

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
+ + + + +
ZONING COMMISSION
+ + + + +
PUBLIC HEARING
+ + + + +

IN THE MATTER OF:

PUD AT 2750 14TH STREET, N.W. - :
NON-PROFIT COMMUNITY :
DEVELOPMENT CORPORATION : Case No. 05-14
OF WASHINGTON D.C., INC. :
:

Thursday
June 23, 2005

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

The Public Hearing of Case No. 05-14/05-03
convened in Room 220 South, 441 4th Street, N.W.,
Washington, D.C., Carol Mitten, Chairperson,
presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
KEVIN HILDEBRAND	Commissioner
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON SCHELLIN	Secretary
-----------------	-----------

OFFICE OF PLANNING STAFF PRESENT:

ELLEN MCCARTHY
MAXINE BROWN-ROBERTS

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

D.C. OFFICE OF THE ATTORNEY GENERAL:
JACOB RITTING Assistant AG

This transcript constitutes the minutes
from the Public Hearing held on June 23, 2005.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

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

6:34 P.M.

CHAIRPERSON MITTEN: Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, June 23rd, 2005. My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioners Kevin Hildebrand and John Parsons.

We're expecting Commissioner Greg Jeffries shortly. There will be two hearings this evening, and the opening remarks will apply to both. The subject of the first hearing is Zoning Commission Case No. 05-14, which is a request by the Non-Profit Community Development Corporation of Washington, D.C. for a consolidated PUD for property located at 2750 14th Street, N.W., which is lot 73 in Square 2667.

Notice of this hearing was published in the D.C. Register on June 3rd, 2005. The subject of the second hearing is Case No. 05-03, and Vice Chairman Hood will be chairing the second hearing because I've recused myself from that case.

But I can read the opening statement. This is a request, by the District of Columbia Office of Property Management, for a consolidated PUD and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

related map amendment to the C3A District for property located in the 1800 block of Martin Luther King, Jr. Avenue S.E.

And it is comprised of parcel 224, lot 31, lot 17 in square 5600, lots 54, part of lot 858, 858, 859 and 860 in square 5601, and portions of various alleys and streets proposed to be closed, which currently run through between and along squares 5601 and 5600.

Notice of this hearing was published in the D.C. Register on May 13th, 2005. Copies of the hearing announcements are available to you, and they're in the wall bin near the door. These hearings will be conducted in accordance with the provisions of 11DCMR Section 3021 for contested cases.

The order or procedure for each case will be as follows: We'll begin with any preliminary matters, followed by the presentation by the Applicant, report by the Office of Planning, reports of any other government agencies, reports of the affected ANC, organizations and persons in support, organizations and persons in opposition.

The following time constraints will be maintained in these hearings: The Applicant will have up to 60 minutes in each case. Organizations

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

will have five minutes, and individuals will have three minutes.

The Commission intends to adhere to these time limits, as strictly as possible, in order to hear the cases in a reasonable period of time. The Commission reserves the right to change the time limits for presentations, if necessary, and notes that no time shall be ceded.

All persons appearing before the Commission are to fill out two witness cards. These cards are also on the table near the door. Upon coming forward to speak to the Commission, please give both cards to the reporter, who is sitting to our right.

Please be advised that this proceeding is being recorded by the court reporter, and is also being webcast live. Accordingly, we ask you to refrain from making any disruptive noises in the hearing room.

When presenting information to the Commission, please come forward and sit at the table, turn on and speak into the microphone, first stating your name and home address. When you're finished speaking, turn the microphone off so that it's no longer picking up background noise.

The decision of the Commission in each of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

these cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Commission requests that persons present not engage the members of the Commission in conversation during a recess or at any other time.

Staff will be available throughout the hearing to discuss any procedural questions you might have, and you can direct those to Ms. Schellin. Please turn off all beepers and cell phones at this time, so as not to disrupt this proceedings.

And now, we'll consider any preliminary matters related to the first case. Ms. Schellin, any preliminary matters?

MS. SCHELLIN: No, ma'am.

CHAIRPERSON MITTEN: All right. Would everyone who plans on testifying this evening, in either case, rise now to take the oath. Ms. Schellin will administer the oath.

(Witnesses Sworn)

CHAIRPERSON MITTEN: Thank you. And I'd like the Applicant to come forward in the first case.

MR. JOHNSTON: Yes, Hi.

CHAIRPERSON MITTEN: Hi.

MR. JOHNSTON: My name is Walter Johnston and my address is 4215 Alton Place, N.W., Washington,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

D.C., and I'm with the Non-Profit Development Community Corporation -

CHAIRPERSON MITTEN: Okay.

MR. JOHNSTON: - in regard to this application. It's nice to know that I have 60 minutes, but I'm here - and we do have others in the audience. But, since I'm the one that's responsible for all of the getting here, I wanted to be the one that comes here and say that I appreciate the opportunity and for your seeing what we are trying to do, if we didn't always get there.

We'd prefer to stand on the record.

CHAIRPERSON MITTEN: All right.

MR. JOHNSTON: I think we've talked it to death a dozen times, and it's just better to quit while we're ahead.

CHAIRPERSON MITTEN: Okay. Well, thank you. And I should express the thanks of the Commission for you bringing this case forward. We strongly encouraged you to do that when we took this up as a sua sponte. And we're glad that we're here today.

MR. JOHNSTON: I'm just sorry I can't take 60 minutes of Mr. Glasgow's time.

CHAIRPERSON MITTEN: At no charge to you,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

right? All right, then I'll ask - Do the Commissioner's have any questions for Mr. Johnston? Any questions? All right, thank you.

MR. JOHNSTON: Thank you.

CHAIRPERSON MITTEN: We'll move to the report by the Office of Planning.

MS. BROWN-ROBERTS: Good evening, madam Chairman and members of the Commission. I am Maxine Brown-Roberts from the Office of Planning. And I would also like to stand on the record and just to say that this development has a number of public benefits that we think are important to the city and to the affordable units that they're providing, and also the retail that they would be providing.

And the Office of Planning recommends that the PUD be approved. Thank you, madam Chairman.

CHAIRPERSON MITTEN: Okay, thank you. Any questions for Ms. Brown-Roberts on the application? All right, is there any other - Is there another government agency here to testify about the first case, which is 05-14? You're from the ANC, though?

MR. SPALDING: Yes.

CHAIRPERSON MITTEN: Okay, you're jumping ahead, but go ahead.

MR. SPALDING: I didn't see anyone else

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

running up.

CHAIRPERSON MITTEN: How are you, Mr. Spalding?

MR. SPALDING: I'm fine. Phil Spalding, I represent ANC 1B, and we'll also stand on what we have submitted to the Zoning Commission - our letters in support of this application.

CHAIRPERSON MITTEN: Okay, very good. Any questions for Mr. Spalding? And let the record reflect we've been joined by Commissioner Jeffries. And everyone's standing on the record, so you haven't missed anything.

Thank you. Anyone who'd like to testify in support of application 05-14? Anyone who'd like to testify in opposition to that case? All right. Just for the record, the relief that's being requested in Case No. 05-14 is relief from the height restrictions of the C2B District, from 65 feet to allow the building to be as tall as 74 ¼ feet.

And the public benefits that are offered in exchange for that flexibility are outlined in Table One, the Public Benefits Summary of the Applicant's submission, which include a relatively high number - high percentage of affordable dwelling units, a ten-year lease to run an 8,000 square-foot childcare

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

center and a \$250,000 rent subsidy for a local small business tenant, among other things.

And so, in light of the relief requested and the public benefits and amenities offered, I would move approval of Case No. 05-14.

COMMISSIONER HILDEBRAND: Second.

CHAIRPERSON MITTEN: Is there any discussion? All those in favor, please say aye. Those opposed, please say no. Ms. Schellin?

MS. SCHELLIN: The staff will record the vote 5-0-0, to approve, for proposed action, Case No. 05-14. Commissioner Mitten moving, Commissioner Hildebrand seconding, Commissioners Hood, Parsons and Jeffries in favor, none opposed.

(Whereupon, the foregoing matter went off the record.)

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com