

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA
2 Office of Planning

3
4
5
6
7
8
9 Zoning Commission
10 Case No. 14-17 - (AE Tower, LLC - Map Amendment
11 at Square 4310)
12 2/05/15 Public Hearing

13
14
15
16 6:33 p.m. to 7:18 p.m.
17 Thursday, February 5, 2015

18
19 Jerrily R. Kress Memorial Hearing Room
20 Judiciary One Building
21 441 4th Street, N.W., Suite 220 South
22 Washington, D.C. 20001

23
24
25
OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1

2 Board Members:

3 ANTHONY HOOD, Chairperson

4 MARCIE COHEN, Vice-Chairperson

5 ROBERT MILLER, Commissioner

6 MR. TURNBULL, Commissioner

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10 Office of Planning:

11 MEGAN RAPPOLT

12 JOEL LAWSON

13

14 Office of Attorney General:

15 JACOB RITTING

16

17 Participants:

18 MARIN SULLIVAN

19 ZAK ELYASI

20 ROBERT TACK

21 KEITH YOUNG

22 DANIELLA LEGER

23 KYLE TODD

24

25

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

2 CHAIRPERSON HOOD: Good evening, ladies
3 and gentlemen. This is the public hearing of
4 Zoning Commission for the District of Columbia
5 for February the 5th, 2015. We're located in
6 Jerrily R. Kress Memorial Hearing Room.

7 My name is Anthony Hood. Joining me
8 this evening are Vice Chair Cohen, Commissioner
9 Miller, and Commissioner Turnbull.
10 Commissioner May -- is Commissioner May going
11 to read the record? Possibly? He didn't say?
12 Okay.

13 We're also joined by the Office of
14 Zoning staff, Ms. Sharon Schellin, Office of
15 Planning staff, Mr. Lawson and Ms. Rappolt.
16 Okay. And not yet from the District Department
17 of Transportation.

18 This proceeding is being recorded by a
19 court reporter, is webcast live. Accordingly
20 we must ask you to refrain from any disruptive
21 noises or actions in the hearing room,
22 including the display of any signs or objects.

23 Notice of today's hearing was published
24 in the D.C. Register, and copies of that
25 announcement are available to my left on the

1 wall near the door.

2 The hearing will be conducted in
3 accordance with provisions of 11-DCMR-3022 as
4 follows; preliminary matters, applicant's case,
5 report of the Office of Planning, report of
6 other government agencies, report of the ANC,
7 organizations and persons in support,
8 organizations and persons in opposition,
9 rebuttal and closing by the applicant.

10 The following time constraint will be
11 maintained in this meeting. The applicant has
12 up to 60 minutes but I see that they are asking
13 for 15 minutes, organizations five minutes,
14 individuals three minutes.

15 The Commission intends to adhere to the
16 time limits as strictly as possible in order to
17 hear the case in a reasonable period of time.
18 The Commission reserves the right to change the
19 time limits for presentations if necessary, no
20 time shall be seated.

21 All persons appearing before the
22 Commission are to fill out two witness cards.
23 These cards are located to my left on the table
24 near the door. Upon coming forward to speak to
25 the Commission, please give both cards to the

1 reporter sitting to my right before taking a
2 seat at the table.

3 When presenting information to the
4 Commission, please turn on and speak into the
5 microphone. First state your name and home
6 address. When you are finished speaking please
7 turn your microphone off so that your
8 microphone is no longer picking up sound or
9 background noise.

10 The decision of the Commission in this
11 case must be based exclusively on the public
12 record.

13 To avoid any appearance to the contrary the
14 Commission requests that persons present not
15 engage the members of the Commission in
16 conversation during any recess or at any time.
17 In addition there should be no direct contact
18 whatsoever with any Commissioner concerned in
19 this matter, be it written, electronic, or by
20 telephone. All materials received directly by
21 a Commissioner will be discarded without being
22 read and any calls will be ignored.

23 The staff will be available throughout
24 the hearing to discuss procedural questions.
25 Please turn off all beepers and cell phones at

1 this time so not to disrupt these proceedings.
2 Would all individuals wishing to testify please
3 rise to take the oath? Ms. Schellin, would you
4 please administer the oath?

5 MS. SCHELLIN: Yes, sir. Please raise
6 your right hand.

7 (Oath administered to the
8 participants.)

9 MS. SCHELLIN: Thank you.

10 CHAIRPERSON HOOD: I'm going to ask Mr.
11 Sullivan if he can come to the table and bring
12 his presenters if he has any. And also, Ms.
13 Schellin, do we have any preliminary matters?

14 MS. SCHELLIN: Yes, sir, we do. We
15 have a request for a waiver for the filing of
16 the affidavit of posting. It was posted in a
17 timely manner but the affidavit of posting was
18 filed late. It's supposed to be filed 30 days
19 prior to the hearing, but it was not filed,
20 which would have made it around the, I'd say
21 5th of January, but it was not filed until the
22 27th of January. So applicant has requested a
23 waiver for the late filing of the affidavit.

24 CHAIRPERSON HOOD: But the property was
25 posted?

1 MS. SCHELLIN: It was posted in
2 December.

3 CHAIRPERSON HOOD: Commissioners, any
4 objections? Not seeing any. Okay. We will
5 accept the -- we will grant the late -- the
6 waiver for the late filing. Anything else, Ms.
7 Schellin?

8 MS. SCHELLIN: That's it.

9 CHAIRPERSON HOOD: Okay. Mr. Sullivan,
10 do we have any experts? I don't see any.

11 MR. SULLIVAN: Good evening, Mr.
12 Chairman. No, we don't have any expert
13 witnesses.

14 CHAIRPERSON HOOD: Okay. Well, you may
15 begin your case.

16 MR. SULLIVAN: Thank you, Mr. Chairman,
17 members of the Commission. My name is Martin
18 Sullivan. I'm here on behalf of AE Tower, LLC.
19 They are the contract purchaser of the subject
20 property.

21 The property is currently zoned R1B and
22 C2A. It's split zone. This request is to
23 rezone the R1B portion, also to C2A. The
24 effect of that action would be to make the
25 property consistent, primarily with the

1 comprehensive future land use map, as well as
2 consistent with the adjacent properties to the
3 Northeast, going up Rhode Island Avenue to
4 Eastern Avenue.

5 The site has been underutilized for
6 recent memory. It is currently owned by the
7 Evangelistic Holy Trinity Church, and there is
8 a small building on a portion of the property
9 which I believe they have used. It's currently
10 vacant now. But for most of its recent history
11 it was used as a parking lot and actually
12 received a BZA approval 20 or 30 years ago to
13 be used as a parking lot for a Nissan dealer in
14 that area.

15 So this is a bare map amendment
16 request. So there's no project to present. It
17 would be a matter of right project at this
18 point, and I would refer to our prehearing
19 statement and to the Office of Planning report
20 for more of the details on how this proposal
21 meets the comprehensive plan, particularly --
22 it's primarily based on the future land use
23 map, which designates the property as low-
24 density commercial, which is consistent with
25 the C2A zoning, consistent with the adjacent

1 area there.

2 Again, the property is under contract
3 by my client, AE Tower, LLC. The principle of
4 which is Mr. Zak Elyasi. And he doesn't have
5 any direct testimony to present because this is
6 based purely on the map and the comp plan, but
7 he's here to answer any questions you might
8 have about his plans for the site. Thank you.

9 CHAIRPERSON HOOD: Okay. Thank you,
10 Mr. Sullivan for the quick presentation. I
11 will tell you at set down, Mr. Sullivan, I'm
12 going to get right in to it. It's set down.
13 And I now this is a straight map amendment and
14 changing the zoning we don't usually talk about
15 projects. But one thing this Commission knows,
16 that there's something planned. And I think
17 the uncertainty of making the change -- and I
18 know we're only talking about 10 feet in height
19 difference, and it looks like minimal
20 difference, the rear yard, and I understand all
21 that. But surely there must be something and
22 I've asked this in other cases that were just
23 strictly changing zoning. And I'm sure that
24 the community, as well as myself and others,
25 would like to know what possibly may be

1 proposed for this. And I'm sure you have
2 something in mind.

3 MR. SULLIVAN: And we had a -- Mr.
4 Elyasi submitted a rendering at the ANC meeting
5 that was the max that we could do. So we
6 presented this as, this is the most that we
7 could do, and it was the full 50 feet in
8 height, full permitted lot occupancy. And the
9 ANC unanimously approved.

10 I do have --

11 CHAIRPERSON HOOD: Well, I'm familiar
12 with the height.

13 MR. SULLIVAN: Yeah.

14 CHAIRPERSON HOOD: I'm not worried
15 about the height, because you know, once the
16 zonings change it becomes a matter of right.

17 MR. SULLIVAN: Right.

18 CHAIRPERSON HOOD: Okay. And I
19 understand that, and I know what the difference
20 is between R5 as well as the C2A. So I get
21 that.

22 Now the ANC might not get that, but I
23 get that. So, you know, what actually are we
24 talking about? You don't have to tell me
25 pinpoint. What a general reference because I

1 know you may have tenants, you may have
2 something -- and typically we don't get into
3 that. Sometimes we do. But I want to get into
4 it.

5 MR. ELYASI: All right. Commissioner,
6 my name is Zak Elyasi, so just thanks for
7 asking that question.

8 So what initially we're looking at
9 doing is mixed use with retail on the ground
10 floor, and we're looking at primarily putting
11 like two-bedrooms, two baths, and mix of one-
12 bedroom, one baths on top. Something that's
13 affordable, not outrageous pricing. You know,
14 typical target range may be in the low to mid
15 300's for a two-bedroom and the mid twos to
16 high twos for a two-bedroom -- I mean, for a
17 one-bedroom unit. Something with the mixed
18 retail on the -- the retail on the first floor,
19 reaching out to the ANC and the neighbors and
20 with Rhode Island Avenue main street, trying to
21 see what's really desired in that neighborhood.
22 So we're taking a lot of community feedback on
23 what they want to see in that neighborhood.
24 Something that they can walk to and just kind
25 of improve the walk score and the neighborhood

1 feel to that place.

2 And we have presented that and talked
3 to that on the three ANC meetings that we've
4 had, and I've kind of mentioned that, you know,
5 what goes in there was pretty important to us
6 on the feedback from the neighborhood.

7 CHAIRPERSON HOOD: Okay. And I'll tell
8 you, and I have no problems with admitting it,
9 what concerns me or what concerns me when we do
10 these cases, we end up like we did with the
11 Giant Food store and the way that development
12 came up down the street. I am not particularly
13 satisfied and happy, and I'm reminded of it
14 every time I go down there to go to Home depot
15 and Giant. And my colleague then, Mr. Parsons,
16 and he said we should have had this as a PUD.
17 I thought this was good for the city.

18 MR. ELYASI: Uh-huh.

19 CHAIRPERSON HOOD: But it's just the
20 design issues. I can tell you, that's a
21 mistake that this commissioner was here to make
22 and I don't want to keep making them same
23 mistakes on Rhode Island Avenue. So I
24 appreciate you all answering my question, even
25 though I know what kind of case is in front of

1 me.

2 MR. ELYASI: Yeah, and I appreciate
3 that. And taking the -- you know, I've even
4 invited the neighbors to, when we get into the
5 design phase, and I mentioned this during the
6 ANC meetings, to please come with me to my
7 architectural meetings and have their input.
8 So I've actually invited them for that.

9 CHAIRPERSON HOOD: Okay. Because I see
10 here you have a support letter from Faria
11 (phonetic) and I know the Woodridge Civic
12 Association and others are involved so I'm
13 going to keep my ears out. Okay?

14 MR. ELYASI: Please do. Yeah.

15 CHAIRPERSON HOOD: All right. Let's
16 see. Commission is there any questions.
17 Normally I don't go first, but for some reason
18 to night I felt compelled to go first. So any
19 questions, comments? Anybody.

20 Oh, Commissioner Miller.

21 MR. TURNBULL: Thank you, Mr. Chair.
22 No, I think your line of questioning in the
23 beginning was right because I think we asked
24 those questions at set down.

25 At the ANC meeting was there a lot of

1 community input or was it well attended? Or
2 what happened on that?

3 MR. ELYASI: Well, the ANC meeting,
4 yes. The biggest concern we were met with, and
5 the single member district meeting that we had,
6 ANC meeting, was obviously parking. Parking,
7 parking, parking. And we completely understand
8 that and we went back to I think that initial
9 just layout. I mean, it's all a rough thing.
10 We had maybe like 17, 20 parking spaces.
11 Something like that.

12 And then we went back. I talked to the
13 architect. I said, look, we need to have more
14 parking. And I think he came back with me that
15 he can -- once we first get a little further
16 into it that, you know, he can fit probably 27,
17 37 parking spaces in there.

18 MR. TURNBULL: Underground?

19 MR. ELYASI: Yes, they will be
20 primarily underground. A couple like on the
21 back maybe.

22 MR. TURNBULL: Okay.

23 MR. ELYASI: So we're still in the -- I
24 guess the lot is really oddly shaped, so we're
25 still in the -- we haven't committed full-time

1 with an architect yet, so that's something that
2 will continue to develop. But the main thing
3 is the neighborhood wanted to see was parking
4 and something -- a store that the neighborhood
5 wants to see.

6 MR. TURNBULL: Now on the site there's
7 a 20 foot building restriction line on Monroe.
8 And on Rhode Island, I should say.

9 MR. ELYASI: Correct.

10 MR. TURNBULL: And there is a 15 foot
11 building restriction line on Monroe.

12 MR. ELYASI: That's correct.

13 MR. TURNBULL: So your plans were
14 totally compliant with the building restriction
15 lines?

16 MR. ELYASI: Correct. And I, again,
17 it's preliminary, but I kind of sent out like
18 just a plat of the property and the setbacks
19 and stuff to the ANC members and presented
20 what's -- where the lot lines and stuff were.
21 So I presented that to the ANC. I e-mailed
22 that paperwork to them.

23 MR. TURNBULL: Okay. I guess our
24 biggest concern is obviously the impact. Not
25 so much with Rhode Island, but as Monroe and

1 the residential properties on that.

2 MR. ELYASI: Correct.

3 MR. TURNBULL: Because I am assuming
4 all your traffic or deliveries will be coming
5 down Monroe in the alley. Or maybe not.

6 MR. SULLIVAN: I think that might
7 depend on DDOT.

8 MR. TURNBULL: Right.

9 MR. SULLIVAN: Because I would assume
10 it would because we'll need a curb cut, at
11 least, and DDOT will be advising on where they
12 want the cars to go.

13 MR. TURNBULL: Yeah, I --

14 MR. ELYASI: And I'm sorry to
15 interrupt.

16 MR. TURNBULL: Yeah. No, go right
17 ahead.

18 MR. ELYASI: And so, you know, I
19 reached out with some of my neighbors and, you
20 know, there's concern about the Monroe, the
21 alleyway. So once we get into the design phase
22 we will address those concerns and how we can
23 find a way to fit everybody's needs and, you
24 know, come to a solution where it's not really
25 disturbing -- minimal impact on the

1 neighborhood on Monroe side.

2 MR. TURNBULL: Yeah, that's pushing the
3 homes that's really adjacent --

4 MR. ELYASI: Correct.

5 MR. TURNBULL: -- to the alley on the
6 other side.

7 MR. ELYASI: Correct. And that's
8 Danielle. And she's actually here.

9 MR. TURNBULL: Okay.

10 MR. ELYASI: And we've been
11 communicating about -- she's actually
12 communicated with me via e-mail --

13 MR. TURNBULL: Uh-huh.

14 MR. ELYASI: -- on some of her concerns
15 about using that alleyway back there.

16 MR. TURNBULL: Yeah.

17 MR. ELYASI: And right now my plans is,
18 you know, I have a baby coming Monday so I was
19 like, hey, I'm going to take a break after this
20 and then starting the beginning of March let's
21 get together and get together with architects
22 and everything, and let's start working on a
23 feasible solution.

24 MR. TURNBULL: So you're fully
25 committed to working with the neighbors and --

1 MR. ELYASI: Correct. Correct. I want
2 to be with my neighbors. I want this to be a
3 fun process. I don't want to be in a battle
4 with my neighbors and that takes the fun out of
5 what we do for a living. So, when the
6 neighbors are on your side it becomes a lot
7 more enjoyable process and everybody is happy.

8 MR. TURNBULL: Okay. Thank you. All
9 right, Mr. Chair.

10 MR. SULLIVAN: If I might add a quick
11 comment? I worked with a lot of our four
12 developers who have matter of right projects
13 right now who are experiencing significant
14 additional cost and time, and my advice to my
15 clients is always to engage the neighbors, and
16 it saves time and money for the developer,
17 especially on a project of this size, to work
18 closely with all the neighbors. It just works
19 better for the developer too.

20 And I think the way the site is set up,
21 the rear yard setback, for instance, has to be
22 next to Ms. Gibbs' house. There's nowhere else
23 for that to go. So there's going to be a
24 setback there anyway.

25 CHAIRPERSON HOOD: Okay. Well, that's

1 some good advice, Mr. Sullivan. Very good
2 advice.

3 MR. SULLIVAN: It has turned out to be
4 that way, yes.

5 CHAIRPERSON HOOD: Commissioner Miller.

6 MR. MILLER: Thank you, Mr. Chairman.
7 And thank you for your outreach to the
8 neighbors and to the ANC, and your commitment
9 to continuing to outreach and dialog with them.

10 Do you actually live in the
11 neighborhood or --

12 MR. ELYASI: I'm in Chevy Chase,
13 Maryland, which is right on the border.

14 MR. MILLER: So you referenced -- you
15 or Mr. Sullivan referenced a rendering that you
16 may have provided the ANC with the maximum
17 massing could be under the C2A zoning. Can you
18 provide that to us for the record? I know it's
19 --

20 MR. SULLIVAN: I don't have it here,
21 but I can -- yeah, we can --

22 MR. MILLER: Okay.

23 MR. SULLIVAN: -- send that in. I have
24 a site plan --

25 MR. MILLER: Okay.

1 MR. SULLIVAN: -- that I could pass
2 out. But --

3 MR. MILLER: That would be helpful.
4 That picture is always worth 1,000 words.

5 MR. SULLIVAN: Right. I should have --

6 MR. MILLER: So you referenced the
7 ground floor retail with the one and two-
8 bedroom units above. Under this maximum
9 scenario what would be -- Office of Planning
10 had a maximum in theirs, but what did you
11 estimate is the -- well, they had a square
12 footage maximum.

13 MR. SULLIVAN: Correct.

14 MR. MILLER: 659 to 66,000 square feet.
15 Do you have a unit number that -- you said 27 -
16 - I think you said maximum 27 parking spaces.

17 MR. ELYASI: Yeah, so it's, again like
18 a lot of commitment to the architect who is
19 depending on this hearing. And right now
20 initial thoughts, and because of the layout of
21 the lot and it's triangular and you're going to
22 have weird little rooms going on, you know,
23 we're thinking maybe 37, 47, and it all depends
24 on mix of studios and one-bedrooms, and what
25 are you going to do with two bedrooms? So,

1 roughly I would -- I don't have a definite
2 answer for that.

3 MR. MILLER: Right.

4 MR. ELYASI: I wish I did, but let's
5 just say 37 to I don't know, maybe 50. You
6 know, so who knows. Depends on parking --

7 MR. MILLER: As a maximum.

8 MR. ELYASI: -- and all that stuff. So,
9 but we will try to get that answer to you guys
10 as fast as possible.

11 MR. MILLER: Well, the range is all I
12 really --

13 MR. ELYASI: Yeah, correct.

14 MR. MILLER: -- was trying to get a
15 sense of.

16 MR. ELYASI: Yeah, and I apologize. I
17 don't have a better answer at this moment. I
18 apologize.

19 MR. MILLER: That's fine. That's fine.
20 The neighbor behind Daniella Gibbs-Leger. I
21 know we're going to be hearing from her
22 probably in a few minutes. But I read her
23 letter just up here tonight for the first time.

24 Maybe you could, in terms of the
25 concern about parking in the neighborhood, does

1 Monroe Street and the residential neighbors, is
2 it designed for residential parking now? Not
3 currently. So that's one thing that maybe
4 could help if there are people who don't live
5 there are using the neighborhood for parking.

6 MR. SULLIVAN: You mean the lot itself
7 for parking?

8 MR. MILLER: No, I meant the
9 surrounding neighborhood.

10 MR. SULLIVAN: Oh, okay.

11 MR. MILLER: Do they have RPP? Do they
12 have RPP?

13 MR. SULLIVAN: Maybe Daniella will
14 probably answer that a little bit better. You
15 know, so --

16 MR. MILLER: She's shaking her head no.
17 We'll hear from her soon.

18 So it was historically used as -- you
19 referenced the BZA case, Mr. Sullivan, for
20 parking for the adjacent car dealership. Is
21 the car dealership -- is there a car dealership
22 still there that's functioning, or --

23 MR. SULLIVAN: No, it's not. And I'm
24 not sure it was adjacent, even.

25 MR. MILLER: Okay.

1 MR. SULLIVAN: I'm not sure where the
2 cars came from. I have to look at the BZA
3 order for that. But there are auto-related
4 uses up Rhode Island Avenue. Tire stores.

5 MR. MILLER: So it hasn't been used for
6 parking for a long time?

7 MR. SULLIVAN: No, and I believe -- and
8 the church is here too, and they could maybe
9 can testify to that as well.

10 MR. MILLER: And I saw in the pictures,
11 the gravel.

12 MR. SULLIVAN: It obviously looks like
13 it hasn't been used.

14 MR. MILLER: Yeah, but the grass is
15 overtaking the -- okay. That's it, Mr.
16 Chairman. Thank you.

17 CHAIRPERSON HOOD: Any other questions?

18 I'm looking here, and I noticed this
19 earlier when I was reading, or looking at the
20 200 foot labels that you all provide. You
21 know, you get the 200.

22 So you have 36 people within 200 feet.
23 Is that it, or we just didn't get all the scan?
24 This is out of Exhibit 15. I notice we only
25 have 36 names. Or maybe we didn't get all the

1 scan.

2 MR. SULLIVAN: And there's not that
3 many to the northeast of the property. And
4 then there's the, the street is pretty wide.

5 CHAIRPERSON HOOD: So you're saying
6 only 36 --

7 MR. SULLIVAN: I think I went beyond
8 200 feet when I --

9 CHAIRPERSON HOOD: So you're saying 36
10 households are right there in that area?

11 MR. SULLIVAN: Yeah.

12 CHAIRPERSON HOOD: And that's it.

13 MR. SULLIVAN: I'll get my --

14 (Pause.)

15 MR. SULLIVAN: I have 36, yes.

16 CHAIRPERSON HOOD: And that's it?

17 MR. SULLIVAN: Uh-huh. Yes.

18 CHAIRPERSON HOOD: Okay. I just don't
19 know. I think it's more than 36. I may be
20 wrong. I haven't been up there to measure it
21 off and I'm not going to do that but I just
22 think it's just more than -- just my opinion.
23 But let the record reflect the applicant is
24 saying that it's only 36 owners, property
25 owners, close to this particular site. Okay.

1 (Pause.)

2 CHAIRPERSON HOOD: Okay. Any other
3 questions? Okay. Let's go to -- is anyone
4 here from ANC 5C, for cross-examination? Not
5 seeing anyone, let's go to the Office of
6 Planning. Ms. Rappolt.

7 MS. RAPPOLT: Good evening. Thank you,
8 Chairman Hood and members of the Commission.
9 You've read OP's report. We feel that the
10 request is consistent with the future land use
11 map in its entirety. It's appropriate for the
12 low-density commercial development designation.
13 That's consistent with the C2A district. And
14 as the applicant said, there is some other C2A
15 along Rhode Island Avenue just to the northeast
16 of the property. So we feel that it's
17 consistent with the map, and we're here for any
18 questions you may have in addition.

19 CHAIRPERSON HOOD: Okay. Thank you
20 very much. Any questions of the Office of
21 Planning? Okay. Not seeing any let's go to
22 other government reports.

23 Oh, let me see, does the applicant have
24 any cross-examination?

25 MR. SULLIVAN: No, Mr. Chairman.

1 CHAIRPERSON HOOD: Okay. And I don't
2 see anyone here from ANC, so if they're not
3 here they can't cross.

4 We do have a report from the District
5 Department of Transportation. And it talks
6 about applicant's request to determine that
7 based on information provided the proposed map
8 amendment will have no adverse impacts, even
9 though we recognize there are some concerns
10 from the community.

11 Okay. Report of Advisory Neighborhood
12 Commission. That's our Exhibit 23.
13 Colleagues. And it says they approve to grant
14 the relief as stated. Is that an approval?

15 MS. SCHELLIN: It says 7, 2, 0.

16 CHAIRPERSON HOOD: Seven, zero. Okay.
17 Seven, Zero and it just says to grant. Okay.

18 Let's go to organizations and persons
19 who are here to testify in support, and if
20 you'd like to come up at this time?

21 If you can identify yourself and let us
22 know who you're with? You want to make sure
23 your microphone is on.

24 MR. YOUNG: Good evening, Mr.
25 Commissioner and Commissioner Members. I'm

1 Elder Keith Young. I'm the Assistant Pastor of
2 Evangelistic Holy Trinity Church and we own the
3 property at 2911, and I just want to say that
4 we've been there since 1999, and when this
5 opportunity came to us it was presented to us
6 as the Great Streets Initiative for Rhode
7 Island Avenue, and it was called the Diamond of
8 the District. And we've been serving that
9 community both spiritually and secularly since
10 '99.

11 And as we went to those Great Streets
12 meetings there was a lot of support from the
13 residents for a mixed use development. Now
14 again, Great Streets presented on our
15 particular property. I believe it was 15
16 townhomes. And the community was not
17 necessarily for that. They wanted something
18 similar that was happening in the Mount Rainier
19 College Park area with mixed use as well as
20 what they were seeing further up on Rhode
21 Island Avenue with the mixed use.

22 So we again thought of it as the best
23 way we could help the community. And again we
24 tried to help the community spiritually by
25 being there. But since the District wanted to

1 refurbish that area as they told us in those
2 meetings, similar to the H Street
3 revitalization, we thought this was the best
4 way we could help the community. And with the
5 rezoning I believe everyone really wins because
6 we get to move closer to where our congregants
7 mainly are in Southern Maryland. AE Tower gets
8 to develop a prime piece of real estate, we
9 feel, in the District. And the residents, they
10 benefit by having more housing options as well
11 as retail and services within walking
12 distances, walking distance, and the District
13 certainly benefits by added revenue from
14 property and sales taxes.

15 So we appreciate your consideration on
16 this matter.

17 CHAIRPERSON HOOD: Okay. Thank you.
18 Let me go to the gentleman sitting to your
19 left.

20 MR. TACK: Thank you, Mr. Chairman. My
21 name is Robert Tack. I'm with Capitol Retail
22 Group. We represent the seller in this case,
23 but we also specialize in retail leasing. We
24 represent retailers and landlords that are
25 looking to fill space in retail spaces.

1 Our experience has been primarily in
2 the District, along Rhode Island specifically.
3 The retailers are telling us that density is
4 key. Any potential buyer is definitely looking
5 for more than just R1B. They want one
6 consistent zoning on that lot. And retailers,
7 it's critical for them to have as many homes
8 and apartments as possible nearby for their
9 business.

10 So obviously we're in support of this
11 proposal. Thank you.

12 CHAIRPERSON HOOD: Okay. Thank you.
13 Let's go to Ms. Leger on the left-hand side.

14 MS. LEGER: Hi. Good evening. My name
15 is Daniella Gibbs-Leger, and I want to thank
16 you all for allowing me to speak today. I am
17 Vice Chair of the Rhode Island Avenue Main
18 Street, but today I am speaking in my personal
19 capacity as the homeowner most directly
20 affected by this development. I reside at 3038
21 Monroe Street and this property is on two sides
22 of my house.

23 I want to echo what the gentleman just
24 said. I believe that Rhode Island Avenue is on
25 the cusp of fully realizing its great

1 potential. And I understand that development
2 and density on the Avenue are needed to help
3 attract business the community desires. And I
4 also want to thank Zak for reaching out to me
5 to discuss my concerns with the project.

6 I am in favor of developing this lot.
7 That said, I do have some concerns and some
8 issues that were raised at the last ANC 5C
9 meeting. And I hope that before the zoning
10 amendment is approved we can get some
11 guarantees that some of these issues will be
12 addressed. And none of these are a surprise to
13 Zak because he already told you some of them
14 and we've talked about them before.

15 So as we've discussed, part of this
16 development sits on Monroe Street. It's a
17 completely residential, single-family home
18 block and talking to some of my neighbors we
19 just want to make sure that whatever abuts on
20 Monroe Street actually looks like the rest of
21 the block to the extent possible and doesn't
22 dwarf all the houses around it.

23 My biggest concern with Monroe Street
24 involves parking. Right now people park in
25 front of their homes, usually with few issues.

1 However, even with the expanded parking in the
2 building, and I do appreciate the fact that you
3 are building more parking than required, this
4 complex would no doubt make it hard for me and
5 my neighbors to park near our homes.

6 Right now there is parking on both
7 sides of the street past the alley, but hardly
8 anyone parks opposite my house because Monroe
9 Street is incredibly narrow and effectively
10 becomes a one-way street when cars are parked
11 on both sides. And there have been many
12 sideswiped cars for people who park on the
13 other side.

14 In addition, they've mentioned that
15 they want the entrance to the parking complex
16 to be off Monroe Street in the alley that's
17 next to my house. I do think this is a
18 terrible idea. The alley is very narrow and it
19 is not conducive to in and out traffic.

20 Coming out of that alley on to Monroe
21 is a bit of a blind spot when cars are parked.
22 And currently if you're coming off Rhode Island
23 Avenue onto Monroe it can be very tricky
24 because of the cars that are parked all the way
25 up by the lights. So I'm concerned about

1 adding that much additional traffic to that one
2 half block. It could be a disaster.

3 ANC 5C, they did give their approval
4 but there were caveats in that approval. One
5 of them was that they wanted a traffic study
6 done on Monroe Street, and I agree completely
7 with that.

8 My other issue are structural in
9 nature, as in the structure of my house, which
10 is built in 1915. So as discussed at the ANC
11 meeting, we just want to make sure that our
12 homes are protected from any potential damage
13 to our foundations and physical property from
14 the construction, and that any damage is
15 remedied quickly.

16 And generally speaking I just want to
17 make sure that the neighborhood is kept up to
18 speed on what is happening, but I have no doubt
19 that that will happen because you've already
20 done a good job, at least with me.

21 So in the end I would support this
22 development, but with the caveats I laid out
23 above. Thanks.

24 CHAIRPERSON HOOD: Okay. Mr. Todd,
25 next.

1 MR. TODD: Good evening. Good evening,
2 Commission. Thank you for letting me testify
3 tonight.

4 I won't reiterate a lot of the things
5 that have already been said about the zoning
6 and the need for increased density. I'm
7 speaking tonight as the Executive Director of
8 the Rhode Island Avenue Main Street program.
9 I'm also a resident of the single member
10 district that this project is in. I reside at
11 2439 Monroe Street Northeast.

12 Our role as a main street organization
13 is to promote economic development for small
14 businesses. We provide grants from the
15 Department of small local business development,
16 and Department of Housing and community
17 development to small business owners to improve
18 their business appearance and business
19 practices. And we spend a lot of time and
20 energy promoting the area to attract visitors
21 to the businesses. And to attract new
22 businesses to the neighborhood.

23 And more importantly we formed, as a
24 bunch of residents coming together for this
25 organization, to make sure that all of our

1 neighbors had the opportunity to have a voice
2 in what type of development comes to Rhode
3 Island Avenue. And our neighbors have all made
4 it very clear that they want nice restaurants,
5 nice neighborhoods serving retail, and has been
6 alluded to already, residential density is a
7 challenge for attracting the types of retailers
8 that the community wants.

9 The property in question has sat vacant
10 for a while. It's currently a magnet for
11 illegal trash dumping and overgrown weeds. And
12 our neighbors just want better things than
13 empty lots. And thank you to the church for
14 recognizing the need to grow that space. So
15 we're really thrilled to hear that.

16 And as Daniella has already mentioned,
17 they've done a great job reaching out to the
18 community and to the ANCs and working with us
19 to find out what types of businesses the
20 community is looking for, and whether this
21 developer actually works on the property or
22 not, as an organization we are supportive of
23 the rezoning of this particular section over to
24 C2A, and we'll look forward to the continued
25 open communication with Mr. Elyasi to make this

1 the type of development that the community is
2 going to embrace. Thank you very much.

3 CHAIRPERSON HOOD: Okay. Great. Any
4 questions up here of this panel? Mr. Turnbull.

5 MR. TURNBULL: Yeah. Thank you, Mr.
6 Chair.

7 Mr. Tack, you talked about retail up
8 here. I'm assuming you were looking at
9 neighborhood serving retail primarily?

10 MR. TACK: Yeah, food is definitely a
11 big driver right now, and in that area I think
12 serving the neighbors would probably be most
13 related to food, convenience. Fitness right
14 now is also a huge demand right now in the
15 retail area.

16 MR. TURNBULL: Okay. I'm just curious
17 what the ground floor footage would be to how
18 many retail possible combinations can you get
19 out of that.

20 MR. ELYASI: Thanks for asking that
21 question. Well, I was actually discussing that
22 with Sullivan earlier. It depends on parking
23 requirements. You know, over 3,000 the parking
24 requirements increases. And we're just
25 actually in the office before this, clarifying

1 if we broke that up in to separate 3,000 square
2 foot we can have more retail on the bottom. So
3 that's one of the things we have to work
4 through right now once, you know, we get
5 further along past this. That the initial
6 tentative thought was just 3,000 square feet
7 because of my thoughts of being -- you know,
8 all the parking that requires once you get over
9 3,000 square feet. So, that's something we'll
10 work with and as a design process, you know,
11 moves further and further along.

12 MR. TURNBULL: Okay. All right. Thank
13 you.

14 CHAIRPERSON HOOD: Okay. Ms. Leger.
15 All this time I've been knowing you I didn't
16 realize how you pronounce your last name. I'm
17 going to ask you and Mr. Todd a question.

18 Are you all aware, once we change the
19 zoning, possibly once the zoning is changed,
20 that it then becomes a matter of right for
21 those other uses. And you've had such a great
22 rapport with the applicant, with the developer,
23 if he sold it the next developer that may come
24 in -- and I'm just, I'm giving you a scenario
25 so we understand. The next developer may come

1 in might not be as nice. Might not work with
2 you as good. And you might, as a matter of
3 right now, I'm not trying to throw your case,
4 Mr. Sullivan. I just want to make sure they
5 understand, that things might not go that way
6 if he chose to sell. He's a great person, I've
7 heard it, you all ready to work with him. But
8 this is business. So we're aware of that,
9 right?

10 MS. LEGER: Yes.

11 CHAIRPERSON HOOD: Okay.

12 MR. TODD: Yes, sir. And as you may be
13 aware of in our community that there are very
14 active engaged individuals. I trust that
15 everyone in the community would work very hard
16 to work with any developer.

17 CHAIRPERSON HOOD: Okay. Okay.

18 MR. TURNBULL: Mr. Chair, I just want
19 to echo that a map amendment is strictly a map
20 amendment. It changes the zoning but there's
21 really no guarantees that go with that. It's
22 strictly a map amendment. Unless, I mean, it
23 really depends upon your relationship with the
24 developer and his ability to guarantee some
25 things to you.

1 CHAIRPERSON HOOD: I believe that --
2 I'm sorry. Go ahead.

3 MR. TODD: If I may comment? The
4 parcel in question is such an odd shaped lot
5 and so poorly positioned with respect to the
6 rest of the block. It just makes sense that
7 it's C2A instead of this random little isolated
8 island of R.

9 MR. TURNBULL: Well, I'm not arguing
10 one way or another as to what the zoning is.
11 I'm just saying that a map amendment simply
12 changes what can be done on the site. But it
13 doesn't -- there's no other language that goes
14 into it that says the developer has to do this,
15 do this, do this, do this. I mean, other than
16 what's in the zoning language as it is right
17 now.

18 CHAIRPERSON HOOD: And, you know, one
19 of the things I was thinking, you know, we go
20 back and forth with this so much, and I know
21 this is a map amendment, rezoning. I'm trying
22 to remember. I know we don't necessarily -- I
23 know we don't put conditions on it, but I do
24 think that the transcript speaks for itself. I
25 also, I don't know if we point to some of these

1 discussions. I don't know, we'll have to work
2 all that out. But one of the things that Ms.
3 Leger mentioned was the hold off until there's
4 some things going with DDOT.

5 And actually, I don't know what this
6 map amendment, if actually within our
7 jurisdiction we can do that. I think that
8 happens with -- at a permitting process at
9 another phase. Good luck with the curb cut.
10 That's all I can tell you. But, so I just
11 didn't want Ms. Leger or Mr. Todd to think --
12 and I know how active they are in Woodridge,
13 having served a little bit myself in Woodridge
14 community. I don't want them to think that we
15 just disregard it, which you all have
16 mentioned.

17 I think you mentioned hold up the vote.
18 But holding up the vote for something that's
19 really not in our jurisdiction I think doesn't
20 serve us well and we can't do it. But there
21 are some other permitting phases.

22 And a good part about it is you are a
23 developer in the city and I happen to remember
24 developers in the city that don't keep their
25 word. And the community will remember that.

1 Not that I'm putting any pressure on you. I'm
2 just telling you how Ward 5 operates.

3 MR. ELYASI: Point taken.

4 CHAIRPERSON HOOD: He's a very quick
5 study. Any other questions up here?

6 But I would associate myself, Mr. Todd,
7 I appreciate all the work that both of you all
8 do in the community, as well as the church and
9 the things that you all do and the reaching
10 out. So, any other questions up here?

11 Does the applicant have any cross-
12 examination?

13 MR. SULLIVAN: No, Mr. Chairman. Thank
14 you.

15 CHAIRPERSON HOOD: Okay. So you all
16 can sit right there because I think this should
17 be relatively short. Mr. Sullivan, you have
18 any -- you don't have any rebuttal, do you?

19 MR. SULLIVAN: No, Mr. Chairman.

20 CHAIRPERSON HOOD: Because you've got a
21 lot of support sitting right on both sides of
22 you. You have any closing?

23 MR. SULLIVAN: No, Mr. Chairman. Other
24 than just would request a preliminary decision
25 tonight or a proposed decision.

1 CHAIRPERSON HOOD: Most people do ask
2 for that. And I will tell you, I think this is
3 pretty straight forward. I think that there is
4 a good communication and there are other
5 avenues to do exactly what you're trying to do,
6 but just not in this avenue with this map
7 amendment in front of us.

8 So we're going to hold you to your
9 word. Commissioners, any questions, more
10 questions? Would you all like to take action
11 tonight?

12 MS. COHEN: Yes.

13 CHAIRPERSON HOOD: Somebody like to
14 make a motion?

15 MS. COHEN: Mr. Chairman, I move to
16 approve Case No. 14-17, AE Tower, LLC map
17 amendment at Square 4310.

18 CHAIRPERSON HOOD: Okay. I'll second
19 that. It's been moved and properly seconded.
20 Any further discussion? Commissioner Miller.

21 MR. MILLER: Yes. Yes, because I
22 didn't comment really on -- I just asked some
23 questions.

24 I think this absolutely makes sense.
25 It's clearly the R1B is inconsistent with the

1 low density commercial designation on the comp
2 plan map. This property has been blighted for
3 a long time and vacant, and I think the mixed
4 use development, it will be great for the
5 community and I appreciate the applicant's
6 commitment to work with Ms. Leger. I don't
7 know if I got that right. Okay. With
8 Daniella.

9 And to the extent you can memorialize
10 those agreements with her, I think that would
11 be, you know -- provide her some assurance that
12 the commitments will be ongoing. So I'm very
13 supportive of this, Mr. Chairman.

14 CHAIRPERSON HOOD: Okay. It's moved
15 and properly second. Any further discussion?
16 All those in favor, aye.

17 ALL: Aye.

18 CHAIRPERSON HOOD: Any opposition? Ms.
19 Schellin, would you record the vote?

20 MS. SCHELLIN: Yes, sir. Staff records
21 the vote four to zero to one to approve
22 proposed action Zoning Commission Case No. 14-
23 17, Commissioner Cohen moving, Commissioner
24 Hood seconding, Commissioners Miller and
25 Turnbull in support, Commissioner May not

1 present, not voting. And if we could ask the
2 applicant to please submit the rendering that
3 was shown at the ANC meeting within the next
4 week, that would be great. And then I need a
5 draft order.

6 Are we looking for findings and facts,
7 or just a summary order?

8 CHAIRPERSON HOOD: I think in this case
9 we can do a summary.

10 MS. SCHELLIN: Summary order. Okay.
11 If we could have that by the 23rd, that would
12 be great.

13 MR. SULLIVAN: Okay. Thank you.

14 MR. MILLER: And good luck with the
15 baby.

16 MR. ELYASI: Thank you.

17 CHAIRPERSON HOOD: Oh, yeah.
18 Congratulations.

19 MR. ELYASI: Thanks.

20 CHAIRPERSON HOOD: You said Monday?

21 MR. ELYASI: Monday it is. So.

22 CHAIRPERSON HOOD: So we'll be thinking
23 about you Monday when we're down here Monday.
24 So colleagues, understand that we have a long
25 Monday ahead of us. It won't be like tonight.

1 Okay.

2 MR. ELYASI: Well, enjoy the weekend,
3 then.

4 CHAIRPERSON HOOD: Well, we have to
5 read, so I don't know how much enjoyable that's
6 going to be.

7 Ms. Daniella, how do you pronounce your
8 last name again?

9 MS. LEGER: Leger.

10 CHAIRPERSON HOOD: Leger. Okay. Well,
11 after this hearing I'll go back to Daniella,
12 calling you by your first name.

13 Okay. So I want to thank everyone.
14 Ms. Schellin, do we have anything else?

15 MS. SCHELLIN: No, that's it.

16 CHAIRPERSON HOOD: I want to thank
17 everyone for their participation tonight, and
18 this hearing is adjourned.

19 (Hearing adjourned at 7:18 p.m.)

20

21

22

23

24

25