

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

☐-----☐
IN THE MATTER OF: :
: Case No.
URBAN INVESTMENT PARTNERS : 11-06
CONSOLIDATED PUD & RELATED :
:
☐-----☐

Thursday,
July 21, 2011

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

The Public Hearing of Case No.
11-06 by the District of Columbia Zoning
Commission convened at 6:30 p.m. in the
Office of Zoning Hearing Room, 441 4th
Street, N.W., Washington, D.C., 20001,
Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
KONRAD W. SCHLATER Vice Chairman
MICHAEL G. TURNBULL Commissioner FAIA,
(AOC)

OFFICE OF ZONING STAFF PRESENT:

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

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

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
PAUL GOLDSTEIN

This transcript constitutes the minutes
from the Public Hearing held on July 21,
2011.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

WELCOME:

Anthony Hood, Chairman 4

ZC CASE NO. 11-06 -

URBAN INVESTMENT PARTNERS: 5

Cary Kadlecek, Attorney 7

Board Questions: 10

OFFICE OF PLANNING:

Paul Goldstein 15

ANC-4C REPORT IN FAVOR: 18

PERSON/PARTIES IN OPPOSITION:

Jeff Green 20

CLOSING REMARKS:

Cary Kadlecek, Attorney 30

Motion to Approve Application 34

VOTE: 3-0-2 to Approve Application 34

Specifically Requested Material: 35

ADJOURN:

Anthony Hood, Chairman 36

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

2 6:31 p.m.

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. We have two cases
5 tonight. This is our first case. Our second
6 case is a continuation.

7 Anyway, good evening, ladies and
8 gentlemen. This is a Public Hearing of the
9 Zoning Commission of the District of Columbia
10 for Thursday, July 21, 2011.

11 My name is Anthony Hood. Joining
12 me are Vice Chairman Schlater and
13 Commissioner Turnbull.

14 Also, Ms. Sharon Schellin from
15 the Office of Zoning staff, Mr. Lawson from
16 the Office of Planning staff along with Mr.
17 Goldstein.

18 This proceeding is being recorded
19 by a Court Reporter and also webcast live.
20 Accordingly, we must ask you to refrain from
21 any disruptive noises in the hearing room.

22 The subject of the first case

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this evening is Zoning Commission Case No.
2 11-06. This is a request by Urban Investment
3 Partners for approval of a Map Amendment from
4 R-5 to C-3-A zoning for property located at
5 3800 New Hampshire Avenue, N.W., known as Lot
6 813 in Square 3028 and 811 Quincy Street,
7 N.W., known as Lot 814 in Square 3028.

8 Okay. Notice of today's hearing
9 was published in the DC Register on May 20,
10 2011 and copies of that announcement are
11 available to my left on the wall near the
12 door.

13 The hearing will be conducted in
14 accordance with the provisions of 11 DCMR
15 3022 as follows: Preliminary matters;
16 applicant's case; report of the Office of
17 Planning; report of other Government
18 agencies; report of the ANC, in this case
19 it's 4C; organizations and persons in
20 support; organizations and persons in
21 opposition; rebuttal and closing by the
22 applicant.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 The following time constraints
2 will be maintained in this meeting: The
3 application 25 minutes; organizations 5
4 minutes; individuals 3 minutes.

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

7 Upon coming forward to speak to the
8 Commission, please, give both cards to the
9 reporter sitting to my right.

10 When you are finished speaking,
11 please, turn your microphone off, so that the
12 microphone is no longer picking up sound or
13 background noise.

14 The staff will be available
15 throughout the hearing to discuss procedural
16 questions. Please, turn off all beepers and
17 cell phones, at this time, so as not to
18 disrupt these proceedings.

19 Would all individuals wishing to
20 testify, please, rise to take the oath? Ms.
21 Schellin, would you, please, administer the
22 oath?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Yes. Please,
2 raise your right hand.

3 (Whereupon, witnesses were
4 sworn.)

5 MS. SCHELLIN: Thank you.

6 CHAIRMAN HOOD: Mr. Kadlecek, how
7 do you pronounce that?

8 MR. KADLECEK: Kadlecek.

9 CHAIRMAN HOOD: Kadlecek.

10 MR. KADLECEK: Good evening.

11 CHAIRMAN HOOD: You may begin.

12 MR. KADLECEK: My name is Cary
13 Kadlecek from the Law Firm of Goulston &
14 Storrs on behalf of the applicant.

15 We are here in Case No. 11-06, a
16 request for a rezoning from the R-4 District
17 to the C-3-A District.

18 As you can probably see in front
19 of you, the record is quite full. We have
20 support from the Office of Planning and we
21 have support from the ANC.

22 We are happy to rest on the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 record in this case. I do have the applicant
2 and the architect, involved in this case,
3 available to answer questions.

4 We are also happy to give a full
5 presentation, if that's what the Commission
6 would like. But we believe that the record
7 is quite full and are happy to rest on it.

8 CHAIRMAN HOOD: Okay. I would
9 also agree with you, Mr. Kadlecek. The
10 record is complete. I think it's full.

11 Commissioners, I think that we
12 don't need a 25 minute presentation on this,
13 that's what I would recommend. I'm not sure
14 if my colleagues would like a 25 minute
15 presentation, but what we could do is that we
16 could go ahead and start off with any
17 questions that we may have.

18 If not, we will go to the -- see
19 if the ANC has any cross-examination. If
20 not, we will go to the Office of Planning.

21 Do we have any proffered expert
22 witnesses?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MS. SCHELLIN: Yes.

2 MR. KADLECEK: Yes, I do. I
3 apologize for that. I would like to proffer
4 one expert and that's Jack DeVilbiss from
5 Bonstra Haresign, I believe you have his
6 rèsumé in front of you, proffering him as an
7 expert in architecture. He has also been
8 qualified as an expert before the Commission.

9 CHAIRMAN HOOD: He has also been
10 qualified in front of us as an expert.

11 MR. KADLECEK: That's correct,
12 yes.

13 CHAIRMAN HOOD: I think,
14 Commissioners, we previously have accepted
15 him. I think we have done all our leg work
16 to give him expert status, and I would
17 recommend that we continue to give him that
18 expert status.

19 Any objections? Okay. So he is
20 an expert.

21 So again, we will just go ahead
22 and ask our questions. And what I'll do, at

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 this time, if we have any, let me open it up.

2 I don't have any, but let me open it up.

3 Commissioners, any questions?

4 VICE CHAIRMAN SCHLATER: Just one
5 question about the structures.

6 How old are they?

7 MR. DeVILBISS: The structures
8 are, approximately, 100 years-old.

9 VICE CHAIRMAN SCHLATER: Do they
10 have an historic designation?

11 MR. DeVILBISS: No, they do not.

12 VICE CHAIRMAN SCHLATER: Are they
13 going to have historic designation?

14 MR. KADLECEK: No, they will not
15 have historic designation.

16 VICE CHAIRMAN SCHLATER: But the
17 plan is to renovate the existing structure?

18 MR. KADLECEK: That's correct.

19 VICE CHAIRMAN SCHLATER: Is there
20 anything that would hinder the applicant from
21 going a different direction and building new
22 construction under C-3-A, under this rezoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 proposal?

2 MR. MEYER: My name is Jonathan
3 Meyer. I'm with the Urban Investment
4 Partners. And, no, we have no plans of
5 tearing this building down. They are
6 beautiful buildings. We will just be doing
7 inside the buildings.

8 VICE CHAIRMAN SCHLATER: Because
9 we had a similar case, I think Urban
10 Investment Properties was the applicant in
11 that case, and those buildings were being
12 designated, either designated or there was a
13 covenant filed with the property, that they
14 weren't going to be demolishing the property.

15 I can't remember which it was, but --

16 MR. MEYER: We didn't designate
17 those. The person in charge of this
18 organization didn't believe they were
19 historic.

20 VICE CHAIRMAN SCHLATER: All
21 right.

22 MR. MEYER: Didn't have historic

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 significance. We still think they are
2 beautiful buildings. We have no plans of
3 tearing those down. We have begun
4 construction on one of those buildings and we
5 hope to be in construction of the other one
6 in late December. Again, renovating inside
7 the buildings, keeping historic buildings,
8 but just interior new finishes.

9 VICE CHAIRMAN SCHLATER: That's
10 interesting. Just because when we were doing
11 that case, you know, we were pretty much
12 assured that that was -- that that building
13 was going to get historic designation and
14 that's what was going to preserve the
15 building from being demolished.

16 I mean, there is nothing to say
17 you wouldn't renovate this building now and
18 15 years from now, the land values are such
19 that it would be more economical to -- you
20 know, somebody will buy it right out from
21 under you to build something new. So that's
22 the only thing.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 I haven't, you know, wrapped my
2 mind around what, you know, the full build-
3 out of this site would look like under C-3-A
4 Zoning.

5 MR. KADLECEK: I think one thing
6 that also distinguishes this case is the fact
7 that these buildings are designated
8 differently on the Future Land Use Map. And,
9 in fact, the C-3-A Zone, you know, is quite
10 applicable to the Future Land Use Map
11 designation, whereas, with the other
12 buildings, there was a little bit more gray
13 area where --

14 VICE CHAIRMAN SCHLATER: Yes.

15 MR. KADLECEK: You know, that
16 designation. But I think, in this case, the
17 R-4 Zone is clearly below what the Future
18 Land Use Designation Map would allow for.

19 VICE CHAIRMAN SCHLATER: And the
20 height of the buildings right now is 60 and
21 50 feet, respectively?

22 MR. DeVILBISS: Approximately,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 yes.

2 VICE CHAIRMAN SCHLATER: So you
3 can only go up to 65 feet in C-3-A. Okay. I
4 don't think I have a problem with it. I was
5 just curious. Thank you.

6 CHAIRMAN HOOD: Any other
7 questions? Mr. Turnbull?

8 COMMISSIONER TURNBULL: No. Just
9 the Vice Chair actually asked a question what
10 was the existing height. And so you are
11 looking not to add any floors. This is
12 primarily within the basement area of the
13 building that you are expanding?

14 MR. MEYER: Yes, sir.

15 COMMISSIONER TURNBULL: Okay.
16 Okay. That's all I have really.

17 MR. KADLECEK: Yes, I would just
18 like to emphasize that there are no physical
19 changes to the exterior of the buildings.
20 Everything is going to be interior.

21 COMMISSIONER TURNBULL: Well, is
22 there a new penthouse or mechanical systems

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 going in to feed anything differently?

2 MR. MEYER: There is new electric
3 going in, upgrade the electric in the
4 building from the previous amps to, you know,
5 current amps required.

6 COMMISSIONER TURNBULL: So no
7 larger penthouses or anything?

8 MR. MEYER: No, no, sir. No
9 additional floors, no larger penthouse.
10 There are just some units in the basement.

11 COMMISSIONER TURNBULL: Okay.
12 Thank you.

13 CHAIRMAN HOOD: Okay. Thank you.
14 Do we have anyone representing ANC-4C?
15 Joseph Vaughan, the Chair of ANC SMD 4C05,
16 anybody representing the ANC-4C?

17 Not seeing anyone, we will
18 address their letter at the appropriate time.

19 Let's go to the Office of
20 Planning. Mr. Goldstein?

21 MR. GOLDSTEIN: Good evening, Mr.
22 Chairman and Members of the Commission. OP

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 recommends approval of the Zoning Map
2 Amendment from R-4 to C-3-A for the
3 properties located at 3800 New Hampshire
4 Avenue, N.W., at 811 Quincy Street, N.W.,
5 which are also identified as Lots 813 and
6 814, respectively, in Square 3028.

7 With that, I'm happy to rest on
8 the record and answer any questions that the
9 Commission may have.

10 CHAIRMAN HOOD: Okay. Do we have
11 any questions of the Office of Planning?
12 Vice Chairman Schlater?

13 VICE CHAIRMAN SCHLATER: Mr.
14 Goldstein, did you work on that previous UIP
15 rezoning at Columbia Heights?

16 MR. GOLDSTEIN: I believe I did
17 the one that you are referencing.

18 VICE CHAIRMAN SCHLATER: And were
19 you following at all that historic
20 designation discussion?

21 MR. GOLDSTEIN: I mean, the
22 discussion you just had now, yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 VICE CHAIRMAN SCHLATER: Yes.
2 But during -- while -- I mean, OP -- the
3 Historic Preservation staff sitting in your
4 offices there, was that -- I mean, did you
5 follow it after our case at all?

6 MR. GOLDSTEIN: I didn't. I did
7 not continue to follow it. I don't believe
8 that our recommendation, necessarily,
9 depending upon the historic designation of
10 those buildings.

11 VICE CHAIRMAN SCHLATER: Yes.
12 Okay. And in my case, I think I was relying
13 on it at some level, because it did allow
14 for, you know, increased height and density
15 over what was there previously. I'm not
16 saying that the -- anybody had any poor
17 intent here.

18 I'm sure the Historic
19 Preservation Office looked at it and said no,
20 but for good reason.

21 MR. GOLDSTEIN: Yes. I don't
22 recall what the development potential was on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 those buildings. I seem to remember that it
2 was somewhat constrained.

3 VICE CHAIRMAN SCHLATER: Yes,
4 okay. Very good. Thanks.

5 CHAIRMAN HOOD: Okay. I don't
6 believe we have had any other reports from
7 any other Government agencies. If we do,
8 I'll stand to be corrected.

9 Also, we do have the report of
10 Advisory Neighborhood Commission 4C, which is
11 by Chairman Vaughan, basically, based on --
12 I'll just read the last part.

13 "Based on the foregoing, ANC-4C
14 respectfully requests that the Board of
15 Zoning Adjustment give great weight," so we
16 will give this to the Board also, Chairperson
17 Moldenhauer, anyway we know this is for us,
18 "to the Commission's position to support the
19 application to amend the Zoning Map by the
20 Urban Investment Partners."

21 So we will -- and it has great
22 weight. I believe it records the vote.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Normally, it records -- is that a requirement
2 that the vote is recorded or am I overlooking
3 it? It's not in here. So I guess we can
4 still go by unanimous.

5 MS. SCHELLIN: We can't.

6 CHAIRMAN HOOD: We can't? Okay.

7 Well, we understand and we know that they
8 support it, but I don't think we can give
9 this great weight, because it does not
10 qualify. I was looking for the vote and I
11 don't see it. We always have to have the
12 recorded vote.

13 But anyway, it's a letter of
14 support from the ANC. We cannot give it or
15 accord it the great weight that, by law, we
16 are supposed to give it, but we see it and we
17 understand what the intent was, because it
18 says unanimous, but we cannot give it great
19 weight.

20 Again, let me call for anyone
21 from ANC-4C? Not seeing anyone, do we have
22 any organizations and persons here in

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 support? Any organizations or persons here
2 in opposition? Come forward. Just identify
3 yourself and where you live and we'll go from
4 there.

5 MR. GREEN: My name is Jeff.

6 CHAIRMAN HOOD: Is your
7 microphone on?

8 MR. GREEN: Jeff Green. I live
9 at 3814 8th Street. I directly abut these
10 buildings to the north.

11 CHAIRMAN HOOD: Okay. Mr. Green,
12 you may begin.

13 MR. GREEN: Thank you for hearing
14 me. First off, I would like to request that
15 the Zoning Commission reject this application
16 for Urban Investment Partners to amend the
17 Zoning Map, for the rezoning of the
18 properties at Square 3028 from R-4 Zoning
19 District to C-3-A, as UPI has failed to
20 address both parking, sanitation to include
21 the common area, trash collection an pest
22 control and building security and lighting

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 with the immediate community.

2 And when I say the immediate
3 community, I mean, those that abut the
4 building directly on that -- on the four
5 squares of that block.

6 I understand that the ANC gave,
7 you know, approval for the Zoning Change, but
8 they are talking in the general principle.
9 UPI has neglected to have any discussions or
10 approach any of the folks who live on the
11 immediate block or square that adjoin that
12 building.

13 Additionally, UPI has failed to
14 demonstrate to the community the capacity to
15 maintain these properties in question in the
16 current configuration. With the zoning
17 change, they will be adding additional units
18 and additional density to that building and
19 there is issues with, like I said before,
20 trash collection, pest control as well as
21 just general common sanitation.

22 Since UPI has acquired these

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 properties, they have failed to maintain the
2 desired level of sanitation, resulting in
3 fines from the Department of Public Works, as
4 well as a dramatic increase in the rodent
5 population to the surrounding properties.

6 UPI also began construction
7 without proper permitting and/or zoning
8 changes in place to these properties. Now, I
9 understand that they can, you know, start the
10 construction without the zoning changes, but
11 they have immediately started adding the
12 density that the change of zoning would
13 require in the basement already. They have
14 already started that work.

15 Now, I don't agree -- now, I
16 don't have a problem with them making those
17 changes to the building, once they have
18 addressed these issues, and I would like, you
19 know, the weight of the Commission to help us
20 influence them to be a better community
21 partner and neighbor, as they purchased these
22 buildings and will be a part of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 community.

2 What I would like the Commission
3 to do prior to possibly approving this, what
4 I would like to see is UPI work with the
5 community to address these issues and agree
6 to the following:

7 UPI will provide a detailed plan
8 outlining the sanitation at these properties,
9 including details for common area
10 maintenance, trash collection and pest
11 control.

12 I would like to see UPI provide a
13 detailed plan for improving security and
14 lighting at the buildings.

15 As well as with the additional
16 density being added to the buildings in their
17 location so close to the Metro, I would like
18 to see UPI exclude these two buildings at lot
19 -- I'm sorry, Square 3028 and Lots 813 -- I'm
20 sorry, 813 and 814 be excluded from the
21 Department of Public Works and the Department
22 of Transportation Residential Parking Permit

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Program.

2 CHAIRMAN HOOD: Mr. King is it?

3 MR. GREEN: Green.

4 CHAIRMAN HOOD: Green. Mr.
5 Green, you go ahead and finish, since you're
6 the only witness.

7 MR. GREEN: Oh, okay. That was -
8 -

9 CHAIRMAN HOOD: That was it?

10 MR. GREEN: That was it.

11 CHAIRMAN HOOD: Let me say this,
12 Mr. Green, some of the issues that I hear you
13 bringing up -- again, before us is the Map
14 Amendment. Some of the issues that you are
15 bringing up are not within our jurisdiction,
16 but I will say this.

17 Any time somebody is going to be
18 dealing with somebody in their community,
19 those kind of things we need to be a good
20 neighbor. I, for one, have never liked to
21 hear that. People who are applicants or
22 whatever, even though it's not in my

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 jurisdiction, it's always good to be a good
2 neighbor.

3 And I think that what Mr. Green
4 is asking for, I'm not sure -- let me ask
5 this though, Mr. Green.

6 Have you attended the ANC
7 meeting?

8 MR. GREEN: Yes, I have. And I -
9 -

10 CHAIRMAN HOOD: Who is your
11 Single Member District? Who is your
12 Commissioner?

13 MR. GREEN: His name is Timothy
14 Jones. And I have spoken with Mr. Jones as
15 well as I contested the ANC providing their
16 approval for this for the zoning change prior
17 to UPI talking with the community.

18 But the way that the presentation
19 was broached with the ANC was that they
20 needed the approval letter from the ANC, so
21 that it could be entered, I guess, prior to
22 having that discussion with the community.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 There was an agreement or a
2 discussion from UPI, at that point in time,
3 saying that they would have a discussion with
4 the community, but that has not happened.

5 CHAIRMAN HOOD: Okay. Ms.
6 Schellin, we have two votes on this case,
7 right? Okay. Before final, I'm going to be
8 looking to see if those negotiations or those
9 talks have been had, because if not, I will
10 personally vote against this. There's only
11 three of us up here.

12 So I want to see. I think,
13 Commissioners, I would -- and I'm not -- I
14 know that we have some more questions of Mr.
15 Green, but I want to see that those
16 discussions have been had and that Mr. Green
17 and those who live on that square or right
18 there who are most affected have been into
19 some negotiations.

20 Even though, Mr. Green, I'll tell
21 you some of that is not in our jurisdiction.

22 MR. GREEN: Okay.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: But I want to see
2 those discussions happen.

3 MR. GREEN: Okay.

4 CHAIRMAN HOOD: Let me open it
5 up. Any questions, Commissioners? Any
6 questions of Mr. Green? Mr. Turnbull?

7 COMMISSIONER TURNBULL: I have no
8 questions, no.

9 CHAIRMAN HOOD: Okay.

10 COMMISSIONER TURNBULL: Thanks
11 for coming down.

12 CHAIRMAN HOOD: Yes, thank you
13 for coming down.

14 MR. GREEN: Okay. And I
15 understand that some of these things are not
16 within your jurisdiction, but if they get the
17 zoning changes without those discussions
18 being had, you know, they will continue to be
19 a bad neighbor, in my opinion.

20 CHAIRMAN HOOD: Okay. Well, we
21 are not going to hold them hostage, but I
22 will look to see that you all are -- not that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 you all will agree. I will look to see that
2 you all are having discussions. And I would
3 ask the applicant to let me know that you all
4 are having those discussions. Okay. Okay.

5 MR. GREEN: One last question for
6 the Commission. With the parking
7 restrictions, would that be in the purview of
8 the -- of your jurisdiction?

9 CHAIRMAN HOOD: Under a Map
10 Amendment?

11 MR. GREEN: Right.

12 CHAIRMAN HOOD: That's something
13 that we would look at, but not necessarily
14 under this type of Map Amendment. We are
15 going -- I think they meet the requirement,
16 if I'm not mistaken.

17 Well, let me look and see. Hold
18 on a second. Instead of me looking around,
19 Mr. Kadlecek, do you all meet the parking
20 requirement?

21 MR. KADLECEK: Do we all meet the
22 parking requirement?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Yes.

2 MR. KADLECEK: Yes, because of
3 the building's age.

4 MR. GREEN: Because of what?

5 MR. KADLECEK: Because of the
6 building's age.

7 MR. GREEN: Okay.

8 MR. KADLECEK: Because it is --
9 you know, the building was constructed pre-
10 1958.

11 CHAIRMAN HOOD: Pre-1958.

12 MR. KADLECEK: Before the
13 adopting of the Zoning Regulations.

14 CHAIRMAN HOOD: Okay. Okay.
15 Yes.

16 MR. GREEN: Including with the
17 additional density they are adding? They
18 still qualify?

19 MR. KADLECEK: Yes. We still
20 meet it with the additional density.

21 CHAIRMAN HOOD: It would be based
22 -- the '58 Zoning Order -- well, the Zoning

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Act of 1958. So again, I think they are,
2 from a legal standpoint, within their rights
3 to move forward if we approve it.

4 But what I'm doing is stepping
5 out.

6 MR. GREEN: Okay.

7 CHAIRMAN HOOD: Stepping really
8 out of the scope of what I'm supposed to
9 actually do, so when they take me to court,
10 when they read the transcript, I have already
11 acknowledged that I'm stepping out of the
12 realm and asking you all to work with Mr.
13 Green and the neighbors.

14 And I think Mr. Kadlecek I have
15 seen him down here many -- even though I
16 don't think you have ever testified or
17 presented, but I'm sure that you all will
18 have discussions with Mr. Green. Okay.

19 All of us what to be good
20 neighbors. Am I correct? Okay. All right.

21 Mr. Green, I want to thank you
22 for coming down. We appreciate it.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 MR. GREEN: Thank you.

2 CHAIRMAN HOOD: Mr. Kadlecek, if
3 you have any rebuttal to what Mr. Green
4 mentioned or anything, if not, we will take
5 your closing.

6 MR. KADLECEK: Yes. I just have
7 a couple of comments. The first is that the
8 applicant has every intention of being a good
9 neighbor. And, in fact, I think that their
10 presence in other communities throughout the
11 city has demonstrated that they are a good
12 neighbor.

13 And I think that UIP has every
14 intention of being a good neighbor in this
15 instance as well. They have done everything
16 that they should have done thus far and, you
17 know, we understand that maybe some of the
18 concerns with trash and the alleyways have
19 upset Mr. Green and other neighbors. And I
20 know UIP intends to make sure that any
21 problems that might arise are rectified.

22 But I would also like to note

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 that everything that they have done so far
2 with respect to construction has been legal.

3 They have only done some interior
4 renovations. They haven't done any of the
5 additions of the units yet, because we
6 understand that that can't be done unless the
7 zoning is changed.

8 And so they haven't done any of
9 that yet. It has purely been a matter of,
10 you know, doing some of the new finishes
11 inside of the building.

12 With respect to parking and
13 everything else, as you mentioned, Mr.
14 Chairman, we are within our legal right with
15 respect to parking. And, you know, parking
16 is not required in this instance for the
17 building.

18 But, again, UIP is really
19 committed to being a good neighbor and
20 following all of the requirements and also
21 just engaging the community in a way that
22 they know that they want to be in the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 community and they have done that with all
2 their other projects and fully intend to do
3 so.

4 So I know that Mr. Meyer has
5 spoken with Mr. Green at the ANC meetings and
6 I know that they have attended several ANC
7 meetings. And so UIP, you know, will happily
8 engage in additional conversations with the
9 community to make sure that all these
10 questions and concerns can hopefully be
11 addressed in one way or another.

12 CHAIRMAN HOOD: Okay. I want to
13 thank you all for your presentations. And
14 let me open it up to my colleagues. Any
15 final questions? Okay.

16 Commissioners, we can set this
17 off for -- because we weren't asked for a
18 Bench decision, so either we can set this off
19 for a hearing date or if my colleagues feel
20 inclined to move forward, propose. But
21 again, we have two votes. What I asked for,
22 I don't mind getting on the final vote and I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 would like to see both Mr. Kadlecek's client
2 as well as Mr. Green to submit and just let
3 us know how the discussions are going and
4 make sure those discussions are happening,
5 even though a lot of that is not necessarily
6 within our jurisdiction.

7 Commissioners? Set it for a
8 date? Okay. I think we are going to move --
9 we are going to propose to vote tonight on
10 proposed, but, again, this is two votes. We
11 have had some finals that have lasted a long
12 time, so I'm looking again forward to seeing
13 that discussion, both between Mr. Green and
14 your client, Mr. Kadlecek.

15 Okay. Commissioners, I would
16 move approval of Zoning Commission Case No.
17 11-06. This is a proposed rezoning, let me
18 just read it. "A request for a Map Amendment
19 to rezone Lots 813 and 814 in Square 3028
20 from R-4 to C-3-A Zoning," with the caveat
21 that before final, I will be looking to see
22 the discussions between the neighbor and the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 applicant, and ask for a second.

2 VICE CHAIRMAN SCHLATER: Second.

3 CHAIRMAN HOOD: It has been moved
4 and properly seconded. Any further
5 discussion? Are you ready for the question?

6 All those in favor?

7 ALL: Aye.

8 CHAIRMAN HOOD: Not hearing any
9 opposition, Ms. Schellin, would you, please,
10 record the vote?

11 MS. SCHELLIN: Yes. Staff would
12 record the vote 3-0-2 to approve proposed
13 action in Zoning Commission Case No. 11-06.
14 Commissioner Hood moving, Commissioner
15 Schlater seconding, Commissioner Turnbull in
16 support. Commissioners May and Selfridge not
17 present not voting.

18 And if we could go ahead and set
19 dates for those additional documents to come
20 in from the applicant and Mr. Green, if we
21 could have their responses by 3:00 p.m.
22 August 30th. And also, if we could have

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 draft findings of fact, conclusions of law
2 from the applicant by August 15th, that would
3 be good.

4 CHAIRMAN HOOD: Okay. Thank you,
5 Ms. Schellin. Do we have anything else
6 before us tonight?

7 MS. SCHELLIN: Not in this case.

8 CHAIRMAN HOOD: What's good about
9 tonight, Mr. Kadlecek, your client and Mr.
10 Green here, you all can start this evening.
11 Okay? All right. Thank you.

12 MR. KADLECEK: I think we started
13 before the meeting.

14 CHAIRMAN HOOD: Oh, okay, good.
15 So you all can continue.

16 Okay. With that, I want to thank
17 everyone for their participation tonight.
18 And we will be starting our second hearing
19 shortly and I thank those in this first case.
20 Good night.

21 (Whereupon, the Public Hearing
22 was concluded at 6:57 p.m.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1
2
3
4
5
6
7
8
9
10
11
12
13

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com