

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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REGULAR MEETING

+ + + + +

MONDAY
APRIL 12, 2004

+ + + + +

The Regular Meeting of the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice Chairperson
JOHN PARSONS	Commissioner
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner

OFFICE OF ZONING STAFF PRESENT:

ALBERTO BASTIDA	Secretary, Zoning Commission
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OFFICE OF PLANNING STAFF PRESENT:

ELLEN MCCARTHY	Deputy Director
ARTHUR JACKSON	Office of Planning
MAXINE BROWN-ROBERTS	Office of Planning
JENNIFER STEINGASSER	Office of Planning

D.C. OFFICE OF CORPORATION COUNSEL STAFF PRESENT:

ALAN BERGSTEIN, Esq.
MARY NAGELHOUT, Esq.
JACOB RITTER, Esq.

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

6:37 p.m.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is the April 12, 2004 public meeting of the Zoning Commission of the District of Columbia. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioners Johns Parsons, Kevin Hildebrand and for the first time Commissioner Greg Jeffries, and we welcome you.

COMMISSIONER JEFFRIES: Thank you.

CHAIRPERSON MITTEN: We're at full strength again, and it feels good, so it's nice to have you.

COMMISSIONER JEFFRIES: Thank you. It's great to be here.

CHAIRPERSON MITTEN: Copies of today's meeting agenda are available to you and are located in the wall bin near the door. I would like to remind those present that we do not take any public testimony at our meetings unless the Commission specifically requests someone to come forward.

Please be advised that this proceeding is being recorded by a court reporter and is also being webcast live. Accordingly, we must ask you to refrain

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1 from making any disruptive noises or actions in the
2 hearing room. Please turn off all beepers and cell
3 phones.

4 Well, since staff isn't here to tell me if
5 we have any preliminary matters, we'll just proceed.
6 We have a number of public meeting minutes, and we'll
7 try and take them in sensible groups. And I think
8 there's a group that Commissioner Hildebrand is
9 prepared to vote on, and then there's another subset
10 which he's not prepared to vote on. So we'll deal
11 with the ones that he's not prepared to vote on as a
12 group. December 8, January 12 and February 19, I
13 believe are the three that you're not prepared to vote
14 on. Is that accurate?

15 COMMISSIONER JEFFRIES: That's correct.

16 CHAIRPERSON MITTEN: He's read the
17 transcript.

18 COMMISSIONER HILDEBRAND: Madam Chairman,
19 I read the transcripts for December 11 and for January
20 29.

21 CHAIRPERSON MITTEN: And then you were
22 present for the --

23 COMMISSIONER HILDEBRAND: For the other.
24 For the other.

25 CHAIRPERSON MITTEN: All right. Well,

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1 then I would begin by moving approval of the public
2 meeting minutes with editorial corrections for
3 December 8, January 12 and February 19.

4 COMMISSIONER PARSONS: Second.

5 CHAIRPERSON MITTEN: Any discussion? All
6 those in favor please say aye. Any -- I think we have
7 two that did not vote because they did not
8 participate. Mr. Bastida, are you going to record
9 that?

10 SECRETARY BASTIDA: Right, Madam Chairman.

11 I apologize. I forgot to start the webcast, so I had
12 to go and do it. The staff could share with you,
13 Madam Chairman, and the Commission is that there was
14 no preliminary matters. I didn't record who moved the
15 --

16 CHAIRPERSON MITTEN: I did.

17 COMMISSIONER PARSONS: And I second it.

18 SECRETARY BASTIDA: Yes.

19 CHAIRPERSON MITTEN: And the vote?

20 SECRETARY BASTIDA: The vote is five to
21 zero.

22 CHAIRPERSON MITTEN: No.

23 SECRETARY BASTIDA: I mean three, zero and
24 two.

25 CHAIRPERSON MITTEN: Yes.

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1 SECRETARY BASTIDA: Ms. Mitten moving and
2 Mr. Parsons seconding. Mr. Hood voting also in the
3 affirmative?

4 CHAIRPERSON MITTEN: Yes.

5 SECRETARY BASTIDA: Okay. Thank you.

6 CHAIRPERSON MITTEN: And Mr. Hildebrand
7 and Mr. --

8 SECRETARY BASTIDA: Then Jeffries and Mr.
9 Kevin abstaining.

10 CHAIRPERSON MITTEN: Well, actually, not
11 having participated.

12 SECRETARY BASTIDA: Right. Thank you,
13 Madam Chairman.

14 CHAIRPERSON MITTEN: All right. Then we
15 have the next group, which is December 11, January 29,
16 February 6, March 8 and March 11.

17 VICE CHAIR HOOD: Madam Chair, I would
18 move approval on those dates. I'm not exactly sure
19 which they were, but I move approval on them with any
20 necessary corrections.

21 CHAIRPERSON MITTEN: Thank you. I'll
22 second. Any discussion? All those in favor please
23 say aye. None opposed and one not voting. Mr.
24 Jeffries is not voting. Mr. Bastida.

25 SECRETARY BASTIDA: Yes. The staff would

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1 record the vote four to zero to one. Mr. Hood moving
2 and Ms. Mitten second. Mr. Parsons and Mr. Hildebrand
3 voting on the affirmative. Mr. Jeffries not voting,
4 not having participated. Madam Chairman, I'm sorry,
5 but can you repeat the dates that were included in
6 that vote?

7 CHAIRPERSON MITTEN: Yes. December 11,
8 January 29, February 6, March 8 and March 11.

9 SECRETARY BASTIDA: Thank you, Madam
10 Chairman.

11 CHAIRPERSON MITTEN: Thank you. We're
12 ready to move to the monthly status report by the
13 Office of Planning next. Ms. McCarthy.

14 MS. MCCARTHY: Thank you, Madam Chair. I
15 think the status report is fairly self-explanatory
16 except that I wanted to call your attention to the
17 first item under, "Hearing Phase," on Page 2, the
18 translope overlay text review. The Office of Planning
19 staff went out to the Forest Hills Citizens'
20 Association meeting last week and discussed our
21 alternative proposal with them. While I can't say as
22 we've produced a consensus at this point in time, we
23 did get some agreement by the different sides that
24 they thought there was some possible germ of a
25 consensus there. And they are interested in the

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1 alternative approach, and they're willing to have some
2 further discussion about it, so we would request to
3 postpone that hearing from May 6, and I think we would
4 probably look at it at a date around second or third
5 week in July.

6 CHAIRPERSON MITTEN: And that would be for
7 our annual hearing on the translope overlay?

8 (Laughter.)

9 MS. McCARTHY: Kind of celebratory summer
10 ritual.

11 CHAIRPERSON MITTEN: Okay.

12 MS. McCARTHY: It's a little late for
13 Arbor Day.

14 CHAIRPERSON MITTEN: Maybe they'll bring
15 that inflatable palm tree back.

16 (Laughter.)

17 MS. McCARTHY: Other than that, I'd be
18 happy to answer any questions from the Commission
19 members about the Office of Planning status report.

20 CHAIRPERSON MITTEN: Okay.

21 SECRETARY BASTIDA: Madam Chairman, may I
22 suggest to the Office of Planning that by May 6 we
23 will need to have a certain date we're going to
24 postpone the hearing to a day certain at that time?

25 MS. McCARTHY: That would be great. I

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1 know Karen Thomas from our staff has communicated with
2 the ANC and the members of the Forest Hills Citizens'
3 Association and especially the two different factions
4 in Forest Hills and has asked them to indicate what
5 dates they might largely or most of them be in town
6 for. So I suspect that we could let you know that
7 within a week when we get those responses back.

8 SECRETARY BASTIDA: Thank you, Ms.
9 McCarthy.

10 CHAIRPERSON MITTEN: Thank you, Mr.
11 Bastida. Any questions? Mr. Parsons?

12 COMMISSIONER PARSONS: I'm most pleased,
13 most pleased, to see Mr. Lawson has been assigned to
14 the open space zone and look forward to early
15 coordination with him. Thank you.

16 VICE CHAIR HOOD: Madam Chair?

17 MS. MCCARTHY: We're pleased that you're
18 pleased.

19 (Laughter.)

20 COMMISSIONER PARSONS: Well, it's been
21 unassigned for many years.

22 MS. MCCARTHY: I know. It's a step in the
23 right direction.

24 COMMISSIONER PARSONS: Absolutely.

25 CHAIRPERSON MITTEN: It's increased in

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1 urgency now.

2 VICE CHAIR HOOD: Madam Chair, I just
3 wanted to ask Ms. McCarthy what is the status again of
4 the Fort Totten Solid Waste Transfer Facility?

5 MS. MCCARTHY: We are still awaiting a
6 final application from the Department of Public Works,
7 and I know we had spoken to them a month or two ago
8 and they were working on it, but I'm sorry that I
9 don't have a more recent communication than that.

10 VICE CHAIR HOOD: Thank you.

11 CHAIRPERSON MITTEN: Any one else? Any
12 questions for the Office of Planning? Okay. Thank
13 you very much.

14 Then we'll move to hearing action. We
15 have two cases for hearing action. The first is Case
16 Number 04-04, which is the Carver 2000 Tenants'
17 Association Planned Unit Development. And Mr. Jackson
18 is going to make that presentation.

19 MR. JACKSON: Thank you, Madam Chair and
20 members of the Zoning Commission. I believe in your
21 package you have a copy of our preliminary report on
22 BZA Case Number 04-04, a proposal to establish the GW
23 Carver Senior Housing Planning Development on property
24 located approximately at 4800 East Capitol Street,
25 Northeast. I will briefly summarize the findings of

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1 the report and discuss some of the background.

2 On February 6, 2004, the Office of Zoning
3 received an application submitted on behalf of the
4 Carver 2000 Tenants' Association. That application
5 requested a PUD on property -- on the referenced
6 property. The Association is an organization of
7 former tenants who acquired the GW Carver Apartments
8 under the District of Columbia Right of First Purchase
9 Program.

10 The proposal is part of an overall
11 development proposal to redevelop the entire complex
12 with an apartment building that is the subject of this
13 application, a community service center, the youth
14 services, senior resources and adult learning center
15 on adjacent property and replacement of the remaining
16 building south of East Capitol Street with townhouses
17 targeted for first-time home buyers.

18 The generalized land use plan designates
19 the subject property and property south of East
20 Capitol Street, including the rest of the apartment
21 complex, for moderate density residential development,
22 characterized by row houses and garden apartments as
23 its predominant uses. The current R-5-A zoning allows
24 a maximum floor area of 0.9 FAR, a maximum height of
25 40 feet, three floors, maximum 40 percent not

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1 occupancy and requires Board of Zoning Adjustment
2 approval of all new residential developments except
3 those consisting of single-family, one-family detached
4 and semi-detached dwellings.

5 This proposal that's coming before the
6 Zoning Commission is actually going to exceed the
7 limitations that are in R-5-A. As a result, the
8 Applicant is requesting that as part of the PUD the
9 property be rezoned to R-5-B. Based on the
10 differences of what is planned and the current zoning
11 district, the Applicant selected R-5-B because it is
12 still consistent with the moderate density land use
13 destination mentioned above. In addition, it allows
14 the additional capacity that this proposal requires.
15 However, note that the proposal would only take
16 advantage of a portion of the additional area and bulk
17 allowed under the PUD with the zoning change.

18 The primary amenities include affordable
19 housing and housing for the elderly. There are also
20 amenities that are noted in the current application,
21 such as urban design and landscaping, efficient and
22 economical use of land, effective and safe vehicular
23 and pedestrian access, local project participation
24 under First Source and local small and disadvantaged
25 enterprise agreements, and creating a development with

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1 no adverse impacts in the surrounding public
2 facilities.

3 The proposal also furthers several
4 Comprehensive Plan themes in that it would demolish a
5 deteriorating and failed apartment complex that is, I
6 quote, "a detriment to the surrounding neighborhood
7 for development of an attractively designed apartment
8 house." It would also provide housing, affordable
9 housing for lower income households and provide
10 affordable housing opportunities for the elderly.

11 Based on this information, the preliminary
12 application from the Applicant, OP concludes that this
13 PUD proposal does not appear inconsistent with the
14 Comprehensive Plan and supports more specific land use
15 housing goals identified in the Comprehensive Plan.
16 Therefore, the Office of Planning recommends that the
17 project be scheduled for a public hearing noting that
18 the following issues need to be addressed in greater
19 detail.

20 In the report, we go into those issues as
21 a list at the end. We will only say that the
22 Applicant has already responded by providing us
23 additional information on the actual zoning relief
24 that would be required for the project.

25 With that, we also would note that the

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1 Applicant has had a preliminary meeting with
2 representatives of the Advisory Neighborhood
3 Commission, actually two commissions, 7C and 7D, in
4 February 2004. We also have received letters of
5 support from the Archdiocese of Washington and other
6 parties, and the Applicant has been encouraged by the
7 Office of Planning to continue to be in touch with the
8 community to keep them abreast of ongoing changes and
9 refinements in the original schematic plan.

10 With that, that completes the summary of
11 the Office of Planning report, and staff remains
12 available for questions.

13 CHAIRPERSON MITTEN: Thank you, Mr.
14 Jackson. Questions for Mr. Jackson. Any questions?
15 Any comments? Okay. I'll make a couple.

16 I know that you suggested in your report
17 that the Applicant needs to refine the package of
18 amenities and benefits, and there's one that I would
19 like to specifically have clarified because I think
20 that what they're indicating in the application is
21 more of a -- it doesn't go as far as what we usually
22 see. And I don't think there would be any problem
23 going so far as to have a First Source agreement with
24 DOES and have an agreement to use LSDBEs, but on Page
25 15 they just talk about the fact that those things --

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1 that the minority participation, the LSDBE
2 participation and the local employment we can sort of
3 take those for granted, but I think we shouldn't take
4 them for granted, because there's no guarantee that
5 the same cast of characters will be involved in the
6 project from beginning to end. So I think we would
7 want to tie that down with agreements if in fact those
8 are being proffered as benefits and amenities.

9 The other is to clarify a couple of other
10 things, to clarify what type of health care they're
11 suggesting will be included so that we can assure that
12 that's consistent with the zoning or at least make
13 sure that we fully understand what's being offered.
14 This is on Page 7 of the Applicant's statement.

15 I think we can also do better on the
16 design and I wish Mr. Hildebrand would help me
17 articulate that.

18 COMMISSIONER HILDEBRAND: Actually, I was
19 going to say something.

20 CHAIRPERSON MITTEN: I'll let you speak
21 more fluently about that.

22 And the last point that I'd like to make
23 is that we really don't have a letter of authorization
24 from the property owner. What we have is a -- we have
25 an unsigned letter from one of the entities

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1 representing the property owner, but what we really
2 need is a letter authorizing the law firm of Arnold &
3 Porter, who signed the application, to represent the
4 owner. And we need that letter to be signed actually
5 by the owner. So if we could just get that in the
6 record before we move to a hearing. Mr. Hildebrand.

7 COMMISSIONER HILDEBRAND: Thank you, Madam
8 Chairman. In looking at the elevations, I was just a
9 little bit surprised to see the variety of materials
10 that were being suggested in this building. I mean
11 the combination of a brick facade, a vinyl siding
12 facade and an EIFS component all in one structure
13 seemed questionable at first glance. I sort of
14 applaud the idea of trying to get various textures to
15 break up the mass of the building, but I think you
16 need to look at perhaps reigning in the variety of
17 materials, perhaps look at different colors in brick
18 to get that same thing without changing to siding. So
19 I think putting that layer of siding between the brick
20 and the EIFS system is ultimately going to just look a
21 little odd.

22 It would be nice in the package also to
23 see some of the context of the area where this
24 building is being placed. I don't have a clear
25 picture in my mind of the neighborhood but I'd like to

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1 see how this elevation system relates to the other
2 ongoing streetscapes that are in the neighborhood.

3 I think you correctly note in your
4 commentary at the end about further development of
5 both the building design but also the landscape plans.

6 There's a clear genesis of a concept going in the
7 package at this point, but it's not developed to a
8 level that's very easily critiquable. I think that's
9 pretty much all I have to say.

10 CHAIRPERSON MITTEN: Thank you. Anyone
11 else? Any further comments?

12 COMMISSIONER JEFFRIES: Madam Chairman, I
13 do have a comment. And in fact it may be in your
14 application. I just wanted to make certain I could
15 clarify sort of the definition of low-income seniors.

16 Is there a schedule that really talks about the
17 breakdown of income levels projected for this
18 development?

19 MR. JACKSON: The Applicants have actually
20 developed a preliminary one, and I will be including
21 that in the actual report.

22 COMMISSIONER JEFFRIES: Okay. So it will
23 be based on HUD definitions or it will be a hybrid of
24 sort.

25 MR. JACKSON: Based on HUD definitions.

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1 COMMISSIONER JEFFRIES: Okay. Okay.

2 Thank you.

3 CHAIRPERSON MITTEN: Along that line, you
4 know, the parking requirement for what they're calling
5 affordable housing but which in our regulations is
6 called publicly assisted elderly housing, is a reduced
7 requirement, and I'll be looking for something to
8 ensure that for the life of the project it stays
9 publicly assisted or affordable, because I don't know
10 how all these funding programs work, but some of them
11 have a finite life and then given that this is
12 integral to the PUD, we would want that to survive any
13 funding program that they might be participating in
14 and instead be tied to the life of the PUD project.

15 MR. JACKSON: So that's related to the
16 parking that they're proposing to build the housing
17 under?

18 CHAIRPERSON MITTEN: Well, that's part of
19 it, but then if they're offering as an amenity the
20 fact that it's affordable, what's going to keep it
21 affordable for the life of the project, I guess is
22 what I'm looking for.

23 MR. JACKSON: I understand.

24 CHAIRPERSON MITTEN: Anyone else? All
25 right. Then we have a recommendation from the Office

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1 of Planning to set down Case Number 04-04.

2 VICE CHAIR HOOD: I make a motion that we
3 would set down Case Number 04-04.

4 CHAIRPERSON MITTEN: Is there a second?

5 COMMISSIONER PARSONS: Second.

6 COMMISSIONER HILDEBRAND: Second.

7 CHAIRPERSON MITTEN: Any further
8 discussion or comments? All those in favor please say
9 aye. Those opposed please say no. Mr. Bastida?

10 SECRETARY BASTIDA: The staff will record
11 the vote five to zero to zero, Mr. Hood moving and Mr.
12 Parsons seconding. Ms. Mitten, Mr. Hildebrand and Mr.
13 Jeffries voting in the affirmative.

14 CHAIRPERSON MITTEN: Thank you, Mr.
15 Bastida.

16 The next case for hearing action is Case
17 Number 04-09, and this is a joint proposal from the
18 D.C. Housing Authority and Toyota Motor Corporation or
19 Motor Sales, rather, to rezone property in Square
20 5869. And Ms. Brown-Roberts will make the
21 presentation.

22 MS. BROWN-ROBERTS: Good evening, Madam
23 Chairman and members of the Commission. I am Maxine
24 Brown-Roberts representing the Office of Planning.
25 The application proposes to rezone a 2.21 acre

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1 property in the Barry Farms neighborhood in Ward 8
2 from the R-5-A, urban residential development
3 district, to the C-1, neighborhood shopping district.

4 The proposed rezoning of the site is to
5 accommodate a certified entry level automotive
6 technician training facility by Toyota Motor Sales.
7 The program will consist of approximately 16 weeks of
8 automotive training that when concludes soft skills
9 training integrated into the plan and will train a
10 minimum of 125 students annually.

11 Designating the C-1 district on the
12 subject property will be consistent with the moderate
13 density commercial designation of the generalized land
14 use map. It is compatible with both the surrounding
15 zoning and land use. The trade school is permitted by
16 right in the SP district and is therefore by right use
17 in the C-1 district.

18 The C-1 district on property will allow
19 for development with permitted high density and lot
20 occupancy are slightly larger than those allowed in
21 the R-5-A district. The scaling intensity of the
22 proposed building will not negatively impact
23 residential uses in the vicinity of the site. The
24 predominant zoning in the general vicinity of the site
25 is R-5-A except for properties to the north that are

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1 in the C-2-A district.

2 The C-1 district permits as a matter of a
3 right a variety of uses, many of which are proposed
4 and geared towards serving the residents of the
5 community. They include parking lots, office, a
6 variety of retail uses, college, university and trade
7 schools. Further, the proposed zoning in the
8 development is consistent with the objectives and
9 policies of the Comprehensive Plan element and the
10 Ward 8 plan that addresses land use and economic
11 development.

12 This site is in close proximity to the
13 Anacostia Metro Station that is a significant factor
14 in choosing the location of the school. As it is
15 anticipated that a majority of the students who attend
16 the school will use public transportation to get and
17 from the school.

18 The project has the support of ANC-8C in
19 the community and the Applicant will continue with
20 community outreach throughout this process. The
21 Office of Planning therefore recommends that the
22 Zoning Commission set this application to rezone the
23 property from the R-5-A district to the C-1 zone
24 district for public hearing. Thank you, Madam
25 Chairman.

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1 CHAIRPERSON MITTEN: Thank you.
2 Questions? Anyone have questions? Mr. Parsons?

3 COMMISSIONER PARSONS: I would call the
4 Commission's attention to Exhibit D in their booklet,
5 and the last photograph of that exhibit which shows a
6 site that's open, grassed, and at the bottom of the
7 photograph is shown the Suitland Parkway, which is the
8 gateway to the City for so many who -- foreign
9 dignitaries who are coming from Andrews Air Force
10 Base. And I'm hoping that even though this is a
11 zoning map case that we can assure ourselves in some
12 fashion that we do not have advertising on the back of
13 this commercial establishment that would mar the
14 Parkway.

15 I don't know how we're going to do that,
16 but moving this from residential to commercial prompts
17 that kind of opportunity to put on the back wall
18 Toyota or some other image, as tempting as it may be.

19 So I'm concerned not because of Toyota but the fact
20 that we're moving this from residential to commercial
21 that it could become an opportunity for advertising or
22 billboards or whatever may occur in a C-1. So that's
23 my concern in this case.

24 MS. BROWN-ROBERTS: Mr. Parsons?

25 COMMISSIONER PARSONS: Oh, yes.

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1 MS. BROWN-ROBERTS: We've been working
2 with Toyota, and we have also raised this issue with
3 them, and they have assured us in writing that -- and
4 there is a covenant that is going to be done between
5 Toyota and the government, that the site will only be
6 used for this training facility. And they've also
7 allowed us to review all plans. So we have been
8 assured that no other commercial use will be used for
9 this site, that if this project does not go ahead, it
10 will revert to residential use.

11 COMMISSIONER PARSONS: Oh, that's good.
12 So we ought to have that for the hearing.

13 MS. BROWN-ROBERTS: Yes. That's something
14 I can get for you.

15 COMMISSIONER PARSONS: Good. Thank you
16 very much.

17 VICE CHAIR HOOD: Ms. Brown-Roberts, also
18 I just would like to kind of the same lines with
19 Commissioner Parsons. Any discussions, and, again,
20 this is a map case, I understand that. As far as
21 emissions, and I'm not really sure how the school even
22 operates, but as we're going from residential to
23 commercial, has there been discussions with the
24 neighborhood? Are they aware of the emissions and
25 whatever you have that may come from this facility?

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1 MS. BROWN-ROBERTS: I don't think that we
2 -- no. I don't know if they have discussed that, but
3 that is something that I can look into --

4 VICE CHAIR HOOD: Yes. I really think
5 that's --

6 MS. BROWN-ROBERTS: -- into the issue of
7 emissions.

8 VICE CHAIR HOOD: Because, unfortunately,
9 I think to a point it may be out of our jurisdiction,
10 but I would hope that that may happen --

11 MS. BROWN-ROBERTS: Yes.

12 VICE CHAIR HOOD: -- that discussion,
13 because I think that it could possibly have an impact.

14 MS. BROWN-ROBERTS: Yes. One of the
15 things that has to be taken into account is the
16 topography of the site. It's on a lower area and the
17 western portion of the site rises. And then that
18 adjacent across Sales Street that property is also
19 owned by the Applicant, and they have assured us that
20 that will remain as a vacant just landscaped area. So
21 I don't think there will be that sort of direct impact
22 on the neighborhood, but we will discuss that some
23 more.

24 VICE CHAIR HOOD: Okay. Good. Thank you.

25 COMMISSIONER HILDEBRAND: Is it planned

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1 that all access to the site will be off Sale Place and
2 there won't be any access off Sheridan Road?

3 MS. BROWN-ROBERTS: Just a second. There
4 is access off of Sheridan Road but the main access
5 will be off of Bowden Road, which is on the south side
6 of the property -- or Bowen Road.

7 COMMISSIONER JEFFRIES: Excuse me, sorry,
8 is it Ms --

9 MS. BROWN-ROBERTS: Brown-Roberts.

10 COMMISSIONER JEFFRIES: Brown-Roberts,
11 okay. Just a question and it's sort of taking off of
12 Vice Chair Hood's comments about the actual program.
13 I'm just trying to get a sense of just has there been
14 any due diligence around just the success rate of this
15 program in other markets, in other areas? I mean what
16 kind of background information do we have on that?

17 MS. BROWN-ROBERTS: I don't have any
18 written information at this time, but from the
19 meetings with the Applicants that I have been in, they
20 have said that this is a program that they have in
21 other parts of the country that has been successful.
22 But I can get some more written information from them
23 concerning -- to back that up.

24 COMMISSIONER JEFFRIES: I mean and the
25 only reason -- I mean it says here that annually 125

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1 students, and on the surface, from a topical point of
2 view, that sounds great, but it would be nice just to
3 be able to sort of gauge that with other programs in
4 other parts of the country just how well the program
5 actually works.

6 MS. BROWN-ROBERTS: Okay.

7 COMMISSIONER JEFFRIES: So thank you.

8 MS. BROWN-ROBERTS: You're welcome.

9 CHAIRPERSON MITTEN: Just as we move
10 towards a public hearing, and some of the things that
11 have been suggested are specific to this project, and
12 I think they're of -- because they're asking you as
13 someone who's involved in the specific project just to
14 raise concerns, but I think we all need to keep in
15 mind that when we have the hearing that the topic is a
16 generic map amendment, and this is not a hearing on
17 the project. Okay? Just want to remind everybody
18 about that.

19 VICE CHAIR HOOD: But also, Madam Chair,
20 in the spirit of that, I think I heard that there's
21 going to be a covenant or something, and I was trying
22 to figure out how that would work, because if we
23 rezone it, that wouldn't authorize Zoning to go back
24 to R-5-A.

25 MS. BROWN-ROBERTS: That's correct, and

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1 that is something that I have brought up with DCD and
2 they're going to be looking at that.

3 MS. McCARTHY: The covenant would be more
4 with the Housing Authority and Toyota to make sure
5 that it is used in accordance with the purposes for
6 which we're making the land available. And if it's
7 not, then the ownership of the parcel would either
8 revert back or would at least be tied to only
9 residential purposes.

10 VICE CHAIR HOOD: I still am unclear on
11 that, Ms McCarthy, because once we rezone it, it's
12 rezoned. It will be a C-1.

13 MS. McCARTHY: Right, once we rezone it,
14 but because it's the City that owns the land and is
15 selling it to Toyota, we can have a separate covenant
16 -- we, the City, can have a separate covenant with
17 them with regard to the use of our property. That's
18 the covenant related to a sale agreement, not related
19 to rezoning.

20 COMMISSIONER HILDEBRAND: So you're
21 selling the land, though, you're not leasing it to
22 Toyota for an indefinite period of time.

23 MS. BROWN-ROBERTS: I am not sure of the
24 arrangement. I am not sure of the arrangement.

25 VICE CHAIR HOOD: Okay.

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1 MS. McCARTHY: We understand the
2 Commissioners' questions and concerns, and we'll
3 definitely bring that information to the hearing which
4 you know, as Ms. Mitten reminded us, it's on the
5 rezoning itself just so the Commission can be
6 comfortable that there's sufficient controls in place
7 to make sure that it's used in accordance with the
8 purposes for which you are rezoning it.

9 VICE CHAIR HOOD: Thank you.

10 CHAIRPERSON MITTEN: Anyone else? All
11 right. Then we have a recommendation from the Office
12 of Planning to set down Case Number 04-09, and I would
13 so move.

14 VICE CHAIR HOOD: Second.

15 CHAIRPERSON MITTEN: Any further
16 discussion? All those in favor please say aye. Those
17 opposed please say no. Mr. Bastida.

18 SECRETARY BASTIDA: The staff will record
19 the vote five to zero to zero, Ms. Mitten moving and
20 Mr. Hood seconding and Mr. Hildebrand, Mr. Jeffries
21 and Mr. Parsons voting on the affirmative. And the
22 two cases that you have set down tonight are contested
23 cases. Thank you.

24 CHAIRPERSON MITTEN: Yes. Thank you. And
25 I note, Mr. Bastida, that we have been asked to

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1 expeditiously schedule a date for the public hearing,
2 so as soon as the Applicant files their pre-hearing
3 statement, if you would slot them on the calendar,
4 that would be --

5 SECRETARY BASTIDA: Thank you, Madam
6 Chairman.

7 CHAIRPERSON MITTEN: As I know you always
8 do.

9 SECRETARY BASTIDA: Thank you, Madam
10 Chairman.

11 CHAIRPERSON MITTEN: All right. I think
12 everything else is just self-explanatory on our agenda
13 unless you have anything else, Mr. Bastida.

14 SECRETARY BASTIDA: The staff has no other
15 matters to bring in front of the Commission. Thank
16 you.

17 CHAIRPERSON MITTEN: All right. Thank
18 you. Boy, this is a record. Mr. Jeffries, don't get
19 used to this.

20 (Laughter.)

21 CHAIRPERSON MITTEN: We're adjourned.
22 Thank you.

23 (Whereupon, at 7:12 p.m., the Zoning
24 Commission Meeting was concluded.)

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