

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:

Providence Place I LP- : Case No.
Consolidated PUD & : 17-08
Related Map @ Square 5194, :
Lot 824 :
:

Thursday,
October 19, 2017

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

The Public Hearing of Case No. 17-08
by the District of Columbia Zoning Commission
convened at 6:30 p.m. in the Jerrily R. Kress
Memorial Hearing Room at 441 4th Street, N.W.,
Washington, D.C. 20001, Anthony J. Hood,
Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairperson
ROBERT MILLER, Vice Chairperson
MICHAEL G. TURNBULL, FAIA, Commissioner (AOC)
PETER G. MAY, Commissioner (NPS)
PETER SHAPIRO, Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
KAREN THOMAS

DISTRICT DEPARTMENT OF TRANSPORTATION STAFF
PRESENT:

JONATHAN ROGERS

The transcript constitutes the minutes from the Public
Hearing held on October 19, 2017.

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

(6:30 p.m.)

CHAIRMAN HOOD: Good evening. We're ready to get started. Good evening, ladies and gentlemen. This is a public hearing of the Zoning Commission for the District of Columbia.

Today's date is October the 19th, 2017. My name is Anthony Hood and we're located in the Jerrily R. Kress Memorial Hearing Room.

Joining me this evening are Vice Chair Robert Miller, Commissioners Peter Shapiro, Peter May, and Mike Turnbull, Office of Zoning staff Ms. Sharon Schellin, as well as the Office of Planning Mr. Lawson and Ms. Thomas, the District Department of Transportation Mr. Rogers.

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

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

The hearing will be conducted in accordance with the provisions of 11 Z DCMR Chapter 4 as follows: Preliminary matters, Applicant's case, Report of the Office

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1 of Planning, and Report of other Government Agencies, Report
2 of the ANC, organizations and persons in support,
3 organizations and persons in opposition, rebuttal, and
4 closing by the Applicant.

5 The following time constraints will be maintained
6 as needed. Applicant has up to 60 minutes, but I think this
7 record is complete -- sufficient enough for my colleagues and
8 I believe, and we can probably hear this in ten minutes, 15
9 at the most.

10 Organizations, five minutes; individuals, three
11 minutes.

12 The Commission intends to adhere to the time limit
13 as strictly as possible in order to hear the case in a
14 reasonable period of time.

15 The Commission reserves the right to change the
16 time limits for presentations if necessary, and no time shall
17 be ceded.

18 All persons wishing to testify before the
19 Commission in this evening's hearing are asked to register
20 at the witness kiosk to my left and fill out two witness
21 cards. These cards are located to my left on the table near
22 the door.

23 Upon coming forward to speak to the Commission,
24 please give both cards to the reporter sitting to my right
25 and will take a seat at the table.

1 When presenting information to the Commission,
2 please turn on and speak into the microphone. First give
3 your name and home address. When you are finished speaking,
4 please turn your microphone off so your microphone is no
5 longer picking up sound of background noise.

6 The staff will be available throughout the hearing
7 to discuss any procedural questions.

8 Please turn off all electronic devices at this
9 time so not to disrupt these proceedings. Would all
10 individuals wishing to testify please rise and take the oath.

11 Ms. Schellin, would you please administer the
12 oath.

13 MS. SCHELLIN: Yes. Please raise your right hand.

14 WITNESSES SWORN

15 CHAIRMAN HOOD: Okay. At this time, the
16 Commission will present any preliminary matters. Does the
17 staff have any preliminary matters?

18 MS. SCHELLIN: The only preliminary matter staff
19 has is the proffered expert witnesses. They both have been
20 accepted by the Commission before -- Ms. O'Neill as an expert
21 in planning and Mr. Andres as an expert in traffic
22 engineering and planning I believe it is.

23 CHAIRMAN HOOD: Okay. Thank you, Ms. Schellin.
24 Any objections to continuing our status of experts for those
25 two proffered experts?

1 (No opposition.)

2 CHAIRMAN HOOD: Okay. We'll keep that. Anything
3 else, Ms. Schellin?

4 MS. SCHELLIN: No, sir.

5 CHAIRMAN HOOD: Let me just ask: Is there anyone
6 here in opposition to this project?

7 (No response.)

8 Okay. Ms. Batties, you really probably don't need
9 15 -- don't need 15 minutes, but I'll let you -- if you could
10 just answer some of the questions OPED may have had. I think
11 we can do that and then we'll ask our questions.

12 MS. BATTIES: Sure. Good evening. For the
13 record, Leila Batties with the law firm of Holland & Knight,
14 800 18th Street NW.

15 Mr. Chairman, Ms. Gina Smith from -- the Project
16 Manager from DMPED is here this evening to speak on behalf
17 of the administration. She's not part of our presentation.
18 And so because her testimony provides context for what we're
19 -- the application and what we're presenting today, we'd
20 respectfully request the Zoning Commission allow Ms. Smith
21 to testify before we give our remarks.

22 CHAIRMAN HOOD: Sure. That's fine. She can come
23 on up and you can bring your team up as well.

24 Okay. You may identify yourself and you may
25 begin.

1 MS. SMITH: Good evening, Commissioners. For the
2 record, my name is Gina Smith and I serve as Project Manager
3 in the Office of the Deputy Mayor of Planning and Economic
4 Development, otherwise known as
5 DMPED.

6 I am here tonight to testify on behalf of the
7 administration in support of Zoning Commission Case Number
8 17-08 relating to the proposed Plan Unit Development and
9 Zoning Map Amendment at the corner of Nannie Helen Burroughs
10 and 50 Streets on the campus of the Progressive National
11 Baptist Convention, and this project is known as Providence
12 Place.

13 I want to start by recognizing the invaluable
14 contributions of the community, particularly the residents
15 of Lincoln Heights and Richardson's Dwelling, the New
16 Communities' Advisory Committee, ANC 7C, and the Dean Wood
17 Civic Citizens Association.

18 Commissioners, in November 2005, the District of
19 Columbia and DC Housing Authority, in collaboration with the
20 residents of the Lincoln Heights neighborhood, initiated a
21 community-driven planning process for the redevelopment of
22 Lincoln Heights and Richardson Dwellings. The result was
23 Lincoln Heights/Richard Dwellings Revitalization Plan, which
24 was adopted by the DC Council under the District's New
25 Communities Initiative. New Communities focused on physical

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1 redevelopment, care with human capital investment, the
2 guiding principles of which include a commitment to mix
3 income neighborhoods, one-for-one replacement of existing
4 public housing units, the opportunity for residents to access
5 new quality housing units within their neighborhood, and
6 build first to minimize displacement.

7 The revitalization plan and Lincoln Heights cost
8 for the demolition and one-for-one replacement of 440 public
9 housing units at Lincoln Heights and 190 public housing units
10 at Richardson Dwellings, these units will be woven into a
11 vibrant mixed income community in a mixed-use neighborhood.

12 DMPED is committed to advancing the plan for
13 redevelopment of Lincoln Heights and Richardson Dwellings in
14 a way that meets core principles of NCI.

15 DMPED has determined that Providence Place should
16 serve as one of the several build-first sites for Lincoln
17 Heights and Richardson Dwellings, along with the provision
18 of replacement housing prior to the demolition of existing
19 homes at the public housing sites.

20 In addition to the proposed development of
21 Providence Place on the campus of the PNBC, other notable NCI
22 investments include 5201 Hayes Street, a Strand Theater
23 redevelopment, Wilson High School, the Dean Wood Recreation
24 Center, multi-family apartments at 4800 Nannie Helen, as well
25 as capital improvements at Marvin Gaye Park and the Nannie

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1 Helen Burroughs Street estate.

2 At completion, Providence Place, other build-first
3 sites, and Lincoln Heights and community dwellings will
4 contain a mix of public housing, other affordable and market
5 rate units as well as resident and public amenities.

6 We anticipate Lincoln Heights and Richardson
7 Dwellings, like NCI's Park Morton redevelopment, will be
8 complete -- completed without involuntary displacement of
9 residents from the neighborhood.

10 Providence Place is what will make this possible.
11 Like Park Morton, we expect Lincoln Heights and Richardson
12 Dwellings to be national models that improve upon the history
13 of public housing redevelopment, where in the past better
14 quality housing in neighborhoods were only achieved at the
15 expense of displacing long-term residents.

16 Providence Place, LP proposes to develop a 100-
17 unit building and to provide 35 replacement units for Lincoln
18 Heights and Richardson Dwellings' families. A significant
19 portion of those units will be sized for families, including
20 large debt re-size which is an important priority for
21 permanent residents.

22 DMPED will continue to work with the DC Housing
23 Authority, the developer, and residents of Lincoln Heights
24 and Richardson Dwellings to develop an occupancy plan for the
25 building which will be transparent, clear, and extensively

1 communicated throughout the community well before leasing at
2 Providence Place begins.

3 In conclusion, I want to reiterate the commitment
4 -- our commitment to creating a neighborhood of diverse
5 populations, extensive housing choice, neighborhood
6 amenities, and pathways to the middle class. This project
7 will move us closer to achieving those goals.

8 Thank you for the opportunity to testify and I'm
9 happy to answer any questions the Commission may have.

10 CHAIRMAN HOOD: Okay. Thank you, Ms. Smith.
11 Let's see if we have any questions up here before we go --
12 because I don't know if you have to leave or anything, so we
13 want to get you in. Any questions up here?

14 Do you have any questions?

15 MS. BATTIES: No.

16 CHAIRMAN HOOD: Okay. ANC -- do we have a
17 representative from ANC 7C? Do you have any questions of Ms.
18 Smith?

19 MS. MALLOY: When I give my testimony -- I would
20 like for her to wait around.

21 CHAIRMAN HOOD: All right. Okay. I didn't say
22 she -- I mean, I was just saying if she had to leave, but she
23 -- she's heard you now. I'm not sure what her schedule is.

24 Okay. We should move pretty quickly anyway.
25 Okay. Thank you.

1 MS. SMITH: Thank you.

2 CHAIRMAN HOOD: You can hold a seat just to take
3 some questions that might come up.

4 MS. SMITH: Okay.

5 CHAIRMAN HOOD: Okay. You may begin.

6 MS. BATTIES: I'll just be very brief. I want to
7 say that the Applicant appreciates the Office of Planning's
8 recommendation in support of the application.

9 In response to a few outstanding items in your
10 Office of Planning Report, I want to note that the first
11 source and CBE agreements have been submitted to the
12 respective agencies and copies have been filed with the
13 Zoning Commission.

14 Also, the Applicant has no issue with modifying
15 the flexibility language as it relates to the exterior
16 materials, to read something to the effect that, "The final
17 selection of exterior materials will be within the color
18 ranges and material types as shown on the plan. Any changes
19 to the exterior materials must be approved by the Zoning
20 Commission and may be considered as a consent calendar item."

21 That's consistent with the Office of Planning
22 Report.

23 The other thing I will note is that you guys have
24 received a set of alternative building design drawings.
25 We're requesting that the Zoning Commission allow the

1 Applicant flexibility to build the project as shown in the
2 original plans or as shown in the alternate plans. The
3 alternate plans basically just remove the five-story portion
4 of the building -- a portion of the five-story portion of the
5 building and that's related to the most recent or updated
6 production costs and budget for the project, and Ms. O'Neill
7 can further describe how that changes the amenities or layout
8 of the building in her -- when you -- if you have any
9 questions for her about that.

10 And, lastly, I'll note that we appreciate also
11 DDOT's report and support for the application. I know there
12 were two outstanding issues that Mr. Andres was working on
13 with DDOT, so I'm gonna let him address those two items.
14 Thanks.

15 MR. ANDRES: Good evening, Commissioner Hood,
16 Members of the Commission. My name again is Erwin Andres
17 with Gorove Slade Associates. As part of our coordination
18 with DDOT and our design team, DDOT had identified four
19 conditions in their review letter dated October 10th and
20 those four conditions included, the first, a pedestrian
21 connection along 50th Street, which the Applicant has agreed
22 to implement. The second is construct a six-foot sidewalk
23 and four-foot-wide tree box along 50th Street from Fitch
24 Place to Nannie Helen Burroughs. The Applicant also agrees
25 to implement that. Enhance the TDM plan to include two

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1 elements -- one is extending the Capital Bikeshare membership
2 for a period of three years and work with Go DC Go in order
3 to implement the TDM. And the Applicant agrees to do that.

4 The one outstanding condition that DDOT had -- had
5 requested was that they wanted an internal sidewalk on the
6 rear side of the building from the -- one of the pedestrian
7 exit points that they wanted a piece of sidewalk to extend
8 to essentially an internal sidewalk network that's currently
9 in place. Due to site constraints associated with the
10 building and allowing for light and air to get into some of
11 the lower level units on the back side, we are not able to
12 -- to meet that condition. Based on our coordination with
13 DDOT -- I don't want to speak for them, but they seemed okay
14 with it. But Mr. Rogers is obviously here from DDOT to --
15 to comment on that.

16 The second item which Ms. Batties had alluded to,
17 they talked about -- actually, we proffered in our TDM on
18 bundling parking spaces. That was an inadvertent proffer
19 from us because, unfortunately, we cannot unbundle the
20 parking spaces given that it's an affordable housing project.
21 So given that, we don't intend to charge for any of the
22 parking. We are unable to unbundle the parking, so that is
23 -- that's clarification that, again, we coordinated with DDOT
24 and they seemed to be okay with it.

25 So those are my clarifications of DDOT's comments.

1 MS. BATTIES: And the last thing I just want to
2 note before we close our testimony here is at the direction
3 of the Office of the Attorney General, I want to clarify or
4 confirm that the project does fall within the IZ exemption
5 under Section -- Subtitle C, Section 1001.6. This is a
6 project that will be funded in large part by District funds,
7 including New Communities' funding, tax-exempt bonds, and
8 DCHFA housing tax credits. Also, the occupancy of these
9 units will be monitored by DCHA and DC Housing Finance
10 Agency.

11 And, lastly, the Applicant agrees that after the
12 40-year affordable term under these financing sources
13 expires, ten percent of the gross floor area of the building
14 will be reserved for households with incomes not exceeding
15 60 percent AMI, which is the requirement -- the IZ
16 requirement under the regulations now.

17 So, with that, we'll conclude our --

18 CHAIRMAN HOOD: Before you conclude, show us what
19 floor is gonna -- where a portion of the top floor will be
20 taken off. Let's do that, too.

21 MS. BATTIES: Sure.

22 CHAIRMAN HOOD: It may save us a few questions.

23 MS. O'NEILL: Good evening, Commissioners. I'm
24 Cheryl O'Neill with Torti Gallas and Partners, 1326 H Street
25 NE. Bear with me a minute.

1 It initially has to do with a very small portion
2 of the building, which is five stories tall, for a very small
3 portion of the roof area and this slide indicates the extent
4 that we are eliminating that portion of the building that
5 causes this five-story condition which, again, presents
6 budget difficulties for the building, which is to move it
7 further south so that the building is continuously -- even
8 though it steps out with the grade -- it is four stories.

9 So on the roof plan, what we've shown here is you
10 can see the revised extent of the upper level roof there and
11 then in place of that --

12 COMMISSIONER TURNBULL: Can you move your mouse
13 to sort of indicate -- the cursor.

14 MS. O'NEILL: So originally the extent of the --
15 of the upper level roof was to here. That caused a condition
16 where this wing of the building was five stories, which
17 presented increased wage labor rates which presented an
18 increase in the budget of a considerable extent that made it
19 really difficult to afford the project.

20 So what we've done is to move the extent of the
21 upper level roof over to this portion right here so that all
22 of this portion of the roof is four stories, all of this
23 portion of the roof is four stories. It simply steps down
24 with the grade.

25 In place of that, we've relocated the roof

1 terrace, which used to be over here, over to this corner
2 which actually we think is a more desirable location because
3 you have better views from that outside corner of the -- of
4 the building, closer to 50th Street and looking down the
5 hill. We've also relocated the solar panels on the roof to
6 be equivalent to the plus or minus six thousand square feet
7 that we were originally proposing in terms of solar panels.

8 So if you look at the elevations, the appearance
9 of the building from 50th Street is pretty much the same.
10 This continues to be a vertical kind of accent that
11 articulates the secondary entrance into the building. The
12 upper level of this then becomes a screen around the roof
13 terrace, and these become openings rather than windows.

14 Decorative railings and whatnot we'll incorporate
15 and kind of continue the art that we have already on the
16 facade.

17 And then this last one shows just a little bit of
18 the detail of that bay and its transformation at the upper-
19 most level to be this kind of open air screen that will
20 encase and kind of enclose the roof terrace that is up at
21 this level. And, again, the fourth -- the upper-most level,
22 which used to stop over here, is now stopping a little bit
23 further south on the facade.

24 This will reduce the number of units from 100
25 units to approximately 93. But 35 replacement units for

1 Lincoln Heights will remain.

2 CHAIRMAN HOOD: Are we finished? Okay.

3 MS. O'NEILL: Yes, sir.

4 CHAIRMAN HOOD: All right. Thank you all very
5 much. We appreciate your presentation to us. Let's see if
6 we have any questions up here? Commissioner Shapiro?

7 COMMISSIONER SHAPIRO: Thank you. I just want to
8 make sure I understand. Are you -- are you coming to us with
9 two alternatives and you're asking us to approve them both,
10 or is this a done deal and you're revising your proposal?

11 MS. BATTIES: We're asking you to approve them
12 both so that the Applicant have -- can have flexibility to
13 construct either.

14 COMMISSIONER SHAPIRO: If the -- oh, I see.

15 MS. BATTIES: We're asking you to grant the
16 Applicant flexibility to construct --

17 COMMISSIONER SHAPIRO: Right.

18 MS. BATTIES: -- either design.

19 COMMISSIONER SHAPIRO: I mean, but I'm -- it may
20 be moot, but I'm hearing two different things. I'm hearing
21 that this -- so it's not about what -- it's not about the
22 financing. It's about this kicks you into some other --

23 MS. BATTIES: This has to do with Davis-Bacon
24 wages.

25 COMMISSIONER SHAPIRO: -- Davis-Bacon wages.

1 Right.

2 MS. BATTIES: We assumed that we were in
3 residential rates because of the way the podium and the
4 billing and --

5 COMMISSIONER SHAPIRO: But that's not gonna
6 change, though; right?

7 MS. BATTIES: With the -- we just had a meeting
8 earlier in the week with the Housing Authority. They --
9 because we have a very small piece of the building that's
10 five stories, they maintain that it would kick us into high-
11 rise building Davis-Bacon wages --

12 COMMISSIONER SHAPIRO: Right.

13 MS. BATTIES: -- which will add an additional ten
14 or 12 percent to the project budget. If we eliminate that
15 very small wing of the building, which we have done in this
16 revised design, we continue to be four stories throughout so
17 we are back in the residential wage rate.

18 COMMISSIONER SHAPIRO: So you're saying you're
19 still under negotiation enough where there's a possibility
20 that it might -- you might be able to get away with the five-
21 story version?

22 MS. BATTIES: That is correct.

23 COMMISSIONER SHAPIRO: Okay. So just -- maybe
24 this is a question for -- for my more experienced colleagues,
25 but it doesn't seem like we're using the business of the

1 prudent two options. But if we approve the larger version,
2 then would they come back to us with some kind of a
3 modification of consequence to change it? I mean, what's a
4 normal process for us?

5 CHAIRMAN HOOD: I think what -- I mean, I think
6 that's a good question. What we can do is we can discuss
7 that as we deliberate 'cause I do have some comments on that
8 and that's why I wanted Ms. O'Neill to -- well, I think you
9 -- you said more experience.

10 COMMISSIONER SHAPIRO: Well, I was talking about
11 Rob, but go ahead.

12 CHAIRMAN HOOD: Okay. But I think -- I think
13 that's a good question. If you don't mind, can we put that
14 in the parking lot and we can come back and ask that
15 question?

16 COMMISSIONER SHAPIRO: Yeah.

17 CHAIRMAN HOOD: 'Cause I think that's a good
18 question. I have some ideas and I'm sure my other colleagues
19 do as well, but I want to make sure we hit all our questions.

20 COMMISSIONER SHAPIRO: Yeah. That's my only
21 question.

22 CHAIRMAN HOOD: Okay. But we will -- we will
23 discuss that when deliberating.

24 COMMISSIONER SHAPIRO: Thank you.

25 CHAIRMAN HOOD: Or if we get to that point. Okay.

1 Anybody else? The more experienced Vice Chair?

2 VICE CHAIR MILLER: I am not the more experienced
3 Vice Chair. You're the Chairman for life. So this is a
4 great New Communities initiative. And I'm pleased -- very
5 pleased to see the deeper and greater amount of affordability
6 than what our modest inclusionary zoning would require and
7 that you're -- you've made the commitment tonight to continue
8 at least the inclusionary zoning minimums after the 40-year
9 affordability period and the 35 replacement units for the
10 Lincoln Heights one-to-one replacement. That's certainly --
11 that's -- that's 30 percent or lower, and that's all good.

12 And the materials and the design and the color all
13 look very -- very attractive.

14 I just had one question. There are no balconies
15 on this beautiful residential project? I always love
16 balconies on a residential project, and I think the
17 residential tenants love balconies just so they can get
18 outside. I guess -- was it an increased cost or what was --
19 are there balconies?

20 MS. O'NEILL: There are no balconies on the
21 project. There's a few balconies in the corners of the
22 projects, but predominantly the facade is without balconies.
23 I think part of it has to do with the kind of siting of the
24 project and the kind of larger landscape. I think part of
25 it has to do with its frontage on 50th Street. And I think,

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1 you know, within the vocabulary of the language that we have
2 here, we just thought the more streamlined kind of look was
3 more appropriate to the building to integrate it with the
4 larger campus.

5 On the courtyards, the inside corners of the
6 courtyards have units with balconies, and those are all
7 associated to the larger bedroom units, the three- and four-
8 bedroom units, which we thought it was appropriate to have
9 some kind of space for those larger units.

10 VICE CHAIR MILLER: So how many units do have
11 balconies then?

12 MS. O'NEILL: At least ten, --

13 VICE CHAIR MILLER: Okay.

14 MS. O'NEILL: -- potentially more.

15 VICE CHAIR MILLER: All right. And the courtyard
16 space -- the amount of open space that's available to -- to
17 the tenants either in the courtyard or on the roof is what
18 square footage approximately?

19 There is that -- there is that open space --

20 MS. O'NEILL: There is that open space. There's
21 an open -- there's a courtyard on 50th Street. There is the
22 courtyard facing Campus Drive --

23 VICE CHAIR MILLER: Uh-huh.

24 MS. O'NEILL: -- as well as the kind of extensive
25 landscape of the campus itself, as well as the rooftop

1 terrace.

2 VICE CHAIR MILLER: Okay. All right. I don't
3 think I have any further questions. Thank you for your
4 presentation. Thank you for presenting this project.

5 CHAIRMAN HOOD: Okay. Commissioner May?

6 COMMISSIONER MAY: Yeah. I had just a couple of
7 quick ones. The Office of Planning had also raised the issue
8 at -- sat down and then stated in their most recent report
9 that it was still unresolved, which is their permanent
10 reservation to the open space portion of the site.

11 Do you want to respond to that?

12 MS. BATTIES: That area will remain as open space.

13 COMMISSIONER MAY: So -- and is it just by virtue
14 of it being the approved PUD, or are you going to separately
15 cut and adapt?

16 MS. BATTIES: I think it's by virtue of its a
17 privacy and it's actually -- but I'll let the architects
18 speak to that.

19 MS. O'NEILL: So this area of the site --

20 COMMISSIONER MAY: Yeah. I know what you're going
21 to --

22 MS. O'NEILL: Yeah -- will remain open space.
23 There's an incredible amount of topography on the site and
24 which, you know, the ridge is really way up here and it
25 starts to descend gradually here and then precipitously here.

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1 There are also several special trees down here, and so this,
2 by virtue of the PUD actually, will remain open space in
3 perpetuity.

4 COMMISSIONER MAY: Okay. Yeah. I think that was
5 the only other question I had. Thank you.

6 CHAIRMAN HOOD: Okay. Commissioner Turnbull.

7 COMMISSIONER TURNBULL: Thank you. I want to also
8 commend you and I agree with the comments of the Vice Chair
9 that this is going to be an exciting project and I think it's
10 going to be a great addition to the neighborhood, so I
11 commend you for doing it the way it is.

12 I guess my only -- my only concern is -- and I
13 think with Commissioner Shapiro, I'm a little -- I struggle
14 a little bit with what you're doing on the roof and the
15 changing of -- normally, when we get to final reviews, you
16 have a pretty good determination of what's gonna happen so
17 that when this comes out, the ZA's got a final set of
18 drawings that we're all nodding our head on.

19 So -- and I'm a little bit confused as to what's
20 going in, what's going on, how that really gets addressed and
21 clarified, so I think we need to maybe go through that and
22 talk about how we can address that -- the roof issue.

23 Other than that, I have no real issues.

24 MS. BATTIES: Commissioner Turnbull, we would be
25 willing to submit -- we just -- this issue came up on Tuesday

1 for us. What we would be willing to do is submit after the
2 hearing a full set of drawings related to the alternate
3 scheme so that you will have the floor plan, the mix of
4 units, more detail about the fifth level, the upper level of
5 the building, so you would have a full set of drawings
6 related to the alternate scheme.

7 COMMISSIONER TURNBULL: I'm having a little bit
8 of trouble as to how the solar panels and everything else
9 gets -- fits in and what goes away, what doesn't go away.
10 Right now, I'm just a little bit confused on how it happens.
11 We can talk about it on the alternates.

12 MS. BATTIES: Solar panels are included on the
13 alternates.

14 MS. O'NEILL: Yeah. Solar panels are included on
15 the alternate scheme and we committed to approximately 6,000
16 square feet of panel which we can accommodate in the
17 alternate scheme.

18 COMMISSIONER TURNBULL: Okay. Thank you.

19 MS. O'NEILL: So that commitment is not changing.

20 COMMISSIONER MAY: Mr. Chairman, --

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER MAY: -- I just want to say, you
23 know, I -- my recollection is that we have approved some PUDs
24 with options. And I think on this one, from the outside
25 physically it's gonna look pretty much the same so, I mean

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1 -- I mean, I certainly think it's worth checking. We want
2 to get clarity about what we may have done in the past. But
3 I wouldn't have any problem with trying to approve something
4 like that and saving the trip back here if they decide to go
5 a different way than what we approve.

6 CHAIRMAN HOOD: Sometimes if you don't say
7 anything -- that's where I was going. If you don't say
8 anything, the lip would be made for you. So I appreciate it.

9 Okay. Commissioner Shapiro.

10 COMMISSIONER SHAPIRO: Thank you. I agree with
11 that, too. I'm more questioning our own process and whether,
12 you know -- that's the history I was looking for. Have we
13 done something like that, and is this a precedent that we do
14 or don't want to be setting. Because it actually looks
15 relatively minor and there's a pretty good rationale for it.
16 But I'm mindful of precedent.

17 COMMISSIONER MAY: I mean, I think it's one of the
18 -- but he talks about we've done options. It's not been the
19 case where, you know, it's a ten-story building and we
20 approve an option for a nine-story building and it's very
21 obvious that it's a different -- you know, a completely
22 different configuration. It's usually something that's
23 fairly simple and not very obvious from the outside and this
24 is, you know -- I mean, if you were talking about dropping
25 down that front facade and shrinking the tower, then it would

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1 be a very different look and I'd have more anxiety about it.
2 But I like -- I actually kind of like the idea of having that
3 bit of facade there and having sort of a protected enclosure
4 for the balcony. I think that's actually a neat feature.

5 CHAIRMAN HOOD: I think what scares us at times
6 when we hear "flexibility," it's almost like a brand new
7 project. People -- we've had applicants come ask us
8 flexibility. I think in this case, as you've already stated,
9 Ms. Batties, that you all can give us something showing both
10 options -- well, the other option and give us a comfort level
11 'cause, as already stated, it's not a whole lot. It's just
12 that down here for some reason, the word "flexibility" gets
13 us a little shaky sometimes because some flexibility is not
14 that simple. Some flexibility is basically a brand new
15 project, so we'll look forward to getting that. And as all
16 my colleagues have mentioned, I was really wanting to push
17 that and make sure we do it that way, but seems like I don't
18 have to do anything, so it's going well right now.

19 Okay.

20 COMMISSIONER TURNBULL: Yeah, Mr. Chair.

21 CHAIRMAN HOOD: Yes.

22 COMMISSIONER TURNBULL: I just wanted to clarify.

23 CHAIRMAN HOOD: Yes.

24 COMMISSIONER TURNBULL: I'm not opposed to
25 flexibility. What I'm -- from the standpoint of the Zoning

1 Commission and our policy, what we normally do is we normally
2 have a -- a set of drawings that when it goes to the ZA,
3 there's no confusion as to what he's looking at and we don't
4 put more flexibility on the behalf of the ZA. I think we
5 just want to clarify what the possibilities are and that he's
6 got an accurate record of what we've approved.

7 CHAIRMAN HOOD: And I think that's what --

8 COMMISSIONER TURNBULL: And that's what --

9 CHAIRMAN HOOD: That's what we'll be getting.

10 COMMISSIONER TURNBULL: Yeah. We would. Yeah.

11 CHAIRMAN HOOD: That's what we'll be getting and
12 that will take care of that. But we'll see when we get it.
13 Okay.

14 Anything else up here?

15 (No response.)

16 Okay. Let's go to the ANC. Do you have any cross
17 examination? We're going to do your report, but do you have
18 any cross examination with what you heard? You want to come
19 to the table -- we want you to come and join us here. We
20 don't want you to sit all the way back there. Turn the
21 microphone on, introduce yourself.

22 MS. MALLOY: Good evening. My name is Patricia
23 Malloy. I wear several hats. I am the ANC Commissioner,
24 7C01 for Providence Place. I'm the Chair of Lincoln
25 Heights/Richardson Dwellings New Communities Initiative, and

1 I'm also a Lincoln Heights resident council president.

2 I'm hearing a lot of things tonight. The changes,
3 they were -- we didn't get a copy. Actually, I thought it
4 was only a four-story building. The fifth floor or fifth
5 story, I just heard about it tonight. And listening to
6 transportation, I've never received a report. Neither my ANC
7 office. If there was a traffic study or something there with
8 transportation, I have never received it.

9 CHAIRMAN HOOD: Let me just ask: Ms. Batties, did
10 you present to the ANC?

11 MS. BATTIES: Yes. The ANC issued a letter in
12 support of the project. Admittedly, the drawings that -- the
13 alternate drawings we really just received today ourselves,
14 so I have a copy here for you, Ms. Malloy, but I can tell you
15 substantively there are no material changes to the project
16 with the alternate design, but I'm happy --

17 CHAIRMAN HOOD: So here's what I'm going to
18 suggest. I'm going to suggest you go back out and talk to
19 the ANC and just tell them about the floor change, what we're
20 discussing here. I think it's pretty straightforward. And
21 especially since you're wearing most of the hats, they don't
22 have to go that far because you're doing a -- obviously doing
23 a great job in bringing everything together, but you didn't
24 get the whole thing. So we want to make sure you get the
25 whole --

1 MS. MALLOY: No, I didn't.

2 CHAIRMAN HOOD: I want to make sure you get the
3 whole thing. But it looks like when I was listening to Ms.
4 Smith and others testify, it looks like this is a very well
5 put-together program from other programs I've seen and dealt
6 with up here across the city, so I'm hoping that information
7 will be given to you and hopefully you all don't find any
8 flaws with it. But I do want them to come back out -- and
9 it shouldn't take a long time 'cause you're not doing a whole
10 lot -- come back out to the ANC. Even though they did write
11 a letter in support --

12 MS. MALLOY: Yeah. We are in support of the
13 project.

14 CHAIRMAN HOOD: Right. Right. But you should get
15 it all.

16 MS. MALLOY: But when you make changes, it doesn't
17 hurt anyone to pick up the phone and say, X, Y, and Z.

18 CHAIRMAN HOOD: Okay.

19 MS. MALLOY: That's what I'm saying.

20 CHAIRMAN HOOD: Right.

21 MS. MALLOY: A lot of things can be avoided
22 because our Chair -- if they would call our ANC office --
23 even if they call me, I would say, What changes? Without
24 seeing this and this for transportation, I have some concerns
25 about the transportation part but, you know, I think --

1 CHAIRMAN HOOD: Of what who said?

2 MS. MALLOY: No. He was saying that -- that the
3 traffic on 50th Street --

4 CHAIRMAN HOOD: On 50th -- okay.

5 MS. MALLOY: Nothing. There's just a lot of
6 things that need to be done as far as the traffic because
7 this is a bus route and it's hilly. It's just -- when
8 Transportation come out, we would like to be a part of that.

9 CHAIRMAN HOOD: Do --

10 MS. BATTIES: The DDOT report and recommendations
11 stay the same. The only thing that we work with DDOT on is
12 making sure that the residents in this building don't have
13 to pay extra to park in the building and we work with DDOT
14 on modifying the condition that creates internal -- internal
15 to the campus. It has nothing to do with public space, so --

16 MS. MALLOY: Why would they have to pay to park?

17 MS. BATTIES: That's -- I agree.

18 MS. MALLOY: No. Why would they have to pay to
19 park in a building that they live in?

20 MS. BATTIES: That's --

21 MS. MALLOY: There is no accessible parking.
22 Where the building is, there is -- there is parking on the
23 street. But even in the building, why would the residents
24 have to pay for parking?

25 MS. BATTIES: We agree. That's why we changed

1 that condition. We agree.

2 CHAIRMAN HOOD: I think what we need to do is go
3 back out to the ANC meeting, make sure that we all understand
4 it, and then give them a comfort level as they continue to
5 move forward. Even though we have a letter in support, we
6 do want to make sure that you go back out to the ANC and
7 answer some of those questions.

8 MS. MALLOY: At least tell us the changes, but my
9 thing is I never knew the residents had to pay to park in
10 Providence Place. I always thought it was -- they told us
11 about the parking, but they never said it was going to be an
12 anticipated fee.

13 CHAIRMAN HOOD: She's talking about the bundling
14 and unbundling. Okay. They're going to come out and explain
15 that to you. I can understand how it may sound confusing
16 whether it's unbundled or bundled.

17 MS. MALLOY: Confusing to me.

18 CHAIRMAN HOOD: Right. But what we're gonna do
19 is we're gonna come back out to the -- well, not -- they're
20 going to come back out to the ANC meeting and explain that
21 to you. Okay?

22 MS. MALLOY: They need to come out to our New
23 Communities Advisory Council meeting and explain it to our
24 residents. I'm being honest with you.

25 CHAIRMAN HOOD: Okay.

1 MS. MALLOY: Because at this point, we are in
2 support of the building, --

3 CHAIRMAN HOOD: Right.

4 MS. MALLOY: -- but there's just some things that
5 I heard that -- the communication is just not there.

6 CHAIRMAN HOOD: Okay. Well, what we're gonna ask
7 -- what the Zoning Commission is going to ask that they come
8 back out to give you some -- whichever meeting -- maybe you
9 can combine some of them or however you all do it -- I'm not
10 sure -- but it would be good to come out and just have a
11 thing where everybody can get clarification 'cause that's
12 what it sounds like.

13 MS. MALLOY: Right.

14 CHAIRMAN HOOD: All right. So do you have any
15 questions other than that?

16 MS. MALLOY: No.

17 CHAIRMAN HOOD: And we're going to bring you back
18 up for your testimony and we heard you loud and clear. Okay?

19 MS. MALLOY: All right.

20 CHAIRMAN HOOD: Do you want to just hold your seat
21 for -- stay right there?

22 MS. MALLOY: I'll sit here.

23 CHAIRMAN HOOD: Okay. All right. Let's go to the
24 Office of Planning and District Department of Transportation.

25 MS. THOMAS: Good evening, Mr. Chairman, Members

1 of the Commission. Karen Thomas for the Office of Planning.
2 And we are recommending approval of this project, as outlined
3 in our report, where we essentially stand on the record of
4 our report.

5 We would like to commend the National -- the
6 Progressive National Baptist Church and the community for
7 accommodating an important housing goal for the District in
8 the one-to-one replacement for the Lincoln Heights, which is
9 regarding residents, and we are satisfied that the Applicant
10 addressed some of our concerns and are available for any
11 questions you might have.

12 Thank you.

13 CHAIRMAN HOOD: Okay. Thank you. Mr. Rogers?

14 MR. ROGERS: Good evening, Mr. Chairman, Members
15 of the Commission. Jonathan Rogers with the District
16 Department of Transportation. DDOT has no issues with the
17 change in the mitigations that were proposed or modified by
18 the Applicant. With respect to the internal sidewalk, while
19 DDOT finds there to be value in that internal sidewalk to
20 connect to the rest of the pedestrian network that's internal
21 to the site, we understand the challenges of implementing
22 that.

23 And so, with that, I'll pause and answer any
24 questions that you may have.

25 CHAIRMAN HOOD: Okay. Well, thank you, Mr.

1 Rogers. Does anyone have any questions or follow-up of DDOT
2 or Office of Planning?

3 I'm not seeing any. Does the Applicant have any
4 cross?

5 Okay. Commissioners, do you have any cross of
6 Applicant or DDOT, what you just heard; any cross?

7 (No response.)

8 Okay. All right. Let's go to the Report of the
9 ANC.

10 MS. MALLOY: Good evening again. My name is
11 Patricia Malloy. I wear several hats, including ANC 7C01 and
12 Chair of Lincoln Heights/Richardson Dwellings New Communities
13 Advisory Council. Today, I'm here to speak on Providence
14 Place.

15 The property's owner, Progressive National Baptist
16 Convention, 601 50th Street NE. We, the residents of Lincoln
17 Heights, are in support of the project. Providence Place is
18 going to be a multi-family green community which consists of
19 a hundred units, of which 35 will be replacement units for
20 Lincoln Heights. We will get five one-bedrooms, 19 two-
21 bedrooms, eight three-bedrooms, and four four-bedrooms.

22 Providence Place is going to be a vibrant
23 community for our residents. There are a lot of oppositions
24 in some of our neighbors because they feel people living in
25 public housing do not deserve anything decent or affordable.

1 So they're always criticizing certain things. But Providence
2 Place I think is going to be different from any development
3 that's been built within Ward 7.

4 Also, I have a little concern with some of the
5 promises from DMPED and the outreach that's been taking
6 place. I know this is the Board of Zoning and this is my
7 first hearing that I've been to. It's been puzzling me --
8 we have an advisory council for New Communities. When we did
9 NCI, we put forth guiding principles. I'm hung up on one of
10 our guiding principles -- the right to return.

11 We've been told by DMPED, Once you move out of
12 Lincoln Heights, you cannot come back. What is the purpose
13 of the right to return, regardless of where you go? We know
14 -- give us the opportunity if we want to come back to come
15 back. Don't tell us, You can't come back. Because at some
16 point, we're not gonna go anywhere. Some will and some
17 won't. But just acknowledge our guiding principles. One-
18 for-one replacement is good The right to return should be
19 respected as well. And until that's done, I don't have any
20 faith in DMPED or anything they're saying. I really don't.

21 I know the projects have to be approved, but we
22 have the right to refuse if we cannot return.

23 That's the end of my testimony.

24 CHAIRMAN HOOD: Thank you very much. Let me see
25 if -- any questions or comments up here for Commissioner

1 Malloy? I didn't get that, Ms. Smith, from your testimony.
2 Could you comment on -- you know, that's always been an issue
3 with me, not just with this development but a lot of 'em
4 across the city -- making sure that the residents return.

5 I thought this -- the way you spelled it out in
6 your testimony, it looked like everything was
7 programmatically to the point that it had been well thought-
8 out. And now I'm hearing -- that's the first I've heard of
9 not having the right to return.

10 MS. SMITH: Yes. Commissioners, again this is
11 Gina Smith of the Deputy Mayor's Office of Planning and
12 Economic Development. Commissioner Malloy is correct that
13 one of the guiding principles of NCI is one-for-one
14 replacement and the right to return. A distinguishing factor
15 there with which Ms. Malloy takes exception is that Lincoln
16 Heights provides us the opportunity, only our second one in
17 the NCI program, to actually relocate families within the
18 neighborhood. And so they will be relocated within a few
19 short blocks of the Lincoln Heights community and once a
20 family is relocated to a public housing unit in one of these
21 build-first communities, then that will be their home.

22 Ms. Malloy takes exception with the fact that
23 there may not be an opportunity to return to the onsite
24 Lincoln Heights redevelopment. What I'd like to offer --
25 also offer for the Commissioners is that this will be a phase

1 redevelopment. It's expected to take place over at least
2 five years. And so while the first residents to move will
3 be those that would move to a unit that would be considered
4 their permanent housing, that for those families that want
5 to remain on Lincoln Heights, that they would have the
6 opportunity to circulate or relocate onsite as the phases
7 move around and then they wouldn't necessarily have to use
8 -- or leave the property proper.

9 So we understand this is a point of contention
10 with some of the community members and we're committed to
11 continue that conversation with them.

12 CHAIRMAN HOOD: Okay. Thank you, Ms. Smith. I
13 will tell you that I've heard this a lot in the past few
14 years. What I've found out, this and a couple of others here
15 lately, as we're doing more and more redevelopment is that
16 those things are being considered, how to move so you can do
17 development. And from what I'm hearing from you is -- and
18 here's another thing that I've learned. I've heard residents
19 come down and say that they want to be able to return. But
20 then once they go somewhere else -- and this is what I've
21 lived -- once they go somewhere else, they like it better
22 where they are and then a lot of times -- and I got this --
23 this is -- I'm sure this is -- there's a track record out
24 there. Some of them -- I know one particular development
25 that we dealt with over the years eventually we heard that

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1 people didn't return. But once they got where they were
2 going, they liked where they were.

3 I'm not saying -- I'm just saying everybody has
4 a different way of whether they want to return or not, so --
5 and from what I'm hearing from Ms. Smith, it sounds like they
6 have a plan put together. It sounds like it.

7 MS. MALLOY: It's -- talk is cheap. If you would
8 come out to one of our advisory council, the residents will
9 tell you what -- and the question was asked over and over.
10 Offer -- whether they want to come back or not, offer them
11 that right. Something needs to be put in writing. If you
12 want to return, you can. We have been told over and over and
13 over that once you move into something new, you cannot come
14 back. I don't like double talk. You either tell me the
15 truth or step away. There is no truth in DMPED.

16 They have their -- and whoever's saying "hmm," you
17 know there's no truth in DMPED. We have an advisory council
18 meeting the first Monday of each month, but DMPED takes it
19 upon themselves the next week have their own little meeting
20 because they don't speak at our advisory council meetings.
21 They have these little pop-up meetings or whatever meetings
22 they call them.

23 If you will come out -- how many residents show
24 up? My thing is why come to us? You're gonna do what you're
25 want to do anyway. We wouldn't be in this predicament if the

1 Housing Authority would take charge of their housing stock,
2 maintain our units. We would not be in this predicament.

3 Because they did not do what they were supposed
4 to do, we are. I feel Housing and DMPED is treating us like
5 a stepping stone. And it needs to stop. It really do. We
6 pay rent. A lot of us work. I just retired. A lot of us
7 work. You would be surprised, but they treat us as though
8 we're cattle. What we say don't matter. You get whatever
9 we give you. And in time, that needs to stop. I'm just
10 tired of DMPED lying. I have no faith in them anymore. I'm
11 gonna be honest with you. This process has been going on
12 since 2008. Enough is enough. I know it takes time to do
13 any development, but stop building our residents' hopes up;
14 three months later, knock 'em down. We have 33 units that
15 have been vacant since 2009. I live right across the street
16 from them. It's a total eyesore. You got rats and mice
17 running like we run. Nobody cares. I'm being honest.
18 Nobody cares. I'm to the point do away with NCI and make the
19 Housing Authority take care of their stock. Because we're
20 just gonna get pushed in the bottom of the barrel until
21 somebody realize -- someone needs to come in here and just
22 take over what's going on. We're just being lied to. And
23 the council and I guess you, if that's what you want, hey, --

24 CHAIRMAN HOOD: Commissioner Malloy, I would just
25 say that my experience before I got on the Zoning Commission,

1 I worked with the -- the City started working with years ago
2 Montana Terrace. So I'm well aware of the concerns 'cause
3 I was asked to come over. I was the President of the Civic
4 Association. I was asked to come over and work with the
5 residents' council, so I understand what you're saying. And
6 some of the same concerns I'm hearing from you now, 20 years
7 later I'm hearing the same things being said by you that we
8 said 20 years ago. But one thing that I notice and I look
9 at when I ride -- 'cause I live over there -- when I ride by
10 there, I look at some of the concerns that we had actually
11 did not materialize. And I'm not saying you don't have any
12 valid concerns 'cause you do. But I think sometimes if we
13 give things an opportunity -- yeah, change -- not just in
14 anybody's case, change sometimes is a little scary. It is
15 -- because we don't know what the outcome's going to be.

16 But I can tell you this: When you come down and
17 you talk about what you're talking about, I know. I've lived
18 it. I haven't always sat up here. I worked hard with Montana
19 Terrace. And when things got going well, then I noticed that
20 everybody seemed to start getting happy. And I have a track
21 record with that particular development and what went on over
22 there in like '95 or so or whatever it was.

23 But I hear you loud and clear. I'm sure the
24 developer hears you loud and clear. Ms. Smith here -- she's
25 representing DMPED -- loud and clear. And the Deputy Mayor

1 for Planning and Economic Development is well experienced and
2 I'm sure -- I know sometimes we feel like we -- nobody here
3 is trying to plead nobody's case. I'm just telling you what
4 I've lived. This is one of the better Deputy Mayors that
5 we've had. We've had some good ones, but this one here is
6 compassionate. I think he -- I will say this: Deputy Mayor
7 Kenner was raised in the Deputy Mayor's Office. I'm gonna
8 say that so you can go back and tell him I said it. He was
9 raised in the Deputy Mayor's Office because I remember when
10 he was a staffer. I remember he was a Chief of Staff.

11 MS. MALLOY: I remember that.

12 CHAIRMAN HOOD: Okay. So sometime -- you know,
13 it might not look like it sometime -- I'm not defending
14 anybody 'cause I'm just trying to help you rest assured that
15 I believe -- I believe that they're going to make sure that
16 you folks are taken care of. I believe that. I've seen it
17 in Montana Terrace when we were all up- -- 'cause I was on
18 the side where we were all upset. We didn't know what was
19 gonna to happen. We complained the City wanted to do this
20 and that, and now it seems like everybody's real happy over
21 there. It may have been 20 years ago, but everybody's real
22 happy.

23 So, anyway, that's enough said on that.
24 Commissioner Shapiro.

25 COMMISSIONER SHAPIRO: Thank you, Mr. Chair, and

1 thank you for your words. And, Commissioner Malloy, first
2 I just want to say I appreciate your leadership. And one of
3 the things that I really appreciate about what you said is
4 you started off with a clear description of what -- of the
5 benefits that you saw in this project and the potential for
6 it, and I hear you loud and clear about not just the hopes
7 you have but the fears you have.

8 And I -- all I can say is I think that's your job,
9 is to -- is to speak to both. I mean, I'm looking at a
10 project that feels like there's a whole lot of potential and
11 I hang onto the words that you started with, describing what
12 the potential benefit for the community was from this
13 project. And I think it continues to be your job to also
14 continue to do the hard work of holding people accountable.

15 So all I can say is I appreciate what you did.

16 CHAIRMAN HOOD: Vice Chair Miller?

17 VICE CHAIR MILLER: Thank you, Mr. Chairman. The
18 New Communities Initiative promise has been around for a long
19 time. And until it delivers, you know, people will feel like
20 they're on promised land, not getting what was promised.

21 Ms. Smith, can you tell us -- I mean, this looks
22 like a project that is trying to fulfill the principles of
23 New Communities, similar to the project we recently approved
24 for Parkview, with a building first in another location not
25 too far away and then the -- and the replacement units.

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1 So, here, we're going to have 35 one-to-one
2 replacement units, much -- high-quality units. How -- how
3 far away is it from Lincoln Heights? Is it the same -- how
4 far?

5 MS. SMITH: It's literally across the street.

6 VICE CHAIR MILLER: Okay. So it is the same
7 neighborhood.

8 MS. SMITH: Uh-huh.

9 VICE CHAIR MILLER: So these are 35 units. I know
10 we've approved -- I think we've approved other units, but how
11 many units -- how many units are occupied at Lincoln Heights
12 right now and how many people have already relocated, if any,
13 to other replacement units? And what's -- just to get an
14 overall picture of the Lincoln Heights -- if you have this
15 information -- I don't know.

16 MS. SMITH: So I can't -- I don't want to give you
17 wrong information. I'd like to bring that information back
18 to you.

19 VICE CHAIR MILLER: You can provide that -- yeah,
20 provide it --

21 MS. SMITH: But there have been other developments
22 where a few families have moved from Lincoln Heights --

23 VICE CHAIR MILLER: Right.

24 MS. SMITH: -- to replacement housing. One is on
25 Nannie Helen Burroughs Avenue as well, which is 4800 Nannie

1 Helen Burroughs. So -- but I would like to be able to give
2 you specific information and make sure I don't get those
3 numbers --

4 VICE CHAIR MILLER: Right, so I think it would be
5 good for our record just to have the overall Lincoln
6 Heights --

7 MS. SMITH: Sure.

8 VICE CHAIR MILLER: -- replacement units and
9 what's -- and then what the -- what the plan is on site in
10 terms of number of units that will be there for -- for --

11 MS. SMITH: Sure.

12 VICE CHAIR MILLER: -- mixed --

13 MS. SMITH: We're happy to provide that
14 information.

15 VICE CHAIR MILLER: Okay. That would be great.

16 MS. SMITH: And then we also -- I just also want
17 to note that, in addition, we have 5201 Hayes, which was
18 recently approved by the Commission, --

19 VICE CHAIR MILLER: Right.

20 MS. SMITH: -- which is well under construction.
21 So those units, while not as close to Lincoln Heights
22 development as Providence Place, are probably in a three- to
23 four-block distance from the property or from the
24 development. And then we also have our Strand Theater that's
25 in the pipeline as well. So we'll send over a table

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1 detailing all of those -- all of those developments as well
2 as the replacement units that --

3 VICE CHAIR MILLER: That would be good, and the
4 size of the units and it's great that there's the three- and
5 four-bedroom units that are here for -- for the existing
6 Lincoln Heights tenants. But if you can have that all in
7 that information as to what's being provided and what will
8 then be back at -- what the development plan --

9 MS. SMITH: Sure. That will be our pleasure.
10 Thank you.

11 VICE CHAIR MILLER: Okay. Thank you.

12 CHAIRMAN HOOD: Okay. Any other questions?

13 COMMISSIONER TURNBULL: Yeah, Mr. Chair. I just
14 had -- I just have a couple of points. I want to thank
15 Commissioner Malloy for coming down. It's always -- I think
16 it's always something for us commissioners up here to hear
17 an impassioned plea from an ANC commissioner. I think brings
18 a little bit better insight into what the issues are.

19 I just want -- my main question is the schedule,
20 phasing. We talked about DMPED's removal of people and the
21 new building -- how long -- when will the new building be
22 done, and is there a way that -- how do we offset some of
23 this to maybe not move people. I don't know what DMPED's
24 schedule is for removing residents, but can it be delayed
25 until the new building -- I'm just curious as to what your

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1 overall phasing schedule might be.

2 MR. COLE: Hi. Rex Cole, pleasure to speak with
3 you, Atlantic Pacific Communities. The current schedule is
4 that this project will break ground in fall of 2018. It's
5 about a 12- to 14-month build, so it will be delivered by the
6 end of 2019 is our proposed schedule.

7 COMMISSIONER TURNBULL: When in 2019?

8 MR. COLE: The end of 2019, so --

9 COMMISSIONER TURNBULL: The end of 2019.

10 MR. COLE: Yes, sir.

11 COMMISSIONER TURNBULL: Ms. Smith, do you have any
12 idea on the schedule for residents being relocated or --

13 MS. SMITH: I'd like to remind the Commission that
14 this -- you know, that the residents are the tenants of DCHA,
15 and so DMPED itself doesn't -- doesn't exercise control over
16 when the relocation will begin.

17 COMMISSIONER TURNBULL: Yeah.

18 MS. SMITH: So I did mention 5201 Hayes which is
19 currently under construction, and so our -- DCHA has begun
20 conversations with residents making them aware of the
21 opportunity, and those who wish to exercise that option are
22 free to do so, and those who decide that that's not for them
23 can take a pass and wait for the next opportunities as they
24 come online.

25 COMMISSIONER TURNBULL: So they would stay where

1 they're at then?

2 MS. SMITH: Yes, sir. Again, I can't speak on
3 behalf of DCHA.

4 COMMISSIONER TURNBULL: Right.

5 MS. SMITH: However, that's generally how the
6 process works.

7 COMMISSIONER TURNBULL: Yeah. I'm just trying to
8 -- as I say, we feel very sympathetic to Commissioner Malloy.
9 We're just trying to understand the schedule, the balance,
10 and if there's a way to make a win-win for everybody trying
11 to satisfy everybody's needs.

12 So I don't know how we could organize that or get
13 some more information, but I would just like to know a bit
14 more about how -- what the transition might be.

15 Thank you.

16 CHAIRMAN HOOD: I'm sorry. I didn't get your
17 name.

18 MR. COLE: Rex Cole from Atlantic Pacific.

19 CHAIRMAN HOOD: Atlantic Pacific, and I'm
20 understanding your role. I noticed that you were called up
21 to the table.

22 MR. COLE: Yes. We're the development partner
23 with Progressive National Baptist Convention.

24 CHAIRMAN HOOD: And what is your role?

25 MR. COLE: My role, I am the Development Manager

1 and I am in charge of the development.

2 CHAIRMAN HOOD: Oh, so you're in charge of
3 development?

4 MR. COLE: Yes.

5 CHAIRMAN HOOD: And do you go out and meet with
6 the community like Commissioner Malloy?

7 MR. COLE: Yes. Our team has met with the ANC
8 three times, I believe.

9 CHAIRMAN HOOD: Okay. And what kind of response
10 were you getting when you were out there? I mean, you know,
11 how -- how was the response from the ANC? First of all, how
12 many people -- and it's not a popularity for me. I just want
13 to know 'cause back when we did Montana Terrace, sometimes
14 we only had eight people there.

15 MR. COLE: Uh-huh.

16 CHAIRMAN HOOD: So how many people?

17 MR. COLE: When we went to the ANC meetings, there
18 were typically 20 to 25 people I would say.

19 CHAIRMAN HOOD: Okay.

20 MR. COLE: I think the response was in general
21 positive. They were able to recognize many of the benefits
22 that we will bring as Ms. Malloy noted. There were concerns
23 about -- I think the major concerns were about participation
24 from the community in terms of development of the project
25 that I think that we were able to address and we're committed

1 to, you know, working with the community to provide job
2 opportunities and subcontracting opportunities for the
3 community. That was a majority of the concerns, as well as
4 there were lots of questions about the affordability range
5 that we were able to answer.

6 CHAIRMAN HOOD: Okay. And the job opportunities,
7 you all are doing like a list of -- I mean, you've got
8 everything up front because one of the things I've found over
9 the years, if we wait till the last minute and then we find
10 out we don't have anybody that's qualified for the jobs that
11 we have. Obviously, you all are working on that far in
12 advance.

13 MR. COLE: Yes. We're working that far in
14 advance --

15 CHAIRMAN HOOD: Okay.

16 MR. COLE: -- in terms of -- especially in terms
17 of working with local subcontractors to begin the process and
18 making sure we have all the qualifications for them to submit
19 a bid as well as, once construction begins, to ramp up -- we
20 will post notices and work with the community to ensure that
21 they're aware of any opportunities in hiring, obviously.

22 CHAIRMAN HOOD: And what's your last name again?

23 MR. COLE: Cole, C-o-l-e.

24 CHAIRMAN HOOD: Cole. Okay. I'm going to
25 remember you. And is this your first time in front of DC

1 Zoning?

2 MR. COLE: Yes, it is.

3 CHAIRMAN HOOD: Okay. Are you nervous?

4 MR. COLE: A little bit. She -- she asked me
5 earlier if I was -- if it was hot, and I said yeah. I don't
6 know -- I just may be nervous.

7 CHAIRMAN HOOD: Do you know why I asked you all
8 those questions?

9 MR. COLE: Why?

10 CHAIRMAN HOOD: 'Cause I don't want you to be
11 nervous.

12 MR. COLE: Okay.

13 CHAIRMAN HOOD: She told me the same thing. So
14 the next time you come back, I want you to follow up and say,
15 I'm not nervous.

16 MR. COLE: Okay.

17 CHAIRMAN HOOD: Okay.

18 MR. COLE: Just remember that you said that
19 because it's going to be a little awkward if I do it.

20 CHAIRMAN HOOD: All right. No, but, seriously,
21 I appreciate your answering those questions. So we're going
22 to take that and I'm hoping that we can continue to work with
23 the community because, like I said, even though it's been
24 some years, but I've been down that road, so I understand,
25 so hopefully we can continue to give Commissioner Malloy and

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1 others a comfort level and we can build that trust back.

2 MR. COLE: Yes. And I do want to say that this
3 is what Atlantic Pacific does. We've done this across the
4 nation -- in Florida, Texas, as well as we've built in this
5 area in Washington, D.C., so we're definitely committed to
6 working with the community and working with nonprofits and
7 faith-based organizations and housing authorities to, you
8 know, rebuild communities and that's kind of our initiative
9 and our mission.

10 CHAIRMAN HOOD: Okay. Anything else up here?
11 Thank you. Anything else up here?

12 (No response.)

13 Let's go to persons in -- organizations or persons
14 in support who would like to testify? I think everybody can
15 keep their seats -- organizations or persons in support,
16 organizations or persons in opposition. Ms. Batties, do you
17 have any rebuttal or closing?

18 MS. BATTIES: I have closing.

19 CHAIRMAN HOOD: Closing. Okay.

20 MS. BATTIES: I want to start my closing by
21 personally apologizing to Commissioner Malloy for not -- for
22 not being informed of the changes that were presented to the
23 Commission this evening. It was purely a function of time.
24 But I can assure you that the changes will not negatively
25 affect the project or the community and, as a team, we look

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1 forward to meeting with you and the community at the earliest
2 opportunity after -- after this evening. So I hope yo accept
3 that apology.

4 As it relates to the Zoning Commission, given the
5 Office of Planning and DDOT report, given the fact that there
6 is no opposition, and given that there's community support
7 for the project overall, subject to our submitting additional
8 plans and information on the alternate building design,
9 providing the information from DMPED regarding the New
10 Communities Initiative, as well as a relocation process for
11 the Housing Authority, we'd respectfully request favorable
12 action on the application this evening.

13 Thank you.

14 CHAIRMAN HOOD: Okay. I think we only asked --
15 thank you. Any follow-up questions up here?

16 (No response.)

17 I think we only asked for one or two things.
18 Okay. We don't have 'em, but -- all right.

19 MS. SCHELLIN: One of the things I think that --
20 I believe Commissioner May may have brought up was making
21 sure that a complete set of plans that maybe shared both
22 options, Option 1 and Option 2 -- somebody brought up --

23 CHAIRMAN HOOD: It was Commissioner Turnbull.

24 MS. SCHELLIN: Okay, so that both options were on
25 there -- in there if the Commission decides to approve both

1 and, if not, then DCRA will know which option was approved.

2 CHAIRMAN HOOD: And I would say some of the
3 coordination with the community, as you know, is not -- I'm
4 not gonna say purview -- I'm gonna use a new word for
5 somebody to say in front of the Council, not within our
6 jurisdiction -- but I'm going to ask that you continue to
7 work with the community. The new things that Commissioner
8 Malloy and others have not heard, go ahead and explain the
9 bundling, unbundling, and just give them a comfort level and
10 then we continue to work to get rid of some of the fears and
11 some of the changes that -- that may be happening so we can
12 make that a better community like we're doing all over the
13 city.

14 So, Commissioner Malloy, do you have any -- I was
15 doing my closing. Do you have something else?

16 MS. MALLOY: Yes.

17 CHAIRMAN HOOD: Okay.

18 MS. MALLOY: I'm reading what you just gave me.
19 So you're saying it would not be a hundred units. It will
20 only be 93 units?

21 CHAIRMAN HOOD: That's one of the changes. It
22 depends on whether or not they cut back some of that floor,
23 but those are the things she's going to come out to your
24 meeting and talk to you about.

25 MS. MALLOY: My point is will they knock down our

1 -- will we get less? If there's only 93 units, will we get
2 the same number of units or less units?

3 MS. BATTIES: The same number of replacement
4 units.

5 CHAIRMAN HOOD: Same number 'cause she said -- but
6 why don't we -- why don't we do this and I'm not trying to
7 just hurry. You know, I think it will be better to take the
8 time, you and whoever else that you want to be in the
9 meeting, or however you all work that out, and take your time
10 and ask those questions 'cause you will have a chance -- I'm
11 gonna open up a chance for you to at least respond back to
12 us in writing before we take final or if we get the proposed.
13 I don't know where we'll be right now, but some kind of --
14 I want to hear back from you that you have -- and I'm sure
15 -- I can rest on Ms. Batties's word that she has come out and
16 you all -- now, you might not agree with everything, but at
17 least you're gonna come out and get those updates that were
18 lacking. And she apologized at the very beginning because
19 I want to make sure that you have a comfort level,
20 Commissioner Malloy.

21 And as my colleague mentioned, we appreciate all
22 the work you do. ANC's our front line workers and they do
23 a lot of work for no pay, so we appreciate all the work that
24 you do, especially with all the hats that you've mentioned
25 that you're wearing. We appreciate that.

1 Okay. So -- anything else, Ms. Batties?

2 MS. BATTIES: Nothing.

3 CHAIRMAN HOOD: All right. So Commissioners, I'm
4 not sure where you all are. I know -- I will tell you --
5 okay. Okay. I'm getting a nod. But there are some things
6 that we ask for before final, okay, 'cause we don't -- we've
7 got a lot on my docket. And we're not trying to rush it
8 along, but we have some things -- we have to take two votes.
9 Some of those other things that we asked for, we're going to
10 ask for between this vote and the last vote. Okay? So we
11 want to see those things, Ms. Batties, between those two
12 votes. Okay?

13 MS. BATTIES: Yes.

14 CHAIRMAN HOOD: Okay. All right. So we're going
15 to take a proposed action. Would someone like to make a
16 motion?

17 VICE CHAIR MILLER: Mr. Chairman, with the caveat
18 that we get the information that we've requested in terms of
19 the alternate building plans and the New Communities
20 Initiative information and the additional engagement with the
21 community before we get to final action, I would move that
22 tonight we take proposed action on Zoning Commission Case 17-
23 08 Consolidated PUD and Map Amendment -- Related Map
24 Amendment from RA-1 to RA-2 at 601 50th Street NE, Square
25 5194, Lot 824, and ask for a second.

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1 COMMISSIONER SHAPIRO: Second.

2 CHAIRMAN HOOD: It's been moved and seconded. Any
3 further discussion?

4 (No response.)

5 All those in favor, aye?

6 (Vote taken.)

7 Any opposition?

8 (No response.)

9 Not hearing any, Ms. Schellin, would you record
10 the vote.

11 MS. SCHELLIN: Yes. Staff records the vote five
12 to zero to take proposed action on Zoning Commission Case
13 Number 17-08. Commissioner Miller making the motion,
14 Commissioner Shapiro second. Commissioners Hood, May, and
15 Turnbull in support.

16 CHAIRMAN HOOD: Okay. Do we have anything else
17 before us this evening?

18 MS. SCHELLIN: Yes. I need to give some dates.
19 So if we could have the additional submissions by three
20 o'clock p.m. November 6, responses -- so the ANC would be
21 able to file a response to what they submit by November 23rd
22 -- wait a second -- that's not --

23 CHAIRMAN HOOD: And let me say this. In that
24 response, I --

25 MS. SCHELLIN: November 13th.

1 CHAIRMAN HOOD: In that response, I just want to
2 know -- make sure that they have a -- well, not necessarily
3 that they agree, but that they did have that meeting and find
4 out where the -- where the differences are and if we could
5 make it a sound byte, that would be very helpful. Sound byte
6 means, you know, just hit the bullet points.

7 MS. SCHELLIN: Right. So the ANC, if they could
8 provide their response by 3:00 p.m. on November 13th -- draft
9 findings, facts, conclusions of law from the Applicant by
10 3:00 p.m. on the 13th also, and we can put this on for
11 November 27th.

12 Got it?

13 CHAIRMAN HOOD: We all on the same page? Now, Mr.
14 Cole, I told somebody some years ago don't come in here
15 nervous. Now they come down here and be telling me what to
16 do, so -- all right. Do we have anything else?

17 (No response.)

18 All right. So I want to thank everyone for their
19 participation and this hearing's adjourned.

20 MR. COLE: Thank you.

21 (Whereupon, at 7:42 p.m., the hearing was
22 adjourned.)

23

24

25

C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Public Hearing

Before: DCZC

Date: 10-19-17

Place: Washington, DC

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