

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:           :
                               :
DIX STREET GATEWAY          : Case No.
REDEVELOPMENT PARTNERS, LLC : 11-18
Map Amendment, Special     :
Exception and Variance     :
Relief at Square 5628      :
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Thursday,
January 26, 2012

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

The Public Hearing of Case No. 11-18 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairman
MARCIE COHEN	Commissioner
PETER G. MAY	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner FAIA, (AOC)

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OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

KAREN THOMAS
JOEL LAWSON

This transcript constitutes the minutes from the Public Hearing held on January 26, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

WELCOME:

Anthony Hood, Chairman..... 4

DIX STREET GATEWAY REDEVELOPMENT PARTNERS

APPLICATION NO. 11-18:..... 5

PRELIMINARY MATTER:

Grant Expert Status to Bruce Zavos..... 9

APPLICANT PRESENTATION:

Cary Kadlecek, Attorney..... 10

Bruce Zavos, Architect..... 12

Board Questions:..... 22

OFFICE OF PLANNING:

Karen Thomas..... 28

Joel Lawson..... 29

DDOT REPORT:..... 34

ANC-7C REPORT:..... 35

PERSONS/PARTIES IN SUPPORT:

Patricia Mann..... 39

Juanita Hutchinson..... 41

CLOSING REMARKS:

Ray Nix..... 44

BOARD DELIBERATION:..... 45

Motion to Approve:..... 47

VOTE: 4-0-1 to Approve:..... 49

ADJOURN:

Anthony Hood, Chairman..... 50

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen.

5 This is the Public Hearing of the
6 Zoning Commission for the District of Columbia
7 for Thursday, January 26, 2012.

8 My name is Anthony Hood. I'm
9 going to ask everyone up here to introduce
10 themselves this evening, starting with Ms.
11 Schellin.

12 MS. SCHELLIN: Sharon Schellin,
13 Secretary to the Zoning Commission for the
14 Office of Zoning.

15 COMMISSIONER TURNBULL: Michael
16 Turnbull representing the Architect of the
17 Capital.

18 COMMISSIONER COHEN: Marcie Cohen,
19 appointed by the Mayor.

20 COMMISSIONER MAY: Peter May
21 representing the National Park Service.

22 MR. LAWSON: Joel Lawson with the

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1 Office of Planning.

2 MS. THOMAS: Karen Thomas with the
3 Office of Planning.

4 CHAIRMAN HOOD: Okay. Thank you.

5 This proceeding is being recorded
6 by a court reporter and is also webcast live.

7 Accordingly, we must ask you to refrain from
8 any disruptive noises or actions in the
9 hearing room.

10 The subject of this evening's
11 hearing is Zoning Commission Case No. 11-18.
12 This is a request by Dix Street Gateway
13 Redevelopment Partners, LLC, approval of a Map
14 Amendment for property located at Square 5268.

15 Notice of today's hearing was
16 published in the DC Register on December 9,
17 2011 and copies of that announcement are
18 available to my left on the wall near the
19 door.

20 The hearing will be conducted in
21 accordance with the provisions of 11 DCMR 3022
22 as follows: Preliminary matters; applicant's

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1 case; report of the Office of Planning; report
2 of other Government agencies; report of the
3 ANC, in this case it's 7C; organizations and
4 persons in support; organizations and persons
5 in opposition; rebuttal and closing by the
6 applicant.

7 The following time constraints
8 will be maintained in this meeting: The
9 applicant 10 minutes; organizations 5 minutes;
10 individuals 3 minutes.

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

18 All persons appearing before the
19 Commission are to fill out two witness cards.

20 These cards are located to my left on the
21 table near the door. Upon coming forward to
22 speak to the Commission, please, give both

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1 cards to the reporter sitting to my right
2 before taking a seat at the table.

3 When presenting information to the
4 Commission, please, turn on and speak into the
5 microphone, first, stating your name and home
6 address. When you are finished speaking,
7 please, turn your microphone off, so that your
8 microphone is no longer picking up sound or
9 background noise.

10 The staff will be available
11 throughout the hearing to discuss procedural
12 questions.

13 Please, turn off all beepers and
14 cell phones, at this time, so not to disrupt
15 these proceedings.

16 Would all individuals wishing to
17 testify, please, rise to take the oath?

18 Ms. Schellin, would you, please,
19 administer the oath?

20 MS. SCHELLIN: Please, raise your
21 right hand.

22 (Whereupon, witnesses were sworn.)

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1 MS. SCHELLIN: Thank you.

2 CHAIRMAN HOOD: At this time, the
3 Commission will consider any preliminary
4 matters. Does the staff have any preliminary
5 matters?

6 MS. SCHELLIN: Just to advise that
7 the applicant has provided their Affidavit of
8 Maintenance and it is in order. And I believe
9 they are going to proffer a couple of experts.

10 CHAIRMAN HOOD: Okay. Mr.
11 Kadlecek or is it Ms. Prince? Okay. Mr.
12 Kadlecek, am I pronouncing your name
13 correctly?

14 MR. KADLECEK: You are. Thank
15 you. Most people don't.

16 CHAIRMAN HOOD: I've seen you with
17 the BZA, but I don't see you much here. Okay.
18 Let's go ahead and let's get with your
19 proffered witnesses.

20 MR. KADLECEK: Sure. This
21 evening, we are just going to proffer one
22 expert in architecture, that's Bruce Zavos. I

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1 believe you have his r sum  before you.

2 CHAIRMAN HOOD: Okay. Colleagues,
3 his r sum  is behind Tab B of the submission.

4 Any objection? Okay. So we will accept him
5 as an expert.

6 MR. KADLECEK: Great. Thank you.

7 CHAIRMAN HOOD: Okay. Mr.
8 Kadlecek, let me just say that if you could
9 just hit the highlights for the relief
10 requested, I think I said 10 minutes, I think
11 that's all we will need. We don't necessarily
12 need a 30 minute presentation.

13 MR. KADLECEK: Yes, we -- okay.

14 CHAIRMAN HOOD: Also, let me ask
15 this, is there anyone here in opposition?
16 Okay. So we definitely don't need a 30 minute
17 presentation. 10 minutes I think will do it.

18 MR. KADLECEK: We were just being
19 conservative.

20 CHAIRMAN HOOD: Okay. You may
21 begin.

22 MR. KADLECEK: What I think we

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1 will do is I'll give a brief overview and then
2 Mr. Zavos will give, you know, a brief
3 overview of the project and the relief
4 requested.

5 Good evening, Members of the
6 Commission. Again, my name is Cary Kadlecek
7 of the Law Firm of Goulston & Storrs on behalf
8 of the applicant. With me tonight are Allison
9 Prince, also of Goulston & Storrs, Ray Nix to
10 my left from the development team, Bruce
11 Zavos, the project architect, and Erwin Andres
12 of Gorove/Slade, the traffic consultant.

13 The application before you
14 concerns a proposal to construct 39 units of
15 much needed affordable housing on a vacant
16 District-owned parcel that is split-zoned C-2-
17 A and R-2.

18 The development team won the right
19 from DHCD to develop the site as an all-
20 affordable project.

21 In order to make such a project
22 feasible, the applicant requests three areas

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1 of zoning relief.

2 First, the applicant requests that
3 the R-2 Zone portion of the site be rezoned to
4 R-5-A. As we demonstrated in the written
5 pleadings and we will further explain, this
6 rezoning is appropriate and not inconsistent
7 with the Comprehensive Plan.

8 The Office of Planning agrees and
9 supports this Zoning Map Amendment request.

10 Second, the applicant requested
11 that the Commission hear its request for
12 special exception relief for new housing in
13 the R-5-A Zone, pursuant to ' 353.

14 The Commission agreed to hear this
15 request. As you have seen in the written
16 submissions and will further see, the proposed
17 project is appropriate for the R-5-A Zone and
18 will not have any adverse impacts on the
19 surrounding neighborhood.

20 OP agrees and supports this
21 special exception request.

22 Finally, the applicant requests

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1 that the Commission hear its request for
2 variance relief from the off-street parking
3 requirements in ' 2101.1.

4 The Commission also agreed to hear
5 this request. The project will provide 20
6 spaces when 29 are required. As our
7 prehearing submission and traffic statement
8 indicate, the application satisfies the
9 requirements for variance relief and the
10 requested relief will not adversely impact the
11 traffic and surrounding neighborhood or the
12 parking in the surrounding neighborhood.

13 Both the Office of Planning and
14 DDOT agree with this and both support the
15 requested variance.

16 It is also worth noting that in
17 addition to OP and DDOT, ANC-7C supports the
18 approval of the requested relief.

19 With that, I'll turn it over to
20 Mr. Zavos to give you an overview of the
21 project and the relief requested.

22 MR. ZAVOS: Hi, my name is Bruce

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1 Zavos from Zavos Architecture and Design. We
2 are the architects for the project.

3 I understand we are supposed to
4 keep things fairly concise, so I'll do my
5 best, although we have a lot of information
6 here.

7 The proposed site is situated
8 within the southeast corner of Northeast
9 Washington in the lower portion of the
10 Deanwood community. The site is moderately
11 sloped and unimproved and has been vacant for
12 an extended period of time. Formerly used as
13 a street car terminal.

14 The site fronts on 62nd Street and
15 backs to an alley which splits a large
16 commercial and multi-family block along the
17 northeast boundary. And I think you all have
18 these 11 x 17s in front of you.

19 The block is situated in a larger
20 block of buildings, both retail mercantile and
21 primarily multi-family along Dix Street,
22 Eastern Avenue and 63rd Street.

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1 The surrounding neighborhood is
2 composed of sidewalk-lined-two-way streets
3 with variable -- with lots and moderately
4 shallow front yards. The multi-family
5 buildings along 62nd and 63rd tend to be
6 rectangular, flat-roofed and of brick masonry
7 construction with relatively unarticulated
8 punched window openings. And again, we have
9 given you site photos that you can see.

10 The site is split in two zones:
11 C-2-A and R-2. The R-2 portion of the site is
12 designated as moderate density residential in
13 the Future Land Use Map.

14 The building will house 39
15 affordable housing units, ranging from one to
16 three bedrooms. We proposed 20 parking spaces
17 along the alley here to the east and 20 bike
18 spaces distributed throughout the site.

19 The project is massed as two
20 wings, as you can see, joined by a connecting
21 vestibule, which is here.

22 The north part of the site in the

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1 C-2-A Zone would hold a four story wing,
2 that's this part right here. And the south
3 portion in the proposed R-5-A Zone would hold
4 the three story wing. And actually, you can
5 see that more clearly in the site photo we
6 have Photoshopped in the building. This is
7 the three story portion. This is the three
8 story portion.

9 The four story portion holds 21
10 units and responds to the larger masses along
11 63rd Street and it serves primarily as the
12 frontage to the building. The wing is flat-
13 roofed with secondary massing divisions and
14 projecting bays to indicate its relationship
15 to the street and the occupancy of this wing
16 meets the density requirements of the C-2-A
17 Zone.

18 The three story wing holds 18
19 units and we dropped it down to relate more to
20 the moderate density residential and the
21 smaller massing. The projecting bays are
22 repeated, similar to that of the four story

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1 bay, and has larger fields of brick to give a
2 more sense of scale along that end. This wing
3 meets the density characteristics of the R-5-A
4 Zone.

5 The exterior architecture is
6 composed of running bond and I brought some
7 samples, if anybody wants to see them, with
8 roll-lock and soldier coursing on the base of
9 both wings.

10 We have a transparent vestibule in
11 between, glass enclosed. Above that on the
12 upper floors are HardieBoard and HardiePlank
13 cementitious siding.

14 Do you want me to bring anything
15 closer?

16 COMMISSIONER MAY: That's okay.

17 MR. ZAVOS: You're good? Okay.

18 Recessed panels alternate in the
19 siding details to further subdivide the
20 facades into smaller scales and suddenly
21 integrate the two wings vocabulary and provide
22 shade and shadow lines.

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1 This project will adhere to the
2 Green Communities 2011 Criteria and Energy
3 Star Three Performance Standards of Green
4 Building. Green features include a light
5 colored pool roof, efficiency mechanical,
6 electrical and plumbing systems, smart site
7 location within the proximity of services and
8 public transportation and implementing
9 universal design.

10 The subject property was down-
11 zoned from R-5-A to R-2 somewhat recently.
12 The R-2 Zones are intended for development for
13 one-family semi-detached dwellings and this
14 block is not characteristic of the R-2 Zone.

15 With the rare cases of single or
16 two-family dwellings within the 600 Block of
17 63rd and 62nd Street, which bounds Dix Street,
18 the block is predominantly developed with
19 greater density, that is with three and four
20 story multi-family buildings.

21 And again, if you refer back to
22 this, you can see we have articulated those

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1 with the yellow and the Ms.

2 By rezoning the R-2 section to the
3 R-5-A, this allows the core of the block to
4 have a denser development and will alleviate
5 any sense of any pocketing of residential
6 zoning. This rezoning is consistent with
7 Future Land Use Map and inconsistent with the
8 Comprehensive Plan.

9 The residential development of the
10 R-5-A Zone does not adversely impact the
11 neighborhood or District services. With
12 regard to height and bulk, and again, I think
13 this probably gives you the best illustration
14 of what is going on, it directly reflects the
15 adjacent and opposite buildings on the side of
16 the street, which you can see over here, which
17 are predominantly three and four story
18 residential buildings, multi-family.

19 The project would not abut any
20 residential use and, therefore, does not
21 affect light and air exposure of these
22 buildings.

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1 Based on the provided parking and
2 the building sizes of the surrounding multi-
3 family buildings, they appear to house between
4 8 and 12 units a piece.

5 In terms of density, the proposed
6 occupancy per block of East Brook would be
7 consistent with this.

8 The project comes with the backing
9 of DHCD and their suggestion to provide
10 family-style units, 28 proposed in total, 12
11 on this project, which would further blend
12 with the neighborhood's residential
13 population.

14 As an affordable housing project,
15 the developer and ownership have invested to
16 turn, basically, an unimproved blighted,
17 unused parcel into an active and sustained
18 residential project.

19 The facade is fronting 62nd Street
20 over here and again along here and building
21 mass is further act -- is to act as a visual
22 buffer for the exposed and sightly nature of

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1 the commercial rear facades and the Service-
2 Oriented Programming along 63rd Street.

3 We believe the variance for
4 reduction in required off-street parking is
5 justified. The site is unique because it is
6 split-zoned, its zoning history, its status as
7 a disposition site and the fact that it is
8 unimproved.

9 The confluence of these factors
10 result in a practical difficulty for providing
11 the required parking spaces. To make the
12 project economically viable as an all-
13 affordable project, the minimum number of
14 units, 39, which we proposed, must be
15 provided.

16 Combining the unit-type and count
17 requirements and the density thresholds of the
18 split-zoning, access site area, dedicated for
19 surface parking is not available.

20 And again, if you take a look at
21 the site map, I think that is very evident.

22 Underground parking is, again, not

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1 economically feasible. Additionally, with
2 such public DHCD and PADD projects required to
3 adhere to the Green Building Law, which
4 imposes standards on it, incentivizes compact,
5 low-impact, infill development, minimal
6 placement of impervious surface, proximity in
7 connection to urban infrastructure, public
8 services and multi-modal transportation.

9 The traffic study for the project
10 found that there would be no adverse impact to
11 the traffic and parking in the neighborhood.
12 62nd Street provides ample frontage for on-
13 street parking in addition to less immediate
14 streets in the neighborhood, which can serve
15 as an unlikely, but professional overflow from
16 the on-site lot.

17 In addition, the limited traffic
18 generated by this residential project is
19 likely to have little impact on the vicinity
20 of roadways.

21 Given the project's location
22 within a quarter mile of Metro Station and

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1 multiple nearby bus stops, the project is
2 well-located to be served by public
3 transportation as a primary means of
4 transportation for residents of Eastbrook and
5 thus impart less demand for on-site and near-
6 site parking.

7 Thank you very much.

8 MR. KADLECEK: With that, we are
9 available for questions.

10 CHAIRMAN HOOD: Okay. Thank you
11 very much. Commissioners, any questions?
12 Okay. Commissioner Cohen?

13 COMMISSIONER COHEN: Just for the
14 record, what income groups are you targeting
15 for the ones, the twos and the threes?

16 MR. KADLECEK: I'll let Mr. Nix
17 answer that.

18 MR. NIX: Good evening. Ray Nix,
19 managing principal of Urban Matters
20 Development Partners, 4411 Sheridan Street,
21 University Park, Maryland.

22 The target income is 60 percent of

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1 AMI. The project will be developed primarily
2 through the Low-Income Housing Tax Credit
3 Program. And the tier that we are choosing to
4 target is the 60 percent household.

5 COMMISSIONER COHEN: Okay. How
6 far is this property from the Metro stop would
7 you say?

8 MR. NIX: .2. It's either .26 or
9 .27 miles from the Capitol Heights Metro stop.

10 COMMISSIONER COHEN: And Capitol
11 Gateway is in relation to this site, where
12 is --

13 MR. NIX: I don't know a sense of
14 miles, but it's probably .5 miles. It's off
15 of East Capitol.

16 COMMISSIONER COHEN: It's closer
17 to the Metro, though, isn't it, Capitol
18 Gateway?

19 MR. NIX: It depends on what part
20 of Capitol Gateway probably that you are
21 standing on. The site which is dedicated for
22 the proposed Walmart is closer than this site.

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1 COMMISSIONER COHEN: Okay. The
2 parcel had been downsized just a few years
3 ago. Why was that? Were you the current
4 owner and you went in for a downsizing of the
5 site?

6 MR. KADLECEK: I think we will let
7 the Office of Planning address that.

8 COMMISSIONER COHEN: Okay.

9 MR. KADLECEK: But it's our
10 understanding that it has always been a
11 District-owned property. And I think that
12 down-zoning was an oversight, but the District
13 -- the Office of Planning can handle that
14 question.

15 COMMISSIONER COHEN: You got that,
16 Joel? In the commercial core, can you
17 describe what is around it exactly that you
18 are talking about? I saw on the map there was
19 a daycare center, but can you be a little bit
20 more specific?

21 Could you put your --

22 MR. ZAVOS: All right. There is a

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1 church property to the south. We have got --
2 I don't know exactly the commercial to the
3 east. Maybe, Ray, you can be --

4 MR. NIX: Yes, I can --

5 MR. ZAVOS: -- specific.

6 MR. NIX: Yes.

7 MR. ZAVOS: Yes.

8 MR. NIX: So in terms of
9 commercial and retail, this is an abandoned
10 vacant carry-out that used to serve as a
11 carry-out wing place. About a block up on
12 61st Street, there is an existing daycare and
13 a liquor store, which serves as kind of a
14 neighborhood mart.

15 There is a -- this area here is
16 dedicated to a construction site. And owner
17 of a construction company site. This is a
18 vacant building here, dilapidated. And then
19 there are a series of daycare -- there is a
20 small daycare, there is a barber shop and then
21 this church that is located in this corridor
22 here. And then this is a church. And then

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1 across the street there is a grocery store on
2 the Maryland side.

3 COMMISSIONER MAY: Mr. Chairman, a
4 couple of questions. Just to clarify, I think
5 I heard two different numbers of what the
6 required parking is and it's certainly
7 confusing, because there are different numbers
8 in the OP and DDOT reports than were in your
9 submission.

10 But it is 29 that's required,
11 correct?

12 MR. KADLECEK: Yes, it is 29.

13 COMMISSIONER MAY: Okay. From the
14 aerial photos that I have seen, it seems like
15 there really is ample street parking. Is that
16 the case? Is see Mr. Andres nodding his head
17 as well. Not that you really need to have
18 your traffic expert testify to that, I'll take
19 your word for it, but --

20 MR. KADLECEK: Yes, that is our
21 understanding is that there is ample street
22 parking available.

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1 COMMISSIONER MAY: I don't really
2 have any other questions.

3 CHAIRMAN HOOD: Okay. Any other
4 questions? Mr. Turnbull?

5 COMMISSIONER TURNBULL: Mr. Chair,
6 tonight I am good. I have no questions.

7 CHAIRMAN HOOD: I learned a long
8 time ago, if you don't have any, you don't ask
9 them. I don't have any, so let's do this.

10 COMMISSIONER MAY: I think Mr.
11 Turnbull is good every night. I just want to
12 say for the record.

13 COMMISSIONER TURNBULL: Well,
14 thank you, Mr. May, I appreciate that.

15 CHAIRMAN HOOD: There's a lot of
16 nice accolades going back and forth here.
17 Okay. You guys can be rough sometimes, so
18 you're getting an easy night, believe me.

19 And it's probably due to a lot of
20 the work that has been done already.

21 Let's see, anyone here from ANC-7C
22 that has any -- wait a minute. Did we do

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1 cross-examination? Okay. Yes, I know we did,
2 but, I mean, does anyone here who is
3 representing ANC-7C, I guess, it's the
4 Chairperson Khaliq? I don't want to mess up
5 the last name. Anyone here representing ANC-
6 7C?

7 Okay. Not seeing anyone, no
8 cross-examination. Let's go right into the
9 Office of Planning's report. Let's go to Ms.
10 Thomas. Ms. Thomas?

11 MS. THOMAS: Good evening, Mr.
12 Chair and Members of the Commission. I'm
13 Karen Thomas with the Office of Planning.

14 The Office of Planning would stand
15 on the record of its report, at this time, and
16 I would be happy to take any questions. We
17 are recommending approval. We believe that
18 the application has met the test of the
19 requested zoning relief and the Map Amendment
20 is not inconsistent with the Comprehensive
21 Plan. Thank you.

22 CHAIRMAN HOOD: Thank you, Ms.

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1 Thomas. Any questions of the Office of
2 Planning?

3 MR. LAWSON: Well, Joel Lawson
4 with the Office of Planning. I'll just
5 follow-up and answer Commissioner Cohen's
6 question.

7 The applicant did not request
8 rezoning of the property. This was part of
9 the Comprehensive Initiative of the Office of
10 Planning in consultation with the Advisory
11 Neighborhood Commissions in the area to rezone
12 some fairly large areas from R-5-A which the
13 neighborhood felt was appropriate to rezone
14 down to R-2, R-3 and R-4.

15 Altogether, that initiative
16 addressed something like 4,200 properties, so
17 it was a fairly large area, not one contiguous
18 area. It was the areas throughout Ward 7 and
19 Ward 8.

20 Through that process, we certainly
21 tried to identify all the properties that
22 shouldn't be captured by this rezoning, that

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1 included properties that were owned by DHCD.
2 A few of them slipped through the cracks.

3 You know, we wished we had caught
4 this one, in which case we probably would not
5 have included it in the initiative in the
6 first place. However, we did not, so it was
7 rezoned at that time. That's why we are
8 supportive of it being rezoned back to R-5-A,
9 at this time.

10 COMMISSIONER MAY: One quick
11 follow-up. You said that a few DHCD
12 properties fell through the cracks. Does that
13 mean that we have more cases like this coming?

14 MR. LAWSON: Sorry, I shouldn't
15 have said that. Like I mean, there is three
16 properties. How many properties here? There
17 is a few contiguous properties here. We don't
18 know of any others, at this point.

19 COMMISSIONER MAY: Okay.

20 MR. LAWSON: I certainly can't
21 guarantee that at some point some other
22 property may not crop up. And by the way,

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1 some DHCD properties were rezoned and
2 appropriately so from R-5-A to R-2. They
3 tended to be more the individual properties in
4 a sea of other areas that were appropriately
5 R-2, R-3, R-4. This was one of those
6 exceptions.

7 COMMISSIONER MAY: Okay. Thanks.

8 CHAIRMAN HOOD: Actually, I think
9 if I'm not mistaken, this is only the second
10 case, but all the properties that we did in 7
11 and 8, I believe, this is the second one.

12 MR. LAWSON: This is and we came
13 forward with a bit of a more omnibus case last
14 year or the year before where we identified, I
15 think it was, I can't even remember the
16 number, but it was maybe a couple dozen
17 properties, that we felt it was appropriate to
18 not have been within that Map Amendment.

19 And so, yes, I think technically
20 you are correct. This would be the second
21 one.

22 CHAIRMAN HOOD: Okay. Mr.

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1 Turnbull?

2 COMMISSIONER TURNBULL: Yes, Mr.
3 Chair. It kind of jogs my memory talking
4 about this now. I believe what the lion share
5 of this initiative or a lot of the ground work
6 was done by Mr. Moore in the Office of
7 Planning, who had -- and a lot of -- I think a
8 lot were cases in the BZA in Ward 8.

9 I remember sitting on some of them
10 where we had single-family lots that certain
11 developers were buying and making multi-family
12 and changing the character of the
13 neighborhood. They had opportunities to buy
14 these lots and it was just -- it got to be a
15 point where, you know, I think Mr. Moore did a
16 tremendous amount of work walking these
17 neighborhoods and looking at these sites.

18 And so I think the initiative
19 originally was to try to save the character of
20 the single-family home neighborhoods from
21 being sort of -- changing the whole character
22 by these developments.

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1 MR. LAWSON: Yes, I think
2 Commissioner Turnbull is absolutely right. It
3 was very much an initiative getting a little
4 far afield from this particular case.

5 COMMISSIONER TURNBULL: Right.

6 MR. LAWSON: But it really was an
7 initiative of the ANCs actually.

8 COMMISSIONER TURNBULL: Right.

9 MR. LAWSON: Who came to us and
10 asked us to, please, address this issue. And
11 there concern really was more the small
12 usually four to six unit --

13 COMMISSIONER TURNBULL: Right.

14 MR. LAWSON: -- walk-up apartment
15 building that tended to be in kind of a sea of
16 low-density residential. And they felt it was
17 out of character and wanted to have this
18 initiative preserve the character.

19 Again, that's why we feel that
20 this property that we are talking about
21 tonight is appropriate to go back to R-5-A,
22 because that's simply not the case on this

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1 property. And, as I said, probably shouldn't
2 have been included in the first place.

3 CHAIRMAN HOOD: Any other
4 questions or comments? Okay. Any cross-exam?
5 No one is here from ANC-7C for cross-
6 examination.

7 Let's go right on to the report of
8 other Government agencies. We do have a DDOT
9 report and DDOT recommends that we approve as
10 long as Mr. Kadlecek -- as long as the
11 applicant follows the TDM, Transportation
12 Demand Management.

13 Are you in agreement with that,
14 what they have in their report?

15 MR. KADLECEK: Well, our
16 understanding was those were suggestions by
17 DDOT, not conditions on their approval. And
18 to be frank, this is an all-affordable
19 project. I think a request of \$100 SmarTrip
20 cards times 37 units is actually a
21 considerable burden on the applicant.

22 Not to mention that the membership

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1 programs that DDOT is asking for are, you
2 know, for carsharing programs and Capital
3 Bikeshares that don't really exist in the
4 area. So I don't think, at this point, we
5 think that those are worthwhile to invest in.

6 CHAIRMAN HOOD: I think you are
7 exactly right. I look at this again and it
8 says DDOT suggests that the applicant follow
9 the provided TDM options. So it's just a
10 suggestion made by DDOT, but they recommend
11 approval to rezone the subject property and
12 the special exception as well as the request
13 for the variance relief from the off-street
14 parking requirements.

15 Okay. Other than that, the report
16 of ANC-7C. Again, not seeing anyone
17 representing ANC-7C, Khaliq Elhillali, I hope
18 you're not watching and see I have butchered
19 the name, but anyway, they have a letter of
20 support. And they don't see any adverse
21 impacts.

22 The applicant has designed the

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1 project and they don't see any adverse
2 impacts. "It's aesthetically appealing and
3 will not adversely affect neighboring
4 buildings in the ANC-7C community. And also,
5 the applicant will provide enough parking to
6 accommodate the residents and there will not
7 be an adverse impact on the availability of
8 on-street parking in the neighborhood.

9 The ANC requests that the
10 Commission provide it with the great weight in
11 support of this application."

12 Okay. Do we have anyone here, any
13 organizations or persons who would like to
14 testify in support? Any organizations or
15 persons who would like to testify in
16 opposition?

17 Mr. Kadlecek, I don't think we
18 have any rebuttal. We can just do a closing.

19 COMMISSIONER MAY: Mr. Chairman,
20 can I interrupt for one thing? With regard to
21 the ANC's report, do we actually have to have
22 the vote count to give great weight? Because

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1 I didn't see it in there. Did I miss it?

2 I mean, they voted to support, but
3 I don't see a count of the number of votes.

4 CHAIRMAN HOOD: I believe we are
5 and it's not in here. So we will --

6 COMMISSIONER MAY: Perhaps we can
7 contact them and ask them to fill out the form
8 that we have now for --

9 CHAIRMAN HOOD: They can do it
10 before --

11 COMMISSIONER MAY: -- votes.

12 CHAIRMAN HOOD: -- final action.

13 COMMISSIONER MAY: Yes, exactly.

14 CHAIRMAN HOOD: Yes. Let's do
15 that. If we can --

16 COMMISSIONER MAY: Because I would
17 much rather we give them great weight --

18 CHAIRMAN HOOD: Right.

19 COMMISSIONER MAY: -- in the
20 order.

21 CHAIRMAN HOOD: I really think
22 some neighborhoods we see every day of the

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1 week pretty much.

2 COMMISSIONER MAY: Yes.

3 CHAIRMAN HOOD: And then some
4 neighborhoods we see periodically and some
5 neighborhoods we see very sparingly. And this
6 is one.

7 COMMISSIONER MAY: Sure.

8 CHAIRMAN HOOD: So I think we need
9 to be able to afford them the ability to be
10 able to give great weight, because I think
11 this is a great project for the area. I
12 actually frequent the area, so I think this
13 will be great for that area.

14 COMMISSIONER MAY: Absolutely. We
15 want to try to give the ANC every opportunity
16 to have great weight.

17 CHAIRMAN HOOD: I believe so.
18 Anything else, Mr. Kadlecek?

19 MR. KADLECEK: Actually, I believe
20 there are two people here tonight who do want
21 to testify in support of the project.

22 CHAIRMAN HOOD: Okay.

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1 MR. KADLECEK: If they would like
2 to come up?

3 CHAIRMAN HOOD: Did I go through
4 that too fast? Was that what it was? I must
5 have been moving too fast. And you know what,
6 in the -- there is not a football game on
7 tonight, so I don't know why I'm moving that
8 fast.

9 When you are ready, welcome, you
10 may begin. Identify yourself, your address
11 and we will take it from there.

12 MS. MANN: Good evening. My name
13 is Patricia Mann. I live at 5000 A Street,
14 S.E. I'm a resident of the District, Ward 7.

15 I would like to take -- I'm sorry.
16 I would like to thank you for giving me the
17 opportunity to come before you and voice my
18 support of the development of the 39 new
19 affordable apartment units on 62nd Street in
20 the northeast community of Washington, D.C.

21 My brother and I who also still
22 lives in Deanwood remembers back when there

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1 were streetcars on tracks that ran up and down
2 Dix Street. And the 62nd Street site was used
3 as a car barn.

4 Back then, we could leave our
5 front doors open and when -- the playground in
6 the community was filled with children
7 laughing and playing. There is a certain
8 amount of pain in one's heart when you witness
9 unwanted changes in your beloved community.

10 I'm a realist, not a
11 sentimentalist. I realize that things have to
12 change, but it's up to the citizens and city
13 officials to continue to work together to move
14 forward. It's troubling to see vacant
15 buildings go undeveloped for years as in the
16 case of 62nd Street.

17 This Commission and the city
18 administration made the decision over two
19 years ago to redevelop the old HUD property at
20 Dix Street and Eastern Avenue. That property
21 was vacant for almost 27 years with the
22 organizing of Beulah Baptist Church, the

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1 Washington Interfaith Network and the broader
2 community, the property is now being
3 transformed into 63 beautiful affordable
4 townhomes for ownership.

5 With the development on the 62nd
6 Street site it gives us hope that the city is
7 committed to the development of the 62nd
8 Street/Dix Street corridor in far northeast of
9 Ward 7. Thank you.

10 MS. HUTCHINSON: Good evening,
11 ladies and gentlemen. Thank you for giving me
12 an opportunity to speak before the Commission
13 this evening.

14 My name is Juanita Hutchinson and
15 I live at 526 59th Street, N.E., Apartment
16 101.

17 I am a member of Beulah Baptist
18 Church and a leader with WIN, Washington
19 Interfaith Network's Action Team.

20 I have lived in Ward 7 all my life
21 and most of my family still live in the
22 community. I am here today to support the

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1 development of the 62nd Street affordable
2 apartment development.

3 Myself and other long-time members
4 of the community have seen this property sit
5 vacant for years. These boarded up properties
6 are often the first thing you see when you
7 enter into the District from Maryland in this
8 northeast area.

9 Over two years ago, I testified
10 before this Commission for the transfer of the
11 old HUD property on Dix Street and Eastern
12 Avenue, which was vacant for 20 plus years.

13 Now, because of the vision of
14 Beulah Baptist Church, VCI, the District of
15 Columbia, Office of Planning and the
16 Washington Interfaith Network the development
17 of Eden Place at Beulah Crossing the 63 unit
18 of affordable housing where I plan to become a
19 homeowner have given residents hope for the
20 revitalization planned for the Dix Street
21 Gateway to the District of Columbia.

22 Members of this Commission, the

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1 approval of the 62nd Street affordable
2 apartment complex helps provide a critical
3 mass of quality affordable housing in this
4 community.

5 Your decision tonight will give
6 myself and other residents of the community
7 assurance that this community in the
8 northeastern part of the city is important and
9 it is -- and it sends a signal that you care
10 about my investment and the investment in a
11 city that I have lived in all my life. Thank
12 you.

13 CHAIRMAN HOOD: I want to thank
14 you both for your testimony. And you are
15 exactly right, the project that our good
16 friend, Reverend Marcus Turner, had
17 jumpstarted that whole area. And you can send
18 him a letter letting him know that we all said
19 hello.

20 But I will tell you that it's very
21 important that that project helps jumpstart
22 what is going on here today and improve that

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1 area. So make sure you tell him we said
2 hello. We know a little bit about Beulah
3 Baptist now. Okay.

4 Any questions, Commissioners?
5 Okay. And also, Ms. Hutchinson, is it, is
6 your name? So you asked for the applicant for
7 a Bench decision? Did you know that's what
8 you just did? Oh, I just told you. Okay.
9 You're good. I like that.

10 Okay. Any other questions? Does
11 the applicant have any cross? The ANC? ANC
12 is not here. Okay.

13 All right. Do you want to do
14 closing remarks? And thank you both, we
15 appreciate that good testimony.

16 MR. KADLECEK: I will let Mr. Nix
17 do a closing remark.

18 MR. NIX: Good evening, again. I
19 just -- with that, I just want to thank you on
20 behalf of the entire development team. We
21 have been working extremely hard and it is
22 good to know when I go before the ANC with my

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1 development team having worked on the 63 units
2 with Reverend Turner that the vision is
3 actually being implemented.

4 With their testimony, I guess I've
5 got to get to work. So I appreciate your full
6 consideration.

7 MR. KADLECEK: With that, thank
8 you very much and we will piggyback on Ms.
9 Hutchinson and ask for a Bench decision in
10 this case.

11 CHAIRMAN HOOD: We were going to
12 do it if she asked, but now that you asked, I
13 don't know what may happen. I'll have to see
14 what my colleagues think. I don't know.

15 COMMISSIONER MAY: Absolutely. I
16 would agree. There are a couple of things I
17 would like to say before we make a decision.

18 One is that I agree with the
19 Chairman that DDOT's suggestions or TDM
20 measures seem to be kind of overkill. They
21 have a standard formula at DDOT and haven't
22 quite figured out how to apply it in every

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1 circumstance.

2 I think sometimes they overshoot
3 the mark and I think they have overshot it. I
4 initially read the OP report to suggest that
5 the applicant had actually agreed to those
6 couple of measures and I found that surprising
7 and helpful.

8 And then they went on to talk
9 about monitoring and I thought the monitoring
10 was excessive. But I think even these, you
11 know, measures they suggested are more than is
12 necessary for this project.

13 I would also say that, you know,
14 there is a lot that I could be saying about
15 this project in terms of the design of it, but
16 this is not a PUD, so I won't try to treat it
17 as one.

18 And I think that the relief that
19 has been requested, I think there probably
20 would be a design solution, you know, where
21 you could cram in all the parking spaces, but
22 it just would not be a good solution. And I

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1 think that, you know, what you have done now
2 with the parking is as many parking spaces as
3 we would want to see on that site.

4 I'm almost surprised DDOT didn't
5 say there should be less parking, because they
6 come and say that all the time as well. But I
7 think that's appropriate and it seems like
8 there is -- if there is any additional parking
9 needed for the residents of the project, it
10 seems to be that there is ample parking in the
11 neighborhood.

12 So I would support moving ahead as
13 quickly as possible.

14 CHAIRMAN HOOD: Okay. Thank you.

15 Any other comments? Commissioners, would you
16 like to move forward tonight? Okay. Anybody
17 would like to make a motion?

18 COMMISSIONER COHEN: I would --

19 CHAIRMAN HOOD: Commissioner
20 Cohen?

21 COMMISSIONER COHEN: -- like to
22 make the motion to approve the proposed Map

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1 Amendment from the R-2 District to the R-5-A
2 District for Lots 9 through 13 of the Dix
3 Street Gateway Project, as it is not
4 inconsistent with the Comprehensive Plan, to
5 provide special exemption relief under ' 353
6 to permit new residential development in the
7 R-5-A District and variance relief from the
8 off-street parking requirement of ' 2101 to
9 permit 20 off-street parking spaces where 39
10 would be required.

11 CHAIRMAN HOOD: Okay. Great. The
12 motion has been moved. Can I get a second?

13 COMMISSIONER MAY: I would second,
14 but I just would offer a friendly
15 modification, because I think the required
16 parking is 29, not 39, as was stated in OP's
17 report.

18 COMMISSIONER COHEN: Okay.
19 Correct that motion to say 29 would be
20 required.

21 CHAIRMAN HOOD: Okay. Thank you
22 for that. It has been moved and properly

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1 seconded. Any further discussion? Are you
2 ready for the question?

3 All those in favor?

4 ALL: Aye.

5 CHAIRMAN HOOD: Not hearing any
6 opposition, Ms. Schellin, would you, please,
7 record the vote?

8 MS. SCHELLIN: Yes. Staff records
9 the vote 4-0-1 to approve proposed action in
10 Zoning Commission Case No. 11-18.
11 Commissioner Cohen moving, Commissioner May
12 seconding, Commissioners Hood and Turnbull in
13 support. Commissioner Schlater not present,
14 not voting.

15 If we could just -- if I could
16 just ask the applicant to provide draft
17 findings of facts and conclusions of law by
18 3:00 p.m. February 13th? And if I stay a
19 little later tonight, I'll refer it to NCPC
20 and we can have final action on 2/27.

21 COMMISSIONER MAY: Ms. Schellin,
22 I'm sorry, did you mention getting a final ANC

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1 report?

2 MS. SCHELLIN: Yes. I have a note
3 for Donna to contact the ANC tomorrow.

4 COMMISSIONER MAY: Okay. Great.
5 Thanks.

6 CHAIRMAN HOOD: Okay. Do we have
7 anything else?

8 MS. SCHELLIN: No, sir.

9 CHAIRMAN HOOD: I want to thank
10 you two ladies, especially, for coming down
11 and testifying. Also, I want to say that you
12 all really got a Bench decision, so it wasn't
13 Mr. Kadlecek, it was you all, you two ladies
14 who did that.

15 So with that, this hearing is
16 adjourned.

17 (Whereupon, the Public Hearing was
18 concluded at 7:12 p.m.)

19

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