

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Zoning Commission

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9 Public Hearing

10 Case No. 15-02 [MHI-Brookland and The Redemptorists -
11 Consolidated Review and Approval of a Planned Unit
12 Development.]

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16 6:38 p.m. to 7:59 p.m.

17 Thursday, December 15, 2016

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21 Jerrily R. Kress Memorial Hearing Room

22 441 4th Street, N.W., Suite 220 South

23 Washington, D.C. 20001

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1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 MICHAEL TURNBULL, Commissioner

6

7

8 Office of Zoning:

9 SHARON SCHELLIN, Secretary

10

11 Office of Planning:

12 JENNIFER STEINGASSER

13 JOEL LAWSON

14

15

16 Department of Transportation:

17 ELISA VITALE

18 RYAN WESTROM

19

20

21

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

2 CHAIRPERSON HOOD: This is the public hearing
3 of the Zoning Commission for the District of
4 Columbia. Today's date is December the 15th, 2016,
5 approximately 6:30. I'm sorry, approximately 6:39.

6 My name is Anthony Hood. Joining me are Vice
7 Chair Miller, as well as Commissioner May and
8 Commissioner Turnbull. We're also joined by the
9 Office of Zoning staff, Ms. Sharon Schellin, as well
10 as the Office of Planning staff, Ms. Steingasser, Mr.
11 Lawson, Ms. Vitale, and then the District Department
12 of Transportation, Mr. Westrom.

13 This proceeding is being recorded by a court
14 reporter and is also webcast live. Accordingly, we
15 must ask you to refrain from any disruptive noises or
16 actions in the hearing room, including the display of
17 any signs or objects.

18 Notice of today's hearing was published in
19 the D.C. Register and copies of that announcement are
20 available to my left, on the wall near the door.

21 The hearing will be conducted in accordance
22 with provisions of 11Z-DCMR, Chapter 4 as follows.
23 Preliminary matters, applicant's case, report of the
24 Office of Planning, report of other government
25 agencies, report of the ANC, organizations and

1 persons in support, organizations and persons in
2 opposition, rebuttal and closing by the applicant.

3 The following time constraints will be
4 maintained in this meeting. The applicant has up to
5 60 minutes but I see they requested 35.
6 Organizations, five minutes. Individuals, three
7 minutes.

8 All persons wishing to testify before the
9 Commission in this evening's hearing are asked to
10 register at the witness kiosk to my left and fill out
11 two witness cards. Please give your witness cards
12 before coming forward to take a seat at the table.
13 These cards are located to my left, on the table near
14 the door.

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

21 The staff will be available throughout this
22 hearing to discuss procedural questions. Please turn
23 off all electronic devices at this time so not to
24 disrupt these proceedings. Would all individuals
25 wishing to testify please rise to take the oath?

1 MS. SCHELLIN: Please raise your right hand.

2 [Oath administered to the participants.]

3 CHAIRMAN HOOD: And, Ms. Schellin, do we have
4 any preliminary matters?

5 MS. SCHELLIN: Just if the Commission would
6 accept the two proffered expert witnesses, both
7 previously accepted, Mr. Lessard and Mr. VanPelt.

8 CHAIRMAN HOOD: Okay. Typically, we don't
9 change our decisions. Any objections? We will
10 continue that process. Anything else? Anything
11 else? Okay. Ms. Roddy, you may begin.

12 MS. RODDY: Thank you. Christine Roddy with
13 Goulston and Storrs, land use counsel for Madison
14 Homes.

15 As you will recall we were last before the
16 Commission over a year ago, in October of 2015, and
17 at the close of that hearing the Commission asked us
18 to consider a number of their comments. Those
19 comments related to the site plan that we had
20 proposed for this project, as well as density and the
21 materials. And this is for the townhome development
22 on 7th Street at 7th and Jackson Northeast.

23 The applicant has spent the better part of
24 the year considering the comments that the Commission
25 made. And I think that you'll see from the changes

1 that have been made, and you'll see from the plans in
2 the record, that they have made a concerted effort to
3 make a meaningful response to those comments. The
4 project that's being presented this evening reflects
5 a new site plan, a new landscape plan, a new design
6 aesthetic, and material pallet. It is a thorough
7 response, we believe, to the comments that the
8 Commission made at the last hearing.

9 Andrew Rosenberger and Chris Lessard will
10 walk through the modifications in more detail, but
11 the most obvious change to this townhome development
12 is the reduction in units. The initial proposal was
13 for 41 units and has since been reduced to 22 units.
14 So, it's nearly been cut in half. And this
15 reduction, it not only has a -- has implications from
16 a site planning perspective, but it also allowed us
17 to modify our application so that we're no longer
18 seeking a map amendment. We previously sought a map
19 amendment from the R-5-A to R-5-B zone district, and
20 that's no longer necessary given the reduction in
21 density. In fact, the FAR that's currently being
22 proposed is a .78, whereas the matter of right FAR
23 for this site is a 1.08.

24 We have met with the community since the last
25 hearing. We've been back to the community several

1 times. We're happy to say that we have received
2 positive feedback from the community. We're happy to
3 be here this evening with the support of the Office
4 of Planning, as well as District Department of
5 Transportation, and with the conditional support from
6 the ANC.

7 We do have two witnesses tonight that will
8 walk through the details of the program and the
9 changes that have been made. We have Andrew
10 Rosenberger, who will testify on behalf of Madison
11 Homes, as well as Chris Lessard, who will testify as
12 the project architect. Unfortunately, Kevin Devine
13 with the Holy Redeemer church, or college, he is
14 quite sick today and he was not able to attend this
15 evening. But we do have Emily Vaias as counsel here
16 tonight.

17 So, with that I will turn to Mr. Rosenberger
18 so he can walk through the changes that have been
19 made.

20 MR. ROSENBERGER: Thank you. Chairman Hood,
21 Members of the Commission, I'm Andrew Rosenberger
22 with Madison Homes, which is an affiliate of MHI
23 Brookland.

24 I am happy to be here tonight to present you
25 our revised plans. Kevin Devine, as was stated, is

1 supposed to be here on behalf of the Redemptors, but
2 unfortunately fell ill and is unable to be here.

3 We last presented to the Zoning Commission in
4 October 2015. At that time, we received numerous
5 comments from the Commissioners and from the
6 community. We went back to the drawing board. We
7 listened to the comments and worked to incorporate
8 them into a new plan. We worked for nearly a year
9 before resubmitting our application, including
10 several meetings with Office of Planning.

11 The proposal that you have before you is a
12 product of the time we spent retooling. The changes
13 reflected in the revised plan are not minor. We did
14 not simply prepare a few new exhibits, upgrade some
15 of the materials, and hope to gloss over many of the
16 comments. The changes we made are wholesale and have
17 been generally well-received by the community.

18 The majority of the comments on the previous
19 plan related to the 14 townhomes to the north end of
20 the property. These units faced on to Jackson Street
21 with their rears facing the side of the Holy Redeemer
22 College. These homes were too close to the existing
23 building, ate up too much open space, and blocked
24 views of and crowded the historically significant
25 building.

1 Commissioner May suggested that we lose four
2 units in this strip. After reflection, the applicant
3 parties agreed that the only real way to accomplish
4 the community's objectives in this area was to fully
5 eliminate the proposed townhomes along Jackson
6 Street. That is what we did, and the plan before you
7 reflects the elimination of these 14 townhomes.

8 Then, we turned our attention to the south
9 side. Previously we had proposed 26 townhomes on
10 this portion of the property. They were comprised of
11 seven units that were 18 feet wide, and 19 units that
12 were 14 feet wide. The current proposal shows 22
13 townhomes on the southern portion. Four less than
14 previously proposed in this area, and with zero 14-
15 foot-wide units. The eight end units are each 18
16 feet wide, and the 14 interior units are all 16 feet
17 wide.

18 The changes didn't stop there. We completely
19 rethought our exterior architecture to make it more
20 complimentary to the Holy Redeemer College, and to
21 the surrounding neighborhood. Chris Lessard from
22 Lessard Design will address the architecture in more
23 detail following my remarks.

24 The result is a substantially revamped and
25 quite modest application for 22 townhomes. We are no

1 longer seeking a map amendment in our proposal, and a
2 .78 FAR is below what is permitted as a matter of
3 right. The Redemptorists have owned the property
4 since building it in 1932, and the house is currently
5 used to house students studying for the priesthood.

6 The Redemptorists anticipate maintaining the
7 existing use on the property for the foreseeable
8 future. Nonetheless, they are seeking the
9 flexibility to convert the existing building to
10 residential uses if and when they no longer need the
11 building for religious purposes.

12 Since resubmitting, we continued to meet with
13 several community groups and stakeholders. We
14 presented to ANC 5E twice and received their
15 conditional support. The Edgewood Civic Association
16 voted in support of the project. We also met with
17 residents of Chancellor's Row, directly to the west
18 of the property, and I have reached out to and met
19 with several other community stakeholders in recent
20 months. The changes made to the plan have been
21 generally favorably received and we have heard
22 constructive comments from all over the community.

23 During this process we have assembled what we
24 believe to be a very strong benefits and amenities
25 package that is commensurate with the amount of

1 development flexibility that we seek. The PUD
2 process will afford us two to seven feet of
3 additional height for the townhomes, beyond what is
4 permitted as a matter of right. We are not seeking
5 any additional density.

6 The benefits and amenities package in our
7 proposal represents a balance of interests from
8 various community groups, some of which we were not
9 able to reconcile. Our community benefits and
10 amenities are as follows. First, approximately 13
11 percent of the total gross floor area of the
12 townhomes will be dedicated to affordable housing
13 units. This is in excess of the 10 percent required.
14 Two of these units will be available to households
15 earning 50 percent of AMI, and one of these units
16 will be available to households earning 80 percent of
17 AMI.

18 Second, we will not make any significant
19 changes to the areas on the east and the north side
20 of the Holy Redeemer College. This area will be
21 protected by a recorded PUD covenant. We will
22 purchase \$20,000 worth of equipment for the soon to
23 be rebuilt Edgewood Recreation Center, located
24 approximately one half mile from the project. To
25 provide job training to Ward 5 residents we are

1 proffering \$10,000 to the Work Force Development
2 Program of the Edgewood Brookland Family Support
3 Collaborative.

4 We are proffering to apply for and pursue an
5 historic landmark designation for the Holy Redeemer
6 College building. We will also purchase \$5,000 worth
7 of backpacks and school supplies for the OCASE
8 Foundation, which hosts an annual backpack supply
9 program for Ward 5 children.

10 The Edgewood Civic Association will also
11 receive neighborhood signage in the amount of \$2,500.

12 Lastly, our homeowners will receive transit
13 welcome packages at the time of sale to promote the
14 alternative -- to promote alternative forms of
15 transportation. These packages include information
16 on local transit routes, a \$50 Metro Smart Trip card,
17 a one-year membership in Capitol Bikeshares,
18 membership in Zip Car, plus a \$50 prepaid balance in
19 the Car Share service. Additionally, none of our
20 residents will be able to obtain residential parking
21 permits to park in the reserved street spaces.

22 I'm excited about the changes made and the
23 revised proposal before you. I think the project
24 will be a great addition to a thriving neighborhood
25 and provide additional housing stock to the District.

1 I look forward to answering any questions from the
2 Commissioners at the end of our presentation. Thank
3 you.

4 MR. LESSARD: Oh, Thank you, Andrew. My name
5 is Chris Lessard with Lessard Design, Inc. We were
6 tasked to redesign the project in terms of what the
7 recommendations that you had. We made significant
8 changes. One was going from the 14-16 which meant we
9 had to redesign the whole unit type, and then we also
10 took a look at some of your other suggestions, which
11 was dealing with massing of the project.

12 The first image is the corner of 7th Street,
13 or Jackson Street. 7th Street, pardon me. Partly
14 because to the right, in the original submission we
15 had a formal park to the right. We are no longer
16 doing that, we're keeping the whole corner as the
17 existing condition, as it exists today.

18 To the left is the townhomes that have been
19 further away from the Redeemer, Redemption, and the
20 other item is that we pulled the roofs down. This
21 elevation before was four stories, so we brought down
22 and did the additional square footage inside the roof
23 in order to be more closer to the scale of the
24 community.

25 Next slide. There's also a lot of comments

1 on our alleys, so we added additional balconies which
2 will be options. We took the Hardie panel, which was
3 one of the issues in the previous submission, and
4 changed it to Hardie siding, or Nichiha. We do have
5 some Hardie still on some of the dormer details, but
6 that's all where we're putting the Hardie currently.

7 The question from Mr. Turnbull was on how we
8 dealt with the condensers. This particular drawing
9 shows how we're hiding the condensers with this
10 detail, and like I said, these particular options are
11 picked by the consumer that picks a townhome.

12 As in the original submission we still do
13 have all brick, going around the corners of each of
14 the townhouse sticks. And like I said, inside you'll
15 see the Hardie -- not the siding instead, which was
16 replaced with the panel which was the original
17 submission.

18 Next slide. Trying to help you understand
19 how the changes were. The slide to the right was the
20 original submission, slide to the left is what we're
21 proposing. We believe that the material change which
22 was a big concern we have dealt with, that we have
23 material boards here to give you more detail. We
24 also have changed the window to an Anderson 100,
25 white, and that's also from a request from the

1 Commission.

2 Next slide. This is one of the muse
3 elevations. One of the things in the front
4 elevations in the original proposal, and measured
5 from the first floor to the fascia board, this
6 particular original elevation was four stories and
7 measured to a dimension of 41 foot, four inches. And
8 now we've brought that down to 31 feet, two inches,
9 and put all that space within the dormer in order to
10 have a better scale.

11 We have reduced some of the Juliette
12 balconies, but we still have some in the elevation,
13 and we've simplified some of the look in order to be
14 more proportioned for the community.

15 This slide to the right will show you what
16 the original proposal was, which had bays in the
17 higher frontage and proposed to the left is how we
18 brought down the scale in order to make it fit into
19 the community better.

20 What is important to the Commission was the
21 four-sided architecture. This is an example of one
22 of the rows of townhomes, and how we simplified a lot
23 of the detailing. We have the optional Juliettes and
24 the optional balconies. Now the balconies are cut
25 into the roof dimension. We have a roof pitch, which

1 we think is the correct one, which is A12. We were
2 asked to take a look at it from a section cut to see
3 if we can reduce it. We think we've reduced it to
4 the max that we can do it and still have usable space
5 in the roof.

6 Also, the original elevations had a lot or
7 busier window placement here. It's simple punch
8 windows and simple detailing in brick in order to
9 make the look.

10 Next slide. This is the -- this slide will
11 show you our original submission, which is on the
12 lower part, and our current submission which is on
13 the upper part. You can see we've tried to respond
14 effectively to some of your questions about scale.
15 One of them was increasing the width of the minimum
16 unit to 16. I think that feels better from a rhythm
17 pattern on the street scape. We also pulled down
18 roof lines in order to bring down the scale along the
19 street.

20 The original proposal, the bays we felt were
21 inappropriate to have the scale that we thought was
22 what we needed for the street so we've eliminated
23 them, and we've added some simplified Juliettes along
24 the way.

25 In order to deal with the sections in your

1 package, we'd like to show you the change in the
2 different section between what was original proposed,
3 which is to your right, and that had a four-story and
4 then a roof deck that popped out. So, what we've
5 tried to do is put all that space within the roof,
6 which is to the left, which that will show you the
7 big change between the facia heights, which has
8 effectively been reduced almost 10 feet from first
9 floor grade point.

10 Now, within the site, the heights of the
11 buildings is a little different because the grading
12 is a little different around each building. But this
13 gives you effective change in scale, which we think
14 is effective.

15 Next slide. And lastly, this shows what the
16 original section, street section was in terms of
17 muse, and what it currently is. And this area within
18 to the bottom right, that was a four-story muse and
19 the entrance stores were here. And so, the scale was
20 a lot higher.

21 Now, with the proposed change we've dropped
22 the roofline, and we believe the scale within the
23 muse is a lot more effective.

24 In terms of materials, we've -- in our
25 material board we've added some more detail on our

1 lights that are on the garages. We have a very
2 detailed package on the types of bricks, the colors,
3 the mortar joints, like we said, we've changed the
4 window to an Anderson 100. And we also responded in
5 letter form, which you got today in terms of the
6 question on ADA compliance and Fair Housing
7 compliance, and with more detail, townhomes have been
8 exempted from Fair Housing, which we give you the
9 code and verse sections on that, so that will help
10 you understand that particular issue.

11 We'll be LEED Silver quality, but not
12 certified. And we think we have a lot of outdoor
13 space within each unit because we have a roof deck
14 for all the units, including the 16 footers. And
15 that is our new application. Thank you very much.

16 MS. RODDY: Thank you. As you can see,
17 significant developments have been made since we were
18 before you last October. As a result of this process
19 the proposed application presents a more sensitive
20 site plan that reflects a more organic vision for in-
21 fill development. And the plan balances the
22 priorities of the comprehensive plan. It expands
23 residential housing, including family sized
24 affordable housing, it promotes transit oriented
25 development, and it preserves a historically

1 significant building, all of which are objectives of
2 the Comprehensive Plan.

3 I would like to respond to comments that were
4 raised in the OP and DDOT reports. The DDOT report
5 which supported the application, they noted that they
6 would like to continue correspondence and dialog with
7 the applicant with respect to the location of the
8 drive aisle on the northern side of the site, through
9 the Public Space process. And we agree, and we are
10 happy to continue that dialog with DDOT through
11 Public Space on what and where that drive aisle is.

12 And then in the OP report, OP again was
13 supportive of the application, but they asked for
14 some clarity on commitments which we provided to OP
15 earlier this week, and submitted into the record
16 today. And those commitments were with respect to
17 submitting a PUD covenant that would be recorded
18 against the entirety of the property, including the
19 open spaces, as well as the commitment to file a
20 landmark application and to also provide the tree
21 inventory, and so those were also submitted.

22 And then the one last time was when we met
23 with Chancellor's row, they had some suggestions to
24 amend the construction management plan, and so I
25 actually have an amended construction management plan

1 that I can hand to you. We have not submitted that
2 through ISIZ, but we have redlined it to show the two
3 changes that have been made. And those changes were
4 to limit the hours of construction on Saturday, as
5 well as commit to power washing immediate neighbors'
6 homes after completion of construction.

7 So, with that I would just note that we do
8 have Dan VanPelt, our transportation engineer, as
9 well as Kyle Oliver and Brian Ruhl with VIKA. They
10 are all here and available for questions.

11 CHAIRMAN HOOD: Want to thank you all for
12 your presentation to us. Let's see if we have any
13 comments or questions. And we heard this case first
14 when?

15 MS. RODDY: In October. I think it was
16 October 29th, 2015.

17 CHAIRMAN HOOD: Okay. All right. Somebody
18 like to go first? Let's go in our regular order.
19 Commissioner May.

20 MR. MAY: So, I think that what you've done
21 has been tremendous to improve this. I think that
22 this site was too crowded before with units, and I'm
23 surprised to hear that I only asked for four less
24 townhouses. I thought I'd asking for less than that,
25 my notes said less than that. But anyway, you know,

1 getting rid of the row on Jackson I think was a huge,
2 huge improvement. Increasing the width of the
3 townhouses, I've always complained about too narrow
4 townhouses, having lived in a 14-foot townhouse at
5 one point.

6 You know, I think there are some areas where,
7 you know, I could quibble about the design of the
8 townhouses. I mean, you know, some of the choices
9 that you made in terms of how you lined up windows
10 between, you know, the first floor and the upper
11 floors are somewhat atypical. I mean, just looking
12 at the image that you have right there, where you
13 have a ganged window on the first floor and then you
14 have separate windows on the second floor, I mean,
15 typically in a Washington townhouse all of the
16 windows would align.

17 But those are quibbles. It really is just
18 about, you know, a refinement of that design and
19 looking carefully at what's around it in the context.
20 In some circumstances, you had like porch fronts that
21 had the ganged window on the first floor and then you
22 have three separate windows on the second floor.
23 That is known to happen sometimes on sort of early
24 20th Century townhouses, Ward Monroe houses that have
25 porch fronts sometimes do things like that. And you

1 know, the thing about it is you have a consistent
2 design scheme across all of these townhouses, and the
3 variations within them should be variations that make
4 sense, and that are -- that don't sort of throw in
5 completely different stylistic references. Right?
6 So, try to make it look like a Wardman townhouse with
7 a porch. I'm not saying that you are trying to do
8 that, but there are steps in that direction. It just
9 shouldn't look inconsistent. And again, I'm just
10 quibbling about stuff. It's not really major stuff.

11 I think that the change in material is good.
12 The fact that you are, you know, you've designed the
13 buildings to turn the corners is all good. Filing
14 for landmark status for the Redemptorists building is
15 really good. Yeah, see, that's what I was talking
16 about there, where you have, you have the ganged
17 windows on the porch fronts, and then on the second
18 or third floor you just have three separate punch
19 windows as opposed to the ganged windows.

20 MR. LESSARD: Oh, one comment.

21 MR. MAY: Yeah.

22 MR. LESSARD: The perspective that you were
23 looking at had an actual error. The elevation that
24 you will receive is the lower one which is the punch
25 windows, which is the detail you're talking about.

1 MR. MAY: Right.

2 MR. LESSARD: The elevation that you're
3 referring to, the upper, that was in the alley.
4 So --

5 MR. MAY: Yeah.

6 MR. LESSARD: So the image is --

7 MR. MAY: Okay, so and --

8 MR. LESSARD: -- in comments I think we've
9 addressed it.

10 MR. MAY: Right.

11 MR. LESSARD: At least on the punch side.

12 MR. MAY: Right. So, the alleys are -- I
13 mean, the alleys all look pretty coherent. I mean,
14 if you look at the 4th townhouse from the left, where
15 you have the ganged window on the first floor and
16 then you have the punched windows, the separate
17 punched windows above that, that's pretty a-typical.
18 Doing it where you have a porch in between that gives
19 you some separation is a little bit more logical.
20 But again, I mean, some of this you can draw clues
21 from what might be around it in the vicinity.

22 So, again, these are all quibbles. I'm not
23 saying that these are things that absolutely have to
24 change. I just think that they're -- you have a much
25 more sensitive design for the townhouses than you had

1 before. It fits better with the overall context.
2 And there are some references in the, you know, the
3 cornice to the Redemptorists building that I think
4 help them get along well together. So, I think it's
5 substantially approved, or improved architecturally.

6 There is something strange that's going on on
7 the dormer level, on the back side there. You have a
8 fully formed dormer on the end units, and then when
9 you get to the four in the middle, there is some sort
10 of cutout on the right side. Is that like an extra
11 section of roof to cover an HVAC unit or something
12 or --

13 MR. LESSARD: Yes, we ran out of room and we
14 had to push it out to pick up the HVAC unit.

15 MR. MAY: Yeah. Okay. I mean, it looks odd
16 in this elevation but I also know we're never going
17 to see it like this unless you're in the, you know,
18 the row of -- you're on the roof of the row behind it
19 and it might look funny from up there. But again,
20 all just quibbles.

21 I would also suggest that you also take
22 another look at the brick selections. I think that
23 generally the brick is pretty good and it's pretty
24 sharp, but you have at least one that's trying to do
25 sort of the molded brick thing, which is not a great

1 fit for the fairly formal style of architecture that
2 you're doing. I mean, a brick like that is good in
3 certain circumstances, but it's more sort of English
4 countryside or alley brick or something like that.
5 It's not necessarily the kind of brick that you'd
6 have on the front façade of a building.

7 I want to talk about the replacement, or the
8 tree issue, because we got a number of opposition
9 letters having to do with the number of trees that
10 were taken out, and I'm wondering if there's a plan
11 to at least do replacement trees. And I don't know
12 how it all works, but I assume that you have to
13 comply with the tree preservation bill in the
14 District and you're taking out several special trees.
15 So, how do you --

16 MS. RODDY: Of course.

17 CHAIRMAN HOOD: -- deal with that?

18 MS. RODDY: And, we have Brian Ruhl. I will
19 pass his resume to you.

20 MR. MAY: Okay.

21 MR. RUHL: My name is Brian Ruhl. I'm a
22 landscape architect with LIKA Capital. We've looked
23 at this site, we've had an arborist report. We are
24 preserving quite a bit of the tree canopy on the
25 site. The arborist report does show that a lot of

1 the canopy -- a lot of the trees are in poor
2 condition and have a lot of deadwood in the canopy,
3 and we are proposing a landscape plan to replace that
4 canopy and exceed that canopy.

5 CHAIRMAN HOOD: Let me say this, before we go
6 any further. They are actually proffering him as an
7 expert. Let's take a minute.

8 MR. MAY: Okay.

9 CHAIRMAN HOOD: And look at his resume and
10 see if we agree on that status.

11 [Pause.]

12 CHAIRMAN HOOD: Okay, any objections?

13 MR. MAY: Okay. That's fine.

14 CHAIRMAN HOOD: Okay, so we'll proffer him as
15 an expert in landscape architecture.

16 MR. MAY: So, for the special trees, I mean,
17 what are you actually required to do when you take
18 one down in terms of the D.C. law and trees?

19 MR. RUHL: We are supposed to submit a permit
20 to DDOT, the Urban Forestry Administration, and they
21 have an arborist that reviews our application, and
22 goes over it with them and we've worked with them on
23 this project.

24 MR. MAY: So, there's not a specific
25 formulate for replacement of trees when you're losing

1 a special tree?

2 MR. RUHL: No, there's a fee.

3 MR. MAY: There's a fee.

4 MR. RUHL: Yes.

5 MR. MAY: And that fee goes to the Urban
6 Forestry Administration?

7 MR. RUHL: Yes, it does.

8 MR. MAY: So, that they can plant more trees.

9 MR. RUHL: Yes.

10 MR. MAY: Okay. I wonder how much they get
11 for a special tree. All right.

12 I don't think I really have any other
13 questions. I appreciate some of the other aspects of
14 this, the landmark status, the easement on the
15 property that won't be developed, the IZ I think is,
16 you know, is very strong and the two units at 50
17 percent. So, I think this is a lot better and
18 generally worth the wait. So, thank you.

19 CHAIRMAN HOOD: Any other questions or
20 comments? Mr. Turnbull?

21 MR. TURNBULL: Thank you, Mr. Chair. No, I
22 just want to compliment you on the changes and what
23 you've done with the site. I think it really works
24 well. I think lowering the height of the townhouses
25 and creating the cornice line significantly lower, I

1 think makes a big difference on the scale. And I'm
2 glad to see you went through the tree exercise and
3 looked at that, and I really appreciate it. And so,
4 I very much think you've done a very good job on
5 changing this project. So, thank you very much.

6 CHAIRMAN HOOD: Okay.

7 MR. MILLER: Thank you, Mr. Chairman. Yeah,
8 I would associate myself with the comments of my
9 fellow commissioners, May and Turnbull. I think the
10 site plan is much improved and it really does respect
11 the space between the townhomes and the Redemptorists
12 building or the Holy Redeemer building. Which is the
13 correct way to refer to that building, Holy Redeemer,
14 or Redemptorists? We don't know. Either way.

15 MR. ROSENBERGER: It's, I think it's the Holy
16 Redeemer College building.

17 MR. MILLER: Okay.

18 MR. ROSENBERGER: The Redemptorists own it.

19 MR. MILLER: Yeah. Well, it's a beautiful
20 building and I think the way you've laid it out is a
21 lot better, and the materials are all improved. And
22 so, I do compliment you on that and reiterate what
23 Commissioner May mentioned as the -- and what your
24 own statement, prehearing statement said, that you're
25 providing more affordable housing beyond what's

1 required, effectively two townhome units at the 50
2 percent AMI level, in there, and one at the 80
3 percent, which is 1,550 square feet more than what's
4 otherwise required and they're three-bedroom units.
5 They're family sized housing, which is a good thing.

6 So, all of that's great. You mentioned that
7 you're building to LEED Silver but not going to go to
8 certification. Is there a reason why? Is that a
9 cost issue, or is it -- we've heard other people say
10 that, you know, it's a good marketing thing when you
11 can say that you are certified. What's the issue
12 there?

13 MR. ROSENBERGER: It is primarily driven by
14 cost. I mean, I think the administrative, call it
15 burden of getting certification is the same whether
16 you're 22 townhomes or whether you're 200 townhomes.
17 So, if your divisor has changed by a factor of 10,
18 then it becomes much more of a burden on a smaller
19 project.

20 MR. MILLER: Okay. All right. And so, I
21 guess we're going to hear from the ANC about their
22 conditional approval. I read the resolution that's
23 in the record. It seems that they kind of want
24 almost a doubling of some of the benefits that you
25 are proffering as part of your community benefits, so

1 we'll -- I'll wait to ask questions until after we
2 hear from them, but do you want to comment -- any
3 comments on your outreach? I mean, you've had a long
4 time to be outreaching to them. I guess you have
5 been, and trying to get nonconditional approval.

6 MR. ROSENBERGER: Yeah, we have, as I said,
7 we met with the ANC 5E twice during the fall and had
8 many meetings with Debbie Steiner, who is the AMD 5D-
9 01 SMD. You know, going in we had general agreement
10 as to the dollar amounts. That was then changed.

11 One of the issues is that Ms. Steiner was
12 also requesting that we hire two specific firms, one
13 for -- one is to handle sales and marketing and one
14 for construction management. We're our own
15 construction manager, so we wouldn't be hiring a
16 third-party construction manager, so we had objection
17 to that.

18 As it relates to the realtor, you know, the
19 sale and marketing of new homes is a very specialized
20 business, and we feel that we need to have complete
21 control over who exactly we select to perform that
22 duty for our project. You know, we need to have the
23 ability to hire the right person and potentially fire
24 that person if something doesn't work out. So, to be
25 forced to even a limited pool of candidates causes a

1 great concern.

2 MS. RODDY: And, I'll just say that you're
3 right, we have spent some time reaching out with the
4 community and it's really been a matter of balancing
5 the priorities for each community organization. We
6 met with the ANC, we met with Chancellor's Row, and
7 we met with Edgewood Civic Association, and sometimes
8 those priorities didn't comport, and so what we heard
9 from Chancellor's Row and what we heard at the
10 hearing was that the open space and the view of the
11 building was quite important. So, obviously that
12 became a priority in this application.

13 And in meeting with Edgewood Civic
14 Association we heard that the recreation center was a
15 priority for them as well as signage. So, it was
16 really a matter of balancing it, and unfortunately,
17 we couldn't make every party happy but we did what we
18 could.

19

20 MR. MILLER: Okay. Well, I appreciate what
21 you have proffered and I guess, I mean, it's almost
22 half the units of what the original and a lot less
23 flexibility and no map amendment, so when balancing
24 public benefits with the relief that's being
25 requested, I mean, that all goes into the mix.

1 The Holy Redeemers redevelopment as
2 residential, that's not a -- that's something that,
3 it's something that may happen or may not happen, and
4 what's -- that depends on the finances of the
5 college?

6 MS. RODDY: There are no plans to change the
7 current use of the building for the foreseeable
8 future. They intend to continue to use it but they
9 would like the flexibility to convert it to a
10 residential use in the future in the event they no
11 longer need it for religious purposes. So, it's a
12 matter of right use in this zone, so we just wanted
13 to incorporate that as a part of this application.

14 MR. MILLER: So, they don't have a timeline
15 on that conversion?

16 MS. RODDY: No, there is no timeline on that.

17 MR. MILLER: Well, thank you very much for
18 your presentation. I appreciate it.

19 CHAIRMAN HOOD: I want to piggy back on the
20 amenities, where you mentioned I think, Ms. Steiner.
21 I think you used the word, force. I don't think Ms.
22 Steiner meant force. I'm hoping and I'll ask her
23 when she comes up, I'm hoping that what she was
24 aiming at, and I picked up on that and I wasn't
25 there, but I was hoping what she was aiming at was

1 finding somebody who lived in the community to sell
2 them homes. I believe that's what she probably was
3 doing. If it wasn't -- no, I'm going to wait for you
4 to come up. I know Ms. Steiner, that's why I can do
5 this.

6 But I'm thinking, now the first one, you're
7 right. I think that's unrealistic. But the second
8 one, I think that's where she was going. So, you
9 know, you can still have that discussion because that
10 benefits. And it's not necessarily force. I know
11 you might have your own pool, so but you used the
12 word force. I think it was ask. I don't think an
13 ANC commissioner would force anything.

14 MR. ROSENBERGER: You're correct.

15 CHAIRMAN HOOD: Advisory.

16 MR. ROSENBERGER: And if I used the word
17 force, then I misspoke. And I do want to point out
18 that I did meet with the firm that was recommended.

19 CHAIRMAN HOOD: They lived in the
20 neighborhood or community?

21 MR. ROSENBERGER: That lives -- they're
22 located just a block or so away, and they -- I met
23 with them for an hour and a half, I had a very good
24 meeting with them.

25 CHAIRMAN HOOD: You chose not to do it.

1 Okay.

2 MR. ROSENBERGER: I think they're very
3 qualified. And we're happy to consider them, but to
4 be forced into such a small pool causes us concern.

5 CHAIRMAN HOOD: I'm actually glad to hear
6 that Ms. Steiner did that, even though you didn't
7 choose, because I think it needs to be more of that
8 done in this city, pushing some of our businesses to
9 get some of this income that's going out. So, Ms.
10 Steiner, Ms. Steiner, calm down. Now, I know you're
11 agreeing with me now. But I actually think she --
12 and I don't give her a whole lot of credit sometimes.
13 But I think that's well of her and I actually, I'm
14 proud of her to say that. And I'm saying it to you
15 publicly, Debbie, but I think that was a good move,
16 even though you didn't accept it, because you have
17 that right.

18 Let's go back to the alleys. And I've
19 learned a lot from Commissioner Turnbull and
20 Commissioner May about architecture. And something
21 dawned on me. I think Commissioner Turnbull had
22 mentioned about the covering up where the lattice is.
23 Are all those going to be the same color? Or, is
24 that -- I think somebody said it depended upon each
25 homeowner. I'm just trying to make sure we're going

1 to have -- because most of the time when I see alleys
2 like that, it's usually consistent.

3 MR. ROSENBERGER: Are you referring
4 specifically to the lattice surrounds around the AC
5 units?

6 CHAIRMAN HOOD: Surrounding the units.

7 MR. ROSENBERGER: They would all be the same
8 color.

9 CHAIRMAN HOOD: They would all be the same
10 color. So, it won't vary because of whoever buys the
11 house, they put one color, the other person might not
12 put anything. So, that comes with the home?

13 MR. ROSENBERGER: Exactly.

14 CHAIRMAN HOOD: Okay. That's all the
15 questions I have.

16 That's it. Commissioner Shapiro doesn't have
17 any question, he's not here. Okay. So, let's do any
18 cross-examination. I think, were you representing 5E
19 tonight? Do you have any cross? Any cross? Any
20 cross on whatever they said? But we'll hear your
21 testimony shortly, but any cross?

22 Come to the table if you have any questions
23 that you want to ask them. Believe it or not, yes,
24 you can come to the table. See, I can say that.
25 Don't stay long, though, but you can come to the

1 table. Would you identify yourself?

2 MS. STEINER: Well, you all know me. My name
3 is Debbie Steiner, ANC Commissioner 5E-01, ANC
4 Commissioner for 16 years.

5 My question right now to Mr. Rosenberger is
6 that, has your company ever outsourced any portion of
7 -- have you ever done any outsourcing of any of your
8 work in your company?

9 MR. ROSENBERGER: Typically, we in townhomes
10 jobs like this, we would service our own general
11 contractor and construction manager. We would then
12 hire subcontractors, such as plumbers, electricians,
13 et cetera. But we typically, we always serve as our
14 own general contractor and construction manager in
15 townhomes projects such as this.

16 MS. STEINER: That still didn't answer my
17 question. I asked specifically, do you ever
18 outsource any of the services or anything in your
19 company? Do you ever outsource?

20 MS. RODDY: I would just --

21 MS. STEINER: Excuse me.

22 MS. RODDY: -- say that's a very broad
23 question. I think that Mr. Rosenberger has responded
24 with respect to the construction aspects of this. I
25 think his response --

1 MS. STEINER: Okay. The next question is
2 that considering you have made the considerable
3 changes because of the way the Commission had
4 thoroughly reviewed your project last October, and
5 the community is very appreciative of you making
6 those changes, you, in your capacity, and the money
7 that you will be gaining from this project, you feel
8 as though offering \$37,000 and one ADU home that will
9 be sold for the amount of how much it's going to be
10 built for is what the community should be jumping for
11 joy for?

12 MS. RODDY: I would say that the benefits and
13 amenities for the PUD are to be commensurate with the
14 flexibility that's being requested. In this instance
15 the flexibility that's being requested from the PUD
16 process is two to seven feet of height. We're not
17 seeking density, we're not seeking use, and we think
18 that what has been proffered, the affordable housing
19 and the open space specifically, is significant. And
20 there is an additional amount of affordable housing
21 that's being provided, but in addition to that we are
22 providing two of the houses at 50 percent AMI. These
23 are homeownership and the Zoning Commission had
24 recently adopted regulations, or an amendment to the
25 IZ regulations that would put all homeownership IZ

1 units at 80 percent AMI.

2 So, we think that the 50 percent, the fact
3 that these are three-bedroom units, and we've had
4 that conversation because I know affordable housing
5 was important to you, so we thought that was a
6 significant proffer and was commensurate to the
7 flexibility.

8 MS. STEINER: Thank you.

9 CHAIRMAN HOOD: Thank you. You can just hold
10 your seat because we'll probably come back to you
11 shortly.

12 Let me ask, is there an opportunity for -- I
13 know you have your own realtor, but is there a
14 opportunity -- sometime, I think in some cases, and I
15 don't know if you have enough homes in this
16 situation, sometimes realtors get other assistance.
17 Is there another opportunity for maybe Commissioner
18 Steiner's realtor to maybe join with that other
19 realtor? I'm just asking. I'm not saying -- I'm not
20 forcing anything, I'm just asking.

21 MR. ROSENBERGER: Well, let me state, first,
22 there's -- we would hire our own realtor.

23 CHAIRMAN HOOD: Uh-huh.

24 MR. ROSENBERGER: Our own agent to sell and
25 act on behalf of the developer, in this case the

1 builder. Any realtor, any agent in the city can
2 certainly bring a purchaser, can represent a
3 purchaser and be paid a commission. We would be
4 paying that commission as the seller and as the
5 builder, and that can be any agent, whether they're
6 in the city or out of the city.

7 CHAIRMAN HOOD: That may be an avenue for
8 some. I just wanted to put that out there.

9 Any other questions up here? The ANC doesn't
10 have any cross. No more cross. We don't have any
11 other parties.

12 Let's go to Office of Planning and DDOT. Ms.
13 Vitale, then Mr. Westrom.

14 MS. VITALE: Good evening, Mr. Chair and
15 Members of the Commission. Elisa Vitale with the
16 Office of Planning. And the Office of Planning will
17 rest on the record in support of the application.
18 The Office of Planning did recommend some specific
19 conditions for approval. You've heard the applicant
20 this evening has agreed to those specific conditions
21 which included the landmark nomination and the
22 preservation of the open spaces, unbuildable area,
23 and provision of any required affordable housing that
24 might come with a conversion of the existing Holy
25 Redeemer building to housing.

1 This concludes my report. I am certainly
2 happy to answer any questions you might have. Thank
3 you.

4 MR. WESTROM: Thank you, Chairman Hood. Good
5 evening Commissioners and applicant. As with the
6 Office of Planning DDOT is content to rest on the
7 record of our reports, and has no objection to the
8 proposed PUD. We do look forward to, as was noted by
9 the applicant, continuing to coordinate as the
10 project progresses through permitting. I'm happy to
11 answer any questions.

12 CHAIRMAN HOOD: Let me correct, because a lot
13 of times I joke, and this is our third night so I'm
14 tired. But a lot of times when I joke around people
15 take it incorrect. Commissioner Shapiro is not here
16 because he didn't really hear the first part of this
17 case. So, that's it. I wanted to make sure I
18 clarify that before somebody looks at that and say,
19 oh, he said that he's not here, that's why he's not
20 asking questions. So, I just wanted to clarify that.

21 Okay. Any questions of Office of Planning or
22 DDOT? Anybody? Does the applicant have any cross?
23 Does the -- oh, I'm sorry. Does the ANC have any
24 cross of either Office of Planning or DDOT?

25 Okay. I think the ANC report is next.

1 Commissioner Steiner.

2 MS. STEINER: Thank you. Good evening,
3 Zoning Commission. My name is Debbie Smith Steiner
4 again, ANC 5E-01. You've already received the
5 information I believe, from the ANC, and the
6 community benefit agreement, and our conditions.

7 And I didn't want to bring -- I'm not going
8 to take a whole lot of time, but I just want to say
9 to you all, as you all sit up there and you all hear
10 all this development that is going on in our city,
11 and we have certified business enterprises in our
12 city that should be able to access and tap into this
13 development, and no one is doing that.

14 When I spoke to my fellow commissioners and I
15 brought to them how the developers are selling homes
16 for 800,000, when you do these type of homes, 250, by
17 the time they do all -- the amount of money that they
18 will be able to take, and they're not even -- they
19 don't have a headquarters in the District. They're
20 coming in to the District to make this money. We
21 should be advocating for our businesses in order to
22 be able to gain some of these -- to be able to get
23 involved in some of these developments for the
24 purpose that they have been selected.

25 My key thing was, I am not trying to force

1 anybody to do anything. But I am responsible for the
2 oath of office that I took. And my oath of office is
3 without fear and favor, and to uphold the laws in the
4 District of Columbia, and to look out for my
5 community in the best way possible.

6 When I brought to the ANC as a whole, and we
7 talked about this issue, about how the development is
8 going on in this city, and how these developers are
9 making all this money, and we're only getting
10 basically pennies, and then we have CBEs that are
11 certified, have been out here for 20, 30 years, and
12 can do this work, nothing stops anyone if they want
13 to do business for the District of Columbia, to
14 outsource this.

15 Now, as Mr. Rosenberger said, he spoke to the
16 only broker in my single-member district. It was
17 laid out, not by them as if, because I'm a realtor I
18 would get something from it. I'm not getting
19 anything. The bottom line here is this, Menkiti
20 Group has been widely known. They have
21 certifications from three or four years. They are a
22 blue-ribbon company. It's no reason why you cannot
23 select them or another entity within Ward 5 to sell
24 your homes. They're qualified. You put up some
25 signs, you put out the brochures, you say hi, and

1 other things, and they come in.

2 The key thing that you might not know, being
3 a realtor, is that in the District of Columbia you're
4 allowed to do dual -- you're allowed to do a dual
5 sale, which means you can buy as well as you can
6 sell, which means that you get the whole commission.

7 My whole thing is that I'm just asking you to
8 respect us as a commission, and to understand we're
9 coming from a community standpoint, and we're seeing
10 what's happening to our city, and it's been too many
11 times you have that no one has really come to the
12 table to ask for more. And that's what we're doing
13 and we're asking you to honor our request. Thank
14 you.

15 CHAIRMAN HOOD: Okay. Thank you. Any
16 comments or questions, Commissioner May?

17 MR. MAY: Yeah, I just want to clarify. Did
18 you say the McKeady Group or Menkiti?

19 MS. STEINER: Menkiti.

20 MR. MAY: McKeady.

21 MS. STEINER: MG Residentials.

22 MR. MAY: Okay.

23 MS. STEINER: Yeah, MG Residentials. If you
24 can look them up, you'll see for the last three --

25 MR. MAY: I understand. I was trying to

1 understand what --

2 MS. STEINER: Oh, I'm sorry.

3 MR. MAY: Because I thought you might have
4 said Menkiti.

5 MS. STEINER: Menkiti. Bo Menkiti.

6 MR. MAY: Bo Menkiti.

7 MS. STEINER: Yeah.

8 MR. MAY: Yeah, yeah. Okay. So, I know,
9 he's been before us with projects.

10 MS. STEINER: Yes.

11 MR. MAY: Okay. Thank you.

12 CHAIRMAN HOOD: Ms. Steiner, so that's who
13 you were advocating for, Bo?

14 MS. STEINER: Well, he's in my single-member
15 district.

16 CHAIRMAN HOOD: Okay. Okay.

17 MS. STEINER: And I'm just, you know, and
18 that was the only -- that was a broker and I know
19 what he's been doing as far as his work.

20 CHAIRMAN HOOD: Well, he'll know how to work
21 his way in some kind of way. If he doesn't get this
22 one, he'll know how to work his way in another one.

23 MS. STEINER: Okay.

24 CHAIRMAN HOOD: I thought you was talking --
25 okay. All right. All right.

1 MS. STEINER: No, him. Yes.

2 CHAIRMAN HOOD: All right.

3 MS. STEINER: Because he's in my single-
4 member district.

5 CHAIRMAN HOOD: Okay. Well, that's good.
6 That's good. Make sure your mic is on.

7 MS. STEINER: I'm sorry. But the ANC said,
8 instead of specifically naming him, make it Ward in
9 5E. So, then there's a couple others in 5E that they
10 can so choose.

11 CHAIRMAN HOOD: Okay. Okay. Thank you. Any
12 other questions up here of Ms. Steiner? Any cross-
13 examination of Ms. Steiner?

14 MS. RODDY: No.

15 CHAIRMAN HOOD: Ms. Steiner, thank you very
16 much for coming down.

17 Okay. Do we have any organizations or
18 persons who are here in support who would like to
19 come forward? Any organizations or persons who are
20 here in opposition who would like to come forward?
21 And then we have some undeclared. I have to get used
22 to undeclared. All the undeclared folks, your names
23 are on the list, Edward Garrett (sic). Let me put my
24 glasses on. Edward Garnett, Kristin Taddei, Derrick
25 Schultz, and Helen Schietinger. Schietinger.

1 Were you here last night?

2 UNIDENTIFIED SPEAKER: [Speaking off mic.]

3 CHAIRMAN HOOD: Okay. You were here last
4 night. Oh, okay. Okay.

5 So, we have one person that's missing.
6 Edward Garnett, that's you, right?

7 MS. SCHELLIN: Derrick Schultz, he dropped
8 off the list.

9 CHAIRMAN HOOD: Oh, he dropped -- okay.
10 Okay. All right. Let's start to my left, your
11 right. You may begin.

12 MS. TADDEI: Good evening, Commissioners. My
13 name is Kristin Taddei, and I am the Planning
14 Advocate with Casey Trees.

15 As I mentioned last night, we are a
16 Washington D.C. based non-profit and it is our
17 mission to restore, enhance, and protect the tree
18 canopy of the nation's capital.

19 To fulfill this mission, we plant trees,
20 monitor the city's tree canopy, and work with
21 developers to ensure trees are planted and protected
22 throughout the District.

23 We are dedicated to helping the city reach
24 it's 40 percent tree canopy goal by the year 2032, as
25 codified in the Sustainable D.C. Plan. The most

1 important thing we can do to reach this goal is to
2 ensure that development projects achieve a net gain
3 in tree canopy. We hope to collaborate with Madison
4 Homes to prioritize trees during development of
5 Redemptorists's property into 22 townhomes, given
6 that the new residents will also be our neighbors in
7 the Brookland community.

8 As you know, Madison Homes's proposal for
9 these townhomes would impact a grove of mature trees.
10 These trees currently cover 63 percent of the project
11 site, as you can see here. Besides offering beauty
12 and shade, these trees serve as an essential
13 neighborhood amenity, adding value and privacy to
14 homes, and reducing the potential damages caused by
15 pollution, runoff, and erosion.

16 The proposed plan for these townhomes will
17 require the removal of 26 trees in total. Five of
18 these are special trees designated by the Urban
19 Forest Preservation Act of 2002, as any tree greater
20 than 55 inches in circumference. The law requires,
21 as was spoken about earlier, that property owners pay
22 for a permit to remove special trees. This law was
23 recently amended but Madison Homes applied for
24 removal permits prior to the new provisions taking
25 effect in July 2016.

1 It will take a generation or more before
2 newly planted trees can produce the kinds of benefits
3 these large trees provide. Removing these trees
4 drastically reduces the site's total tree canopy.
5 Madison Homes's landscaping plan includes new trees
6 that would only reach 29 percent canopy at maturity,
7 and I would just like to note that we've drawn the
8 trees here according to the species Madison Homes has
9 selected for those locations, and we've given them
10 the benefit of the doubt by drawing them at their
11 mature sizes as opposed to the sizes that they've
12 drawn them in their plans.

13 After carefully examining the site and plans,
14 our analysis shows that there is a real opportunity
15 to both redevelop the site, and to regrow a healthy
16 and beautiful tree canopy. I'm excited to present to
17 you, our recommendations.

18 It is possible to achieve a 65 percent tree
19 canopy on site, while maintaining the proposed
20 building footprints. To account for lost tree
21 canopy, we urge you to ask Madison Homes to take the
22 following actions. First, to ensure no tree canopy
23 is lost with this development, Madison Homes should
24 adopt a 65 percent tree canopy goal. To achieve this
25 goal replacement trees can be planted at a ratio of

1 three new trees for every one tree removed.

2 Appropriate species for the site should be
3 selected and shade trees should be prioritized to
4 maximize benefits. These replacement trees should be
5 planted in the yards of all townhomes, and in the
6 remaining green space around the Holy Redeemer
7 College building. Providing a tree for every home
8 will increase property values and create a more
9 inviting space.

10 Madison Homes can take advantage of Casey
11 Trees fee for service program, which will allow the
12 development team to work with the neighboring
13 community to plant replacement trees.

14 In addition, the D.C. Comprehensive Plan
15 prioritizes converting institutional property in this
16 area of the city, into parks. Protecting the
17 remaining green space around the Holy Redeemer
18 College in a conservation easement would set this
19 property apart from others, giving trees space to
20 grow long, undisturbed lives.

21 Casey Trees has a conservation easement
22 program, and given the proximity of the site would be
23 open to discussing this opportunity with Madison
24 Homes.

25 Finally, Madison Homes's existing conditions

1 plan, landscaping plan, and erosion and sediment
2 control plan should be amended as follows.

3 First, include the six trees not currently
4 shown on the existing conditions or erosion and
5 sediment control plans. Also, select water loving
6 shade trees for the proposed rain gardens, amend the
7 list of shade trees to include only large trees,
8 commit to protecting all existing trees outside the
9 LOD, including those trees not currently marked for
10 protection.

11 Casey Trees Urban Tree Selection Guide is a
12 great resource for selecting appropriate tree
13 species, and I have copies with me tonight if the
14 development team is interest in seeing that.

15 The actions I've outlined offer the Zoning
16 Commission and Madison Homes a real opportunity. By
17 following these steps, we can ensure that our
18 community does not lose essential tree canopy. We
19 can continue to work toward the City's 40 percent
20 tree canopy goal, and we can still offer 22 new
21 townhomes in Brookland. We would be happy to work
22 with Madison Homes to achieve a 65 percent tree
23 canopy on site, or to provide additional information
24 for this development.

25 Thank you for your consideration.

1 CHAIRMAN HOOD: Okay. Thank you. Next.

2 MS. SCHIETINGER: Push it? Okay, I'm on now.
3 That's good.

4 Hello. My name is Helen Schietinger. I'm a
5 retired nurse and I am a volunteer with Casey Trees.
6 I'm a resident of Washington, D.C. And I made my
7 home in the District 25 years ago. The street I
8 moved to was lined with magnificent oaks that were 70
9 years old at the time and are the foundation of the
10 quiet, tranquil character of the street. I'm here
11 today because everything I tell you about the value
12 of the street -- of the trees on my street can be
13 said about Brookland, where the stately trees and
14 remarkable architecture form the foundation of that
15 unique neighborhood.

16 I know Kristin has talked about the value of
17 shade trees. I just want to emphasize the importance
18 of shade trees and encourage the Zoning Commission to
19 hear what -- to take into consideration what Casey
20 Trees is offering.

21 The major thing I think that shade trees are
22 important for is cooling. In the summer, the huge
23 canopy covering the street and the yard absorbs the
24 sun's heat, and I know for a fact in my neighborhood
25 that it's significantly cooler than downtown, where

1 the bare asphalt streets and cement sidewalks retain
2 heat and radiate it into the air. I also know that
3 shady parking places are coveted wherever I go.

4 All the while, shade trees provide benefits
5 beyond aesthetics and temperature control. They
6 increase the property value of the homes on the
7 street, and they contribute significantly to
8 retaining storm water. One of the main advantages of
9 having trees on private property like Madison Homes's
10 development, is that they tend to be healthier and
11 fare better than street trees.

12 First, there's no competition with utility
13 wires. There's plenty of space for the roots to find
14 water and nourishment in the grass and in the
15 landscaping. And those very roots are what absorb
16 rain water, contributing to storm water retention.
17 So, those healthy trees are an investment in the
18 value of the property that's being developed. That's
19 why architects draw landscaping into the trees in
20 their plans. And in higher end development you see
21 large trees being planted for the aesthetic value.

22 I would like to see more trees in this plan.
23 I think it's a shame that the project is not LEED
24 certified. That tells me it's not forward looking.
25 I see very few trees in the pictures that I saw on

1 the wall. I'm going off my notes now. There were
2 fewer in the last year's design -- in this year's
3 design than last year despite the building reduction,
4 and there are more impermeable surfaces in the second
5 design this year from last year.

6 I just see very -- in most ways the plan is
7 not doing the forward-looking things that I've
8 learned are good for the environment. And most of
9 the benefits that they listed are not permanent
10 improvements. They seem more like buy offs of
11 stakeholders. To give backpacks to students doesn't
12 seem to be much like about improving the quality of
13 life of the residents of Brookland.

14 I expected more trees, not cutting down trees
15 so that you can see a building. So, in conclusion,
16 the citizens of Washington count on the Commission to
17 maintain the integrity of our city. I see the tree
18 canopy being threatened each time a new building goes
19 up without trees. When trees are removed in the name
20 of expediency and cost, our quality of life is
21 degraded and our urban living space is damaged.

22 So, I urge the Zoning Commission to take the
23 long view. Preserve the existing character of
24 Brookland, which is an old neighborhood with old
25 trees. Insist that large shade trees be protected,

1 and make sure that those that are removed are
2 replaced with shade trees that will continue to grow
3 decade after decade, helping restore D.C.'s tree
4 canopy, which is one of our city's most precious
5 assets. Thank you.

6 CHAIRMAN HOOD: Thank you. Next.

7 MR. GARNETT: Hello. My name is Edward
8 Garnett. I live at 3055 Chancellor's Way. My back
9 porch overlooks the site, so to some extent, this is
10 literally my back yard.

11 The first time around this project was
12 proposed, I wrote about my concerns in a letter of
13 opposition to this Commission. In the interest of
14 time I won't rehash those concerns. I applaud the
15 Commission for setting aside the initial proposal,
16 but I do think that while not perfect, the revised
17 plans are an improvement.

18 Madison Homes has been responsive to the
19 concerns that the community raised the first time
20 around in its subsequent community meetings after
21 submitting this new proposal. Any project involves a
22 tradeoff between cost and benefits. The costs here
23 are the loss of green space, and 26 mature trees.

24 On the positive side, there are 22 new homes,
25 including three affordable units with two at the 50

1 percent income level. This means new residents in
2 the neighborhood, in a Metro accessible location.

3 The project also protects a beautiful site.
4 The building itself is quite stunning, but in need of
5 maintenance and upkeep. The development is
6 designating this building as historic and will
7 explore converting the building to housing in the
8 future.

9 Finally, the proposal would protect, via
10 covenant, the northern part of the site. I would
11 encourage -- I would echo the prior witnesses. I
12 would encourage Madison Homes to improve the tree
13 canopy on both the south and the north portions, and
14 to replace the -- with appropriate specimens, while
15 pruning the north portion of the site to preserve
16 these remaining trees that are in need of upkeep.

17 I believe that this project has adapted,
18 based on community concerns, adds needed housing to a
19 growing city, protects green space, and therefore I
20 support it. Thank you.

21 CHAIRMAN HOOD: Thank you. We appreciate
22 everyone's comments.

23 I want to go back to the backpacks. And I
24 just have to comment because that just went right --
25 that blew me -- the comment. I don't think you meant

1 it like that, the way it sounded. I have to go back
2 and look at the recording. But I've been up there
3 for years to the Casey Foundation, and I see how
4 those young people who would not have a backpack to
5 go to school with, get backpacks.

6 So, I don't think you meant it how it
7 sounded. That's why I want to correct that, because
8 the way it sounded was that --

9 MS. SCHIETINGER: Absolutely.

10 CHAIRMAN HOOD: -- why are we looking at
11 backpacks when we should be putting trees up. You go
12 in some neighborhoods and go with that argument, you
13 going to have a problem.

14 So, I think I'm not knocking either one.
15 Especially the backpacks, or the trees. But I just
16 think that we've got to be real careful because to
17 see those young people, and I know that their parents
18 can't afford it. To see those young people smiling
19 with their new backpacks, and to go there just watch
20 them, I don't know if you've ever experienced it, but
21 sometimes you see those --

22 MS. SCHIETINGER: No, I know exactly what you
23 mean.

24 CHAIRMAN HOOD: You see those who don't. And
25 you should see those young people. And when you said

1 it, I thought about all the little young people that
2 run by me while I sit there. I just make sure they
3 don't step on my feet, because my feet hurt most of
4 the time. But they run by me all the time and they
5 just is happy with those backpacks. And it means a
6 lot to them.

7 MS. SCHIETINGER: Oh, I --

8 CHAIRMAN HOOD: So, I commend it. I saw
9 that.

10 MS. SCHIETINGER: I absolutely agree.

11 CHAIRMAN HOOD: Okay.

12 MS. SCHIETINGER: I'm sorry. What I -- I
13 wasn't thinking of backpacks as being meaningless,
14 and I think that we should have more of those sorts
15 of benefits for the children in our schools in
16 general.

17 CHAIRMAN HOOD: Okay. I just wanted to --

18 MS. SCHIETINGER: I mean, it's an
19 alternate --

20 CHAIRMAN HOOD: -- clarify that, because I'm
21 sure that --

22 MS. SCHIETINGER: It's just, it's just
23 that --

24 CHAIRMAN HOOD: -- it wasn't meant how it
25 sounded.

1 MS. SCHIETINGER: Yeah. It just is not a
2 permanent benefit that I would think the developer of
3 homes would be providing in the way that they're
4 investing in this project. It seemed more like a way
5 of paying off the community rather than providing
6 more affordable housing, which I think is completely
7 inadequate, personally. And I think the term
8 affordable housing is a euphemism for -- it doesn't
9 mean that poor people can afford the houses or that
10 people without incomes can afford the houses. It
11 just means they're lower income, they're lower in --
12 the people who live there are going to have to pay
13 less for rent than at a certain percentage than the
14 people -- than the general neighborhood. But it
15 doesn't mean that the people in the neighborhood who
16 can't afford those homes are able to pay that much.

17 CHAIRMAN HOOD: Okay. Yeah, that's a whole
18 long -- that's a whole other issue, affordable
19 housing down here. Trust me.

20 Let's see. Let me open it up. Any comments
21 or questions? Commissioner Turnbull?

22 MR. TURNBULL: Thank you, Mr. Chair. Thank
23 you all for your comments tonight. Greatly
24 appreciate it.

25 Ms. Taddei, I had one question for you. In

1 the entry courts to the new townhomes, I hope you're
2 not talking about planting large trees in a 28-foot
3 courtyard.

4 MS. TADDEI: You're talking about in the
5 yards for the --

6 MR. TURNBULL: Right.

7 MS. TADDEI: -- new townhomes? So, I haven't
8 looked at that area specifically and I don't know
9 what size tree that would be appropriate for that
10 space. But again, that's something I'd be happy to
11 look at, and if a smaller or medium sized tree is
12 more appropriate, then of course we would advocate
13 for that.

14 MR. TURNBULL: Well, because what I'm always
15 concerned about, and I really appreciate as many
16 trees as we can get. I've also seen too many
17 projects, too many developments, too many of my
18 neighbors, I want to plant an oak tree or some other
19 large tree, six to eight feet from their house, and
20 in 20 to 30 years it looks ridiculous, and the tree
21 gets butchered and scalped. And you look and you go,
22 what is wrong with people? Don't they realize what
23 the reasonable caliper is a tree for planting near a
24 house?

25 And it's one of those things, it's a very

1 delicate balance because --

2 MS. TADDEI: Absolutely. Yeah.

3 MR. TURNBULL: -- you know, I've just seen
4 some very shameful things done with some beautiful
5 trees.

6 MS. TADDEI: So have we.

7 MR. TURNBULL: You know, so.

8 MS. TADDEI: And, no, I would just say that
9 what we typically advocate for is the right tree for
10 the right space.

11 MR. TURNBULL: Yeah.

12 MS. TADDEI: And I certainly would echo your
13 points about you know, large trees in small spaces
14 just simply not doing well. And we want trees to
15 live long health lives. So, if the space is too
16 small we would certainly argue for a smaller tree for
17 that space.

18 MR. TURNBULL: Okay. Thank you.

19 MS. TADDEI: Especially if there are wires
20 overhead, which it sounds like some of those oak
21 trees may have experienced.

22 MR. TURNBULL: There could be. Yeah.

23 MS. TADDEI: Yeah.

24 MR. TURNBULL: Thank you.

25 MS. TADDEI: Uh-huh. No problem.

1 CHAIRMAN HOOD: Okay. Vice Chair.

2 MR. MILLER: Thank you, Mr. Chairman. Thank
3 you all for your comments and good to see you again,
4 Ms. Taddei.

5 MS. TADDEI: Nice to see you too.

6 MR. MILLER: Are you going to be here for all
7 of our cases that we --

8 MS. TADDEI: I think you can expect to be
9 seeing more of me.

10 MR. MILLER: All of our cases have trees that
11 come down and trees that go up. So, the specificity
12 of your recommendations, I appreciate, and I think
13 probably the developers might appreciate earlier on
14 in the process.

15 MS. TADDEI: I'm relatively new, so you'll be
16 seeing more of me.

17 MR. MILLER: Okay. And maybe they can get
18 incorporated. And is Urban Forestry still part of
19 DDOT? Yeah.

20 MR. WESTROM: That's correct. They are.

21 MR. MILLER: Yeah, so maybe you can get your
22 comments incorporated in to what they comment to us
23 on as well. And we'll ask the developer how
24 reasonable it is they can get back to the canopy that
25 is there, because I think that's -- the specificity

1 of your recommendations on the number and the types
2 of species is something that we can ask about. So, I
3 appreciate that.

4 MS. TADDEI: Yeah. Happy to work with the
5 Zoning Commission or the developer in this case.
6 Absolutely.

7 MR. MILLER: Look forward to seeing you many
8 more times.

9 MS. TADDEI: I'll be here.

10 CHAIRMAN HOOD: Any other comments up here?
11 Okay.

12 Does the applicant have any cross? Okay.
13 Does the ANC have any cross? Okay. Thank you all
14 very much. We appreciate it.

15 CHAIRMAN HOOD: Okay. Ms. Roddy, I guess I
16 can do any rebuttal you may have, and closing.

17 MS. RODDY: Thank you. I would like Mr. Ruhl
18 just to respond to a couple of the comments that were
19 made with respect to the tree canopy so I'll turn it
20 to him to address those points.

21 MR. RUHL: Thank you, Commissioner. I'm well
22 aware of Casey Trees. I volunteered with them years
23 ago and they're a great organization, and I
24 understand their concern about protecting the tree
25 canopy. One of the things that we've done at

1 Brookland Townhomes is done preservation techniques
2 and that we will be replacing the canopy, the canopy
3 that is existing there that is poor. However, from
4 the arborist report we will be replacing that tree
5 canopy in time. It will take some time and a
6 generation to get those trees there. We are
7 proposing quite a bit of shade trees. We have not
8 specified the exact species. We will work with Casey
9 on that. Deciduous species that are appropriate for
10 the site, oaks, maples, and things like that.

11 There is some more opportunities for trees on
12 the Brookland Townhome site and we will work with
13 them on that.

14 MR. MAY: So, are you saying that -- I mean,
15 they had testified that it was, your tree cover based
16 on the notional site plan that you had was more like
17 29 percent versus the 65 that's there now, or are you
18 saying that you were striving to increase that to get
19 something closer to the 65, or at least more than the
20 29 percent? What are you saying in terms of how far
21 you're willing to go?

22 MR. RUHL: We --

23 MR. MAY: Or, I mean, maybe you can't answer
24 that. Maybe --

25 MR. RUHL: Yes. The tree canopy that we are

1 removing, we will be replacing, and I'm not sure
2 honestly that the 65 percent number that they have
3 come up with, I have a different number, but we are
4 replacing in kind, the tree levels.

5 MR. MAY: So, it's your objective to match
6 the tree cover that exists now on the site, in
7 essence?

8 MR. RUHL: Yes.

9 MR. MAY: Okay.

10 MR. RUHL: In addition, I'd just like to say
11 that the comment about the impervious area that has
12 increased, with the reduction of the townhomes our
13 impervious area has significantly decreased with
14 respect to the drive aisles and the roofs from the
15 north area.

16 MS. RODDY: So, in closing I appreciate
17 everyone's time. I would like to draw the
18 Commission's attention to a letter of support from
19 the Edgewood Civic Association in the record. Mr.
20 Rosenberger worked with Mr. Clark a great bit and I
21 believe that our benefits and amenities package
22 addressed his comments. We also have a letter of
23 support from Mr. Schultz, I believe, and he had
24 testified or submitted a letter at the last hearing
25 with concerns. So, again, a reflection that the

1 changes to the plans have gone to address comments
2 that we heard from the commission and from the
3 community.

4 And we understand the ANC's commission -- the
5 comments. Ms. Steiner was the one who encouraged us
6 to reach out to Ward 5 nonprofits. Mr. Rosenberger
7 has been in touch with the Brookland Edgewood Family
8 Support Collaborative, and we've met with them to
9 discuss their job training program. And so, the
10 contribution will be going toward that program. Mr.
11 Rosenberger has, as he said, met with the realtor and
12 will consider the Ward 5 realtor, just as he would
13 consider any of the other realtors. It's just a
14 matter of not being able to commit to that specific
15 realtor, but of course, we are happy to consider Ward
16 5 realtors as a part of this program.

17 And so, with that, we appreciate your time,
18 we appreciate the comments that you have provided,
19 and we think that what we've presented tonight is a
20 superior plan to what we've presented last year.

21 CHAIRMAN HOOD: All right.

22 MR. TURNBULL: Mr. Chair, I wonder if I could
23 ask --

24 CHAIRMAN HOOD: Sure.

25 MR. TURNBULL: Do you think it's possible,

1 and this is for Mr. Rosenberger and Mr. Ruhl, to
2 provide us? I know you're at an initial stage and as
3 Mr. Ruhl said, you're not really there yet with a
4 landscape plan, but could you maybe give us a little
5 bit more information on a landscape plan that would
6 give us an idea of all of the greater tree canopy
7 that you're looking at, and I mean, at least give us
8 something more than what we see here that would make
9 us feel more comfortable that the tree canopy is
10 coming back the way you're saying. I don't really
11 think I've seen anything in there.

12 MR. RUHL: I'd just like to say that in the
13 packages, towards one of the pages of our application
14 is a plant pallet with a variety of the species that
15 we are considering. And in our landscape plan we are
16 showing those different trees that we --

17 MR. TURNBULL: Whereabouts? What page is
18 that? Direct me to that.

19 MR. RUHL: I believe that's -- I have a copy
20 of it right here. It is, the plant pallet is, it's a
21 C-series sheet.

22 MR. TURNBULL: Okay.

23 MR. RUHL: The landscape plan is C-04, and
24 the plant pallet is C-09. It looks like this, if --

25 MR. TURNBULL: Let's see.

1 MR. RUHL: We've got native, native species.

2 MR. TURNBULL: Okay.

3 MR. RUHL: And C-04, which is a little
4 before, shows the landscape plan.

5 MR. TURNBULL: And you're saying that would
6 address the concerns that were talked about?

7 MR. RUHL: Yes.

8 MR. TURNBULL: I don't know if they've seen
9 that or not. Okay. All right, thank you.

10 CHAIRMAN HOOD: I'm going to take a four-
11 minute break and the commission -- I'm going to do a
12 special call, closed meeting, and I'm announcing it
13 now, so I want to take it in the back. I'm sure I'll
14 be in trouble for it, but anyway.

15 [Short Break.]

16 MR. TURNBULL: I'm good with this. Thank
17 you.

18 CHAIRMAN HOOD: Okay. Sorry about that. We
19 are -- we're still learning some of our rules. So,
20 anyway, let's move forward. I think that this is
21 flavored right and we're ready and I think they've
22 answered the question that Mr. Turnbull, I would
23 propose that we move forward in this case tonight,
24 because we know this is one vote.

25 And, colleagues, what is your pleasure?

1 MR. MAY: I'm certainly prepared to move
2 forward and I'm pleased that we can do this in a
3 single vote, and means that we'll be able to take
4 final action in the single vote tonight and I think
5 that's -- that's appropriate here.

6 CHAIRMAN HOOD: Okay. And we're not
7 disregarding the comments of Ms. Steiner, but we have
8 certain things that are within our jurisdiction, but
9 I want to applaud Ms. Steiner and the ANC for making
10 that attempt, and hopefully you continue to work with
11 Ms. Steiner and them as they continue, but some
12 things are not -- we can't make them -- oh, what was
13 the word you used? Force? We can't force him
14 because if he could everybody would be in -- I would
15 do that with everybody that comes in. But actually,
16 that's not within our jurisdiction.

17 So, anything else, colleagues. Somebody like
18 to make a motion?

19 MR. MILLER: Sure, Mr. Chairman, I would move
20 that the Zoning Commission take I guess final action
21 on 15-02, MHI Brookland, LLC., planned unit
22 development at 3112 7th Street Northeast, Square
23 3645, Lots 802 and 804, Square 3648, Lot 804, Parcel
24 132/89, and ask for a second.

25 MR. MAY: Second.

1 CHAIRMAN HOOD: Okay. It's been moved and
2 properly seconded, any further discussion?

3 MR. MAY: Yes, Mr. Chairman.

4 CHAIRMAN HOOD: Yes.

5 MR. MAY: I just want to mention that, you
6 know, I think we did hear some valuable testimony
7 regarding tree cover and would strongly encourage the
8 applicant, I see lots of heads nodding, to work with
9 Casey Trees and to, you know, work further to, you
10 know, improve the tree canopy and make the most of
11 the site. I mean, we certainly are very supportive
12 of maintaining and improving the tree canopy within
13 the District, and I think you have some willing
14 helpers. So, thank you.

15 CHAIRMAN HOOD: Okay. Any further
16 discussion?

17 [Vote taken.]

18 CHAIRMAN HOOD: Ms. Schellin, would you
19 record the vote?

20 MS. SCHELLIN: Yes. Staff records the vote
21 four, to zero, to one, to approve final action in
22 Zoning Commission Case No. 15-02, Commissioner Miller
23 moving, Commissioner May seconding, Commissioners
24 Hood and Turnbull in support, Commissioner Shapiro
25 not present, not voting. Would just ask the

1 applicant to please provide a draft order. Are you
2 guys looking for a summary order or a full order?

3 CHAIRMAN HOOD: Need a full or a summary?

4 MS. SCHELLIN: Since this had the last
5 hearing, I'm assuming it might need to be a full
6 order. Yeah.

7 CHAIRMAN HOOD: Okay.

8 MS. SCHELLIN: Full order. Okay.

9 CHAIRMAN HOOD: Full order. Okay. All
10 right.

11 MS. SCHELLIN: Thank you.

12 CHAIRMAN HOOD: Anything else, Ms. Schellin?

13 MS. SCHELLIN: No.

14 CHAIRMAN HOOD: Thank you, everyone, for
15 their participation tonight and this hearing is
16 adjourned.

17 [Hearing adjourned at 7:59 p.m.]

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