

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

Consolidated PUD and Map Amendment  
- Retirement Housing Foundation -  
North Capitol Senior Apartments

Case No.  
01-24C

Thursday  
June 6, 2002

Hearing Room 220 South  
441 4th Street, N.W.  
Washington, D.C.

The Public Hearing of Case No. 01-24C by the District of Columbia Zoning Commission convened at 6:35 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
JAMES HANNAHAM	Commissioner
PETER G. MAY	Commissioner
	(Architect of the Capital)

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## COMMISSION STAFF PRESENT:

Alberto P. Bastida, Secretary, ZC  
Sharon Sanchez, Office of Zoning

## OTHER AGENCY STAFF PRESENT:

Arthur Jackson, Office of Planning  
Ellen McCarthy, Deputy Director,  
Office of Planning

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

2 6:35 p.m.

3 CHAIRPERSON MITTEN: Good evening, Ladies  
4 and Gentlemen. This is a public hearing of the Zoning  
5 Commission of the District of Columbia for Thursday,  
6 June 6, 2002. My name is Carol Mitten. Joining me this  
7 evening are Vice Chairman Anthony Hood and Commissioner  
8 Peter May.

9 The subject of this evening's hearing is  
10 Zoning Commission Case No. 01-24C. This is the request  
11 by the Retirement Housing Foundation for a consolidated  
12 review and approval of a planned unit development under  
13 Chapter 24 of the District of Columbia Zoning  
14 Regulations, and for a related map amendment from the  
15 C-1 District to the C-2-A District. Copies of today's  
16 hearing announcement are available to you and are  
17 located on the table near the door.

18 Notice of today's hearing was published in  
19 the D.C. Register on April 12, 2002. This hearing will  
20 be conducted in accordance with the provisions of  
21 11 DCMR § 3022 for contested cases. The order of  
22 procedure for the hearing will be as follows. We'll  
23 take up preliminary matters first, followed by the  
24 Applicant's case, the report of the Office of Planning,

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1 reports by other government agencies, the report of the  
2 Advisory Neighborhood Commission, in this case it's  
3 ANC4B, parties and persons in support, parties and  
4 persons in opposition, and finally, rebuttal by the  
5 Applicant.

6 The following time constraints will be  
7 maintained in this hearing. The Applicant will have  
8 30 minutes, the parties will have 15 minutes,  
9 organizations five minutes, and individuals three  
10 minutes.

11 The Commission intends to adhere to these  
12 time limits as strictly as possible in order to hear  
13 the case in a reasonable period of time. The Commission  
14 reserves the right to change the time limits for  
15 presentations, if necessary, and notes that no time  
16 shall be ceded.

17 All persons appearing before the Commission  
18 are to fill out two witness cards. These cards are  
19 located on the table near the door. Upon coming forward  
20 to speak to the Commission, please give both cards to  
21 the reporter who is sitting to my right.

22 The decision of the Commission in this case  
23 must be based exclusively on the public record. To  
24 avoid any appearance to the contrary, the Commission

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1 requests that persons present not engage the members  
2 of the Commission in conversation during a recess or  
3 at any other time. Staff will be available throughout  
4 the hearing to discuss procedural questions. Please  
5 turn off all beepers and cell phones at this time so  
6 as not to disrupt these proceedings.

7 At this time, the Commission will hear any  
8 preliminary matters. Mr. Bastida, do you have any  
9 preliminary matters?

10 SECRETARY BASTIDA: Yes, Madam Chairman.

11 The staff has two preliminary matters. On the matter  
12 regarding advertisement of this hearing, it was not  
13 published because of an oversight in the newspaper, that  
14 is one of the form of advertisement. But because this  
15 hearing was postponed, we means the office, the staff,  
16 sent another reminder to everybody that in fact the  
17 hearing would be postponed to today so I think that the  
18 staff would request the waiver of that procedural  
19 matter, and I don't think that anybody has been harmed  
20 because of the lack of announcement in the newspaper.

21 CHAIRPERSON MITTEN: All right. Is there  
22 any objection to waiving our -- the rule regarding  
23 publication of the hearing announcement in the  
24 newspaper? All right. There is no objection.

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1                   SECRETARY BASTIDA:     Thank you, Madam  
2 Chairman. The second preliminary matter is the office  
3 has not received the maintenance of posting from the  
4 Applicant.

5                   MS. GIORDANO: Cynthia Giordano, Arnold &  
6 Porter law firm for the record, representing the  
7 Applicant. I just ran out because of the -- I saw the  
8 dark clouds and I wanted to get over here before it  
9 started to pour and I left it on my desk, and Mr. Gross  
10 maintained the posting for my office, and he filled out  
11 the affidavit, and I can submit it after the hearing.

12                  CHAIRPERSON MITTEN: All right. Is there  
13 any objection to holding off on that? All right. Thank  
14 you. Anything else, Mr. Bastida?

15                  SECRETARY BASTIDA: No, Madam Chairman.  
16 I think that you might have other matters for this cause.

17  
18                  CHAIRPERSON MITTEN: Right, right. I just  
19 wanted to make note of the fact that the pre-hearing  
20 submission from the Applicant dated March 19, 2002, in  
21 Point No. 6, said that a letter from the Department of  
22 Housing and Community Development has been submitted,  
23 requesting the waiver of the hearing fees. That is  
24 intended to be done according to our regulations at the

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1 time that the case is set down for public hearing, and  
2 it is the prerogative of the Commission to vote on that  
3 request. So, I would suggest that we would take up that  
4 waiver request at this time, and I believe that the DHCD  
5 letter has been provided to the commissioners.

6 I would move that we, based on the request  
7 fro the Department of Housing and Community Development  
8 dated January 24, 2002, waive the hearing fees in this  
9 case.

10 COMMISSIONER MAY: Second.

11 CHAIRPERSON MITTEN: Any discussion? All  
12 those in favor please say aye.

13 (Chorus of ayes.)

14 CHAIRPERSON MITTEN: Those opposed, please  
15 say no.

16 (No response.)

17 Mr. Bastida, if you would record the vote.

18 SECRETARY BASTIDA: Yes, Madam Chairman.  
19 At this time, we would record the vote three to zero.  
20 I believe that Ms. Mitten preferred, Mr. Hood second  
21 it?

22 CHAIRPERSON MITTEN: Yes.

23 SECRETARY BASTIDA: And --

24 COMMISSIONER HOOD: Mr. May.

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1 CHAIRPERSON MITTEN: Oh, Mr. May.

2 SECRETARY BASTIDA: Mr. May second it,  
3 thank you, and Mr. Hood voted in the affirmative. Thank  
4 you.

5 CHAIRPERSON MITTEN: Thank you. So, just  
6 for the future, it's supposed to be done at the time  
7 of the stepdown, the request. All right, did you have  
8 any preliminary matters, Ms. Giordano?

9 All right. Then I think we're ready to  
10 proceed to your -- oh, the swearing in. Thank you.  
11 Very good.

12 Will all persons planning to testify this  
13 evening, either in favor or in opposition, please now  
14 rise to take the oath.

15 SECRETARY BASTIDA: So you solemnly swear  
16 or affirm that the testimony you are about to give in  
17 this proceeding will be the truth, the whole truth, and  
18 nothing but the truth?

19 WITNESSES: I do.

20 SECRETARY BASTIDA: Thank you.

21 CHAIRPERSON MITTEN: Now we're ready.  
22 Thank you for reminding me about that.

23 MS. GIORDANO: Good evening, members of the  
24 board, the Commission, I'm sorry. We have a very short

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1 presentation this evening. I think there are really  
2 no outstanding issues as far as we know at this time.

3 We concur with the conditions proposed by the Office  
4 of Planning with the exception of the condition  
5 regarding parking. We don't really feel that it's  
6 necessary to reserve those parking spaces, but we will  
7 certainly avail ourselves, the Applicant will, of those  
8 parking spaces if they need from time to time. But,  
9 aside from that, I don't think it's an issue that DPW  
10 raised, or aside from that, I think the case is pretty  
11 straightforward. We have ANC support, and Office of  
12 Planning support, and we will just go ahead and summarize  
13 the points of our case with a brief architectural  
14 presentation, and Reverend Hagler is representing the  
15 Applicant this evening, and he has some opening remarks  
16 as well.

17 CHAIRPERSON MITTEN: Thank you.

18 REVEREND HAGLER: Good evening. I'm  
19 Reverence Graylag Scott Hagler. I'm the senior  
20 minister of Plymouth Congregational United Church of  
21 Christ, which is the church that is located on the  
22 opposite corner from the site on the northeast corner  
23 of North Capitol and Riggs Road.

24 The site was proposed for the senior

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1 citizens apartment building is on, as I said, that  
2 southeast corner of North Capitol and Riggs Road, N.E.

3 The property has been previously the site of various  
4 businesses that have failed, leaving in its wake boarded  
5 buildings. In 1993, a construction crew arrived on site  
6 in preparation to construct an Exxon gas station, with  
7 a car wash and convenience store.

8 These proposed plans were moving forward  
9 without the input or knowledge of the immediate  
10 community. In discussions with Exxon Corporation in  
11 1993 from Texas, the corporation agreed to halt  
12 construction preparations until a community meeting  
13 could be held.

14 The community meeting was held at Plymouth  
15 Congregational United Church of Christ. It was a  
16 well-attended meeting filling the sanctuary of the  
17 church. It was obvious as speakers spoke, asked  
18 questions and gave their input, that they had neither  
19 heard of the project nor were in a agreement with it.

20 The end result of the meeting with the Exxon  
21 Corporation is that the company decided to warehouse  
22 the property until Exxon could determine what to do with  
23 it. In 1999, the corporation contacted the church  
24 regarding its willingness and ability to purchase the

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1 property from Exxon.

2 In the community meeting with Exxon, and  
3 in subsequent community meetings with residents  
4 thereafter, one use of the property kept surfacing and  
5 re-surfacing, which was to build senior citizens  
6 apartments. The viewpoint and rationale was that such  
7 a use would be within the residential character of the  
8 neighborhood, could settle that corner in a productive  
9 and stable use, and would offer positive and needed  
10 services within the community.

11 Thinking towards those ends, Plymouth  
12 Congregational United Church of Christ proceeded to  
13 contact the Retirement Housing Foundation, a  
14 church-related corporation with more than 30 years of  
15 experience in the development and management of such  
16 properties in an attempt to forge a partnership.

17 Talks were successful and as Plymouth  
18 Congregational United Church of Christ and the  
19 Retirement Housing Foundation of Long Beach, California  
20 entered into negotiations for the purchase of the  
21 property. The property was purchased in 2000 for a sum  
22 of \$800,000 and conveyed to a newly formed corporation,  
23 North Capitol at Plymouth, incorporated in the District  
24 of Columbia. The corporation was established as an

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1 entity between Plymouth and the Retirement Housing  
2 Foundation.

3 We propose to build 68 apartment units where  
4 one will serve as the apartment for the resident manager.

5 The apartments will be one bedroom. Leasing the  
6 apartments will be afforded to those heads of household  
7 who are at least 62 years of age and income cannot exceed  
8 an adjusted gross income of \$30,450 per year for one  
9 person or \$34,800 per year for two persons. Gross  
10 adjusted income means after the deduction of proven  
11 medical expenses.

12 The units will be kept affordable due to  
13 the Housing and Urban Development, Section 202 program.

14 The scale and style of the property will be kept in  
15 overall character with the community while also being  
16 mindful that this is one of the gateways to the district,  
17 and must serve to offer a good first impression. The  
18 building will be three stories in height, offering what  
19 we consider to be a good design but achieve the  
20 aforementioned goals, with amenities that are conducive  
21 to a good living environment for the residents.

22 The architects will go into greater detail  
23 a little later in this presentation.

24 As we have continually moved towards

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1 bringing this project into fruition, Harkins Builders  
2 has been selected as the general contractor. This  
3 company was chosen because they have considerable  
4 experience with affordable housing, and understand the  
5 complexities and sensitivity of such a project. The  
6 total cost of development will be \$6.6 million. We hope  
7 to commence construction in November 2002, with a  
8 completion date of November 2003.

9 As we have moved this project from a vision  
10 towards implementation, one aspect of the project is  
11 important and cannot be overlooked, and that is  
12 residents of the community have been involved ever since  
13 we first engaged the Exxon Corporation in 1993. Since  
14 that time, considerable effort has been spent keeping  
15 the South Manor and Lamond Riggs civil associations  
16 informed. We have met with many and every individual  
17 or group that has expressed an interest.

18 In August of 2001 we had an informal  
19 briefing with ANC members, and abutting owners of the  
20 properties to gather greater input. In April and May  
21 2002, we met with the ANC Commissions 4-B and 4-D. 4-B  
22 is the representative district where the building will  
23 be constructed. We have received unanimous support  
24 from ANC 4-B, 4-D, for Lamond Riggs and the South Manor

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1 civil associations, all voting in support of this  
2 proposed PUD and the overall project.

3 I would like to personally thank all the  
4 community residents who worked to bring this project  
5 thus far. I am thankful for the prayers, words of  
6 encouragement, individuals who arranged meetings to  
7 inform others about this effort, and the wonderful  
8 energy that have brought us to this evening.

9 I would like to at this point present Mr.  
10 Mel Thompson and Logan Schultz, who are architects with  
11 Grimm & Parker architectural firm to do their  
12 presentation.

13 CHAIRPERSON MITTEN: Thank you, Reverend.

14 MR. THOMPSON: Good evening, Board. Good  
15 evening, Madam Chairman. My name is Mel Thompson, with  
16 Grimm & Parker Architects, and I'm presenting tonight  
17 the North Capitol Senior Apartment Building. It's a  
18 69-unit apartment building. Sixty-eight units are  
19 one-bedroom apartments, and one unit is a resident  
20 manager's apartment. It's a two-bedroom unit. It's  
21 a three-story building, with an entry level. The units  
22 range from 550 square feet to roughly 595 square feet.

23  
24 I'll start with the site plan. We had --

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1 this is the intersection of Riggs Road and North Capitol.

2 The building -- a bar building to keep the cost building  
3 and to give some uniformity to the building and the style  
4 that we want to achieve architecturally. We talked with  
5 the transportation department in order to get a curve  
6 cut here to drop off senior members. The property will  
7 be completely landscaped on all sides. We have amenity  
8 spaces of roughly -- almost 7,000 square feet of  
9 courtyard space internally on the property for seniors  
10 to use, on an upper level and also a lower level.

11 On the entry level, when you come into the  
12 building, we have multi-purpose rooms, leasing offices,  
13 the resident manager's apartment, activity rooms, and  
14 pantries if any of the members of the community or  
15 building want to have a function.

16 On the upper levels we have day rooms, we  
17 have community spaces such as libraries and computer  
18 labs. You'll have this same format on three levels.

19 To move on to the elevations, the elevations  
20 try to stay in keeping with the community as far as  
21 architecture and brick elements on the buildings. It's  
22 a brick and hardy siding building type, with tower  
23 elements to reinforce the entrance of the building.  
24 We have a tower at the end here at the intersection of

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1 North Capitol and Riggs to reinforce that corner, which  
2 is a fairly nice corner, and everyone stops at that  
3 intersection.

4           Some of the -- here are some of the design  
5 board which we set up of some of the brick materials,  
6 the siding, and the shingle color that we plan on using  
7 on the building as exterior finished.

8           CHAIRPERSON MITTEN: Do you want to bring  
9 it closer?

10          MR. THOMPSON: Sure. That concludes our  
11 presentation. If there are any questions, I'm free to  
12 answer then.

13          CHAIRPERSON MITTEN: All right. We'll  
14 hold our questions until the entire presentation and  
15 then bring you back up. Thank you.

16          MS. GIORDANO: Believe it or not, that is  
17 the entire presentation. Mr. Gross had submitted some  
18 planning information in the application. He's at his  
19 son's graduation this evening, so he's not with us, and  
20 unless Reverend Hagler has anything else, I think we're  
21 done.

22          CHAIRPERSON MITTEN: All right. Thank  
23 you. Let's see if the Commission has some questions.  
24 Any questions Mr. Hood, Mr. May?

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1 COMMISSIONER MAY: I just have a couple of  
2 questions. Surprise, surprise, architectural in  
3 nature.

4 The first thing is, we see the hardy pine  
5 siding, and you're showing two colors. Is there a  
6 second color that we don't have that's not on the board?

7 MR. THOMPSON: Yes, there will be two  
8 colors.

9 COMMISSIONER MAY: Okay. So, is it -- this  
10 is prefinished, right?

11 MR. THOMPSON: Yes, they'll be refinished.

12 COMMISSIONER MAY: Okay. So it's probably  
13 worth it to have, for the record, both colors?

14 MR. THOMPSON: Okay.

15 CHAIRPERSON MITTEN: Right.

16 COMMISSIONER MAY: And what's the trim  
17 material that's being used to separate the two colors  
18 of hardy pine? I didn't --

19 MR. THOMPSON: They will be aluminum  
20 wrapped trim boards --

21 COMMISSIONER MAY: Okay.

22 MR. THOMPSON: -- to keep the maintenance  
23 down on the building, and that will be a nicer finish.

24 COMMISSIONER MAY: Okay, and then the last

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1 thing is, I see some squares on that front elevation  
2 in the center section that look like through-wall HVAC  
3 units or something like that. Is that what I'm seeing  
4 there?

5 MR. THOMPSON: Yes, those are condensing  
6 unit grills for each unit, each apartment unit.

7 COMMISSIONER MAY: And are we going to see  
8 those everywhere, or is it just in the middle there where  
9 you don't have the base --

10 MR. THOMPSON: On most of the units they're  
11 on the side walls of the copout, so they're not visible  
12 in the front elevation.

13 COMMISSIONER MAY: That's what I thought  
14 I was seeing in the plan. And there isn't any way to  
15 hide them or, I mean, they're really both in the front  
16 -- right over the entrance there they're just --

17 MR. THOMPSON: Well, we plan to match the  
18 siding color with them. Hopefully they would blend in  
19 with the rest of the elevation, but we tried to hide  
20 them as much as possible.

21 COMMISSIONER MAY: Yeah. Well, I'm  
22 sympathetic to that cost. I think that's just about  
23 it for me.

24 CHAIRPERSON MITTEN: All right. Mr. Hood?

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1 COMMISSIONER HOOD: Thank you, Madam  
2 Chair. I just had a couple of questions. The rendering  
3 to my left, if you can move it over to the right, I need  
4 to get a little orientation.

5 I'm trying to think of the -- yeah, if you  
6 would just move it to the right. I'm trying to think  
7 of the parcel of land. Is this, I guess Reverend Hagler  
8 would be the person to answer this question. Is this  
9 the parcel of land sometime back that used to contain  
10 a Holly Farms?

11 REVEREND HAGLER: Yes.

12 COMMISSIONER HOOD: Okay.

13 REVEREND HAGLER: And further down the  
14 street was also an old --

15 COMMISSIONER HOOD: Exxon station.

16 REVEREND HAGLER: Exxon station. Right.

17 COMMISSIONER HOOD: Okay.

18 REVEREND HAGLER: Right. And so it's sort  
19 of like the C&P building is at one end, and --

20 COMMISSIONER HOOD: Okay. I guess, next  
21 Mr. Thompson, I wanted to get orientated first. Now  
22 I'm orientated.

23 Where you have the circle, the half circle  
24 entrance, and I don't know if this was brought up in

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1 the DOT report.

2 CHAIRPERSON MITTEN: We don't have one.

3 COMMISSIONER HOOD: Yeah, okay. I think  
4 we were expecting one.

5 MR. SCHULTZ: Can I interrupt just one  
6 second?

7 COMMISSIONER HOOD: Sure.

8 CHAIRPERSON MITTEN: Just make sure you get  
9 on a mike when you speak.

10  
11 MR. SCHULTZ: For the record, Logan Schultz  
12 with Grimm & Parker Architects. Our civil engineer just  
13 brought this color site plan in which I think may answer  
14 some of your questions, if we could put it up here.

15 CHAIRPERSON MITTEN: Okay. And do you  
16 have copies of that for us?

17 MR. SCHULTZ: Yes, we do.

18 COMMISSIONER HOOD: Unless it has a no  
19 right turn -- I mean no left turn after you exit in  
20 the building, that won't answer my question. And I  
21 think we were expecting something from D-DOT I believe,  
22 at least I thought I read --

23 CHAIRPERSON MITTEN: We had raised some  
24 issues at the set down --

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1 COMMISSIONER HOOD: Oh, okay.

2 CHAIRPERSON MITTEN: -- so you're correct  
3 in that.

4 COMMISSIONER HOOD: My concern, and Mr.  
5 Thompson maybe you can explain, whoever the traffic  
6 person is, whoever can answer that, is -- leaving out  
7 of that entrance on North Capitol, after you drop him  
8 off, I don't see any problem making a right and going  
9 in. Coming out of that entrance, I would think you would  
10 only be able to make a right turn only, and also, entering  
11 -- also, coming I guess south, on North Capitol, if  
12 that's running north and south, you would -- you should  
13 not be able to make left. I mean, have those things  
14 be considered in the discussions, and I'm not sure who  
15 can answer that?

16 MR. THOMPSON: Yes, they have, and it's a  
17 right turn only into those situations.

18 COMMISSIONER HOOD: It is right turn only.

19 MR. THOMPSON: Yes.

20 COMMISSIONER HOOD: Now, what if I'm going  
21 south on North Capitol -- if I'm coming down North  
22 Capitol and I'm making a left to go in, what would happen  
23 then?

24 REVEREND HAGLER: You can achieve that by

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1 basically going around the block. That would be the  
2 safest bet. Like when I do sometimes in leaving -- when  
3 I'm leaving the church.

4 COMMISSIONER HOOD: Okay. Now going  
5 around the block do mean going into a residential  
6 neighborhood, I believe. And I'm very familiar with  
7 Clint Wright.

8 REVEREND HAGLER: You're on, what's that,  
9 Fort Titan Drive?

10 COMMISSIONER HOOD: I'm not that familiar.

11 REVEREND HAGLER: Right.

12 COMMISSIONER HOOD: I just know that  
13 there's a lot of residential area, well-kept up  
14 neighborhood, right around the church and around both  
15 sides, and I just want to know if those impacts were  
16 considered. Unfortunately, we have not gotten a  
17 traffic report, and we're not able to ask anybody from  
18 D-DOT any questions as of now. But that is a concern  
19 of mine. I see that North Capitol is always busy, and  
20 I see that being a problem.

21 REVEREND HAGLER: I think one of the  
22 benefit is that this project will not generate as much  
23 traffic, obviously, as a commercial site does. So  
24 that's one benefit from that. So in terms of the traffic

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1 impact on the overall community is almost negligible  
2 in terms of the amount of new traffic that it would  
3 produce, and I think that's going to be bore out in the  
4 transportation report to you.

5 COMMISSIONER HOOD: Okay.

6 REVEREND HAGLER: And obviously there's  
7 ways in which you can deal, just as has been suggested,  
8 with the -- with how turns are made and where turns are  
9 made and the access to the property.

10 COMMISSIONER HOOD: Right. I don't -- I  
11 mean, I just wanted to make sure that concern was  
12 addressed for the safety of the folks who live there  
13 especially. Now, it can be accomplished?

14 REVEREND HAGLER: Right. And I didn't say  
15 that because that's one thing we talked about obviously,  
16 when we were designing it in terms of why the curve cut  
17 is proposed so far down the street because one of the  
18 things is is that the closer you get to that corner,  
19 that light, the more dense traffic is, and so it's sort  
20 of like it prevents, sort of contributing to any snare  
21 up for cabs dropping any residents off, that type of  
22 thing. It -- so we had that in mind as we sort of looked  
23 at the design of that as well.

24 COMMISSIONER HOOD: Okay, and I also see

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1 in the Office of Planning report where they have  
2 suggested that the employment and training  
3 opportunities that you look into that. I believe you're  
4 in the process of signing the MOU?

5 MS. GIORDANO: Yes. The -- Harkins  
6 Builders has had a good amount of experience with that.

7 They developed Walter Washington Estates and they had  
8 a similar program, and I know -- I was familiar with  
9 their reporting documents back to MBOC, so they're very  
10 familiar with that, and I have a lot of confidence that,  
11 you know, they know the program. We are signing those  
12 documents prior to pulling the building permit.

13 COMMISSIONER HOOD: And also, Ms.  
14 Giordano, lately in the past what we - the Commission  
15 has been asking applicants to do is to also make DOES  
16 aware -- MBOC aware of what opportunities are there up  
17 front. You know, so maybe on down the line they can  
18 put things in place as opposed to waiting until we're  
19 ready to do construction, we're ready to hire, and then  
20 find out we don't have residents that are qualified,  
21 so we can try to get a pool together up front. So I  
22 would hope that that would happen too.

23 MS. GIORDANO: Okay.

24 REVEREND HAGLER: And let me also say that

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1 in regards about this, that the church obviously has  
2 some credibility to maintain, being a neighborhood and  
3 community-based church in terms of employment  
4 opportunities and we're not a distant partner or distant  
5 player in this overall project, so we have some  
6 particular concerns as well in terms of residents being  
7 utilized in all sectors of that, as well as all genders  
8 being represented in all sectors.

9 COMMISSIONER HOOD: Okay. I think that  
10 that will -- I have some questions. I don't understand  
11 about parking spaces, but I'll ask the Office of  
12 Planning. Thank you.

13 CHAIRPERSON MITTEN: I don't have any  
14 questions.

15 MS. GIORDANO: Okay. I just wanted -- our  
16 civil engineers, Greenhorn & O'Mara, arrived, so if  
17 they're any questions related to civil engineering  
18 issues, they're here as well. I don't --

19 CHAIRPERSON MITTEN: We will need a couple  
20 more copies of this since we only have two.

21 MS. GIORDANO: Okay.

22 CHAIRPERSON MITTEN: We need enough for the  
23 whole Commission.

24 We'll bring you more.

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1 CHAIRPERSON MITTEN: Thank you. If Mr.  
2 Parsons were here, I think there would be a few more  
3 questions, but since he's not, we'll just press on.

4 MS. GIORDANO: I think so too.

5 CHAIRPERSON MITTEN: Count yourself lucky  
6 tonight. All right, is there anyone here from the ANC?  
7 Anyone representing the ANC? All right. Well, then  
8 I guess we won't be cross-examining. You had mentioned  
9 that you had unanimous support from both ANC 4-B and  
10 4-D. We don't have any submissions from them, so if  
11 you had any reports we'd be happy to take them. Okay.  
12 I think we're ready to move to the Office of Planning  
13 report then.

14 Mr. Jackson, welcome.

15 MR. JACKSON: Thank you, Madam Chair,  
16 members of the Commission. You have before you the  
17 report from the Office of Planning. You also have  
18 before you a report from the Department of  
19 Transportation and for the sake of brevity, I will just  
20 highlight the issues in my report, because I'm sure it  
21 was thoroughly read, and it might have raised a few  
22 questions.

23 CHAIRPERSON MITTEN: And, if you could, we  
24 did thoroughly read your report, but we've only had the

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1 opportunity to glance at the transportation report, so  
2 if you could hit the highlights of that too --

3 MR. JACKSON: All right.

4 CHAIRPERSON MITTEN: -- that would help us.

5 MR. JACKSON: Okay. The application is as  
6 described, was for senior apartments on the subject  
7 property, which is 3,977 square feet. The Applicant  
8 is applying for this PUD at the request of the Office  
9 of Planning, because there were particular  
10 characteristics of the project that required relief that  
11 seemed best incorporated within the PUD as opposed to  
12 a number or series of various applications. With regard  
13 to the actual relief that's being requested, if you will  
14 turn to page three, the Applicant is meeting all the  
15 requirements of the use -- the proposal would meet all  
16 the requirements in a proposed C-2-A zone except that  
17 it would be three feet -- would have a side yard that's  
18 three feet less than what would be required, that the  
19 recreational space would be two percent less, well,  
20 actually eight percent less, based on discussions with  
21 the Office of Transportation, and the loading bays would  
22 not be as required in the zoning regulations which is  
23 one 55-foot bay and one 200 square foot landing. They  
24 would have one 30-foot bay and no landing.

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1           So, based on this information, we see that  
2 the application is asking for a minimum amount of relief,  
3 and as such, the Office of Planning took that into  
4 consideration when looking at the tests that apply for  
5 a planned unit development.

6           Without going through the tests, let's look  
7 at the summary of public benefits. The Office of  
8 Planning worked with the Applicant over a period of  
9 months and the Applicant has been very cooperative in  
10 searching for ways to enhance this project to provide  
11 more benefit to the community, the immediate community  
12 and the city at large.

13           With regard to urban design, the Applicant  
14 enhanced the property design by making certain changes  
15 to the design, to make it more simple, to provide  
16 additional brick -- to simplify the brick archways and  
17 vertical towers. Specifically, they agreed to go with  
18 rectangular towers as opposed to hexagonal at one end  
19 and square at the other, and supplementing the  
20 landscaping along both street frontages. As you can  
21 see by the landscape plan in the most recent submission  
22 or presentation, there would be a beautifully landscaped  
23 site at the very entrance to the capitol city, and this  
24 is an enhancement of what was originally presented.

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1           Insofar as historic preservation, the  
2 architecture of the site is not really hindered by the  
3 fact that because it is not within the historic district.

4           However, the design and the materials used are  
5 consistent with the buildings around it, and as such,  
6 it would fit the idiom of that area.

7           In terms of human resources -- human  
8 services, we felt that the fact that this building, with  
9 a senior population, would be providing a number of space  
10 within its interior to allow services to come to the  
11 site, but actually reduce the demand on services that  
12 would be available to people in the larger area. And  
13 as far as employment and training, the Applicant has  
14 discussed how they are willing to sign on to a  
15 First-Source Agreement in a memorandum of understanding  
16 with the Minority Business Opportunity Commission, to  
17 help local and disadvantaged firms in the area and to  
18 insure that there's significant local employment.

19           The economic land utilization really is one  
20 of the key points with regard to this project. The  
21 proposed -- the zoning, as it exists, would allow  
22 commercial development. However, it's a situation  
23 where if they got what was projected in the Conference  
24 of Plan, the impacts on the adjacent intersection and

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1 street would be significant in terms of traffic impacts.

2 We think that this is a good use for the property in  
3 that it meets some of the goals of the Conference of  
4 Plan, and at the same time has limited impact on the  
5 existing congested streets surrounded.

6 In terms of housing, obviously providing  
7 -- supplementing the limited supply of elderly housing  
8 award for and in the city in general, is of particular  
9 interest and in the environmental benefits, we see that  
10 the -- one of the principal benefits, of course, would  
11 be that this site is vacant now, and of course, the  
12 erosion would be significantly more than if it was  
13 landscaped and developed as planned.

14 Transportation impacts -- the anticipated  
15 generation of an elderly housing apartment complex would  
16 be much less than a similar size of retail complex, and  
17 then, of course, it's taking advantage of the many metro  
18 lines that cross on Riggs Road and North Capitol Street,  
19 and its near metro station.

20 In what we think of particular value --  
21 special value to the District, that would again  
22 highlight the affordable housing characteristic of this  
23 opportunity and think that this development will enhance  
24 the city greatly in that regard.

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1           We concur with a number of the Applicant's  
2 statements with regard to the availability of other  
3 retail in the area to service the surrounding  
4 population, and we also -- again, in light of the amount  
5 of relief that's actually required for this project,  
6 we think that this project more than meets the standards  
7 that I've gone through tonight.

8           Now, turning towards our Conference of  
9 Plan, we think that the project is consistent with the  
10 Conference of Plan in that it meets a number of goals  
11 with regard to development of properties that are  
12 undeveloped, as well as meeting many of the goals having  
13 to do with providing appropriate affordable senior  
14 housing in the community, and we were -- informed that  
15 the neighborhood organizations that they met with and  
16 discussed -- that have discussed this project have all  
17 unanimously approved it.

18           I would note that one of the reasons that  
19 the Office of Planning put a condition in having to do  
20 with providing five additional parking spaces on the  
21 church side, had to do with a comment that was made at  
22 one of the early meetings with the property owners who  
23 lived within 500 feet. An issue was raised about the  
24 possibility of cars parking in the neighborhood, so we

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1 thought that would be a good -- would provide additional  
2 insurance to the neighborhood residents that parking  
3 should not become a problem with the site.

4           Since that time, the Applicant has had a  
5 number of additional meetings with the community and  
6 the ANC where parking was not raised as an issue, and  
7 also the Department of Transportation has had a chance  
8 to review the project, and did not seem to think that  
9 additional parking was merited, and that they did not  
10 mention it in their report. On that basis, the Office  
11 of Planning is not of a mind to continue to recommend  
12 that requirement, in that we don't think that it is  
13 necessary to meet the goals of this project,  
14 particularly in light of the fact that they don't expect  
15 that the Office of Transportation emphasized that the  
16 number of residents that will be driving cars would be  
17 limited, and such that there should be plenty of parking  
18 available for visitors and for staff.

19           The -- we sent this proposal to the  
20 Department of Public Works, to the police department,  
21 and Department of Housing and Community Development,  
22 and we received no comments prior to the issuance of  
23 this report except from the police department. The  
24 police department saw that there was no problem with

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1 the project, and the Department of Public Works, or I  
2 should say D-DOT also issued a report.

3 Briefly, the D-DOT report looked at a number  
4 of issues. They looked at the potential impact on the  
5 adjacent traffic of the two development scenarios. One  
6 development scenario would be to develop the site under  
7 existing zoning for commercial development using the  
8 "full envelope". The result would be -- let's see --  
9 approximately 70 vehicle trips would be generated during  
10 the evening peak hour on this site using the current  
11 zoning. That number of trips would have to negotiate  
12 an already congested intersection at North Capitol and  
13 Riggs Road and would present -- could present  
14 significant problems. However, the anticipated trips  
15 generated by the proposed project would be five trips  
16 in the morning, seven in the afternoon. Now, this is  
17 additional traffic that would have to be handled by the  
18 street. However, it was not seen that this level of  
19 traffic would have significant impact on the existing  
20 circumstances.

21 The Department of Transportation also met  
22 with the Applicant and discussed the drop-off half  
23 circle on North Capitol Street, and the use of the alley,  
24 and I think at the request of the Department of

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1 Transportation, the Applicant provided -- after  
2 discussing these issues with the Department of  
3 Transportation, the Applicant moved their building --  
4 well, reduced the size of the outside patio to provide  
5 additional sidewalk along the alley, to make it easier  
6 for the residents to get back and forth along that alley,  
7 and they also made modifications to the driveway  
8 drop-off, and my understanding is that the Department  
9 of Transportation was comfortable with the changes that  
10 were made, and although it is not noted in their report,  
11 they did approve it as modified.

12 So, based on this information, also looking  
13 at the level of traffic generated and the comparable  
14 level of traffic that could be generated by a commercial  
15 use on this site under the current zoning, the Department  
16 and I quote "shows that they support the proposed senior  
17 housing development with the recommendation that the  
18 developer provide an off-street loading facility. In  
19 addition, they requested the developer coordinate all  
20 construction, street-scape, and design elements with  
21 the public space -- within the public space with the  
22 Department and assume their costs." The -- I think the  
23 site plan is -- as presented reflects a number of the  
24 changes that were requested by the Department, and I

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1 believe their loading facility really addresses the  
2 request that they have such a facility on site.

3 So, based on our analysis, the fact that  
4 the project appears to meet the standards under the four  
5 PUDs, that it's consistent with the Conference of Plan,  
6 and that the reviewing agencies were -- had not expressed  
7 any concerns about it, the Office of Planning recommends  
8 approval, and we are here tonight with a modified  
9 recommendation, that's approval with one condition,  
10 that the Applicant sign a First-Source Agreement with  
11 the District of Columbia Department of Employment  
12 Resources, and a Memorandum of Understanding with the  
13 Minority Business Opportunity Commission.

14 With that, the Office of Planning completes  
15 their report and we're available for questions.

16 CHAIRPERSON MITTEN: Thank you, Mr.  
17 Jackson. Any questions for Mr. Jackson?

18 I just have on question that I'd like you  
19 to comment on. On page 4, you articulate some of the  
20 things that the Applicant has done to enhance the design  
21 relative to their original proposal. Could you  
22 comment, since in order for us to consider design, either  
23 a benefit or an amenity, it would have to be relative  
24 to the existing design, or the proposed design would

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1 have to be somehow superior to what could be achieved  
2 as a matter of right. So, can you comment on whether  
3 or not, in your view, the design as proposed is superior  
4 to what would be achieved as a matter of right?

5 MR. JACKSON: Yes.

6 CHAIRPERSON MITTEN: Would you like to  
7 elaborate or just stick with that?

8 MR. JACKSON: Well, the -- what we had  
9 looked at before was a proposal that was trying to  
10 squeeze I guess five pounds of sugar in a three pound  
11 bag. They wanted to have a three-story -- they wanted  
12 to put a number of -- a certain number of units on the  
13 site, and putting that on the site under current zoning  
14 would call for a shorter building, which would occupy  
15 more of the site. By going through this higher zoning  
16 district - this more intense zoning district, they are  
17 really building the same building development envelope,  
18 however, the envelope is taller. This allows them to  
19 provide more exterior space and to the benefit of that  
20 is that they are coming very close to what we would  
21 normally like to see in terms of exterior or recreational  
22 open space. It's uncanny the number of projects we've  
23 seen come through that have either eliminated  
24 recreational space entirely or reduced it to an amount

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1 where it was difficult to justify in terms of the  
2 benefits that would be incurred by the people who were  
3 directly on site.

4 Of course, in most of those cases there were  
5 nearby by public amenities that could serve the same  
6 purpose, but in this case, we think that their project  
7 as such provides, because of the innovative design and  
8 the ability to go up taller, has provided more  
9 recreational space, and more of the recreational space  
10 where it should be, on the outside.

11 Then we would also say that they have --  
12 they did respond to our request in terms of making the  
13 building more definitive in terms of having more of a  
14 character as you went north and south on North Capitol  
15 Street, moving the walls back and forth so it actually  
16 has some dimension as opposed to looking like a  
17 warehouse, and their willingness to work with us on the  
18 actual details of the building, even down to the type  
19 -- the use of brick on facade and turrets we thought  
20 was exceptional.

21 So, that's why we gave them the -- recommend  
22 this as a benefit because of their willingness to work  
23 with us and the net result of all the work.

24 CHAIRPERSON MITTEN: Thank you.

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1 MS. MCCARTHY: I think, Madam Chair, that  
2 it also -- because it's such an important corner, such  
3 a visible corner, that the additional height was really  
4 appropriate there and gave the building a presence that  
5 it wouldn't have had had it been just a squat low  
6 building, plus in addition to the recreation space that  
7 Mr. Jackson mentioned, it gave the ability to pull it  
8 back, to do more in the way of plazas and landscaping,  
9 which is an asset, not just in terms of the gateway,  
10 but also in terms of the apartment building next door.

11 It was a much more attractive site plan than would have  
12 been the case had they had to go matter of right.

13 CHAIRPERSON MITTEN: Thank you, and let the  
14 record reflect that we've been joined by Commissioner  
15 HANNAHAM. Any questions from the Applicant for the  
16 Office of Planning? All right. And I think Mr. Jackson  
17 noted for us that we have reports from the Department  
18 of Transportation and from the police department. Any  
19 other reports by government agencies? Anyone here to  
20 present a report -- any other reports that you guys are  
21 aware of from any other government agency?

22 MR. JACKSON: I mentioned that the police  
23 -- did the police forward a copy of their report?

24 CHAIRPERSON MITTEN: Yes.

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1 MR. JACKSON: Oh, okay. So you have that.  
2 Those are the only reports that I'm aware of, Madam  
3 Chair.

4 CHAIRPERSON MITTEN: All right. Thank  
5 you. We've already determined that we don't have a  
6 representative from the Advisory Neighborhood  
7 Commission and I don't know if you wanted to make contact  
8 with them just to see if we can get something for the  
9 record, but we won't hold our breath for that.

10 Now I'll just call for any persons that  
11 would like to testify in support of this evening.

12 MS. ALLEN: Good evening.

13 CHAIRPERSON MITTEN: Did you have your  
14 witness cards? Did you --

15 MS. ALLEN: I turned them in. I'm Levern  
16 Allen.

17 CHAIRPERSON MITTEN: Okay.

18 MS. ALLEN: I'm Levern Allen. I'm  
19 chairman of the Board of Trustees at Plymouth  
20 Congregational United church of Christ. I have been  
21 a trustee at Plymouth since 1992. I wrote a letter,  
22 posted last week so you may or may not have it, in support  
23 of the project and to let you know that the board is  
24 in support of the project.

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1 In 1993 two of our trustees were  
2 instrumental in gaining the information that led us to  
3 the point where we are today, and the board, or  
4 representatives of the board, have been involved in all  
5 of the actions as they have gone along. I am also a  
6 member of the board for the -- I have to get accustomed  
7 to this -- North Capitol at Plymouth Senior Housing and  
8 have spent some time with the Retirement Housing  
9 Foundation representatives, as well as with the  
10 architect in terms of selection and am very familiar,  
11 and very pleased with the project that we have. I just  
12 wanted to let add that.

13 CHAIRPERSON MITTEN: Terrific, thank you.

14 Let me see if the Commissioners have any questions for  
15 you. Any questions for Ms. Allen? Any questions?

16 COMMISSIONER HOOD: Let me just ask Ms.  
17 Allen. Ms. Allen, throughout this whole process, have  
18 you -- how are you going to get your tenants, are they  
19 going to be members of the church or how is that process?

20 MS. ALLEN: Well, I imagine that we will  
21 advertise for them. Some will be members of the church.  
22 Hopefully I will be one.

23 COMMISSIONER HOOD: Oh, okay. That  
24 answers that question.

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1 CHAIRPERSON MITTEN: But you look too  
2 young.

3 MS. ALLEN: Thank you.

4 CHAIRPERSON MITTEN: Thank you. Anyone  
5 else to testify in support of the application? All  
6 right, anyone here to testify in opposition? All right.  
7 Anything else you would like to add, Ms. Giordano?

8 MS. GIORDANO: Just in closing, I think the  
9 additional items that we need to submit for the record  
10 include a sample of the darker shade, I think it is,  
11 the darker shade of the Hardi and a photo of the materials  
12 board, and the affidavit of maintenance of posting, and  
13 I think we'll -- some more copies of the site plan.

14 SECRETARY BASTIDA: -- four additional  
15 copies.

16 MS. GIORDANO: Four additional of the site  
17 plan. So, I think those are all submissions that we  
18 can make very quickly by next week, and we would hope  
19 that perhaps we could get a decision on this case at  
20 the July meeting of the Zoning Commission.

21 CHAIRPERSON MITTEN: Let me just ask for  
22 a couple of additional things. I think we're going to  
23 need, and Mr. Bastida correct me if I'm wrong, signed  
24 agreements, the Memorandum of Understanding and the

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1 First-Source Agreement. I believe we need signed  
2 agreements, is that right?

3 SECRETARY BASTIDA: Yeah --

4 CHAIRPERSON MITTEN: In order to be able  
5 to accept them. Okay. Into the record, okay. Yes.  
6 and then -- one thing that I'd like to see, unless you  
7 can point me to where it is already in the record, is  
8 since we did have the discussion about the right turns  
9 out of the circular driveway, just something. If it's  
10 in the record, just tell me it's already here and point  
11 me to it, but something that says that in fact that  
12 driveway will be marked for right-turn only.

13 MS. GIORDANO: I don't know that it's in  
14 the record. I can furnish that in a letter or --

15 CHAIRPERSON MITTEN: Yeah, that's fine.  
16 That would be great.

17 COMMISSIONER HOOD: On that southbound  
18 piece, I would just like to -- I just threw that out.

19 I don't necessarily want that piece, I guess unless  
20 my other colleagues do, to hold up the southbound piece  
21 making a left turn into the project --

22 CHAIRPERSON MITTEN: Well, they can't  
23 control what -- how the streets are marked. They can  
24 only control how their property is marked. So, I think

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1 the point you raised is a good point, but that's up to  
2 the Department of Transportation to be a sign that  
3 prohibits it would be up to them. I don't think the  
4 Applicant would have any control --

5 COMMISSIONER HOOD: Right. But I still  
6 think that this Commission can ask D-Dot --

7 CHAIRPERSON MITTEN: Oh, sure.

8 COMMISSIONER HOOD: -- but what I was doing  
9 was withdrawing that because I didn't want that to hold  
10 up this piece which I'm definitely in favor of. So,  
11 I didn't want to make that an issue.

12 CHAIRPERSON MITTEN: Okay.

13 COMMISSIONER HOOD: But I think this  
14 Commission could ask for that.

15 CHAIRPERSON MITTEN: Okay. I follow you  
16 now. Anything else that any other commissioner had  
17 noted that we should be requesting or that we had  
18 requested? Okay. So I think we're ready then to just  
19 move into a time schedule and why don't we work backwards  
20 from our July meeting, and then that way you'll have  
21 ample time to get the First-Source Agreement and so on.

22 Go ahead, Mr. Bastida.

23 SECRETARY BASTIDA: Our July meeting is  
24 very early, so I have tentatively come up with a date,

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1 June 14th would be the date that the Applicant is  
2 supposed to submit all the requested information, and  
3 serve it on the ANC. June 21st will be the time that  
4 the ANC has to respond to it, and also findings of fact  
5 and conclusions of law will be provided at that time,  
6 and perhaps rather than writing a letter you can put  
7 it on the findings of fact and conclusions of law about  
8 the right turn only, and that way it --

9 CHAIRPERSON MITTEN: That's fine.

10 SECRETARY BASTIDA: -- would be easier to  
11 -- for the zoning administrator to cash and enforce.  
12 Thank you.

13 CHAIRPERSON MITTEN: Mr. Bastida, what's  
14 the date of our July meeting?

15 SECRETARY BASTIDA: July the 8th.

16 CHAIRPERSON MITTEN: July the 8th. Okay

17 SECRETARY BASTIDA: It's the earliest that  
18 it can be in any one month.

19 CHAIRPERSON MITTEN: Right. Okay. Thank  
20 you. Well, I'd like to thank you all for coming out  
21 on this rainy night, and we appreciate your attention  
22 and your interest in the business of the Commission.

23 The record in this case is closed except for the  
24 information that we just elaborated and that information

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1 must be filed as indicated by Mr. Bastida in Suite 210  
2 of this building, and those filings are to take place  
3 no later than 3:00 p.m. on the dates that he mentioned.

4 We will make a decision in this case at one of our regular  
5 monthly meetings, and we're targeting our July meeting,  
6 which as we said, is July 8th, and it's open to the  
7 public so anyone who's interested in seeing how we vote  
8 please come down, and if you have any questions please  
9 contact Mr. Bastida in this office. I now declare this  
10 public hearing closed.

11 (Whereupon, the above-entitled Public  
12 Hearing of the Zoning Commission was concluded at 9:21  
13 p.m.)  
14

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