

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF: :
   
:
   
Spring Flats, MD, LLC : Case No.
   
Map Amendment @ Square 2902, : 17-27
   
Lots 804 and 807 :
   
-----:

Monday,
   
April 23, 2018

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

The Public Hearing of Case No. 17-27 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:

BRANDICE ELLIOTT  
JOEL LAWSON

The transcript constitutes the minutes from the  
Public Hearing held on April 23, 2018.

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

6:34 P.M.

1  
2  
3 CHAIRMAN HOOD: Good evening, ladies and  
4 gentleman. This public meeting of the Zoning Commission will  
5 please come to order. Today's date is April 23, 2018.

6 My name is Anthony Hood. Joining me is Vice Chair  
7 Miller, Commissioner Shapiro, Commissioner May, and  
8 Commissioner Turnbull. We are also joined by Office of  
9 Zoning, Ms. Sharon Schellin. We are also located in the  
10 Jerrily R. Kress Memorial Hearing Room.

11 We are joined also by Office of Planning staff Mr.  
12 Lawson and Ms. Elliott.

13 The proceeding is being recorded by a court  
14 reporter and it's also webcast live.

15 Notice of today's hearing was published in the  
16 D.C. Register and copies of that announcement are to my left  
17 on the wall near the door.

18 The hearing will be conducted in accordance with  
19 the provisions of 11Z DCMR, Chapter 5 as follows:  
20 preliminary matters, presentations by the Petitioner, reports  
21 of other government agencies, report of the ANC,  
22 organizations and persons in support, organizations and  
23 persons in opposition, organizations and persons undeclared.

24 The Petitioner has up to 60 minutes. I'm sure  
25 that we don't need that, nowhere near that time tonight.

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1 Organizations, five minutes; individuals, three minutes.

2           The staff will be available throughout the hearing  
3 to discuss procedural questions. Please turn off electronic  
4 devices at this time so as not to disrupt these proceedings.

5           At this time, the Commission will consider any  
6 preliminary matters. Does the staff have any preliminary  
7 matters?

8           MS. SCHELLIN: There's only two -- just the  
9 proffered expert witnesses, both have been previously  
10 accepted by the Commission, Shane Dettman and Nicole White,  
11 both have been previously accepted, so we just ask that they  
12 be accepted in this case also.

13           CHAIRMAN HOOD: Okay, let's continue our  
14 acceptance of experts.

15           Let me just ask, is there anyone here who is in  
16 opposition of this case?

17           Okay. Mr. Freeman, your neck went around so fast.

18           Okay, well, I will turn it over to you, Mr.  
19 Freeman. And you don't need to be long, we're not steady  
20 long on this one.

21           MR. FREEMAN: Good evening, Chairman Hood and  
22 Members of the Zoning Commission. I'm Kyrus Freeman. I'm  
23 a partner with Holland & Knight, representing the Petitioner  
24 tonight.

25           As you know, we're here this evening seeking

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1 approval of a Zoning Map amendment to rezone Square 2902,  
2 Lots 804 and 807 from the RF-1 District to the RA-2 District.

3           The record in this case is clear and demonstrates  
4 how the petition meets the standards for the approval of a  
5 map amendment, specifically our application statement, the  
6 OP reports, the DDOT reports, the ANC 1A and ANC 4C  
7 resolutions in support, the 19 neighbor -- 21 neighbor  
8 support letters, all of which recommend approval of the  
9 petition. And the Office of Planning reports thoroughly  
10 analyzes the Comp Plan standards.

11           I'm going to skip over this part.

12           As described in our application statement and the  
13 OP reports, the property is designated on the future land use  
14 map as a local public facility, but it's surrounded by land  
15 designated as moderate density residential.

16           And the petition to rezone the property is fully  
17 consistent with the definition of moderate density  
18 residential. Moreover, the request to rezone the map  
19 amendment is not inconsistent with the future land use map  
20 or the generalized policy map. It advances the purposes of  
21 the Comprehensive Plan and other District plans and policies.  
22 It complies with the guiding principles of the Comprehensive  
23 Plan and furthers the number of major elements of the  
24 Comprehensive Plan.

25           In conclusion, we believe the record is full and

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1 demonstrates that the Petitioner meets the standards for  
2 approval of the requested map amendment. We respectfully  
3 request your approval as expeditiously as possible.

4           You have written copies of our testimony of three  
5 witnesses, but instead of presenting them, we are prepared  
6 to rest on the record and answer any questions that the  
7 Commission might have. Thank you.

8           CHAIRMAN HOOD: All right, let me just say I  
9 appreciate all the work that's been done on this case. For  
10 some reason, people go around this city saying we rubber  
11 stamp and I hate to keep evaluating or giving credence to  
12 things that really don't matter. But a lot of times, in this  
13 case, as stated in other cases, where the applicant works  
14 along with the community and has shown evidence by the level  
15 of support, the level of ANC Commissioners, so in these  
16 cases, things -- a lot of times come to us already worked  
17 out.

18           These are small examples of these type of cases.  
19 A lot of times, we help get them worked out. But I think in  
20 this case it was done and again, I don't want anyone to say  
21 that we rubber stamped this case. I'm kind of tired of  
22 defending that, but I think that a lot of work goes out to  
23 the Applicant, Deputy Mayor's Office and all those who worked  
24 with moving forward this as a map amendment and making sure  
25 of the stability of that community.

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1 Let me open it up. Any questions or comments from  
2 up here?

3 Commissioner May.

4 COMMISSIONER MAY: Just a quick comment. So the  
5 community benefits agreement is attached to the land  
6 disposition agreement and not our case, right?

7 MR. FREEMAN: Correct, it's not a part of the  
8 Zoning Commission record.

9 COMMISSIONER MAY: This is just for our  
10 information that there's -- that you've made peace with the  
11 ANCs who really wanted a CBA, which is not something that we  
12 would do in this case.

13 MR. FREEMAN: Correct.

14 COMMISSIONER MAY: So then on the site itself, I  
15 didn't study it too carefully, but is it inclusive of that  
16 smaller building to the west side or is that excluded, some  
17 other program?

18 MR. FREEMAN: It's excluded.

19 COMMISSIONER MAY: But that's still city property?

20 MR. FREEMAN: Yes.

21 COMMISSIONER MAY: It remains city property?

22 MR. FREEMAN: Yes.

23 COMMISSIONER MAY: And whatever group is operating  
24 that facility is still there?

25 MR. FREEMAN: Correct.

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1 COMMISSIONER MAY: And then what about the program  
2 that was in the Robeson School, does that go away?

3 MR. FREEMAN: Yes.

4 COMMISSIONER MAY: You should announce yourself.

5 MR. BEKELE: Oh, sorry. My name is Tsega Bekele.  
6 I'm the project manager with the Deputy Mayor for Planning  
7 and Economic Development Office.

8 COMMISSIONER MAY: Yes.

9 MR. BEKELE: The Robeson School site has been  
10 vacant since spring of 2017. The Child and Family Service  
11 Agency had been using it, but they have since moved.

12 COMMISSIONER MAY: Okay. What were they using it  
13 for?

14 MR. BEKELE: They had the Office of Youth  
15 Empowerment there.

16 COMMISSIONER MAY: Oh.

17 MR. BEKELE: But they said the building was run  
18 down and they weren't able to actually service their  
19 clientele, their youth were who transitioning out of --

20 COMMISSIONER MAY: Well, it wasn't built for that  
21 purpose.

22 MR. BEKELE: Exactly.

23 COMMISSIONER MAY: It was built to house a  
24 different program which presumably went somewhere to a better  
25 place, but I don't know what that was. All right. That's

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1 it for my questions.

2 CHAIRMAN HOOD: Any other questions, comments?  
3 Vice Chair Miller?

4 VICE CHAIR MILLER: Thank you, Mr. Chairman, and  
5 thank you for all the work that's been done. As the Chairman  
6 has said, I agree with everything he said and I'm happy to  
7 pull out the big rubber stamp, this project as it's evolved  
8 to this point because I mean it's gone through a lot of --  
9 the Hebrew Home for the Aged property has been vacant for a  
10 long time, so I commend the work of the Mayor and Deputy  
11 Mayor for Planning and Economic Development, the Applicant,  
12 and the ANCs for working together to get to this point. It's  
13 an incredible amount of affordable housing at much deeper  
14 levels and greater amounts than would be required, normally  
15 under -- certainly under inclusionary zoning and even under  
16 I think the District's disposition statute. So I do  
17 appreciate all the work that's been done, the support you  
18 have garnered from ANC 4C and 1A, with the community benefits  
19 agreement. So thank you.

20 CHAIRMAN HOOD: Any other questions up here?  
21 Okay.

22 Let's go to the Report of the Office of Planning.

23 MS. ELLIOTT: Good evening, Mr. Chairman, Members  
24 of the Commission. I'm Brandice Elliott with the Office of  
25 Planning and I'm going to stand on the record of our report,

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1 recommending approval of the map amendment, but I'm happy to  
2 answer any questions you have.

3 CHAIRMAN HOOD: Thank you, Ms. Elliott. Any  
4 questions of Ms. Elliott? Okay.

5 Notice that I got it right. I have to keep saying  
6 that so when I do get it wrong, you remember all the times  
7 I've gotten it right.

8 Okay, Report of the ANC and I think my colleagues  
9 have alluded to the support letters from ANC 1A.

10 Well, first, let me ask. Is anyone here from ANC  
11 1A or 4C? Okay, so both letters are in support and I'll just  
12 leave it at that. Both letters of support are in the record.  
13 I appreciate all of the work that both of those ANCs did.

14 Do we have any organizations or persons who are  
15 here in support?

16 Any organizations or persons who are here in  
17 opposition?

18 Any organizations or persons who are here who are  
19 undeclared?

20 I know people take a lot of time putting their  
21 testimony together. If anyone at the table just feels  
22 compelled, we do have it written. If you are compelled that  
23 you want to give your testimony, I will allow you time to do  
24 it. If not, we can -- we have it here and I think the work  
25 has already been done.

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1           So I will close this testimony and this hearing  
2 and ask Ms. Schellin, do we have any dates or is this  
3 something that we need to do?

4           No, let me not ask you, Ms. Schellin, let me ask  
5 my colleagues.

6           Excuse me, I see somebody just come in. Are you  
7 from the ANC?

8           MS. HILLEY: I am.

9           CHAIRMAN HOOD: Would you like to testify?

10          MS. HILLEY: I didn't write anything up, but I  
11 could say a few words.

12          CHAIRMAN HOOD: Okay, you are in support or  
13 opposition?

14          MS. HILLEY: Support.

15          CHAIRMAN HOOD: Okay, you can come right up. I  
16 mean it didn't matter, but you can come right up. We were  
17 about to close out, but I want to give you the opportunity  
18 since you're here.

19          MS. HILLEY: Sorry, I have a regular, full-time  
20 job.

21          CHAIRMAN HOOD: I understand.

22          MS. HILLEY: Hi, my name is Bennett Hilley, I am  
23 the chair of ANC 4C where this development is located. I'm  
24 also the Single Member District representative where this  
25 development is located and we are in support. The ANC passed

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1 a resolution most recently, passed the community benefits  
2 agreement with nine ANC members in attendance and eight in  
3 support and one against and we are fully in support of the  
4 map amendment.

5 CHAIRMAN HOOD: Thank you, Chairperson Hilley.  
6 Hilley is how you pronounce your last name?

7 MS. HILLEY: Yes.

8 CHAIRMAN HOOD: Okay. We just went over the two  
9 ANC letters, but we appreciate your coming out and taking the  
10 time to provide us your testimony.

11 Okay, so Commissioners, I think this is flavored  
12 and ready for us to move forward. But let me ask, what is  
13 your pleasure?

14 Will someone like to make a motion?

15 VICE CHAIR MILLER: Mr. Chairman, I move that the  
16 Zoning Commission take proposed action on Zoning Commission  
17 Case No. 17-27, Zoning Map Amendment for 1125 Spring Road  
18 from RF-1 to RA-2, and ask for a second.

19 COMMISSIONER SHAPIRO: Second.

20 CHAIRMAN HOOD: It's been moved and properly  
21 seconded. Any further discussion?

22 All in favor?

23 (Chorus of ayes.)

24 CHAIRMAN HOOD: Any opposition?

25 Not hearing any, Ms. Schellin, will you please

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1 record the vote?

2 MS. SCHELLIN: Staff records the vote 5 to 0 to  
3 0 to approve proposed action in Zoning Commission Case No.  
4 17-27. Commissioner Miller moving, Commissioner Shapiro,  
5 seconding, Commissioners Hood, Turnbull, and May in support.

6 CHAIRMAN HOOD: And again, I just want to  
7 reinstate, restate my comments earlier, I really appreciate  
8 all the work that everyone has done to get us to this point.

9 These are the kind of cases that when communities  
10 and all parties, all work together, these are the kind of  
11 cases that make it a little easier for us.

12 Ms. Schellin?

13 MS. SCHELLIN: Does the Commission approve then  
14 to do a summary order?

15 CHAIRMAN HOOD: Yes.

16 MS. SCHELLIN: Okay, so we can get that.

17 CHAIRMAN HOOD: Unless somebody disagrees, I think  
18 the record speaks for itself.

19 MR. FREEMAN: Do we need to set a date for final  
20 or do you?

21 MS. SCHELLIN: We'll do that after proposed, we'll  
22 make it as published.

23 MR. FREEMAN: Thank you.

24 CHAIRMAN HOOD: Okay, Ms. Schellin, do you we have  
25 anything else?

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1 MS. SCHELLIN: No, if we could just get the order  
2 like in a week.

3 MR. FREEMAN: Tomorrow.

4 MS. SCHELLIN: Don't work her that hard, come on.  
5 A week is fine. Thank you.

6 CHAIRMAN HOOD: Okay. In that case, I'm going to  
7 thank everyone for your participation. Tonight's hearing is  
8 adjourned.

9 (Whereupon, the above-entitled matter went off the  
10 record at 6:46 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Spring Flats, MD, LLC  
Map Amendment @ Square 2902

Before: DCZC

Date: 04-23-18

Place: Washington, DC

was duly recorded and accurately transcribed under  
my direction; further, that said transcript is a  
true and accurate record of the proceedings.



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Court Reporter

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