjustment
2 can apply a relaxed standard in a public service
3 project such as this. We have a variance from the
4 height requirements, which we will describe in a
5 little more detail.

6 Our statement is exhibit thirty-eight of the
7 record. I will return to that at the end. At this
8 point, I will answer any questions on what I've
9 just gone through, and we can go directly to John
10 Burke, the architect for the project.

11 CHAIRMAN: Okay, that's fine. Thank you.

12 MR. BURKE: What I'll do, just being
13 conscious of time again is quickly walk through
14 some slides and provide some orientation and the
15 guidelines that drove the design of this
16 facility. The first map here is really an
17 orientation map. We're in the southwest. The red
18 triangle indicates our site. It's at the corner
19 of First Street and Delaware Avenue. Delaware
20 Avenue is one of L'Enfant arterial streets. It
21 has a straight sight line to the Capitol.

22 If you were to walk from our site and you

1 would walk to the north, you would hit 395. If
2 you walk to the south, you will reach the
3 Anacostia River. You walk to the east you would
4 eventually wind up at the National Stadium, to
5 the west of DCR headquarters.

6 This is some pictures of the existing
7 building that is located on the site. Then a
8 little bit of a blow up of the site plan itself.
9 Again, marking the triangle that is the property
10 of the District in white. Then each one of the
11 views of the site is indicated on the site plan
12 of the building. Indicated on the site plan. One
13 thing I think it's - I'm sure you heard in the
14 other cases I'm sure. There was an extensive
15 community outreach program. In addition to the
16 advisory committee and the community meetings we
17 also walked the site with the neighbors. We heard
18 about the difference things that they would like
19 to see achieved at the building.

20 Among those items were a site that respected
21 the view shed of Delaware Avenue. It was a site
22 that respected the canopy trees that had
23 currently ran down I street. Around the site. It
24 was a site that did not have a front and a back,

1 but contentious activity and motion all around
2 it. And a site that was very conscientious of The
3 Randall school development that is now occurring
4 next door as a PUD for a hundred and ten story
5 building.

6 The clinic that is currently using the
7 existing building, not too full capacity. But is
8 housed in the building the other thing that the
9 community really wanted to do is to keep that
10 clinic on the site with our new building.

11 This is a little bit of a blow up of that.
12 The red line indicates the boundaries of our
13 site. The blue dash line is a federal
14 reservation. So, that is a place of our property
15 that we are not building on and cannot build on.
16 Then the green indicates the extent of the PUD
17 development for The Randall School. Our site has
18 a thirty-five foot and three-story height. It is
19 a little bit of an anomaly as The Randall School
20 PUD is a one hundred and ten feet. Then to the
21 West Capitol Gateway Apartment building is one-
22 hundred feet. So, our design idea was to stay

1 within the footprint of the existing building and
2 persevere the green space around the building,
3 and that is something that the community
4 supported. They were much more in favor of going
5 a little bit higher if we could keep the
6 reservation and we could keep the fuchsia, and we
7 could keep the canopy of trees, so that is what
8 we did.

9 The other thing that this allowed us to do is
10 sort of keep the front facade of our building
11 online with the development of The Randall
12 School. So, we have the contentious bulk vein
13 plan, and that is where the entrance of the
14 clinic will be. It will be off of I Street. The
15 entrance of the short term family shelter will
16 come off of Delaware Avenue. So, again, we're
17 responding to a request of the neighborhood that
18 there be activity around the building and that
19 each facade of the building acknowledge its
20 immediate neighbors.

21 The other things that we try to get into that
22 are a little more subtitle are elevating the
23 first floor of our building. So, that it occurred
24 at approximately the same elevation of The

1 Randall School next door. Which is three or four
2 feet above the grade. That lets us keep - as
3 you're walking down the street again in a
4 pedestrian manner. It lets you keep the small
5 walls and the retaining walls that are left over
6 from when this was a zone that flooded. And it
7 also allows us to maintain that same - when we go
8 up with our height, our height is still a little
9 less than the adjoining buildings.

10 Our parking is located along First Street.

11 And we've got, we've put a total of 13 spaces in
12 there.

13 That is the maximum we can get in with this site.
14 However, it is also completely consistent with
15 the program requirements. Looking at a
16 perspective here, we're looking at the northwest.
17 You can see the ziggurat nature of the west
18 elevation where the units are located. This is to
19 capture light and also to also create a little
20 bit of an individual identity with each building.

21 On the north side, we have glass. This is
22 where the community rooms for the building will

1 be. So, they'll not only have glass and light,
2 but they will also have nice views out to the
3 Capitol. I'll just run through the plans very
4 quickly. The seller will be dedicated to the
5 federally qualified health provider. The first
6 floor - the access to the clinic will be here.
7 The access to the short-term family housing will
8 be here. Then we've got all our support spaces
9 and larger community spaces on the ground floor.

10 As you start to move up in the blue are the
11 residential units, and the yellow are the
12 bathrooms. The orange are the community spaces.
13 Then the other thing that we were very conscious
14 of was actually trying to create a little bit of
15 outdoor space on every single floor. So, that you
16 didn't have to go down the elevator and out the
17 front door to get outside. You had both indoor
18 community space, and you had a little bit of
19 outdoor community space.

20 And so that is something that we really
21 wanted to maintain on each floor. That gives us
22 an opportunity. Not just for the diversity of
23 experience of the residence, but also additional
24 opportunities to bring light into the corridor

1 and the space, so it's not a dark or unpleasant
2 space.

3 CHAIRMAN: And just real quickly. In this
4 case, where is the monitor on this?

5 MR. BURKE: The monitor is located right
6 here.

7 CHAIRMAN: Okay, thank you.

8 MR. BURKE: And as the building goes up
9 you see that the floors step back. And again, we
10 are acknowledging the view shed of Delaware
11 Avenue. And we're also using that gesture to
12 capture additional light on each unit. Quickly,
13 the elevation to the north, again this is the
14 glassy elevation that is based at the community
15 room. So, it is to provide the North non-solar
16 light, as well as views.

17 The elevation from I Street. Again, you can
18 see the little bit of lift that you get up to get
19 up to the main entry here that people will come
20 in to use the clinic. This is our side that faces
21 First Street. This is our quietest and most
22 demure elevation, and that's in response to being

1 respectful and coordinating with the future
2 Randall development next door. Finally, this
3 elevation here is the elevation that steps back
4 and has the ziggurat effect. And again you can
5 see the reflection of the trees in the windows
6 that will remain on the - the tree canopy that
7 will remain on the street. We'll also use clear
8 story glass on both the west and the east side to
9 provide light to the clinic.

10 Quick section in the short side and a section
11 on the long side, and then finally an elevation
12 in the southeast where you can see the I Street
13 elevation and then the First Street elevation.
14 Then an elevation from the North West where you
15 can see the units, the community rooms, the
16 ground floor and the clear story glass for the
17 clinic.

18 MR. COLLINS: Thank you, and we have the
19 testimony of director Zeilinger and director
20 Gillis in the record, and they are able to just
21 summarize their testimony.

22 MS. ZEILINGER: Good evening.

23 CHAIRMAN: Good evening.

24 MS. ZEILINGER: Laura Zeilinger, director

1 of the Department of Human Services. Here in
2 support of our request for relief for the short
3 term family housing at 850 Delaware Avenue,
4 Southwest. Again the program that is part of our
5 overall strategy to close and replace DC General.
6 I am here on behalf of the agency as well as to
7 provide my expert opinion as needed. But, overall
8 the description of the program, the purpose of
9 the initiative, the zoning that we were subject
10 to under the emergency shelter exception applies
11 as in the prior testimony and the design
12 requirements are all also exactly the same for
13 this program.

14 What differs of course is the community, and
15 therefore, I also want to take a moment to talk
16 about our community engagement strategy in Ward
17 Six similarly following the DC council
18 legislation. We worked with the council member in
19 the ANC's to establish community and advisory
20 teams. The Ward Six community advisory team began
21 meeting in September of 2016, to ensure all the
22 same purposes that we talked about in length

1 today.

2 Jay Melder who is deputy director of the
3 Office of Policy and Legislative Affairs and was
4 previously chief of staff of the department of
5 human services. His administration's co-chair
6 with Andy Linsky the ANC 6D chair of the
7 community advisory team. The membership - we have
8 representation from ANC 6D the Amidon-Bowen PTA,
9 Greenleaf Garden residential counsel the
10 southwest neighborhood assembly Capital Park.
11 Condominium association. As well as adjacent
12 developments such as Randall School. Council
13 member Charles Allens office in our ICH and
14 Mayors office of community relations and services
15 in the Department of General services have all
16 been very active partners in the advisory team.

17 We've had a robust process with the team.
18 They have had great input with the beautiful
19 design, that have just been presented to you and
20 the ANC pastor resolution five to zero with one
21 abstention completely in favor of the relief that
22 we are seeking today that I know is given great
23 weight as part of your consideration. So, as you
24 can see our community engagement was robust and

1 thoughtful and responsive and we're very happy
2 that we have broad community support. We're
3 excited by the opportunity, again here to write
4 by families who experience homelessness and
5 provide services to them in a sitting that they
6 deserve and that we'll support them to thrive.
7 And again at the conclusion of our testimony and
8 I stand ready to answer any questions. Again
9 thank you for your consideration.

10 CHAIRMAN: Thank you director Zeilinger.

11 MS. GILLIS: Good evening.

12 CHAIRMAN: Good evening.

13 MS. GILLIS: Chairperson Hill. Members and
14 staff of the Board of Zoning Adjustment. I am
15 Greer Gillis, director of the Department of
16 General Services or DGS. Here to talk about our
17 efforts to support Mayor Bowers goal to close DC
18 General by 2018 and specifically speaking about
19 the Ward Six site. We're seeking zoning relief as
20 director Zeilinger had mentioned for approval of
21 850 Delaware Avenue Southwest, as an emergency
22 shelter in the RF-1 district for more than

1 fifteen person section U-203.1(h) identifies
2 conditions for approving an emergency shelter
3 use. The BZA may approve more than fifteen
4 persons if there are no other reasonable
5 alternative to meet the program needs of that
6 area of the District. As the director of DGS, I
7 can state that no other reasonable alternative
8 has practical to meet the needs of the district.

9 So, we followed the same process that we
10 processed on the previous sites with regard to
11 looking at the district on inventory followed by
12 solicitation for offers. Then seeking the
13 services of a broker, after we did all of that on
14 Ward Six, we received three proposals with only
15 one site. 700 Delaware Avenue Southwest to be of
16 adequate size with close proximity to public
17 transportation and having the capacity to satisfy
18 the program requirements. In my testimony, I
19 actually list the different sites for all three
20 of those proposals. Upon award, the architects
21 came on board attended bi-weekly design meetings
22 with both DGS and DHS representatives to develop
23 test fit layouts concept drawings and as the
24 designs progress, we held community meetings to

1 gather that input regarding the current design
2 direction.

3 The DC council determined that the district-
4 owned properties as with Wards Three and Five
5 would serve the city's interests better than the
6 least sites that we proposed and so the homeless
7 shelter replacement act of 2016 designated 850
8 Delaware Avenue Southwest as the district-owned
9 site and as the ward six shelter location.

10 So, this site will include an existing clinic
11 and the council's legislation last June 13th Bill
12 21-0620 designated new district on site for their
13 emergency shelter for Ward Three, Five, and Six.
14 Which require efforts to solicit, evaluate, and
15 award new teams of architects. So, in October
16 2016 Studio 27 Architects was awarded a contract
17 for architectural and engineering services
18 leading the effort for the ward six site.

19 Director Zeilinger mentioned the significant
20 and exhaustive community outreach we have by
21 means of the advisory team. And our Architects
22 actually assisted with that. Meeting with the

1 community, gathering feedback, to date, we've
2 held over a dozen meetings with the Ward Six in
3 southwest neighborhood stakeholders. Including
4 public meetings, meetings with the ANC, Council
5 members, community leaders, and advocacies
6 groups.

7 One thing I do want to bring out is because
8 we had this change to this site. As through the
9 council legislation. We do have a change in our
10 delivery date, as opposed to delivering the
11 hypothermia 2018. We would now be delivering in
12 the summer. Construction delivery in the summer
13 of 2019. So, in conclusion on behalf of Mayer
14 Bowser thank you for this opportunity to testify
15 before the board. We thank you for your time and
16 consideration, and we stand ready to answer your
17 questions.

18 MR. COLLINS: I thank you, and you also
19 have city administer Young's testimony in the
20 record. He is not here now, but his testimony is
21 in the record as well. At this point, let's go to
22 Mr. VanPelt with any questions.

23 MR. VANPELT: Good evening again members
24 of the board. I am Dan VanPelt, Principal of

1 Groove Slate Associates. I'm going to talk to you
2 about the transportation review that we performed
3 for the ward six site. The site is located on the
4 800 block of Delaware Avenue SW, between H and I
5 streets. There are several metro bus lines
6 nearby, with the nearest metro rail station
7 Waterfront station, approximately .4 miles to the
8 west. From the waterfront, station is the green
9 line. The green line connects to the L'Enfant
10 Plaza where there are silver, Blue, orange and
11 yellow line for service, and the nearest bus
12 stops are near the site, along I and 3rd street,
13 serving several routes. There are several routes
14 on M street. The nearest Capital bike share
15 station is located by the waterfront metro rail
16 station on Fourth Street.

17 There are car sharing opportunities nearby. I
18 think I'd also point out that the Randal School
19 PD next door committed to a capital bike share
20 station too so that there would be a new one
21 immediately next door at some point in the
22 future. Walkscore gives the location designation

1 a very walkable, excellent transit and bikeable
2 so there's access to several transportation
3 options available on foot or on bike.

4 There is a TDM plan I will discuss a little
5 later that talks about how we intensify so that
6 there is not auto modes. So, the transportation
7 statement was scoped with DDOT. As we talk a
8 little bit about the other case, we also just
9 scope out the transportation statements. The site
10 will include fifty rooms for families.
11 Approximately 166 beds, there is information that
12 was provided to us by the district department of
13 general services. And by the department of human
14 services that tells us that the number of
15 residences that own vehicles are extremely
16 limited. The residents are expected to take
17 transit or walk. Or be shuttled to the site.

18 There is information that was also provided
19 regarding staffing levels and shifts. There will
20 be 12 staff on site at all times here. With up to
21 25 and 27 staff being present at peak staffing
22 times. So, that depends on the program that is
23 being offered. Half of the staff is expected to
24 drive at this location, and there will be

1 relatively small number of new vehicular trips
2 that would not be expected to have an adverse
3 impact on the network. Sorry, it's getting a
4 little late.

5 There's also the capacity of other modes to
6 accommodate the new - how trips are generated.
7 The medical clinic at this location will also
8 generate a relatively small number of vehicular
9 trips as it's expected to primarily serve
10 residents in the immediate neighborhood. We did
11 scope the transportation statement with DDOT, as
12 I said, they were pleased to have DDOT support
13 for the project. And the Staff, of course, states
14 no objection and no conditions.

15 Under the current zoning, the parking
16 requirement for the emergency shelter at this
17 location be 26 spaces. The parking requirement
18 for the medical care facility is one space. There
19 will be a total of 13 spaces as Mr. Burke
20 described earlier. This will accommodate pretty
21 much all the parking you need except for when
22 their staff changes. But since there will be some

1 parking that will need to be met by on street
2 parking. We did look at the on-street parking
3 conditions in the facilities site.

4 We looked at over 300 on-street spaces within
5 a couple of blocks and found in the evening when
6 neighboring residents are coming home about half
7 of the parking in the immediate vicinity was
8 utilized. Therefore, we found there is adequate
9 parking available to accommodate the new demand
10 that the staff at the site will need to park on
11 the street without having an adverse impact on
12 the community. Much of the available street
13 parking is on the block that faces nearest the
14 site.

15 I mentioned the TDM plan; the plan was to
16 help to consultation to the applicant and to
17 tailor a way to best suit the applicant and the
18 staff to take advantage of the non-auto options
19 afforded this location. That includes a
20 coordinator. Marketing program, bicycle parking
21 and transit subsidiaries for residency - for
22 residents. And lastly, a loading, the union
23 requires that there is one loading berth at 12 by
24 30 feet and one loading platform, and one service

1 delivery space. All of those will be provided
2 adjacent to the site in the surface lot.

3 Based on the discussions with the Department
4 of General services, the amount of loading
5 activity expected on the site will average to six
6 to seven daily deliveries. Including food and
7 meal deliveries, trash pickup, general deliveries
8 and resident pick up drop offs. To address any
9 concerns about truck activity, there will also
10 offer a loading management plan that was
11 developed, and that will put a member of the
12 staff to coordinate loading activities. So, with
13 that, I conclude my testimony and pass it back
14 over to Mr. Collins.

15 MR. COLLINS: Thank you. You've heard the
16 architect Mr. Burke testify about the site and
17 the surrounding areas. It is sort of a trapezoid
18 shaped site. It is effective by a number of
19 constraints. The Northern part is a former
20 Federal reservation. We can't put a building
21 there. It's a federal reservation that was
22 transferred to DC. It was transferred

1 jurisdiction for highway purposes so we cannot
2 put the building footprint on that part. Then to
3 the east, we have the former first street right
4 of way. The area that is for parking is formally
5 a portion of First Street Southwest. It's a long
6 front plan street. The conferences of plan
7 encourages the retention of sight line vistas on
8 closed long front planned streets, and so we have
9 these constraints affecting the site.

10 It is surrounded on the other three sides by
11 public streets. To the east is the Randall
12 school. To the west is the Capitol Park Plaza.
13 Both of which is taller buildings than our
14 building, even though the height limitation is
15 set at 35 feet and three stories. Those taller
16 building, we believe will be consistent with the
17 streetscape both to the east and to the west
18 along the street.

19 The project does meet all of the development
20 guidelines except for height. But the RF-1 zone
21 interestingly does allow a height of 90 feet. It
22 allows a height of 90 feet provided that the
23 building is set back at least 90 feet. One of one
24 from all adjacent property lines. We need to

1 spear the regulation if not the letter. We need
2 to spear it because we are set back at least 90
3 feet for all adjacent property lines of neighbors
4 across the rights of way to the North, to the
5 west, to the south. We are at least also 90 feet
6 away from the Randall school building. So, we do
7 meet the spirit of the regulation if not the
8 letter. But we're asking for the variance for the
9 height limitation.

10 The statement at exhibit 38, it does set
11 forth the rationale for relief we did submit a
12 memorandum exchange of emails with the zoning
13 administration, in which he did confirm the
14 relief that we are requesting before the board
15 today, and that was submitted into the record.
16 Let me catch up - so, the plan is, it is
17 harmonious with the general purpose and intent
18 with the regulations as we said it will provide
19 safe and secure housing accommodations consistent
20 with the laws and policies to the district, and
21 there are an adequate number of parking spaces to
22 be provided onsite.

1 The board can approve more than 15 units in
2 the building and find that the program goals and
3 obstacles in objection to the district cannot be
4 achieved by a smaller facility and there is no
5 other reasonable alternative as director Gillis
6 mentioned. That is addressed in pages 10 through
7 14 in our pre hearing statement which is at
8 Exhibit 38. The parking, the board can approve
9 the special exception to reduce the parking if
10 any one of the number of criteria are met, and we
11 meet several. We're well served by other
12 transportation options. The land use and
13 transportation characteristics of the
14 neighborhood minimize the need for a full number
15 of parking spaces required in the chart for
16 zoning and the demand that the site will be far
17 less than the minimum parking standard required.

18 The reduction to twelve spaces is the maximum
19 that can physically be accommodated on the site.
20 And that is addressed in more detail and the
21 specifics on our PowerPoint presentation. With
22 the height is an exceptional situation or
23 condition affecting the site, which I've
24 mentioned the unusual shape, the federal

1 reservation restrictions. The very first First
2 street right of way site visit that was mandated
3 by the Council for fifty units and there is also
4 a clinic use on this site as well. Practical
5 difficulties that the law requires fifty units
6 and a clinic on the site. We cannot provide all
7 that within 35 feet and three stories maximum.
8 And the statement discusses that in more detail.
9 It's like jello pushing jello. If we have to push
10 it down to 35 feet, it would have to spread out.
11 It can't spread out because it will interfere
12 with the first street right of way, or the
13 Delaware Avenue Public space. Or the streets to
14 the north and south. Or if we push it - if it's
15 not jello but solid and we push it down, and we
16 have housing units below grade. That's
17 inconsistent with the building code. SO, in
18 effort to get the 50 units on the site, we had no
19 choice but to go to the height of 90 feet which
20 again is permitted in certain instances in the
21 RF-1 one. And it is consistent with the character
22 of the north side of the street and to our

1 neighbors directly to the east and to the west.

2 For those reasons, I believe there is no
3 substantial determine to the public good. The
4 height, we, do - page 40 - excuse me a second.
5 Yeah, you can see in the PowerPoint, page 42 of
6 the PowerPoint how we meet the provisions of the
7 section 203.1H and we've testified to that in
8 some detail, and it's also set forth in the - in
9 our pre-hearing statement.

10 I would like to go specifically to the - on
11 page 46 of the PowerPoint about the parking. We
12 have 12 spaces - surface spaces - that's the
13 maximum number we can put on this site giving the
14 layout and the requirements for the depth of the
15 space. When you put them at a 45 degree angle for
16 the parking, it allows you to have a 17-foot
17 drive. That's what we have in the spaces of the
18 17-foot driver. We cannot make them perpendicular
19 spaces and pick them up another one or two
20 because that would make the drawing value not
21 wide enough to actually maneuver in the spaces.

22 We also cannot put the spaces anywhere else
23 on sight. The only other theoretical location
24 would be beneath the building. We're already down

1 one level below grade, with the clinic. We can
2 have - if you need the architect to testify to
3 this, the going down additional levels below
4 grade as detailed of page 46 of the PowerPoint
5 would make the project economically infeasible.

6 You'd have to have more than one level below
7 grade because of the need for a ramp. The
8 inefficient layout of the garage because it would
9 be a trapezoid shape. It's 80 feet at the south
10 end and tapers off to 40 feet at the north end.
11 And you would have to have a ramp that goes down.
12 So, it might be a contentious circular ramp that
13 goes down three or four levels. Which makes the
14 project economically infeasible all to build
15 space that is not going to be used. Because the
16 residents typically do not have cars. The
17 experience with the residence at DC General now
18 is that they generally do not have cars. With the
19 modal split in the report that Mr. VanPelt did,
20 of the employees coming to the site, the 12
21 spaces onsite will be able to accommodate the
22 number of people driven to the site. The people

1 at the change of shifts, and that's when - and
2 that will be accommodated.

3 So, with that it's - I like to also point out
4 that we do have the support of ANC 6D the office
5 of planning the department of transportation
6 council member Allen. The police department, the
7 fire department, DC public schools. The council
8 chairman, there are several other support letters
9 as well in the record as well as an interesting
10 article from the South Westeral, a local
11 newspaper. It really describes - we couldn't say
12 it any better. It describes the community
13 engagement process and great detail. And it's
14 really interesting to read how the community came
15 together and how you have resulting in the near
16 unanimous arrival ANC and the fact that there is
17 nearly no one here to speak in the contrary to
18 this case.

19 CHAIRMAN: You don't know that yet.

20 MR. COLLINS: Well, not yet, maybe we do.
21 But we do have overwhelming support with a lot of
22 cooperation from a lot of people and a lot of
23 community engagement over time - continuing
24 community engagement and - so, if you like, I can

1 have Mr. Burke talk about the economic
2 infeasibility of creating a garage okay. Well,
3 with that, that ends our case in chief.

4 CHAIRMAN: Okay, I'm going to let the
5 board ask questions at the end if that's alright.
6 Then I can just turn to the office of planning
7 unless you have some immediate need right now for
8 questions. Okay, could I turn to the office of
9 planning?

10 MS. BROWN-ROBERTS: Good evening Mr.
11 Chairman and members of the board. For the
12 record, Maxine Brown-Roberts for the Office of
13 Planning. And I am going to stand on the record
14 and say that the Office of Planning is fully in
15 support of this proposed shelter and medical
16 facility. Thank you, Mr. Chairman.

17 CHAIRMAN: Okay, thank you, since DDOT is
18 here would you like to please add your comments.

19 MS. DDOT: Yes Chairman, DDOT actually
20 rests on the record as well.

21 CHAIRMAN: Okay, does the board have any
22 question for the Office of Planning or DDOT? Does

1 the applicant have any questions for the Office
2 of Planning or DDOT?

3 I am going to turn to the audience now. Is
4 there anyone here from the ANC wishing to speak?
5 Is there anyone here wishing to speak in support
6 of the application?

7 Is there anyone here wishing to speak in
8 opposition of the application? Alright, and with
9 that, I will turn back to the applicant. Does the
10 applicant have anything further to add?

11 MR. COLLINS: We do believe that the
12 record is complete and that we have satisfied -
13 we have demonstrated with substantial evidence
14 that we satisfy all of the requirements for
15 special exception and variance relief.

16 CHAIRMAN: Okay, I'm just going to let the
17 board ask a couple of question - I do have a
18 question real quick. Director Zeilinger, this
19 outreach effort seems to have been more
20 productive - well, I shouldn't say more
21 productive exactly. It seems to have been more
22 smooth. Do you - without getting myself in
23 trouble for asking this question, do you know
24 what were the particular things with this project

1 that seemed to go more smoothly in terms of the
2 community engagement?

3 MS. ZEILINGER: Well, I would just say
4 that we - that there was just a different nature
5 of willingness with the ANC stakeholders to
6 really work with the city to come to an
7 agreement. So, they were advocated with the
8 council to look at this site. Because it's very
9 close to the initial site in the mayor's plan.
10 Also, on Delaware Avenue and wanting to work with
11 us to make it fit well with the community and
12 make it fit well with the community and came in
13 that spirit and we were able to achieve. I think
14 it was - from the beginning a different level of
15 acceptance for the program as a whole.

16 CHAIRMAN: Okay, and I would like to state
17 - I mean every case is different, every site is
18 different so, I can't even imagine why there
19 would be different types of opinions on this
20 particular site. But I was just somewhat curious.
21 Does the board have any questions at all for the
22 applicant? Please, Commissioner Miller.

1 MR. MILLER: Yeah, thank you, Mr.
2 Chairman, I just also wanted to commend as the
3 chairman did the administration community
4 collaboration on all of the sites, but this is
5 very successful outcome here with the ANC's
6 unanimous support. Although, as the Chairman
7 said, each site, each proposal is different. On
8 the neighborhood health, the medical clinic, I
9 read the Southwester Article, you - I guess it
10 was part of your submission somewhere. That's
11 going to be open to both, not just the residents
12 of the shelter, but residence of the neighborhood
13 and the substantia and vulnerable population in
14 that neighborhood. Is that correct?

15 MS. ZEILINGER: Yes, that's correct.

16 MR. MILLER: Okay, well thank you.

17 CHAIRMAN: Okay, does the board have any
18 more questions?

19 MR. HART: No, I just wanted to commend
20 the architect working through this. It was a
21 fairly challenging site. You have defiantly quite
22 a few constraints to deal with, and it's a very
23 interesting building. That's it.

24 MR. BURKE: Thank you.

1 CHAIRMAN: Okay.

2 MS. WHITE: Yes, I just wanted to also
3 echo that this particular case seems to have
4 moved in a very positive direction. With not a
5 lot of opposition. So, to the extent that there
6 could be some carry over to help some of the
7 other cases along to a successful resolution. It
8 might be helpful.

9 CHAIRMAN: Okay, thank you, Ms. White. I'm
10 going to go ahead and close the hearing. I'm
11 ready to deliberate. Is the board ready to
12 deliberate?

13 MS. WHITE: Yes.

14 CHAIRMAN: Okay, so, I'm going to go ahead
15 and start deliberations. I was - it is easier to
16 have deliberations when everyone was in support.
17 But I do think that the architect - I think the
18 project was very interesting and I thought the
19 program and the way that you supported the
20 program needs was very well resolved. I think as
21 I mentioned before when speaking with Director
22 Zeilinger that I think that each site is

1 different and that each site is different
2 programmatic needs and different neighborhoods
3 and different site lines and all type of things
4 as to why I can see this would have maybe been an
5 easier discussion with some community members.
6 Then again, we go into the support from the
7 council members Allen as well as the support that
8 previously - Chairman Mendelson came as well was
9 the obvious initiative that the mayor has moved
10 forward with this.

11 The residence award letters and support for
12 residence ward six also, DC public schools also
13 FEMS and MDP again that the ANC was in support to
14 five to zero to one DDOT had no objection. Office
15 of planning was in approval. After obviously full
16 review of the record, I was in the same line of
17 analysis of the Office of Planning and didn't
18 have any comments towards the office of Planning,
19 and so I would be in the mind of supporting this
20 application and just hearing what any board
21 member have to say.

22 I'll make a motion if - okay, there you go.
23 So, I am going to go ahead and make a motion to
24 approve application number 19451 as read by the

1 secretary.

2 MR. MILLER: Second.

3 CHAIRMAN: Motion has been made and
4 seconded. All those in favor?

5 BOARD MEMBERS: AYE.

6 CHAIRMAN: Aye. All those opposed? The
7 motion passed. Mr. Moy.

8 MR. MOY: The staff will record the vote
9 four to zero to one. This is on your motion Mr.
10 Chairman to approve the application for the
11 relief being requested. Seconded the motion of
12 Mr. Robert Miller. Also, in support Ms. White and
13 Vice-Chair Hart. We have a board seat vacant. The
14 motion carries.

15 CHAIRMAN: Thank you, Mr. Moy. Summary
16 order.

17 MR. MOY: Yes, thank you.

18 CHAIRMAN: And thank you, everyone, for
19 staying here for as long as you have and I
20 appreciate all the efforts that the - our
21 government is doing to try to help the community
22 in need. So, I think Mr. Moy, we are going to go

1 to our meeting docket.

2

3

4 The public hearing number 19451 was

5 concluded at 11:04 p.m.