

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

IN THE MATTER OF:

Text Amendment to allow increased density for buildings located in a TDR Receiving Zone and either developed as part of an approved New Community Plan or funding by the District for affordable housing purposes.

Case No.
10-01

Tuesday,
March 1, 2010

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

The Public Hearing of Case No. 03-02A by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
WILLIAM WARREN KEATING, Vice Chairman
MICHAEL J. TURNBULL, FAIA, Commissioner
(AOC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER

The transcript constitutes the minutes from the Public Hearing held on March 1, 2010.

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

INTRODUCTION:

Chairman Anthony J. Hood..... 4

PRELIMINARY MATTERS:

Sharon Schellin (none)..... 7

OFFICE OF PLANNING REPORT:

Jennifer Steingasser..... 7

REPORTS OF OTHER GOVERNMENT AGENCIES:

None..... 18

REPORTS FROM ANCs:

None..... 18

ORGANIZATIONS AND PERSONS IN SUPPORT:

Ms. Ellen McCarthy..... 20

Mr. Jalal Greene..... 28

ORGANIZATIONS AND PERSONS IN OPPOSITION:

None..... 18

VOTE:

Sharon Schellin..... 35

CLOSING:

Chairman Anthony J. Hood..... 36

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

2 6:35 p.m.

3 CHAIRMAN HOOD: We're ready to go
4 ahead and get started. Good evening, ladies
5 and gentlemen.

6 This is a Public Hearing of the
7 Zoning Commission of the District of Columbia,
8 for Tuesday, March 1, 2010. My name is
9 Anthony J. Hood. Joining me are Vice Chairman
10 Keating, Commissioner May, and Commissioner
11 Turnbull. We're also joined by the Office of
12 Zoning Staff, Ms. Sharon Schellin. Also by
13 the Office of Planning Staff, Ms. Steingasser.

14 This proceeding is being recorded
15 by a court reporter and is also web cast live.

16 Accordingly, we must ask you to refrain from
17 any disruptive noises or actions in the
18 hearing room.

19 The subject of this evening's
20 hearing is Zoning Commission Case Number 10-
21 01. This is a request by the Office of
22 Planning for Text Amendments to the Zoning

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1 Regulations to allow increases in density and
2 height for projects that are located in a
3 receiving zone and either developed as part of
4 a DC Council approved New Communities Plan, or
5 funded by the District for affordable housing
6 purposes.

7 Notice of today's hearing was
8 published in D.C. Register on January 29,
9 2010, and copies of the announcement are
10 available to my left on the wall near the
11 door.

12 The hearing will be conducted in
13 accordance with provisions of 11 DCMR 3117, as
14 follows: preliminary matters, presentation by
15 the Office of Planning, reports of other
16 Government agencies, report of all ANCs,,
17 organizations in persons in support,
18 organizations and persons in opposition. The
19 following time constraints will be maintained
20 in this meeting: organizations, five minutes,
21 and individuals three minutes. The Commission
22 intends to adhere to the time limits as

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1 strictly as possible, in order to hear the
2 case in a reasonable period of time. The
3 Commission reserves the right to change the
4 time limits for presentations, if necessary
5 and notes that no time shall be ceded.

6 All persons appearing before the
7 Commission are to fill out two witness cards.

8 These cards are located to my left on the
9 table near the door. Upon coming forward to
10 speak to the Commission, please give both
11 cards to the reporter sitting to my right,
12 before taking a seat at the table. When
13 presenting information to the Commission,
14 please turn on and speak into the microphone,
15 first stating your name and home address.
16 When you are finished speaking, please turn
17 your microphone off so that your microphone is
18 no longer picking up sound or background
19 noise.

20 The decision of the Commission in
21 this case must be based exclusively on the
22 public record. And, to avoid any appearance

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1 to the contrary, the Commission requests that
2 persons present not engage the members of the
3 Commission in conversation during any recess
4 or at any time. The Staff will be available
5 throughout the hearing to discuss any
6 procedural questions.

7 Please turn off all beepers and
8 cell phones at this time, so as not to disrupt
9 these proceedings. At this time, the
10 Commission will consider any preliminary
11 matters. Does the Staff have any preliminary
12 matters?

13 MS. SCHELLIN: No, sir.

14 CHAIRMAN HOOD: Okay. We'll go
15 straight to Ms. Steingasser. Good evening,
16 Ms. Steingasser.

17 MS. STEINGASSER: Good evening,
18 Commissioners. The Office of Planning is
19 proposing a Text Amendment that would allow
20 affordable housing that are either part of an
21 approved New Communities plan or are funded by
22 a D.C. Government agency to achieve maximum

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1 height and density allowable in the TDR
2 Receiving Zones, without the requirement to
3 purchase such development rights. That would
4 allow them to go as a new Matter of Right
5 standard. It is our opinion that the text is
6 consistent with the Comprehensive Plan, the DD
7 Overlay that establishes the Receiving Zones,
8 and with the public policy of supporting and
9 providing affordable housing.

10 With that, we recommend approval.

11 CHAIRMAN HOOD: Okay. Thank you,
12 very much, Ms. Steingasser. That was very
13 short and sweet. And I think the report was
14 very well done.

15 Okay. Let's see if we have any
16 questions. Any questions? Commissioner May?

17 COMMISSIONER MAY: Yes. Do we have
18 any sense of what the total area and change in
19 zoning this would ultimately affect? I mean,
20 I don't have a picture of these overlays in my
21 mind. So is it -- how much is it -- I mean,
22 how broad an area is it and then also, how

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1 much of an upzoning is it, effectively?

2 MS. STEINGASSER: Well, it's not an
3 upzoning, because it's already in the receipt
4 -- it's only applicable in the receiving
5 zones.

6 COMMISSIONER MAY: Right. So --
7 but the receiving zones now have a current
8 limit on height and FAR.

9 MS. STEINGASSER: Without the
10 purchase of TDRs, right.

11 COMMISSIONER MAY: Right. So what
12 are those?

13 MS. STEINGASSER: Those are 6.5 and
14 90 feet. All the receiving zones are C3-C.
15 With the purchase of development rights, they
16 can go up to 10.

17 COMMISSIONER MAY: Yes.

18 MS. STEINGASSER: And 130 feet.
19 And what we're suggesting is that affordable
20 housing projects that are already funded by
21 the city, either through an agency or a New
22 Communities plan, be relieved of that

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1 additional financial burden to buy that
2 density and be allowed to go there.

3 COMMISSIONER MAY: Okay. And so,
4 do you have a map that shows what those areas
5 all are?

6 MS. STEINGASSER: I'm happy to
7 share and I can provide this to the record.
8 It's one I keep in my code book.

9 COMMISSIONER MAY: Okay. Of
10 Course. You take it with you everywhere. I
11 have maps I carry with me everywhere too.

12 Okay. Now, how do we define when
13 something is "funded" by the District of
14 Columbia?

15 MS. STEINGASSER: I've talked with
16 DHCD and the Housing Finance Agency. If
17 there's city money in the project, through
18 either DHCD, Housing Finance, that would
19 qualify as city funding. They also are often
20 the circulating agency, for lack of a more
21 appropriate term, that handles federal money
22 for low income housing tax credits. And then,

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1 of course, they work with the Housing
2 Authority, as well, in partnership on a new
3 community. So what they -- we had talked
4 about having some kind of minimum or maximum,
5 but the different agencies operate so
6 differently that it would be almost
7 impossible. DHCD's obligation is to provide
8 the minimal amount of money with the maximum
9 amount of leverage. So they don't always have
10 their own money in the game, but they may be
11 leveraging other public monies. They're also
12 -- most of these deals are layered with
13 different levels of public financing that come
14 through the city.

15 COMMISSIONER MAY: Okay. I guess
16 one concern I might have is the prospect that
17 whatever -- that, if we're not fairly specific
18 about what the -- what we consider to be
19 "funded", that there might be the temptation
20 for a Government agency, if it's not defined,
21 I mean, you know, theoretically, any
22 Government agency might put, you know, \$1000

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1 into a project and, all of a sudden, they get
2 extra FAR. I mean, is that --

3 MS. STEINGASSER: I understand. I
4 understand your concern. We currently have in
5 the Code, in Chapter 30, the provision to
6 waive fees, subject to DHCD confirming, in
7 writing, that the project is an affordable
8 housing project. We could have that same
9 confirmation ingrained here.

10 COMMISSIONER MAY: Okay. So, I
11 mean, I understand the intent is to make sure
12 that this is all about affordable housing,
13 which is what would be subsidized.

14 MS. STEINGASSER: Right.

15 COMMISSIONER MAY: And I think that
16 it is important to make sure that that is, in
17 fact, exactly what's happened, that they're
18 not be some, you know, token amount even, you
19 know, even earmarked by Council or something
20 like that, for a particular project, as a way
21 of simply triggering this requirement.
22 Because if there's money in it and it comes

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1 from the District of Columbia government --

2 MS. STEINGASSER: Okay. Well, we
3 could use -- at least for proposed action, we
4 could include the DHCD waiver requirement that
5 we have in Chapter 31 now.

6 COMMISSIONER MAY: Okay.

7 MS. STEINGASSER: And it's --

8 COMMISSIONER MAY: I don't know if
9 anybody else on the Commission is sympathetic
10 to that issue. But that may be something that
11 we'd want to consider. Basically, the notion
12 that, because the affordable housing -- it
13 says affordable housing "funded by the
14 District of Columbia." We don't have a very
15 specific definition of that. And percentages,
16 apparently, won't work. But having some kind
17 of a definition of that -- I don't know what
18 the exact language is in Chapter 30, you say?

19 MS. STEINGASSER: Yes. It was at,
20 I believe it's Chapter 30. It was the fees.
21 It was what allows the Commission to waive the
22 fees.

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1 COMMISSIONER MAY: Yes? I mean, I
2 think something like that is appropriate as a
3 way of making sure that it's not simply
4 because, you know, an agency decided to put
5 some token amount of money into a project
6 that, therefore, it triggers this ability to
7 increase the Matter of Right zoning. I just
8 would like that word, "funded by the District
9 of Columbia" to be better defined.

10 I would like to see this map. I'm
11 sure, now that I've seen the map, it's got to
12 be entered into the record. I think that
13 would be helpful. And you say all of this is
14 currently C-3-C, and it's 6.5 and 90 feet?
15 Okay.

16 At set down, I had an interest in
17 making sure that the Zoning Commission played
18 some role in approving such projects. But I
19 understand there may be complications with
20 that, that we cannot surmount.

21 MS. STEINGASSER: The Office of the
22 Attorney General told the Office of Planning

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1 --

2 CHAIRMAN HOOD: Ms. Steingasser,
3 could you turn your microphone on?

4 MS. STEINGASSER: Excuse me. The
5 night of set down, January 11th, the Office of
6 Attorney General advised OP that there was not
7 a legal foundation to require Zoning
8 Commission review or any type of review of
9 these projects in the Receiving Zone, without
10 requiring review of all projects in the
11 Receiving Zone. And that is certainly not out
12 intent. So they advised that, to single out
13 one type of use was inappropriate and would
14 not pass legal sufficiency tests.

15 COMMISSIONER MAY: Okay. Then I
16 guess the only real issue, then, remains for
17 me is this question of defining what is
18 funding.

19 CHAIRMAN HOOD: Okay. Commissioner
20 Turnbull?

21 COMMISSIONER TURNBULL: Thank you,
22 Mr. Chair. I would go along with Mr. May's

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1 request to make that change. The only other
2 -- the only question I have is, when we talk
3 about that the proposed building or structure
4 is not inconsistent with the approved New
5 Community plan, if applicable, or the
6 Comprehensive Plan. I'm assuming the Comp
7 plan takes precedent?

8 MS. STEINGASSER: Well, the New
9 Community's plans are adopted by Council and
10 have their own legislative authority.
11 However, there are some projects that are
12 affordable housing projects that are not
13 related to New Communities. That's a very
14 defined term. But we would also look to the
15 Zoning Administrator just to simply check the
16 Comp plan for land use designation. We have
17 no reason to think that it would not be. It
18 was a standard that was originally proposed
19 when the Zoning Commission -- to give us some
20 review.

21 COMMISSIONER TURNBULL: You don't
22 foresee any major differences between the New

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1 Communities plan and the Comp Plan?

2 MS. STEINGASSER: The New
3 Community's plan is a much more complex one
4 than the Land Use plan. It talks about
5 financing and social policies, human capital,
6 re-education. So it's a much broader -- it's
7 a -- it's not broader, it's actually much more
8 focused type of redevelopment plan. And
9 they've adopted -- they're referenced in the
10 Comprehensive Plan, definitely. And those
11 that have already been adopted are reflected,
12 in terms of all the land use policies. But
13 they're adopted as their own separate plan, as
14 well.

15 COMMISSIONER TURNBULL: Okay.
16 Thank you.

17 CHAIRMAN HOOD: Okay. Do we have
18 any other questions or comments? So,
19 Commissioner Turnbull -- I mean Commissioner
20 May, basically, what we're asking for, at
21 least in 7771.4 is a better or more of an
22 extract definition of the word "funding". And

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1 Ms. Steingasser has agreed to do that>

2 COMMISSIONER MAY: Yes. Something
3 more specific.

4 CHAIRMAN HOOD: Okay. All right.
5 And I think that was it. Mr. Turnbull, did
6 you ask for something? Because I was -- okay.
7 Okay.

8 COMMISSIONER TURNBULL: No. I just
9 agreed with Mr. May. I thought that would be
10 something good to add.

11 CHAIRMAN HOOD: Okay. Great. Any
12 other questions, colleagues? Okay. Let me --
13 okay. Do we have any reports of other
14 Government agencies? I didn't see any. Okay.
15 Reports of ANCs. Anyone here representing an
16 ANC across the city? Okay. I will go to my
17 sign-in sheet and it looks like -- do we have
18 anyone who's present who is in opposition --
19 an organization or a person? Okay. Well it
20 looks like everyone here is a proponent. And
21 let me just go down the list: Jalal Greene,
22 Ms. Ellen McCarthy -- if you can come forward

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1 -- and Brad Fennell. Hopefully, I pronounced
2 that right. What is it?

3 MR. FENNELL: Fennell.

4 CHAIRMAN HOOD: Fennell. Mr. Brad
5 Fennell. Anyone else who's present who would
6 like to testify? Okay. Okay. Mr. Fennel has
7 said he's here in support, so he doesn't need
8 to testify. So, in that case, we will start
9 with Ms. McCarthy. And I know I have Mr.
10 Greene. If you don't mind, we'll let Ms.
11 McCarthy go first. Unless you wanted to go --
12 I mean, unless you all are a team.

13 MS. MCCARTHY: We are a team.

14 MR. GREENE: We are a team.

15 CHAIRMAN HOOD: You are a team?
16 Okay. Well, do you know what? I'll turn it
17 over to you all and you can do how you choose.

18 MS. MCCARTHY: I'll go first. Good
19 evening, Mr. Chairman and members of the
20 Commission. In keeping with the rest of the
21 presentations, I'll keep this short. The -- I
22 wanted to hit, basically, the need for the

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1 zoning relief, briefly, the consistency with
2 the Comprehensive Plan, and the lack of
3 adverse impact. And what -- what I'm --
4 what's being handed out to you now are some
5 relevant sections from the Comprehensive Plan,
6 including the Comprehensive Plan's specific
7 mention of the New Communities project as --
8 as Ms. Steingasser indicated, it was -- the
9 New Communities plan was done first. It was
10 then incorporated, by reference, into the
11 Comprehensive Plan. So we are definitely
12 consistent with the Comprehensive Plan in
13 what's being proposed.

14 Just a few words of explanation
15 about the New Communities project. It is an
16 extremely ambitious project. The origin of
17 the -- of the New Communities was the murder
18 of 14-year-old Princess Hansen in the
19 Northwest One area and the identification of
20 that area as a hot spot in the previous
21 administration. So the thought was to take
22 areas like Northwest One, with a very high

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1 concentration of poverty, high crime
2 statistics, and -- and deteriorated housing
3 and public facilities, many of which were also
4 in a straight line of gentrification, heading
5 right toward them. And to -- to take them
6 and, by increasing the density, be able to
7 retain 100 percent of the affordable units,
8 mix in, as well, moderate income units as well
9 as market rate units, with greatly enhanced
10 public facilities, very intensive case
11 management, to keep the residents from being
12 pushed out by gentrification and the
13 expiration of HUD low and moderate income
14 guarantees, and also provide additional
15 amounts of work-force housing and market rate
16 housing. It became pretty apparent why urban
17 renewal was done the old way. The right way
18 is frightfully expensive. And it has been
19 very difficult for the city to -- especially
20 with the downturn in the housing market, to be
21 able to provide the sufficient subsidization
22 to make the projects work. But Northwest One

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1 is in the process of going forward. There are
2 also additional proposals for supportive --
3 permanent supportive housing for the formerly
4 homeless, which also includes intensive case
5 management and will also be extremely
6 difficult to finance.

7 So it seemed like, with the city
8 playing a major role in the financing of these
9 projects, it didn't really make sense for the
10 city to then have to pay an additional million
11 dollars in the case of the first project to go
12 forward at Two M Street, to pay for \$68,000
13 worth of transverse development rights
14 (TDRs), when this was a height and density
15 that was permitted as a Matter of Right, as
16 long as long as you purchased TDRs. So -- and
17 -- and, in particular, I think what's
18 important to point out, because we're talking
19 about the -- the NOMA OMA area, which was
20 specifically exempted from inclusionary zoning
21 because it already -- it didn't have any
22 additional density to give away -- this

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1 project -- this proposed incentive, is the
2 only public incentive and sort of the only
3 public requirement in effect, that we have to
4 operate within that -- the whole Receiving
5 Zone -- that entire C-3-C area east of North
6 Capitol and west of the tracks south of New
7 York Avenue and north of H Street. So that --
8 and this is the area that was identified in
9 the Comprehensive Plan, that whole eastern
10 section of downtown. It's a little more than
11 300 acres. It's expected to include 30
12 percent of the new housing growth between 2005
13 and 2025, 70 percent of the new job growth.
14 So, if everybody can build market rate housing
15 there as a Matter of Right, we are talking
16 about this -- and most people don't need a
17 PUD, because they can just purchase the TDRs.
18 We are talking about this as one of the only
19 opportunities that the city has to provide an
20 incentive to actually get a mix of affordable
21 housing within the housing that's redeveloped
22 in that area.

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1 So I won't take the time to go
2 through the Comprehensive Plan. But you'll
3 see that housing is really critical to growing
4 an inclusive city, which was the theme of the
5 Comprehensive Plan. And the provision of
6 larger units, in particular, was called out as
7 important in affordable housing. One of the
8 things -- and Mr. Greene will probably go into
9 that in more detail -- but one of the things
10 that makes this difficult to -- to provide --
11 to buy the TDRs for, in the first New
12 Communities project east of North Capitol to M
13 Street, is the they are providing town house
14 units within the larger envelope, that are
15 three bedrooms, at least. So they're very
16 hard to afford. And 80 percent of the new
17 housing which has been constructed in the city
18 recently has been two bedrooms or below. So
19 this -- this would be one of the only
20 opportunities, as well, to provide new housing
21 that does accommodate larger families.

22 Last, just in terms of adverse

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1 impact, the extra height and density we're
2 talking about clearly doesn't have any adverse
3 impact, because all of the other projects in
4 the NOMA area have already purchased their
5 TDRs and are proceeding ahead at the same
6 height and density that we're talking about.
7 And, as you heard from the downtown testimony
8 in the rezoning report, the TDRs were
9 originally required to be bought for that
10 extra height and density because we were
11 trying to make a market for the TDRs, which
12 were, in turn, subsidizing the development of
13 housing in the DD area. But, as the Office of
14 Planning indicating in the zoning revision,
15 our problem now is a shortage of TDRs, not a
16 surplus of TDRs. So, to provide a fairly
17 limited amount of additional density, without
18 having to purchase TDRs, is not going to de-
19 stabilize the TDR market. It also -- it
20 accomplishes, in the NOMA area, what the TDRs
21 are to accomplish in the DD, the construction
22 of housing. In this case, affordable housing,

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1 so it's even more important and it's an even
2 better use of an alternative to TDRs. And,
3 essentially, what we're talking about is
4 something roughly analogous to mandatory
5 inclusionary zoning. You're providing a bonus
6 of the additional density they would otherwise
7 have to buy as a TDR, in exchange for the
8 commitment by either affordable housing
9 approved by the DHCD Administrator or the
10 Northwest One New Communities, to provide
11 affordable housing.

12 So it's -- it's a very similar kind
13 of activity and certainly very consistent with
14 the Comprehensive Plan and with no adverse
15 impact to neighboring property or the
16 integrity of the zone plan or the
17 Comprehensive Plan. Thanks.

18 CHAIRMAN HOOD: Thank you, very
19 much, Ms. McCarthy. If you could just hold
20 your seat, we may have some questions for you.
21 Mr. Greene?

22 MR. GREENE: Thank you, Mr.

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1 Chairman and members of the - of the Zoning
2 Committee. My name is Jalal Greene. I'm with
3 the Warrenton Group. I am representing one of
4 the developers of the property. And we are
5 development partners with WC Smith. And they
6 are the managing partner for this particular
7 development.

8 Just -- I'm going to give you,
9 pretty much, an overview of the project,
10 itself, from our point of view. And the New
11 Communities program as a whole. Originally,
12 it was four developers, as part of a team that
13 was selected to redevelop the Northwest One
14 New Communities Initiative. It's a very
15 ambitious program. It calls for over 1700
16 units within numerous sites along North
17 Capitol and K Street and other locations, the
18 Redevelopment Association quarter. It calls
19 for one-for-one replacement of the public
20 housing that was located in the area. We will
21 also try to develop, over time, not only
22 residential units for the low income families,

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1 but working class families and market rate
2 units. And the whole neighborhood development
3 also includes new schools, recreation centers,
4 a library, which has already been, I think,
5 one of the first projects completed and, more
6 importantly -- excuse me -- the concept of the
7 New Communities program was to have a -- an
8 element of human capital, where you bring
9 supportive services along with the physical
10 development, to help the families in need,
11 particularly the -- you know, the lower income
12 families, to support them.

13 So that's kind of the back drop of
14 this project. The first project is 313 units.

15 And it's a 12-story building. And it will be
16 a mixed income and mixed use project. It's
17 very ambitious because we would have 54 units
18 that would house families between zero and 30
19 percent of area median income. And this is
20 primarily to bring back families from Temple
21 Courts who were displaced when Temple Courts
22 was torn down. It would be another 34 units

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1 for work force families between 30 and 60
2 percent of varying median income. And then
3 the rest of the units would be market rate
4 units. Excuse me.

5 This type of project is very
6 difficult to finance. And it requires a
7 subsidy from the District government, in order
8 to underwrite the capital costs for the work
9 force and the low income family housing units.

10 As Ms. McCarthy had mentioned, we have ten
11 town homes of three bedrooms, nine of those
12 would be replacement units for the returning
13 families that were displaced. This is very
14 costly. In addition, we have to survive in
15 the market place, in terms of the market rate
16 units. And, not only the market in the
17 immediate neighborhood, but in the -- you
18 know, in the city, as a whole, we have to kind
19 of compete against that market. So the design
20 of the building is actually a class A rental
21 property, in order to attract market rate
22 families into a building that houses a mixed

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1 income or residents. That means we will have
2 a fairly expensive amenity package in the
3 building, a roof top pool, a gymnasium, club
4 house, business center. It will be
5 substantially a very green building with a
6 green courtyard and a green roof. And so,
7 it's -- it's -- any addition costs, and we are
8 still in negotiations with the city about the
9 final subsidy number, but it would be at least
10 11 million dollars of District subsidy. In
11 addition to private equity that would have to
12 also come into the transaction and produce a
13 return of that private equity.

14 So, in conclusion, any kind of
15 additional costs to the building would
16 probably kind of be a cost to the District, in
17 terms of the subsidy amount, where we'd have
18 to increase the amount of subsidy, in order to
19 finance -- be able to finance this type of
20 unique type of development. So that kind of
21 gives you an overview. And I'm available to
22 answer questions that you may have of the

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1 development, itself. Thank you.

2 CHAIRMAN HOOD: I didn't know if
3 you wanted to say a few more things. I gave
4 Ms. -- I want to be fair. I gave Ms. McCarthy
5 an additional 30 seconds. So I wanted to give
6 you an additional time if you wanted to take
7 it.

8 MR. GREENE: No. I'll pass on my
9 30.

10 CHAIRMAN HOOD: Okay. Let's see if
11 we have any questions or comments from up
12 here. Any comments? Any questions? Okay. I
13 want to thank you both for coming down. We
14 appreciate your testimony and we heard you
15 loud and clear. And we appreciate it.

16 MR. GREENE: Thank you.

17 CHAIRMAN HOOD: All right.

18 (Whereupon, off the record from
19 7:04 p.m. until 7:06 p.m. for brief inter-
20 commission discussion.)

21 COMMISSIONER MAY: Mr. Chairman, we
22 -- I would suggest that we could move forward

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1 with some sort of action tonight, pending --
2 with the provision that there be more specific
3 language with regard to the definition of --
4 of what "funded by the District of Columbia
5 government" means, and including possibly
6 referencing the section that you're looking at
7 right now, of 3042.2, as a way of -- of giving
8 that definition. But I would ask that -- or I
9 would suggest that the Office of Planning and
10 the Office of the Attorney General can get
11 together on exactly the right language, so
12 that it can be advertised. And should we take
13 proposed action tonight?

14 CHAIRMAN HOOD: Okay. Commissioner
15 May, I think all of us agree with you in the
16 format in which you just spoke about. The
17 only thing I want to ask that you do is just
18 maybe rephrase that. Because it was great.
19 If you could just maybe rephrase everything
20 you said in a motion, or you could just say so
21 moved, and that would be great.

22 COMMISSIONER MAY: Okay. I would

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1 move -- let's see, how am I going to say this?
2 I move approval of Zoning Case Number 10-01,
3 for a Text Amendment regarding increased
4 density for TDR Receiving Zones with the
5 stipulation that the definition of "funded by
6 the District of Columbia government" be
7 further refined, possibly referencing Section
8 3042.2, but subject to final language by the
9 Office of the Attorney General.

10 CHAIRMAN HOOD: Okay. Thank you.
11 It's been moved. Can I get a second?

12 COMMISSIONER TURNBULL: Second.

13 CHAIRMAN HOOD: Moved and properly
14 seconded. Any further discussion? I think
15 there will be another review. And I'm not
16 sure how that will work. But, as you said,
17 Commissioner May, we will leave that up to the
18 Office of the Attorney General and the Office
19 of Planning and Office of Zoning. Moved and
20 properly seconded. All those in favor, say
21 aye.

22 ALL: Aye.

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1 CHAIRMAN HOOD: Not hearing any
2 opposition, Ms. Schellin, would you please
3 record the vote?

4 MS. SCHELLIN: Yes. Staff records
5 the vote four to zero to one to approve
6 proposed action on Zoning Commission Case 10-
7 01, Commissioner May moving, Commissioner
8 Turnbull seconding, Commissioners Hood and
9 Keating in support, Commissioner Schlater not
10 present, not voting.

11 CHAIRMAN HOOD: Okay. Do we have
12 anything else tonight?

13 MS. SCHELLIN: No. That's it.

14 CHAIRMAN HOOD: We don't have
15 another case or anything?

16 MS. SCHELLIN: Nothing else.

17 CHAIRMAN HOOD: Okay. With that, I
18 thank everyone for their participation
19 tonight. And this hearing is adjourned.

20 (Whereupon, the hearing was
21 adjourned at approximately 7:08 p.m.)
22

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