

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: BOZZUTO DEVELOPMENT GROUP	 	Case No. 07-29
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Thursday,
February 28, 2008

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

The Public Hearing of Case No. 07-29 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.

ZONING COMMISSION MEMBERS PRESENT:

- ANTHONY J. HOOD, Chairman
- GREGORY N. JEFFRIES, Vice Chairman
- CURTIS L. ETHERLY, JR., Commissioner
- MICHAEL G. TURNBULL, FAIA, Commissioner (OAC)
- PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
STEVEN COCHRAN

The transcript constitutes the minutes from the Public Hearing held on February 28, 2008.

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P R O C E E D I N G S

6:31 P.M.

CHAIRMAN HOOD: Good evening,
ladies and gentlemen. This is a public
hearing of the Zoning Commission of the
District of Columbia for Thursday, February
28, 2008.

My name is Anthony J. Hood.
Joining me this evening will be soon,
hopefully, Vice Chairman Jeffries, also
Commissioners Etherly, May, and Turnbull.

We are also joined by the Office
of Zoning staff, Ms. Sharon Schellin, and also
the Office of Planning staff, Ms. Steingasser
and Mr. Cochran.

This proceeding is being recorded
by a court reporter. It is also webcast live.
Accordingly, we must ask you to refrain from
any disruptive noises or actions in the
hearing room.

The subject of this evening's hearing is
Zoning Commission Case No. 07-29. This is a

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1 request by Bozzuto Development for approval of
2 a map amendment for property located in Square
3 514, Lot 864.

4 Notice of today's hearing was
5 published in the D.C. Register on December 28,
6 2007 and copies of the announcement are
7 available to my left on the wall bin near the
8 door.

9 The hearing will be conducted in
10 accordance with the provisions of 11 DCMR 3022
11 as follows: preliminary matters, Applicant's
12 case, report of the Office of Planning, report
13 of other government agencies, report of the
14 ANC, in this case ANC-2C, organizations and
15 persons in support, organizations and persons
16 in opposition, rebuttal, closing by the
17 Applicant.

18 The following time constraints
19 will be maintained in this proceeding: the
20 Applicant, 30 minutes, if needed;
21 organizations, 5 minutes; individuals, 3
22 minutes.

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

7 All persons appearing before the
8 Commission are to fill out two witness cards.
9 These cards are located to my left on the
10 table near the door. Upon coming forward to
11 speak to the Commission, please give both
12 cards to the reporter, sitting to my right,
13 before taking a seat at the table.

14 When presenting information to the
15 Commission, please turn on and speak into the
16 microphone, first stating your name, and home
17 address. When you are finished speaking,
18 please turn your microphone off, so that your
19 microphone is no longer picking up sound or
20 background noise.

21 The decision of the Commission in
22 this case must be based exclusively on the

1 public record. To avoid any appearance to the
2 contrary, the Commission requests that persons
3 present not engage the members of the
4 Commission in conversation during any recess
5 or at any other time.

6 The staff will be available
7 throughout the hearing to discuss procedural
8 questions. Please turn off all beepers and
9 cell phones at this time so as not to disrupt
10 these proceedings.

11 Will all individuals wishing to
12 testify please rise to take the oath. And I'm
13 going to ask Ms. Schellin if you will
14 administer the oath.

15 MS. SCHELLIN: Please raise your
16 right hand. Do you solemnly swear or affirm
17 the testimony you'll give this evening in this
18 proceeding will be the truth, the whole truth,
19 and nothing but the truth?

20 (The witnesses were sworn.)

21 MS. SCHELLIN: Thank you.

22 CHAIRMAN HOOD: At this time,

1 we'll take up any preliminary matters.

2 Does the staff have any
3 preliminary matters?

4 MS. SCHELLIN: Just one, just to
5 advise that we have received the affidavit of
6 maintenance and it's in order.

7 CHAIRMAN HOOD: Okay, thank you,
8 Ms. Schellin.

9 We will begin, Ms. Dwyer, you may
10 go ahead and begin.

11 MS. DWYER: Thank you. And good
12 evening, Mr. Chair and members of the
13 Commission. For the record, my name is
14 Maureen Dwyer with the law firm of Pillsbury,
15 Winthrop, Shaw & Pittman and with me is my
16 associate, Jeff Utz. We are pleased to be
17 here this evening on behalf of the Applicant,
18 Bozzuto Development.

19 This application is a request for
20 a map amendment to move the DD/C-2-C zoning
21 line approximately 42 feet to the west and
22 that would result in the split zoning of Lot

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1 864. A portion of Lot 864 would remain DD/R-
2 5-B. The balance would be DD/C-2-C.

3 As OP has also stated in its
4 report, we are also requesting that the
5 housing priority area A designation follow the
6 DD/C-2-C zoning line.

7 The impetus for today's map
8 amendment application is that we have a very
9 small, unusually shaped, development site
10 improved with an existing historic structure
11 and split zoned. To address the site
12 constraints and also provide a development in
13 keeping with the character of the surrounding
14 development, we are requesting the map
15 amendment DD/C-2-C zoning line. The site, as
16 I said, will remain split zoned and the
17 historic building that exists on the site
18 would be moved to the DD/R-5-B of the site.

19 Moving the zoning line frees up
20 sufficient site area for development that
21 transitions between the higher density DD/C-2-
22 C zoning to the east, and the lower density

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1 structures at the corner of 5th Street and New
2 York Avenue.

3 We are not here requesting a PUD
4 for several reasons. First, the site is too
5 small to meet the area requirements for a PUD.
6 Second, we are not seeking any PUD density or
7 height. The density and height incentives are
8 already provided in the underlying DD zoning.

9 And third, the site is within the
10 Mount Vernon Square Historic District, and
11 thus is already subject to design review.
12 However, in order for you to understand the
13 context for the requested map amendment, we
14 will be discussing the development that was
15 approved by the Historic Preservation Review
16 Board on January 24, 2008. This is no
17 different than the map amendment cases we
18 attached to our pre-hearing submission.
19 Indeed, in most individual map amendment
20 applications what triggers the request for a
21 map amendment is a development plan, whether
22 it's a Safeway store on Wisconsin Avenue, a

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1 community center east of the river, or in our
2 case, the subject residential building.

3 Your approval cannot be tied to
4 the development, but it certainly is a factor
5 to be considered. Whether you're considering
6 a map amendment in the context of a PUD or a
7 map amendment on its own, the test is the same
8 and we believe that we meet the legal test.

9 We are also here with the support
10 of the Office of Planning and the D.C.
11 Department of Transportation, both of whom
12 believe that this project and this rezoning
13 carries out important city policies and will
14 have no adverse traffic or parking impacts.

15 As we indicated in our prehearing
16 submission, the legal standard for a map
17 amendment application is a three-pronged test.
18 Under the Zoning Act of 1938, the Zoning
19 Commission is authorized to amend the zoning
20 map provided the requested map amendment is
21 consistent with the purposes of the zoning
22 regulations. That's the first prong. And the

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1 purposes of the zoning regulations are set
2 forth under the Zoning Enabling Act and also
3 under Section 101.1 of the regulations to
4 provide adequate light and air, to prevent
5 undue concentration of population and the
6 overcrowding of land, and to provide
7 distribution of population, business and
8 industry, and use of land that will tend to
9 create conditions favorable to transportation,
10 protection of property, civic activity, and
11 recreational, educational, and cultural
12 opportunities.

13 All of these purposes, we believe,
14 are served by the requested rezoning which
15 will promote both historic preservation and
16 land use goals by concentrating development on
17 New York Avenue and allowing the relocation
18 and preservation of the existing historic
19 building. The resulting development will add
20 to the tax base, the housing supply, and the
21 historic character of the area and it will
22 allow for the production of housing and civic

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1 activity on an unused site close to the
2 downtown core in a transit-oriented
3 development.

4 As OP pointed out in its report,
5 this project also carries out the Mount Vernon
6 Triangle Action Agenda. We will provide
7 additional development to support the 150,000
8 square feet of retail space that is proposed
9 and under development in that area.

10 The second prong of the test is
11 whether the rezoning is not inconsistent with
12 the Comprehensive Plan. This map amendment
13 would satisfy numerous Comprehensive Plan
14 goals and elements and those are listed in the
15 Office of Planning Report and in our pre-
16 hearing submissions.

17 The policies served by this
18 development include land use, historic
19 preservation, housing, urban design,
20 environmental, economic development, and
21 again, in its report, DDOT also found that
22 from a transportation standpoint, the rezoning

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1 carries out transportation policies in the
2 Comprehensive Plan and the witnesses will go
3 into greater detail on these.

4 The third prong is whether the
5 rezoning is in keeping with the character of
6 the surrounding property. Here, we have high
7 density, C-2-C zoning on the eastern portion
8 of the site, and continuing up New York
9 Avenue. That same zoning is across New York
10 Avenue. The adjacent Yale Laundry development
11 is a large-scale development fronting on New
12 York Avenue and it is being developed to a
13 height of 130 feet.

14 At the corner of 5th and New York
15 Avenue is a lower-scale mix of commercial and
16 residential buildings. What the rezoning
17 provides is the ideal buffer between these two
18 distinct elements of the Mount Vernon Square
19 neighborhood.

20 With that introduction I would now
21 like to turn to the witnesses. We have four
22 witnesses this evening, I'm sorry, three

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1 witnesses: Jeff Kaufman, the representative
2 of the developer; Andy Adams, an architectural
3 historian with Pillsbury, Winthrop, Shaw,
4 Pittman, and she's been qualified before the
5 Zoning Commission previously and we provided
6 her résumé; and Sean Stadler, the project
7 architect, who has also been qualified before
8 the Zoning Commission and we provided his
9 résumé as well. Jeff is going to begin with
10 his introduction Bozzuto and the project.
11 Andy will follow, and then Sean. And then
12 Andy is going to come back at the end to talk
13 about some Comprehensive Plan goals under the
14 historic preservation element.

15 CHAIRMAN HOOD: Ms. Dwyer, before
16 we proceed, let us, colleagues, does anyone
17 have a problem with two proffered expert
18 witnesses? Okay, so they'll be witnesses. We
19 have to go through that procedure each time.

20 The only thing is you mentioned
21 that we need to really talk about the project.
22 Unfortunately, you said that before I could

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1 ask you not to talk about any specific
2 projects. So let's move in that fashion.
3 Let's kind of tailor it toward the result.

4 MS. DWYER: Chairman Hood, with
5 due respect, we will focus on the rezoning,
6 but part of -- the rationale for this and the
7 impetus for this is very much historic
8 preservation, moving the historic building and
9 having a transition development. We're not
10 going to get into the details of the interior
11 of the building or units or parking or
12 anything of that, but I think you will need to
13 understand how this rezoning permits the scale
14 of development that we are proposing on New
15 York Avenue.

16 CHAIRMAN HOOD: Let's just keep it
17 on a slim line. I also note that the DDOT
18 report was talking to the traffic to some
19 degree. So let's just --

20 MS. DWYER: We'll do our best to
21 focus on the rezoning. And as I said. I
22 think that the rezoning stands on its own and

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1 I think that as I went through in my testimony
2 we've gone through in our pre-hearing
3 submission, we really do believe that putting
4 the project aside, the rezoning meets the
5 legal standard under the D.C. Court of
6 Appeals' opinions.

7 CHAIRMAN HOOD: Let me ask this,
8 is there anyone here in opposition -- anyone
9 here to testify in support of this case? Is
10 there anyone here to testify -- in support?
11 Anyone here to testify in opposition?

12 I think -- were you all here when
13 you were sworn in? When we swore -- so is
14 anyone again here in opposition? Okay, Ms.
15 Dwyer, thank you.

16 MS. DWYER: All right, thank you.
17 Now Jeff Kaufman will speak.

18 MR. KAUFMAN: Good evening. My
19 name is Jeff Kaufman. I'm with the Bozzuto
20 Development Company. For those of you who are
21 not familiar with Bozzuto, we were founded in
22 the early '80s and are a local residential

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1 developer, builder, owner, and manager. Some
2 of the other projects we've recently been
3 involved in in the District include the
4 Newseum on 6th and Pennsylvania; the Ellington
5 on 13th and U; the Lexington on 8th and D; and
6 the Fedora on 14th and Belmont.

7 The property that we're here to
8 talk about this evening is in between 4th and
9 5th Street on New York Avenue, immediately
10 west of the Yale Laundry and north of City
11 Vista within the Mount Vernon Square Historic
12 District. We are the contract purchaser for
13 this site, as well as the building across the
14 street on the south side of New York Avenue
15 where we are planning an additional
16 residential project of similar size.

17 We spent a great deal of time
18 trying to figure out to develop small in-fill
19 sites and believe that in both cases we have
20 come up with a thoughtful development solution
21 for difficult sites with existing historic
22 buildings. Tuesday, the BZA approved

1 our proposed residential development for the
2 south site.

3 We are here today to request a map
4 amendment for the north site to permit the
5 completion of a gateway development for this
6 area of New York Avenue.

7 We met with HPO staff, given the
8 historic nature of this site. We also met
9 with the Office of Planning to review the
10 proposed plans and the need for a zoning
11 change. After working with the city and
12 community, we proposed a plan to HPRB and
13 received their approval in January of this
14 year.

15 Prior to receiving the HPRB
16 approval, we met with immediate neighbors and
17 the Mount Vernon Square Neighborhood
18 Association, who voted to support our
19 application and I believe there's a letter of
20 support on the record.

21 We also met with ANC-2C on two
22 occasions, as well as a separate meeting with

1 Barbara Curtis, our SMD.

2 Additionally, we met with D.C.
3 Preservation League, and Councilman Evans.
4 Both groups were supportive and I believe have
5 submitted letters on the record.

6 We believe we meet the test for
7 the requested zoning change. Without the
8 requested rezoning it would be extremely
9 difficult to develop this site in keeping with
10 the character of the surrounding neighborhood
11 and with preservation of the historic
12 structure.

13 We also agree with the Office of
14 Planning that this map amendment carries out
15 important comprehensive plan goals of historic
16 preservation, the city's planning policies for
17 the Mount Vernon Triangle area and New York
18 Avenue area corridor rehabilitation. We see
19 this as an important project that assists in
20 the rehabilitation of Mount Vernon Triangle
21 area, particularly with the new Safeway and
22 other retail that will be coming shortly.

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1 At this point, I'd like to turn it
2 over to Andy Adams, our architectural
3 historian who will discuss the historic nature
4 of the building, the interest in preserving
5 the structure and briefly discuss the
6 sensitivity of the proposed design.

7 CHAIRMAN HOOD: Let me just say
8 we've been joined by Vice Chairman Jeffries
9 some time and I omitted to do that. Thank
10 you.

11 MS. ADAMS: Good evening, members
12 of the Commission. My name is Andy Adams.
13 I'm an architectural historian with Pillsbury,
14 Winthrop, Shaw, Pittman. I'd like to talk a
15 little bit about the site that we're dealing
16 with and show you what we have.

17 We have, as you heard, a small,
18 irregularly-shaped lot that has two historic
19 buildings on it, one you can see, the small
20 one here, which is 471 New York Avenue and a
21 larger building here which is 465 which is
22 immediately adjacent to the west side of the

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1 Yale West building which is a 130-foot
2 building.

3 Our neighborhood is defined by the
4 Mount Vernon Square Historic District to the
5 north which is predominantly row houses and
6 small apartment buildings. And to the south,
7 actually, this is the project that was just
8 approved by BZA up to 130 feet, City Vista
9 project, also the same. The immediate block
10 has two individually-designated landmarks in
11 it, Fletcher Chapel at the east end and the
12 Yale Laundry itself in the middle. It's a
13 pretty diverse neighborhood and a very diverse
14 block.

15 Next boards, please.

16 I'm going to talk about the
17 building first at 471 New York Avenue which is
18 this one. It's a two-story brick building
19 probably dating from the 1870s. It was a
20 residential building for much of its life but
21 it was converted commercial uses including
22 Freeland's Repair Shop and a drug store by the

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1 middle of the 20th century. It was once owned
2 by Thomas Martin who was a prominent African
3 American physician who later built the
4 building next door at 465 New York Avenue.

5 The building has been vacant for
6 many years and has suffered very serious
7 deterioration. It's been examined by
8 structural engineers and found that it no
9 longer retains its structural integrity.
10 Based on that loss of structural integrity,
11 the Historic Preservation Review Board made
12 the finding that the building no longer
13 contributes to the character of the District
14 because it has lost its integrity which means
15 that the building can be demolished with no
16 further review under the Preservation Act.

17 So this building, including the
18 Lion King here, if you can see that, will not
19 be part of the project. That building is
20 coming down.

21 VICE CHAIRMAN JEFFRIES: And can
22 you just point to where that building is

1 currently?

2 MS. ADAMS: Yes. It's the darker
3 sliver right here.

4 VICE CHAIRMAN JEFFRIES: Right,
5 okay.

6 MS. ADAMS: It has a canted front
7 on New York Avenue and it's quite a small
8 building and it's basically right in the
9 middle of the site.

10 VICE CHAIRMAN JEFFRIES: Okay.

11 MS. ADAMS: Which makes it a
12 particularly difficult problem to deal with.

13 Actually, on this shot you can see
14 it right here.

15 VICE CHAIRMAN JEFFRIES: Right.

16 MS. ADAMS: And up here, it's
17 right there. There's a space between the two
18 buildings, so we have a tall building at the
19 Yale, the 465 space, 471 space.

20 The larger building on the site,
21 this one here, 465 New York Avenue is a very
22 large imposing three story, brick and stone

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1 building designed by architect L.F. Stutz in
2 1902 for Dr. Martin. It was both his
3 residence and his office for a number of
4 years. He died in 1939. Since then it has
5 had various uses and it has also been vacant
6 for quite a long time. It suffered some
7 difficulties. It has a tree growing up in the
8 middle of it, but it is not beyond repair and
9 the whole point of this project is to
10 stabilize and move that building here to -- if
11 you can see the bottom, to the -- thank you --
12 west side of the site. So that it has its own
13 space.

14 This building will be retained and
15 although if it were restored in its current
16 location, it would be fine. We think this is
17 a much better solution to this building by
18 putting it on the west edge of the site
19 because it achieves a better setting for it.
20 And it also reinforces the buildings that are
21 on 5th Street. The row houses on 5th Street
22 and this row house together make a much

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1 stronger anchored corner than the two
2 buildings by themselves.

3 I'd like to read a section of the
4 Staff Report, the Historic Preservation Review
5 Board Staff Report which talks about moving
6 this building. And once it's moved, "the
7 building would once again become part of an
8 ensemble of historic structures, while
9 retaining its same, basic, historic setting,
10 fronting on the avenue."

11 Then it goes on on the new
12 building, "it allows for moving it, allows for
13 the building on the site with sufficient
14 street frontage, straight-forward massing, and
15 vertical proportions that could be a
16 compatible addition to the new Historic
17 District. Retaining the building in place
18 would result in it being somewhat fractured
19 from the Historic District, with tall new
20 construction likely surrounding it and looming
21 behind it."

22 At this point, I'll turn this over

1 to the project architect and then I'll come
2 back a little bit at the end.

3 Thank you.

4 MR. STADLER: Good evening. My
5 name is Sean Stadler. I'm with WDG
6 Architecture. And I'm just going to briefly
7 walk you through the project a little bit
8 more. Again, we are located between 5th and
9 4th Street and on New York Avenue where New
10 York Avenue meets L Street.

11 It's currently zoned for DD/R-5-B
12 and DD/C-2-C zone. It's a small and difficult
13 site. We looked at a number of ways to
14 develop the site without what we were going to
15 present here this evening. The location of
16 the existing historic structure means that if
17 we were to develop with the current zoning
18 we'd have a 130-foot building kind of
19 surrounding the existing historic building and
20 it really prohibits any useful development
21 with where it currently is.

22 Since this is a map amendment,

1 we're going to show our project for
2 illustration purposes and an example of what
3 can be possible with the rezoning.

4 So our current, the current zone
5 line between the R-5-B and the C-2-C is right
6 here and what we're proposing to do is to move
7 that line 42 feet to the west and then
8 relocate the existing historic structure that
9 is located on the east side of the site to the
10 west side of the site so that it will be
11 adjacent to the 5th Street single-family
12 townhomes there.

13 Moving the zoning line allows for
14 a transitional component between the lower
15 height of the 5th Street development and the
16 130-foot height of the Yale Laundry West
17 projects. Our architectural treatments are
18 logical and the references are intended to
19 relate to the Yale West in the 465 and 5th
20 Street row houses.

21 This project will incorporate the
22 historic structure into a new high-rise

1 development and the main building will now
2 front on New York Avenue and concentrate its
3 density along New York Avenue and L Street and
4 leave the rear of the site to be open.

5 With request to the zoning change,
6 we are only increasing the density on this
7 site by about 9,160 square feet which is
8 approximately 8 to 12 units for this project.
9 But this allows us to develop an otherwise
10 difficult site and also preserve the historic
11 structure.

12 CHAIRMAN HOOD: I really think,
13 unless this is helpful for my colleagues, I
14 really would not like to look at a building
15 that we cannot change the facade or treat as
16 a PUD. Let me do this. Does anybody want to
17 move in this fashion?

18 Okay. All right. No.

19 MS. DWYER: So you'd like the
20 architect to not refer to the plans at all and
21 just talk --

22 CHAIRMAN HOOD: We really don't

1 want to listen because we might start getting
2 into the roof top structure and some other
3 things that we already see that we have
4 problems with.

5 MS. DWYER: Then Sean, if you
6 would just refer to your testimony in the
7 Comprehensive Plan goals and urban design that
8 are served by the rezoning.

9 CHAIRMAN HOOD: Okay, thank you.

10 MR. STADLER: We believe that the
11 rezoning of this property will help to carry
12 out the urban design goal of protecting the
13 city's historic design legacy. What better
14 way to achieve this than to take a boarded-up,
15 abandoned structure, fronting New York Avenue
16 and incorporate it into a vibrant, new
17 development.

18 We believe it carries out the
19 goals of using major avenues, boulevards, to
20 improve the aesthetic character of the city,
21 particularly in emerging neighborhoods like
22 NOMA. Not only will this enhance the view

1 corridor, but it will also provide an urban
2 wall that will eliminate current dark pockets
3 and unsafe environments.

4 By approving this map amendment,
5 this will allow this gateway to be a memorable
6 and distinctive part of New York Avenue. It
7 carries out the goals for the appropriate in-
8 fill development neighborhoods and
9 particularly with regard to long-term vacant
10 sites like this one.

11 Moving the line will allow to
12 increase the housing supply by making this
13 project be able to be developed as a
14 residential project. And we agree with the
15 Office of Planning that the rezoning is also
16 consistent with the Convention Center Area
17 Strategic Development Plan in providing a
18 transition development that reinforces the
19 fabric of the Historic District. We also
20 agree with OP that this development will help
21 the Mount Vernon Triangle Action Agenda.

22 We are consistent with the

1 character of the surrounding property, the
2 high-density, DD/C-2-C zone on the eastern
3 portion of the site, continuing up New York
4 Avenue and across New York Avenue. New York
5 Avenue is a wide gateway boulevard that is
6 appropriate for this height and density and
7 what we are proposing matches the existing
8 zoning on both sides.

9 It would allow for more of a
10 buffer between New York Avenue and the Mount
11 Vernon overlay and the residential streets
12 such as M Street and Ridge. And we believe
13 we're sensitive to the Historic District and
14 this complements its location.

15 The purpose of the zoning
16 regulations that this provides no adverse
17 effect on the neighborhood properties. It
18 complements the Yale West development and also
19 doesn't affect adversely the use of
20 neighboring properties in accordance with the
21 zoning regulations.

22 There's no impact on light and

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1 air, since the development is concentrated on
2 New York Avenue which is an extremely wide
3 gateway and it permits sensitive and
4 compatible new development. We believe this
5 achieves the policies of the DD District in
6 terms of the historic preservation, urban
7 design, and incentives for residential
8 development.

9 In summary, we agree with the
10 Office of Planning that this zoning change
11 meets the test and that would result in
12 appropriate in-fill development for an
13 important downtown location.

14 I'll turn it back over the
15 Maureen, or to Andy, sorry.

16 MS. ADAMS: Thank you. We think
17 that the rezoning allows for the best possible
18 preservation solution for this somewhat
19 difficult site where the historic building on
20 the site can best be served by a development
21 that would be allowed under the rezoning. It
22 will allow for an improved setting for the

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1 historic building and facilitate its adaptive
2 re-use and restoration of its facade.

3 As a result, it would achieve
4 three standards of a zoning map amendment case
5 from a historic preservation perspective.
6 Rezoning would be consistent with the downtown
7 development district, the zoning regulations.
8 Rezoning would allow for a project that is
9 consistent with "the most important general
10 purposes" of DD related to historic
11 preservation.

12 Specifically, Section 1700.3(c) to
13 "protect historic buildings and places while
14 permitting sensitive and compatible new
15 development subject to the historic
16 preservation review process of the Historic
17 Landmark and Historic District Protection Act
18 of 1978." Also, Section 1700.3(e) "to guide
19 the design of buildings to be generally
20 consistent with the urban design, street
21 orientation and design, and historic
22 preservation policies of the DD District."

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1 More specifically, it would meet 1707.1(b) "to
2 encourage the restoration and adaptive re-use
3 of historic landmarks and contributing
4 buildings in Historic Districts, together with
5 compatible alterations and compatible new
6 construction." As well as 1707.1(c) "restrict
7 permitted building bulk on critical historic
8 frontages and lots with historic buildings so
9 as to encourage preservation of historic
10 buildings and assure a suitable scale of new
11 construction in Historic Districts."

12 The project is also consistent
13 with the Comprehensive Plan, particularly near
14 the northwest area element. With respect to
15 that, it's consistent with policy NNW-1.2.9
16 about design review which says "use the
17 historic preservation design review process to
18 promote superior architecture and urban design
19 in new northwest designated Historic Districts
20 which include the Mount Vernon Square Historic
21 District where this site is located and with
22 the historic preservation element of the

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1 Comprehensive Plan."

2 Rezoning would be consistent with
3 the historic preservation element of the
4 Comprehensive Plan in achieving the element's
5 over-arching goal which is to "preserve and
6 enhance the unique heritage, beauty, and
7 identity of the District of Columbia by
8 respecting the historic physical form of the
9 city and the enduring value of its historic
10 structures and places, recognizing their
11 importance to the citizens of the District and
12 the nation in sharing mutual responsibilities
13 for their protection and stewardship."

14 More specifically, the project is
15 consistent with policies, HP2.4.1 through
16 2.4.5 under the section on review and
17 rehabilitation of new construction which call
18 for the rehabilitation of historic structures,
19 adaptive reuse, adaptation of historic
20 properties for current use, compatible
21 development, suitability to historic context
22 and protecting historic building integrity.

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1 This proposed rezoning allows for
2 rehabilitation of historic buildings for its
3 original use and construction of compatible
4 addition to that historic building under the
5 design review process established under the
6 Historic Protection Act. It allows for the
7 design of an apartment building that reflects
8 the idea that greater flexibility in design
9 review should be allowed in areas without a
10 significant design pattern and in
11 nonresidential areas, New York Avenue being
12 essentially a commercial thoroughfare.

13 It allows for the protection of
14 the integrity of a significant historic
15 building by stabilizing it, moving it, and
16 creating an appropriate new setting for it
17 that enhances its viability and contribution
18 to the streetscape.

19 All in all, the rezoning allows
20 for a project that will be consistent with the
21 historic preservation goals for the city.

22 Rezoning allows development that

1 is appropriate for Mount Vernon Square
2 Historic District to the north, where it can
3 suitably design the southern edge of that
4 Historic District along the New York Avenue
5 corridor. It allows for a project that
6 completes a buffer along New York Avenue and
7 forms a transition between that major corridor
8 and the Mount Vernon Square Historic District
9 to the north. It allows for adaptation and
10 use and restoration of a significant historic
11 building while taking into account the unusual
12 nature of the site within both the Historic
13 District and the greater neighborhood to the
14 south and the east.

15 This is a site that can
16 accommodate tall buildings and denser
17 development while doing still the best
18 possible thing for the historic building on
19 the site. It allows for a project that can
20 achieve a distinctive new design under the
21 design review process, that expresses itself
22 as contemporary construction while also

1 relating to the design quality and richness of
2 materials found in the adjacent historic
3 building and the Historic District and other
4 historic buildings found throughout the
5 neighborhood to the south.

6 Rezoning will allow redevelopment
7 of this block of New York Avenue, N.W., in a
8 manner appropriate for its location, both in
9 the Historic District and along a major
10 transportation corridor and it can allow for
11 a positive addition to the neighborhood and
12 the Historic District if the rezoning is
13 approved. Thank you.

14 MS. DWYER: Thank you. That
15 concludes our direct presentation.

16 CHAIRMAN HOOD: Thank you. And
17 thank you for curtailing that as much as
18 possible.

19 MS. DWYER: We tried. I know we
20 didn't --

21 CHAIRMAN HOOD: You tried. We
22 appreciate the attempt. I know some people up

1 here are just chomping on the -- they want to
2 comment on what we see, but we're going to
3 resist ourselves tonight.

4 Okay, colleagues, any questions?

5 COMMISSIONER ETHERLY: Very
6 briefly, Mr. Chair, emphasis on brief. One,
7 out of curiosity, this is not material to the
8 inquiry before us, but what will happen to the
9 tree that is currently growing in the existing
10 location of the Thomas Martin House?

11 MS. ADAMS: The tree is actually
12 growing in the house.

13 COMMISSIONER ETHERLY: Okay.

14 MS. ADAMS: So the tree is coming
15 down.

16 COMMISSIONER ETHERLY: The tree is
17 going to have to come down. Okay, thank you
18 for satisfying that bit of curiosity.

19 Very quickly, on the issue of
20 transition from the properties that are
21 closest to 5th and L, generally, what's the
22 height at that particular level now for those

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1 row house homes, either Ms. Adams or Mr.
2 Stadler, if you can just give some guidance
3 for that?

4 MR. STADLER: It's roughly 36
5 feet. We haven't surveyed it exactly, but
6 it's about 36 feet. The historic building is
7 about 50 feet.

8 COMMISSIONER ETHERLY: Okay, and
9 the rezoning would theoretically allow you to
10 go to what height?

11 MR. STADLER: In a DD/5 it would
12 be 50 feet and 130 feet.

13 COMMISSIONER ETHERLY: Okay, so
14 from the standpoint of that -- and I'm just
15 trying to be sure I'm visualizing correctly
16 this argument about the transition and the
17 relocation of the historic structure, the
18 rezoning allows for, in your argument, a
19 smoother transition from the corner through
20 this newly rezoned area to. of course, what's
21 happening with the Yale Laundry projects.

22 MR. STADLER: Correct.

1 COMMISSIONER ETHERLY: Okay, thank
2 you. Thank you, Mr. Chair.

3 CHAIRMAN HOOD: Thank you. Mr.
4 Turnbull?

5 COMMISSIONER TURNBULL: Thank you,
6 Mr. Chair. I just wanted to clarify. The
7 historic house that's being relocated, is it
8 going to be sited on the same lot size,
9 basically width-wise? Was it a row house from
10 one wall to the other?

11 MS. DWYER: It's the same lot size
12 and will have a back yard, same as it has
13 today.

14 COMMISSIONER TURNBULL: And it
15 basically is going to go back -- the back yard
16 goes back to -- it looks like where the alley
17 ends?

18 MS. DWYER: That's correct.

19 COMMISSIONER TURNBULL: Okay.
20 Then the back yards do not have any access to
21 the alley per se?

22 MS. DWYER: They do not.

1 COMMISSIONER TURNBULL: Right now.

2 MS. DWYER: The back yard of the
3 historic house does not.

4 The back yards of the houses on
5 5th Street do not have any access to an alley.

6 COMMISSIONER TURNBULL: And this
7 house really doesn't either. It's sort of
8 like on the corner of it?

9 MS. DWYER: That's correct.

10 COMMISSIONER TURNBULL: Okay,
11 thank you.

12 CHAIRMAN HOOD: Anybody else?

13 VICE CHAIRMAN JEFFRIES: Just a
14 quick question, Mr. Chair.

15 The bottom site plan, the area
16 that is gold or yellow, what is that going to
17 be, just open?

18 MR. STADLER: Yes, that's open
19 area. We would be -- we would have to have 80
20 percent lot occupancy, but for demonstrated
21 purposes what this was showing is about 74
22 percent lot occupancy, so we're proposing to

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1 be below in terms of that.

2 VICE CHAIRMAN JEFFRIES: But that
3 would be part of the C-2-C?

4 MR. STADLER: Yes, C-2-C would be
5 80 percent lot occupancy and the R-5-B would
6 be 60 percent.

7 VICE CHAIRMAN JEFFRIES: So the
8 gold part will be part of your project,
9 whatever it is?

10 MR. STADLER: Yes, it's part of
11 the site.

12 VICE CHAIRMAN JEFFRIES: Okay,
13 thank you.

14 CHAIRMAN HOOD: Mr. May?

15 COMMISSIONER MAY: Yes. Have you
16 had discussions with homeowners along 5th
17 Street?

18 MS. DWYER: Yes, we have and
19 several of them have signed the petition in
20 support that was filed on the record, but
21 Bozzuto has gone door to door and as have
22 members of the community along 5th Street who

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1 support the project.

2 COMMISSIONER MAY: Do they
3 understand that now 44 feet closer to their
4 back yard is going to be a wall that's 80 feet
5 higher than is currently allowed?

6 MS. DWYER: Well, if you look at
7 that site plan, you can see the size of the
8 Yale development and our site is so much
9 smaller in comparison and so much more
10 concentrated on New York Avenue that there's
11 never been an issue or a concern about light
12 or air or impact on those properties.

13 COMMISSIONER MAY: It's absolutely
14 inexplicable to me because when I look at that
15 what I see is yards and backs of houses that
16 are going to be -- that are going to lose 40
17 percent of their light as a result and I just
18 would expect them to have concerns about it,
19 not to say we wouldn't be willing to vote in
20 favor of it, I would expect them to have
21 issues. I would have issues if I was there.

22 MR. KAUFMAN: I think one point

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1 that may be missed and maybe not -- so if
2 you're getting this I apologize for repeating
3 it, but the house that we're moving is the
4 buffer and that's a 50-foot building and the
5 back yard of that house will remain open. So
6 you're correct. They will have a new
7 structure, a wall where there was not one, but
8 that house theoretically acts as a transition
9 piece stepping up.

10 COMMISSIONER MAY: I do understand
11 that, but right now what they have is they
12 have a 96-foot buffer where you're limited to
13 50 feet and it's granted -- there are benefits
14 to the city to doing this because of what
15 happens with the historic building, then
16 there's -- then you have a fairly small site
17 in which you can go to your full C-2-C height
18 with this historic building right next to it,
19 so I understand that if the house -- if the
20 historic house didn't move, it probably would
21 not be profitable to develop that property and
22 it would significantly the value of that

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1 property.

2 I understand all of that, but I
3 just -- I'm really surprised that there isn't
4 some neighborhood concern about that.

5 MS. DWYER: And Mr. May, are you
6 talking about the properties along 5th Street?

7 COMMISSIONER MAY: Yes.

8 MS. DWYER: Okay, because several
9 of those are used commercially. The one at
10 the corner, for example, is office use. And
11 there's a large commercial office building.
12 So they're not necessarily, they're a mix of
13 commercial uses there. They're not all
14 residential. So that may be part of the
15 reason why.

16
17 COMMISSIONER MAY: There was
18 reference to them being residential. I was
19 aware of what happens at the corner and I know
20 there's the commercial operation, used to be
21 a print shop, further up the street, maybe it
22 still is.

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1 MS. DWYER: It's an architect's
2 firm up there.

3 COMMISSIONER MAY: They don't need
4 light in there.

5 (Laughter.)

6 Anyway, I'm just surprised that if
7 there actually are residences there that they
8 wouldn't have concerns.

9 MS. DWYER: The 5th Street
10 neighbors were the ones where there were one
11 on one meetings with the neighbors. So
12 they're well aware of this project and what's
13 being proposed and supported HPRB and one of
14 the neighbors is here tonight to support it
15 this evening.

16 MR. STADLER: And if I could
17 offer, as part of the HPRB process, we did do
18 a shadow study with our development and
19 without it in trying to understand the impact
20 of that and it was minimal in comparison to
21 what the Yale Laundry project is already
22 doing.

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1 COMMISSIONER MAY: To the same
2 houses?

3 MR. STADLER: Yes.

4 COMMISSIONER MAY: The Yale
5 Laundry being what starts immediately to the
6 east of the existing building, right?

7 MR. STADLER: The shadow that is
8 cast by this piece of the Yale Laundry.

9 COMMISSIONER MAY: Yes. I would
10 still venture to say that what happens to the
11 houses on 5th Street that are immediately
12 adjacent to the rear yard for the relocated
13 house, I mean this is going to have a more
14 significant impact on those houses in terms of
15 the shadow cast. But again, if you've talked
16 to them, and they're not here protesting, then
17 -- okay.

18 MR. STADLER: Thanks.

19 CHAIRMAN HOOD: Ms. Dwyer, you
20 mentioned a petition. Was that in the pre-
21 submission?

22 MS. DWYER: Yes.

1 CHAIRMAN HOOD: If it's in the
2 pre-submission, that's fine. I just wanted to
3 know. And also help me remember, Yale
4 Laundry, was that a PUD? What was Yale
5 Laundry -- or BZA?

6 MS. DWYER: No, it's a matter of
7 right under the existing DD/C-2-C and it went
8 through Historic Preservation Review.

9 CHAIRMAN HOOD: The Yale Laundry
10 project?

11 MS. DWYER: Yes.

12 CHAIRMAN HOOD: Because I think it
13 was front of this Commission at one time.

14 MR. UTZ: It went to the BZA for
15 roof structure relief.

16 MS. DWYER: Yes, roof structure.

17 CHAIRMAN HOOD: It started off
18 here though and it disappeared.

19 COMMISSIONER MAY: There was an
20 initial PUD application many, many years ago.

21

22 CHAIRMAN HOOD: And it

1 disappeared.

2 COMMISSIONER MAY: I don't know
3 what happened to it, but I --

4 CHAIRMAN HOOD: I was here.

5 COMMISSIONER MAY: -- went off the
6 Commission before it went anywhere. I
7 remember seeing Yale Laundry as a PUD.

8 CHAIRMAN HOOD: I was here.

9 VICE CHAIRMAN JEFFRIES: It didn't
10 have to come because of the PUD overlay. That
11 really just allowed them to just build out.

12 MS. DWYER: I think at that time
13 it might have been owned by Minkoff when it
14 came to the Commission initially and it was
15 subsequently, didn't go forward, acquired by
16 someone else and they worked within the zoning
17 except for the roof structure.

18 CHAIRMAN HOOD: Okay, I just
19 remember it was here and then it disappeared.
20 I must be telling my age from being around
21 here.

22 Okay, any other questions?

1 (No response.)

2 Okay, thank you. We'll go to the
3 Office of Planning's report.

4 MR. COCHRAN: Thank you, Mr.
5 Chair. For the record, my name is Steve
6 Cochran. I'm with the Office of Planning.
7 And I wonder if Mr. Stadler could do me a
8 favor and take down most of the boards that
9 are up there, just put up the one with the
10 property boundaries.

11 CHAIRMAN HOOD: Mr. Cochran, let
12 me do this. Do we have anyone here from ANC-
13 2C? And the reason I'm asking is because this
14 is a contested case and under our rules they
15 have the opportunity to cross examine. So I
16 don't want us to have another hearing. Is
17 anyone here from ANC-2C for cross examination?

18 Not seeing any, thank you, Mr.
19 Cochran.

20 MR. COCHRAN: Sure. We're going
21 to be focusing, since the Applicant has
22 basically established all the facts and

1 figures and looked at the tests for rezoning,
2 we're going to refocus on how this comports
3 with the Comprehensive Plan. The future land
4 use map designates different parts of Square
5 514 as being suitable for different types of
6 uses and densities and this is obviously
7 Square 514.

8 The lots fronting on New York
9 Avenue which is diagonal at the bottom of that
10 board are deemed appropriate for medium
11 density residential and moderate density
12 commercial uses. This includes the eastern
13 portion of Lot 864 which is basically the one
14 in the middle.

15 The lots fronting in L Street
16 which includes the western part of Lot 864 are
17 shown as being appropriate for moderate
18 density residential.

19 Now these future land use
20 designations are generalized and they're not
21 intended to be read as specifically as the
22 zoning map. The requested rezoning is not

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1 inconsistent with the future land use map.
2 There is actually even a basic change in the
3 character of the roadway between New York
4 Avenue and L Street. And where this zoning
5 line is moving essentially reinforces the
6 change from the higher buildings that are
7 imagined for New York Avenue under several
8 plans and the lower density development that
9 exists and is wanting to be reinforced along
10 L Street and 5th Street and M Street and other
11 areas in the more residential portions of Shaw
12 and Mount Vernon Triangle.

13 With the rezoning of the eastern
14 part of 864, it would become a part of housing
15 priority area A of the DD. Now as part of
16 that, a developer would be required to
17 construct at least 4.5 FAR of housing either
18 on-site or nearby through combined lot
19 development. So that reinforces the
20 intentions of the Comprehensive Plan that
21 these be developed for medium density
22 commercial uses on -- excuse me, residential

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1 uses on New York Avenue.

2 Our final report had noted several
3 Comprehensive Plans and policies and
4 objectives that encouraged the development of
5 this higher-density housing in central
6 Washington and the filling in of the gaps such
7 as the Applicant has described in Lot 864,
8 provided there are appropriate transitions
9 from one type of physical development to
10 another.

11 Extending that zone boundary would
12 require the 4.5 FAR of housing, at densities
13 constrained only by the Height Act and by law
14 it fits the requirements. Again, you'd have
15 high-density housing or medium- to high-
16 density housing on the eastern part of it.
17 But then, because you would retain R-5-B in
18 the western portion, you'd obviously not be
19 able to go over 50 feet for there and the
20 combination of those zone changes and all of
21 this being in the Mount Vernon Triangle
22 Historic District ensures you both a height

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1 change and the kind of design and transition
2 review that inevitably comes with HPRB review.

3 As the Applicant noted, the
4 amendment is also consistent with another --
5 with several other plans including the New
6 York Avenue corridor plan. As you know, DDOT
7 has reviewed the application and it has no
8 objection to the requested rezoning since that
9 rezoning per se does not affect parking access
10 and if OP or DDOT have any comments on any
11 development that might go up there, we would
12 do that through, if it needs to be done, a BZA
13 process. We're just talking about a rezoning
14 here.

15 The Applicant has had this
16 reviewed by the Mount Vernon Square
17 Neighborhood Association. They supported it.
18 The Applicant also presented to ANC-2C twice.
19 The ANC hasn't taken a position on it. So
20 based on all of this, OP recommends that the
21 Commission approve the requested rezoning and
22 note that it's going to be included in the

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1 expanded Housing Priority Area A.

2 That concludes our report.

3 CHAIRMAN HOOD: Vice Chairman?

4 VICE CHAIRMAN JEFFRIES: Just one
5 question, Mr. Cochran. Are there many
6 examples in the District where R-5-B abuts C-
7 2-C? If you know offhand -- I'm just
8 wondering.

9 MR. COCHRAN: Well, it already
10 exists here. I'm trying to think of some
11 place south of Mass. Avenue.

12 VICE CHAIRMAN JEFFRIES: Just in
13 other areas. I'm just trying to sort of
14 reconcile the housing, some of Commissioner
15 May's questions about this whole light issue
16 with R-5-B alongside the C-2-C commercial.

17 (Pause.)

18 MR. COCHRAN: Don't we have C-2-C
19 against R-4 in parts of Shaw?

20 VICE CHAIRMAN JEFFRIES: That's
21 all right. I just -- you know, I just wanted
22 to somehow I mean just looking at such a -- I

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1 mean C-2-C as commercial zone and next to it
2 R-5-B, I don't know of many examples of it,
3 but -- that I recall since I've been on the
4 Commission.

5 MR. COCHRAN: I'd have to look
6 more and get back.

7 To address some of Mr. May's
8 concerns earlier, I should mention that there
9 were three or four of the property owners on
10 5th Street that have come by our office in
11 support of the application. Obviously, they
12 didn't write letters of support, but they have
13 come to us to express their support for it.

14 VICE CHAIRMAN JEFFRIES: And one
15 is here now, I can see. Okay, I was just
16 curious, you know, just given the intensity of
17 the commercial district adjacent to an R-5-B
18 whether we saw a lot of examples. I just
19 couldn't -- I was thinking of 14th Street, but
20 that's a C-2-B, C-2-A, in some cases.

21 MR. COCHRAN: Well, you have C-R
22 against an R-4 up at 14th and U.

1 VICE CHAIRMAN JEFFRIES: Yes.

2 Okay.

3 MS. DWYER: Mr. Jeffries, if you
4 look at the zoning map that we attached to our
5 pre-hearing submission, Exhibit D, you
6 actually have C-2-C next to R-4 in this
7 neighborhood.

8 VICE CHAIRMAN JEFFRIES: Whoa.

9 MS. DWYER: So I think whenever
10 you have a major thoroughfare where you have
11 commercial zoning, right behind it you're
12 often going to find R-5-B or R-4 lower density
13 residential.

14

15 VICE CHAIRMAN JEFFRIES: Okay.

16 MR. COCHRAN: It looks like
17 essentially all along this portion of M
18 Street, Northwest.

19 VICE CHAIRMAN JEFFRIES: Okay,
20 thank you. Thank you.

21 COMMISSIONER MAY: I just wanted
22 to point out, it's not just C-2-C against R-5-

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1 B, it's C-2-C with DD which means they've got
2 an extra 20 feet, is that right?

3 MR. COCHRAN: Right, they can go
4 up to 130 feet.

5 COMMISSIONER MAY: So it is quite
6 a difference, but I think there are a number
7 of circumstances where you've got very tall
8 against the lower density zones, even like R-
9 1, R-2, R-3 like up Connecticut Avenue, places
10 like that where you have very tall buildings
11 along the avenue and then you know come 100
12 feet off, you've got R-2 or something.

13 VICE CHAIRMAN JEFFRIES: Well,
14 does DD/R-5-B, does that also allow for
15 increase -- oh, that stays as R-5-B.

16 COMMISSIONER MAY: Yes. I don't
17 have any further questions, but it is -- it's
18 sort of an odd circumstance here and pushing
19 that encroachment a little bit further,
20 particularly when it's not shown clearly in
21 the map that the intention of the future land
22 use map is to push the zone in that direction.

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1 In fact, if you really attempted to try to
2 interpret the future land use map against the
3 zoning map, it wouldn't fall this far -- the
4 line wouldn't fall this far to the west.

5 VICE CHAIRMAN JEFFRIES: But it's
6 not really scientific though, is it, I mean in
7 terms of -- it's not trying to draw exact
8 lines.

9 COMMISSIONER MAY: No. The future
10 land use map -- all land use maps are all
11 generalized and circumstantial and it's a
12 question of trying to come up with something
13 that makes sense. This is just one of those
14 spots where I'm not sure that this
15 circumstance was really considered, but that's
16 probably true in a lot of cases.

17 CHAIRMAN HOOD: Okay, any other
18 questions?

19 Does the Applicant have any cross
20 examination?

21 MS. DWYER: We have none.

22 CHAIRMAN HOOD: Okay, and again,

1 there's no one here representing ANC-2C.

2 Ms. Dwyer, let me ask you, did
3 they submit a letter? Was that in the
4 presubmission?

5 MS. DWYER: No. We're not aware
6 that they took any official position. They
7 did not either on HPRB or for the zoning case.

8 CHAIRMAN HOOD: Okay. Moving
9 right along, Mr. Etherly's ride is out front.
10 His limousine.

11 Other government reports? I tried
12 to exactly get to the rezoning of the District
13 Department of Transportation and it does
14 mention that this is a rezoning, so they knew
15 that. It took some finding and they are in
16 support. I will say, anticipated support of
17 the rezoning the way I read it. Am I correct?

18 MS. DWYER: Yes, we did meet with
19 them and they indicated they would file that
20 letter.

21 CHAIRMAN HOOD: Okay. This is not
22 a government report, also the Council Member

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1 of Ward 2, Council Member Jack Evans is also
2 in support and has a letter for the file, the
3 Mount Vernon Square Neighborhood Association
4 also is in support of the rezoning under
5 Carrie Silverman, President.

6 COMMISSIONER TURNBULL: Mr. Chair,
7 there's just a few irregularities in the DDOT
8 report. They're just minor things which they
9 say Crescent North and New York Avenue, LLC
10 filed the application and requesting the
11 approval for a planned unit development.

12 CHAIRMAN HOOD: You're right, I
13 didn't see that.

14 COMMISSIONER TURNBULL: And they
15 also call it C-2-A, so there's some
16 discrepancies, I think in there.

17
18 MS. DWYER: If I could just point
19 out, Bozzuto is the contract purchaser, so
20 Crescent is the underlying owner of record and
21 they did sign the actual application.

22 COMMISSIONER TURNBULL: All right,

1 that satisfies that then. So the only thing
2 is the mention of a PUD.

3 VICE CHAIRMAN JEFFRIES: And the
4 C-2-A.

5 COMMISSIONER TURNBULL: And the C-
6 2-A.

7 MS. DWYER: I believe on their
8 cover sheet they corrected the reference to a
9 PUD. The cover sheet that went with their
10 report.

11 COMMISSIONER TURNBULL: The facts.

12 CHAIRMAN HOOD: But it also says
13 in the subject rezoning application of Lot
14 864. It took a while to figure it out.

15 COMMISSIONER MAY: I think they
16 didn't fully edit their boilerplate on this.

17 COMMISSIONER TURNBULL: Yes, I
18 think you're right.

19 COMMISSIONER MAY: Since they're
20 not here, there's certain editorial --

21 CHAIRMAN HOOD: Makes this harder
22 than what it is.

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1 Maybe we can ask -- I think before
2 final because this -- before final, Ms.
3 Schellin, before final, if we can ask them to
4 straighten this out, if we can get that? All
5 we can do is ask.

6 Okay. Is that okay, Ms. Dwyer?
7 We will ask before final?

8 MS. DWYER: Before the final order
9 is issued?

10 CHAIRMAN HOOD: Before we take
11 final action.

12 MS. DWYER: Well, we were going to
13 request a bench decision this evening and so
14 I wouldn't want to interfere with that.

15 CHAIRMAN HOOD: I don't think it
16 will because this is a contested case, so we
17 still have to take two actions.

18 MS. DWYER: Yes, yes, we do.
19 Proposed and final. So before you take final
20 action, yes.

21 CHAIRMAN HOOD: So before final,
22 hopefully, the boilerplate will be

1 straightened out. Now I'm not saying we're
2 going to take a bench tonight. I'm not sure
3 yet. I'm going to see how we proceed.

4 Okay, do we have any organizations
5 or persons in support that want to testify?
6 If you come forward and let me ask, come
7 forward, you can testify. Were you sworn in?
8 Okay, can you stand so we can swear you in.

9 Ms. Schellin?

10 MS. SCHELLIN: Sir, is someone
11 else coming to?

12 CHAIRMAN HOOD: Are you going to
13 testify also?

14 MS. SCHELLIN: Will you raise your
15 right hand, please?. Do you solemnly swear or
16 affirm the testimony you'll give this evening
17 in this proceeding will be the truth, the
18 whole truth, and nothing but the truth?

19 (The witnesses were sworn.)

20 Thank you.

21 CHAIRMAN HOOD: Thank you and good
22 evening. You can identify yourself and let us

1 know first of all are you representing an
2 organization or an individual, yourself?

3 You will -- turn your microphones
4 on also. You can identify yourself. You'll
5 have three minutes.

6 Fill out your witness cards also.

7 We have a lot of paperwork down
8 here, so -- okay, whoever wants to start may
9 introduce themselves.

10 MS. GORING: Hello, my name is
11 Lydia Goring. And I'm a long-time resident of
12 Mount Vernon Square. I live at 400 M Street,
13 N.W. and have been a resident for over 30
14 years. I can answer some of your questions
15 when you're asking -- I'm not sure about B-2
16 or whatever, but along Connecticut Avenue,
17 Porter Street, they have highrise buildings
18 and right behind it are single-family homes.
19 And because I live in this area I've watched
20 this and tried to figure out where this
21 happens and if it works for residents and how
22 it works.

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1 I live right behind -- I live on
2 the corner of 4th and M which is right behind
3 Yale Steamship Laundry and it doesn't, to Mr.
4 May, it does not affect my light any more than
5 it did before or after which I thought it
6 would be. I live on the north side of the
7 street and I did not get any sun before and I
8 get no less sun than I got before. I watch
9 this very carefully.

10 It doesn't impact me adversely. I
11 support the project. And I'm very active in
12 the Mount Vernon Square community, Mount
13 Vernon Square Neighborhood Association. We
14 meet every month and they've been to our
15 organization. Everybody is very excited about
16 preserving this house.

17 So I just would like everybody to
18 know this because in our neighborhood over the
19 last five years we've probably lost at least
20 five houses since they fall down by neglect
21 and this house is an extremely interesting
22 house. It's one of the nicest houses. We

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1 have one other on M Street that is similar to
2 this house and this is the only other one that
3 I know of and it would be a shame to lose it.
4 So we do support this. I can speak for most
5 of my neighbors.

6 I actually also have a house on
7 5th Street that I rent and it doesn't --
8 because of the way that the -- and I'm used to
9 shadow studies because I've been there with
10 the Yale Laundry before when you were saying
11 how come it didn't come to you, it came to
12 different places and I've been involved in
13 that. But the shadow does not seem to affect
14 the houses and I'm not sure right there on the
15 corner now that that's going to be built, but
16 Yale does not affect 5th Street because the
17 sun comes -- I'm not sure up on the east and
18 whatever, and we still get the same amount.
19 That street does get a decent amount of light.

20 So I ask you all to please support
21 this or do it in a timely fashion because if
22 it doesn't go through and then these projects

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1 stale, and then we have another five or ten
2 years, the house won't make it and you know it
3 would be a moot point and therefore it would
4 be developed and we won't have to worry about
5 moving the house.

6 Thank you.

7 CHAIRMAN HOOD: Thank you very
8 much. Yes, sir.

9 MR. JONES: Hi, my name is Jeff
10 Jones. My family also owns a property on 5th
11 Street and we have talked to Lydia. We have
12 talked to Bozzuto. They have come door to
13 door and we have all signed a petition
14 favoring this construction. And also, same
15 thing, echoing everything that Lydia was
16 saying. As far as the light is concerned, the
17 light problem has never been a concern there
18 anyway. So I don't think anybody would really
19 have a problem with that at all. So I just
20 want to keep this very short and I do hope
21 that you will approve this.

22 That's it. Thank you.

1 CHAIRMAN HOOD: Okay, thank you.

2 Hold your seat.

3 Any questions?

4 COMMISSIONER MAY: What house on
5 5th Street, you say your property, your family
6 owns?

7 MR. JONES: It's the corner house.
8 It's next to the architectural building there,
9 1103.

10 COMMISSIONER MAY: Okay.

11 CHAIRMAN HOOD: Any other
12 questions. Does the Applicant have any
13 questions?

14 I want to thank you both for
15 coming down and providing us testimony this
16 evening. thank you.

17 Do we have anyone else here who
18 wants to testify in support?

19 (No response.)

20 Okay, any organizations or persons
21 that would like to testify in opposition? Any
22 opposition?

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1 (No response.)

2 Ms. Dwyer, if you would come
3 forward and do your rebuttal and closing
4 remarks. This is running a little easier than
5 Monday night.

6 MS. DWYER: Good, I'm glad.

7 CHAIRMAN HOOD: Twelve o'clock.

8 MS. DWYER: Twelve o'clock, Monday
9 night. Oh, good. Thank you very much, and
10 I'll keep this very short because I really
11 think that in our prehearing submission we
12 went through the legal test. We went through
13 the comprehensive plan policies and we believe
14 in all respects that the rezoning meets that
15 test. We are pleased to be here with the
16 support of the Office of Planning. Bozzuto
17 has a reputation for working with the
18 neighborhood and the community and I think
19 that's evidenced by the support that's in the
20 record including the petition and the
21 individuals and with all that we would just
22 like to request a bench decision this evening

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1 so that this project can go forward.

2 VICE CHAIRMAN JEFFRIES: Mr.
3 Chair, I'd like to make a motion that we
4 approve the proposed application by Bozzuto
5 Development Group and Crescent North and New
6 York Avenue, LLC map amendment from DD/R-5-B
7 to DD/C-2-C for a portion of Lot 864 in Square
8 514 and I'm also recommending that the
9 Commission also move the boundary of the DD
10 Housing Priority Area A westward to the
11 proposed dividing line that's between DD/R-5-B
12 zoned district and DD/C-2-C zoned district.

13 COMMISSIONER ETHERLY: Second it,
14 Mr. Chair.

15 CHAIRMAN HOOD: Thank you, Vice
16 Chair and Commissioner Etherly. Any further
17 discussion? Any further discussion?

18 All those in favor?

19 (Chorus of ayes.)

20 Ms. Schellin, if you will record
21 the vote?

22 MS. SCHELLIN: The staff records

1 the vote 5 to 0 to 0 to approve proposed
2 action in Zoning Commission Case No. 07-29.
3 Commissioner Jeffries moving, Commissioner
4 Etherly seconding, Commissioners Hood,
5 Turnbull and May in favor.

6 CHAIRMAN HOOD: Okay, I want to
7 thank everyone for their participation.

8 Ms. Schellin, do we have anything
9 else?

10 MS. SCHELLIN: No.

11 CHAIRMAN HOOD: Okay, this hearing
12 is adjourned.

13 MS. DWYER: Thank you very much.

14 (Whereupon, at 7:37 p.m., the
15 hearing was concluded.)
16
17
18
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22

