

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER, Deputy Director,
Development Review & Historic
Preservation
MAXINE BROWN-ROBERTS

The transcript constitutes the minutes from the Public Hearing held on July 26th, 2012.

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

ZCDC CASE NO. 09-05A - United House of Prayer
- PUD Modification @ Square 442

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

2 7:15 p.m.

3 CHAIRMAN HOOD: Okay. Move right
4 into the second hearing. The subject of the
5 second hearing is Zoning Commission Case Number
6 09-05A. This is a request by the United House
7 of Prayer for approval of a PUD Modification
8 for property located in Square 442.

9 Notice of this hearing was published
10 in the D.C. Register on April 27th, 2012 and
11 copies of that announcement are available to
12 my left on the wall near the door.

13 Again, we will have the same
14 procedures. The only thing different in this
15 case is a report of ANC 2C.

16 The Applicant five minutes.
17 Organizations five minutes. Individuals three
18 minutes.

19 If anyone was not here earlier who
20 would like to testify, if you could rise to take
21 the oath.

22 Ms. Schellin, would you please

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1 administer the oath?

2 MS. SCHELLIN: Yes.

3 CHAIRMAN HOOD: Is there anyone
4 here who's going to testify? Okay. So.

5 You took the oath earlier I think.

6 You were here earlier. Did you take the oath?

7 I always feel funny when I ask. Did we go to
8 church? Did they take the oath? Yes, you know,
9 ministers and clergy. You know, I feel funny.

10 Okay.

11 Okay. Mr. Freeman, again, I think
12 the record is complete.

13 Let me ask this. Is there anyone
14 who's here in opposition of this case? Okay.

15 Again, I think -- I don't want
16 Chairman Jordan to out do me. So, I think you
17 could take the hint.

18 But, anyway, I will let you begin,
19 Mr. Freeman.

20 MR. FREEMAN: For the record, my
21 name is Kyrus Freeman on behalf of the Applicant
22 the United House of Prayer for All People.

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1 Seated to my immediate left is
2 Apostle Green on behalf of the Applicant.

3 As you know, we filed an application
4 for a modification to an approved PUD. A
5 description of that application and our proposal
6 is included in our materials as well as the
7 Office of Planning reports and support and we
8 believe we meet all the standards for the
9 requested modification and respectfully request
10 the Zoning Commission's approval.

11 Thank you.

12 CHAIRMAN HOOD: Okay. Thank you
13 very much.

14 Apostle Green, did you have anything
15 you want to say?

16 MR. GREEN: Mr. Chairman, for the
17 record, my name is Apostle S. Green in the Office
18 of Bishop C.M. Bailey, United House of Prayer.

19
20 We're pleased to be here and we trust
21 that your Commission, yourself and the others
22 on the Commission will support our request and

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1 we appreciate it very much. We're looking
2 forward to moving forward.

3 The building is completed. We're
4 ready to move tenants in and move forward.

5 Thank you.

6 CHAIRMAN HOOD: Okay. Thank you.

7 Okay. Commissioners, any
8 questions? Vice Chair Cohen.

9 VICE CHAIR COHEN: Yes, the tenants
10 that you have identified are they members of
11 your church specifically? Are they community
12 members? How did you find these people?

13 MR. GREEN: And which tenants,
14 ma'am, are you referring to?

15 VICE CHAIR COHEN: The ones that are
16 ready to move in. The ones who are --

17 MR. GREEN: We haven't identified
18 any tenants yet. We're ready to start that
19 process.

20 VICE CHAIR COHEN: Oh. How --

21 MR. GREEN: But, we didn't want to
22 start the process without your approval.

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1 VICE CHAIR COHEN: How will you
2 identify then the people who will be -- are they
3 going to be church members, community members?

4 MR. GREEN: It's open to the
5 community. All of our housing projects are open
6 to the community. Our housing developments.
7 Yes.

8 CHAIRMAN HOOD: Any other
9 questions? Commissioner Turnbull.

10 COMMISSIONER TURNBULL: Yes, I mean
11 one of the -- in Chapter 24 of the PUD and one
12 of the clear regulations is 240.13 which you
13 said talks about public benefits other than
14 affordable housing such as public facilities
15 or public open space may be located off-site.

16 So, you're asking for a clear
17 variance modification to 2403 I should say.

18 MR. FREEMAN: Well, we'd say the
19 existing building for which we received a PUD
20 approval will still have affordable housing.
21 So, all of the affordable housing is not going
22 to be located off-site. There will still be

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1 affordable housing --

2 COMMISSIONER TURNBULL: Right.

3 MR. FREEMAN: -- at the 623 Rhode
4 Island Avenue.

5 COMMISSIONER TURNBULL: But, let me
6 -- I guess again I want to just go on the record
7 for just clarifying that although one of the
8 things you're talking about is that the
9 affordable housing for those extra -- for those
10 other properties will be in existence for only
11 -- for as long as the properties exist.

12 MR. FREEMAN: Yes, sir.

13 COMMISSIONER TURNBULL: So, if
14 they're less than the life of the property that
15 was originally part of the PUD, you're only going
16 to have a minimum amount of affordable housing.

17 The bare minimum and you're getting a
18 significant amount of relief from R-4 to C-2-A.

19 How do you justify that?

20 MR. FREEMAN: All right.

21 COMMISSIONER TURNBULL: In other
22 words, I guess what I'm saying is that you're

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1 transferring the units over to another property.

2 You're giving more and I understand that, but
3 if something should happen with those other
4 properties and they've -- they're gone.

5 MR. FREEMAN: Right.

6 COMMISSIONER TURNBULL: For the
7 main PUD where we're left with just the bare
8 minimum and yet, we've given a lot of relief
9 for that property.

10 MR. FREEMAN: I would say for all
11 projects to the extent that affordable housing
12 is provided, it's always provided for the life
13 of the building in the Rhode Island Avenue, in
14 this existent building as well as in the other
15 two projects and the language that we came up
16 with was actually in conjunction with the Office
17 of the Attorney General.

18 And I would point out that there have
19 been other cases in which the amenity which was
20 affordable housing was provided off-site and
21 the Zoning Commission -- I'm trying to find it.

22 I'm sorry if I'm -- Zoning Commission Case

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1 Number or Order Number 940 which was the Woodies
2 PUD. That's a case in which the Zoning
3 Commission approved the PUD and the main amenity
4 was affordable housing which was located on
5 sites other than the location of the PUD
6 construction.

7 So, I think I understand your
8 concern, but the language of the order will
9 require affordable housing to be on those
10 buildings and frankly those buildings will
11 likely be there for a very, very long time.

12 COMMISSIONER TURNBULL: And
13 they're being totally rehabilitated or how far
14 are these --

15 MR. FREEMAN: They're new
16 buildings.

17 MR. GREEN: They're practically new
18 buildings.

19 COMMISSIONER TURNBULL:
20 Practically new buildings.

21 MR. GREEN: Practically new
22 buildings. They were built since about 2000.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. GREEN: So, they're practically
3 new buildings and if I could just add one other
4 point. Just kind of historically in terms of
5 the record, the United House of Prayer, we have
6 some buildings built in 1975 about 91 units of
7 affordable housing almost directly across from
8 the Convention Center and those properties have
9 been maintained so well that from 1975 until
10 now, 35 years later, they're still affordable
11 and still full because we've maintained them.

12 So, we don't have a habit of being slum
13 landlords at the United House of Prayer.

14 COMMISSIONER TURNBULL: No, and I
15 wasn't assuming that.

16 MR. GREEN: No, I just wanted to
17 speak in terms of --

18 COMMISSIONER TURNBULL: I just
19 wanted to put it on the public record.

20 MR. GREEN: -- the longevity of the
21 project. These were built in 1975 and 35 years
22 later, they're going strong with no inkling that

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1 we're about to try to demolish them or do
2 anything else.

3 COMMISSIONER TURNBULL: No, and I
4 admire all the work you've done. I really think
5 it's a very --

6 MR. GREEN: Thank you.

7 COMMISSIONER TURNBULL: But, I just
8 want to -- I mean in light of that though, too,
9 2404.10 does talk about the housing linkage
10 covering those properties as affordable and
11 still required certification just like the rest
12 of the property.

13 Am I correct in that?

14 MR. FREEMAN: So, those units that
15 will be -- that currently are not required to
16 be affordable, but will become affordable --

17 COMMISSIONER TURNBULL: Are
18 off-site?

19 MR. FREEMAN: -- are off-site?

20 COMMISSIONER TURNBULL: Yes.

21 MR. FREEMAN: And they will likely
22 be put into the inclusionary zoning pool and

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1 managed in that way or similar AG classes.

2 COMMISSIONER TURNBULL: Yes, I'm
3 just thinking don't they -- I mean I'm assuming
4 that they still have to have the housing linkage
5 requiring certification and all of that. I mean
6 I think there's a link -- I think there's
7 language to that effect, but I just wanted to
8 be sure.

9 MR. FREEMAN: There will be -- those
10 units will have to report and be maintained as
11 affordable housing.

12 COMMISSIONER TURNBULL: Okay. I
13 just wanted to make sure that we're all clear
14 on that.

15 MR. FREEMAN: Yes.

16 COMMISSIONER TURNBULL: Okay. I'm
17 through. Thank you.

18 CHAIRMAN HOOD: Okay. It's been 35
19 years. I must be getting old. Okay.

20 Any other questions?

21 Okay. Let's see. ANC 2C has a
22 letter, but anyone here from ANC 2C?

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1 Okay. Let's go to the Office of
2 Planning's Report. Ms. Brown-Roberts.

3 MS. BROWN-ROBERTS: Good evening,
4 Mr. Chairman. I'm Maxine Brown-Roberts for the
5 record.

6 And the Office of Planning will
7 stand on the record this afternoon.

8 Thank you, Mr. Chairman.

9 CHAIRMAN HOOD: Thank you, Ms.
10 Brown-Roberts. Appreciate that.

11 Any other questions of the Office
12 of Planning?

13 Okay. Does the Applicant have any
14 cross of the Office of Planning?

15 MR. FREEMAN: No, Chairman Hood.

16 CHAIRMAN HOOD: Okay. Report of
17 other Government Agencies?

18 Let's go to the ANC report. This
19 is from Chairperson Padro and it says at the
20 Commission's meeting duly notice that the --
21 with this case listed in a notice with a quorum
22 present, three out of the four Commissioners

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1 required to be in attendance to achieve a quorum,
2 ANC 2C voted three in favor, zero opposed and
3 one abstention. Three out of the four
4 Commissioners required to be in -- okay. So,
5 to support the minor modification to the PUD
6 for 625.

7 Do you know why one of the
8 Commissioners abstained? You wouldn't happen
9 to know that would you?

10 MR. FREEMAN: I do not know.

11 CHAIRMAN HOOD: Okay. And then it
12 goes on to say for this reason listed above,
13 the Advisory Neighborhood Commission 2C
14 recommends that the District of Columbia Zoning
15 Commission accord ANC 2C's recommendation great
16 weight and approve this application. Okay.

17 Again, let me ask do we have any
18 organizations or persons who are here in
19 support?

20 Any organizations or persons who are
21 here in opposition?

22 Do you have any closing, Mr.

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1 Freeman?

2 MR. FREEMAN: No, just thank you for
3 your time this evening. I think the record
4 indicates that we meet our burden of proof
5 combined with our testimony here this evening
6 and we would ask for your approval as soon as
7 possible.

8 Thank you.

9 CHAIRMAN HOOD: Okay. Any other
10 questions or would someone like to make a motion?
11 Vice Chair.

12 VICE CHAIR COHEN: Yes, thank you,
13 Mr. Chair.

14 I move to approve Zoning Commission
15 Case Number 09-05A modification of ZC Order
16 Number 09-05, Consolidated Planned-Unit
17 Development and Zoning Map Amendment at Square
18 442, Lots 115, 116, 117, 118 and 119 also known
19 as 623-631 Rhode Island Avenue, N.W.

20 COMMISSIONER TURNBULL: I would
21 second that.

22 CHAIRMAN HOOD: Okay. It's been

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1 moved and properly seconded. Any further
2 discussion?

3 Are you ready for the question? All
4 those in favor?

5 (Ayes.)

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

9 MS. SCHELLIN: Yes, sir, staff
10 records the vote 3-0-2 to approve proposed
11 action in Zoning Commission Case Number 090-05A.
12 Commissioner Cohen moving. Commissioner
13 Turnbull seconding. Commissioner Hood in
14 support. Commissioner May not present, not
15 voting. Third mayoral appointee position
16 vacant, not voting.

17 CHAIRMAN HOOD: Okay. Do we have
18 anything else before us?

19 MS. SCHELLIN: If we could also have
20 draft findings of fact/conclusions of law by
21 August 16th, 3:00 p.m.

22 CHAIRMAN HOOD: Okay. Do we have

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1 anything else?

2 Okay. I want to thank everyone for
3 their participation tonight and this hearing
4 is adjourned.

5 MR. FREEMAN: Thank you.

6 MR. GREEN: Thank you, Mr.
7 Chairman.

8 (Whereupon, at 7:28 p.m., the
9 hearing was adjourned.)

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