

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

+ + + + +

PUBLIC HEARING

+ + + + +

WEDNESDAY

FEBRUARY 16, 2000

+ + + + +

The Public Hearing convened in Room 220 South, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 9:51 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID	Chairperson
ROBERT N. SOCKWELL	Vice Chairperson
ANNE RENSHAW	Board Member
RODNEY MOULDEN	Board Member NCPC

ZONING COMMISSION MEMBER PRESENT:

CAROL J. MITTEN	Commissioner
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OFFICE OF ZONING STAFF PRESENT:

Jerrily R. Kress,	Director
Sheri Pruitt	Secretary, BZA
Beverly Bailey	Office of Zoning
Paul Hart	Office of Zoning
John Nyarku	Office of Zoning

OTHER AGENCY STAFF PRESENT:

David Colby	Office of Planning
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D.C. OFFICE OF CORPORATION COUNSEL:

Marie Sansone, Esq.

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

(9:51 a.m.)

CHAIRPERSON REID: The meeting will please come to order. Good morning, ladies and gentlemen. This is the February 16th Public Hearing of the Board of Zoning Adjustment, District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today is Robert Sockwell and -- your name?

MR. MOULDEN: Rodney Moulden.

CHAIRPERSON REID: -- Rodney Moulden, who is joining us representing National Capital Planning Commission. This is the first time that he has sat with us, and we want to welcome him to our Board, and also representing the Zoning Commission is Ms. Mitten, Carol Mitten. Matter of fact, we have a whole new Board except for myself and Mr. Sockwell. Ann Renshaw is also one of our newest members. So we have all new faces in the last few months appearing before you today except mine that's been here for quite a number of years.

Copies of today's hearing are available to you. They are located to my left near the door. All persons planning to testify either in favor or in opposition are to fill out two witness cards. These cards are located at either end of the table in front

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1 of us. When coming forward to speak to the Board,
2 please give both cards to the reporter who is sitting
3 to my right.

4 The order of procedure for special
5 exception and variances is: Statement and witnesses of
6 the applicant; government reports, including Office of
7 Planning, Department of Public Works, etcetera; report
8 of the ANC; parties and persons in support; parties and
9 persons in opposition; closing remarks by the
10 applicant.

11 Cross-examination of witnesses is permitted
12 by the applicant or parties. The ANC within which the
13 property is located is automatically a party in the
14 case. The record will be closed at the conclusion of
15 each case except for any material specifically
16 requested by the Board, and staff will specify at the
17 end of the hearing exactly what is expected.

18 Decision of the Board in these contested
19 cases must be based exclusively on the public record.
20 To avoid any appearance to the contrary, the Board
21 requests that persons present not engage the members of
22 the Board in conversation.

23 Please turn off all beepers and cell phones
24 at this time so as not to disrupt these proceedings.

25 The Board will now consider any preliminary

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1 matters. Preliminary matters are those which relate to
2 whether a case will and should be heard today, such as
3 request for postponement, continuance or withdrawal or
4 whether proper and adequate notice of the hearing has
5 been given.

6 If you are not prepared to go forward with
7 the case today or if you believe that the Board should
8 not proceed, now is the time to raise such a matter.
9 Are there any preliminary matters?

10 I know staff has a couple of preliminary
11 matters with regard to postponement or continuance.

12 MS. PRUITT: Yes, Madam Chair. Application
13 166490 is requesting, actually, withdrawal. You have a
14 letter dated February 15. That's the first case for
15 this morning of application of Meristar Hotel Group.

16 CHAIRPERSON REID: Ms. Pruitt, in an
17 instance where someone is requesting a withdrawal, we
18 don't have to take an action, do we, just allow them to
19 withdraw it?

20 MS. PRUITT: Correct.

21 CHAIRPERSON REID: And also do they receive
22 their fees back?

23 MS. PRUITT: No.

24 CHAIRPERSON REID: Okay. So, basically,
25 it's just a notification kind of thing?

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1 MS. PRUITT: Right. I mean, because this
2 has been advertised, there could potentially be
3 somebody here who wanted to discuss the case.

4 CHAIRPERSON REID: Is there anyone here --
5 What was the case number again?

6 MS. PRUITT: 16490.

7 CHAIRPERSON REID: And that was Meristar?

8 MS. PRUITT: Correct.

9 CHAIRPERSON REID: Is there anyone here
10 that's in any way affiliated with that case? All
11 right. Then I have no problem with it. If other Board
12 members have no objection, then we can allow them to
13 withdraw their case.

14 MS. PRUITT: I believe we also have an
15 application 16537. Is Mr. Zahn here? I believe we
16 were going to receive a request for continuance on that
17 case from the applicant.

18 CHAIRPERSON REID: He is not here?

19 MS. PRUITT: No one in the audience --

20 CHAIRPERSON REID: Is that the first case?

21 MS. PRUITT: Well, it would be the first
22 case now.

23 CHAIRPERSON REID: Now that the Meristar --
24 and he's not here?

25 MS. PRUITT: No. No one responded.

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1 CHAIRPERSON REID: Okay. What we'll do is
2 let's go ahead and proceed, and then check again after
3 we are done. We have just only one more case?

4 MS. PRUITT: I think we have two this
5 morning. I see we have --

6 CHAIRPERSON REID: Well, we had three, and
7 then we had --

8 MS. PRUITT: We had six this morning. No,
9 I'm sorry, excuse me. Three. So we have only one case
10 left.

11 CHAIRPERSON REID: One case. Okay. So why
12 don't we do this. Why don't we take the first case of
13 the morning, and then after that case ask again if Mr.
14 Zahn has come in before we adjourn for the morning
15 session. Okay? All right, thank you.

16 MS. PRUITT: The first application today is
17 16548, Application of National Association for the
18 Education of Young Children, pursuant to 11 DCMR
19 3104.1, for a special exception under Section 213 to
20 continue the use and operation of an existing parking
21 lot with 22 parking spaces in an R-5-B District at
22 1522-26 Church Street, N.W. (Square 194, Lots 50
23 through 52).

24 All those planning to testify, could you
25 please stand and raise your right hand?

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1 Do you swear or affirm the testimony you
2 are going to give today is the truth?

3 (Witnesses sworn.)

4 MS. PRUITT: Please be seated. Could the
5 applicant come forward.

6 Madam Chair, this property was not posted
7 timely. However -- rather, filing for the property was
8 not filed timely, but my understanding is that it was
9 posted at the correct time. So you need to waive the
10 filing time for posting.

11 CHAIRPERSON REID: Okay, unless the other
12 Board members have any objection, I have no objection
13 to waiving the time. Is there anyone here -- anyone
14 else here affiliated with that case who would have an
15 objection? Okay. Very well. Proceed.

16 MR. AREND: Good morning, Members of the
17 Board.

18 CHAIRPERSON REID: Were you sworn?

19 MR. AREND: Yes, I was.

20 Good morning, members of the Board. My
21 name is Tom Arend. I'm with the law firm of Shaw
22 Pittman. We represent the National Association for the
23 Education of Young Children, which is the owner of the
24 lot. Their headquarters building is located on 16th
25 Street, which is connected to the lot by an alleyway.

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1 The Association is a nonprofit, tax exempt
2 organization. Sitting to my left is Dr. Mark Ginsberg
3 who is the Executive Director of the Association, and
4 he will be available to answer questions about the
5 Association and the history of the lot.

6 We are applying for a special exception to
7 continue to use the lot as a parking lot. The
8 Association acquired the building that is adjacent to
9 the lot in 1992. It applied for special exception to
10 continue to use the lot, as the prior owner had, for
11 parking. The Board granted the special exception in
12 1994.

13 Unfortunately, the next step was not taken
14 to obtain the certificate of occupancy. There was
15 confusion, apparently, on the Association's part. They
16 didn't understand that they had to obtain the C of O.

17 They attempted to comply with all of the
18 conditions of that special exception and maintained the
19 use of the lot as parking. The lot is used by
20 employees of the Association Monday through Friday
21 during working hours. It has been open to residents of
22 the neighborhood at night, Monday through Friday, and
23 then Saturdays and Sundays all day and all evening.

24 In addition to neighbors, parishioners of
25 the church, St. Luke's, which is connected to the lot,

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1 use the lot for parking, and also the Foundry Church
2 uses the lot for parking. In addition, a number of
3 other neighborhood organizations use the lot for
4 overflow parking on P.M., the Jewish organization on
5 16th Street.

6 It is our understanding that, since that
7 lot has been vacant, which has been for over two
8 decades now, it has always been used for a parking lot
9 in the neighborhood. It has been made available to
10 neighbors and to other community residents free of
11 charge, and the Association has tried to be a good
12 neighbor in this respect.

13 We understand that there have been some
14 problems in the past and some complaints from immediate
15 neighbors on 16th Street with respect to some of the
16 maintenance issues. The Association has met with
17 neighbors, and we have drawn up a plan to improve the
18 lot.

19 We have submitted a plan and a contract
20 from a contractor to do the work on the lot, which
21 includes landscaping and some repaving. In addition,
22 we are going to providing security and increasing the
23 lighting.

24 Mark Ginsberg will be happy to answer any
25 questions about the Association or history of the lot

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1 or if I can fill in any gaps that you might have,
2 information.

3 CHAIRPERSON REID: Questions, Board
4 members?

5 BOARD MEMBER RENSHAW: Yes.

6 CHAIRPERSON REID: Ms. Renshaw.

7 BOARD MEMBER RENSHAW: Good morning. I
8 understand you have met with the neighbors, and you're
9 looking to an agreement or you have made an agreement.
10 Have you signed an agreement?

11 MR. AREND: Well, we have met with the
12 neighbors. The neighbors on 16th Street presented us
13 with some proposals for improving the lot
14 aesthetically, which we have agreed to do. We've
15 submitted a contract. The Association is prepared to
16 spend over \$10,000 to implement these landscaping and
17 aesthetic changes.

18 In addition, we have gone before the
19 Advisory Neighborhood Commission, and they have
20 approved a two-year special exception, and Don Jackson
21 who is the local ANC representative is here as well for
22 the hearing.

23 BOARD MEMBER RENSHAW: All right. I would
24 just like to know what took you so long. You've had
25 the property for quite a while, and you've had problems

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1 in the past. Why are you now just waking up to the
2 fact that you have got to have lighting and security
3 and landscaping?

4 MR. AREND: Well, I think what we're
5 talking about are improvements on the existing
6 condition. The lot is lighted. There is somebody from
7 the Association who is tasked or had been tasked for
8 the last ten years with cleaning it and doing some
9 landscaping, and we're talking about doing things over
10 and above what the conditions were set in the initial
11 special exception back in 1994.

12 Also, I might add that the Association was
13 not aware of the extent of some of the issues brought
14 up by the neighbors until we were --

15 BOARD MEMBER RENSHAW: But they
16 communicated with you.

17 MR. AREND: Well, actually --

18 BOARD MEMBER RENSHAW: And you can look out
19 -- I looked at the pictures that have been submitted,
20 and I see trash and other problems, and why weren't
21 those corrected immediately so that they did not
22 surface again, and the landscaping? Go ahead.

23 DR. GINSBERG: Let me just say for a
24 second, one is I've recently joined the Association as
25 the Association's new Executive Director. The

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1 Association has been in the District and been an
2 association for 75 years, but I've been there a
3 relatively short time.

4 As these issues have been drawn to my
5 attention, and they were, really, quite recently,
6 that's when we began the process of trying to develop a
7 plan to improve the lot. We actually agree with the
8 neighborhood that the lot can profit from, in terms of
9 its aesthetics, improvements; and we are pleased to do
10 that.

11 We have also just -- Having joined the
12 Association, we've had a number of projects in and
13 around the building itself to improve the quality and
14 nature of the environment to the building internally.
15 So what we are doing now externally in terms of the
16 landscaping as well as the improvements to the lot are
17 really consistent with an overall upgrade of our
18 facilities.

19 Personally, I can't speak for former
20 management, but I can speak for our current management
21 that we are fully committed to not only comply with all
22 of what's required but to go beyond that and to create
23 an environment of the parking lot that's not only
24 aesthetically more pleasing but also meets the needs of
25 the neighborhood, to the extent that we can.

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1 VICE CHAIRPERSON SOCKWELL: Dr. Ginsberg,
2 since we are on the subject of who was responsible for
3 what and when and why it wasn't done, while we could
4 not possibly hold you accountable for things that
5 occurred before you became Executive Director -- and
6 what date was that that you took over?

7 DR. GINSBERG: Just a year ago.

8 VICE CHAIRPERSON SOCKWELL: One year ago?
9 So these preexisting conditions were probably brought
10 to your attention by the community or were they brought
11 to your attention by the previous administration, or
12 were they left over in memos and letters and complaints
13 from the community that you found in a file?

14 DR. GINSBERG: No, actually, I learned
15 about them primarily through the contacts we've had
16 with the neighborhood and then, in inquiring about the
17 situation, learned about some of the history from our
18 staff. But we've had a fairly dramatic change in the
19 leadership of the organization in the last year. So
20 this is all relatively and quite recent and new to me.

21 When we learned of it, though, that's when
22 we began a process to try to plan for kind of an
23 overall aesthetic remake, not only of that lot which
24 we've taken the suggestions of the community and
25 incorporated that into the plan -- in fact, it is the

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1 plan that we have developed -- but also the building
2 itself.

3 VICE CHAIRPERSON SOCKWELL: Well, since the
4 date of the original order was December 2, 1992, on the
5 decision anyway, and the order may have followed
6 sometime later because of the backlog of getting orders
7 out, it appears that the organization itself apparently
8 ignored virtually all of the elements of the order for
9 a period of five years, and that the neighborhood did
10 complain about such things as a shack that was on the
11 property, certainly about the condition of surrounding
12 wall, fencing or lack thereof, the obvious lack of
13 security and normal cleaning and maintenance of things
14 like the wheel stops, the fact that there were condoms
15 and trash present on the property.

16 This property, of course, was being used on
17 a daily basis by the Association itself. So there was
18 no way that those working at 1509 16th Street wouldn't
19 have known the condition of the lot and would not have
20 been in a position to understand that this was not a
21 good thing, since the lot was on the residential side
22 of the community and not adjacent to the building,
23 behind the building or on the same lot as the building
24 and, therefore, did impact significantly on the
25 appearance of that block.

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1 So do you have anything to say about that,
2 now that you've been at the Association for a year?

3 DR. GINSBERG: Well, my sense is that there
4 have been problems in the past, but the problems were
5 not, I think, on an everyday basis. There were times
6 when the lot was not in as good repair as others.
7 There were times when there had been trash on the lot,
8 from what I've understood.

9 That, as you might imagine, can be cleaned
10 up and then can also reappear. So it's a constant
11 issue of being vigilant in maintaining not only the
12 aesthetics of the lot but also the condition of it in
13 terms of things like garbage being strewn along the
14 lot.

15 So, you know, clearly, there have been
16 errors in the past.

17 VICE CHAIRPERSON SOCKWELL: And there was -
18 - If I might interrupt, Dr. Ginsberg.

19 DR. GINSBERG: Sure. Please.

20 VICE CHAIRPERSON SOCKWELL: There was a
21 clear lack of basic maintenance to the lot itself.
22 Trash, of course, can blow in and out, but the cracked
23 up and broken and dislocated wheel stops, the condition
24 of the wall, the lack of certain other security
25 measures and the fact that apparently no lighting was

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1 ever installed per the --

2 DR. GINSBERG: No, there is lighting.

3 VICE CHAIRPERSON SOCKWELL: Yes, but was
4 the lighting installed after the order or was the
5 lighting just the existing lighting that had been there
6 all the time? That's one of the questions.

7 MR. AREND: I believe the lighting was
8 installed after the order, as well as the -- and the
9 lot was painted for parking space stripes, and there
10 was an individual from the Association tasked with
11 maintenance and security in terms of supervising the
12 lot.

13 Now, granted, obviously, there were serious
14 problems.

15 VICE CHAIRPERSON SOCKWELL: And the shack--

16 MR. AREND: The shack had been removed.
17 The shack, I understand, was removed. It was not
18 removed on a timely basis, but it was ultimately
19 removed.

20 VICE CHAIRPERSON SOCKWELL: Right. And it
21 had absolutely no purpose on the lot at that time at
22 all, because it was boarded up.

23 MR. AREND: That's correct. That's my
24 understanding.

25 VICE CHAIRPERSON SOCKWELL: So it really

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1 didn't need to be there, and apparently there were --
2 One of the things that we tend to find is that
3 organizations hold themselves above the communities in
4 which they exist, thinking that they don't have to
5 coexist with the community. They just have to be there
6 and do what they do.

7 Of course, a vacant lot as opposed to a
8 parking lot would subject the organization to a
9 property tax payment of about 60 percent higher, as I
10 recall, the difference between 215 and five dollars, if
11 I'm not incorrect. Of course, that is a very important
12 aspect of your appearance today.

13 DR. GINSBERG: Well, let me just make one
14 comment about community responsibility, just a couple
15 of words about NAEYC.

16 Our primary mission is an organization, the
17 primary organization in the country involved in
18 promoting the development of young children, and
19 through that we are the national accrediting body for
20 childcare/daycare centers around the country. We
21 accredit virtually every Head Start center in the
22 country as well as about 7,000 community based
23 childcare centers.

24 So we as an organization are very committed
25 to community issues, and our work primarily is a

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1 community based organization. So, you know, I don't
2 want to overly generalize, and hope you will not, what
3 our organization is about to what may have been some
4 inappropriate maintenance issues on a parking, because
5 that's not at all consistent with our mission.

6 VICE CHAIRPERSON SOCKWELL: And that's a
7 very important fact for you to bring out, because an
8 organization that's committed to a higher goal
9 externally should maintain internally --

10 DR. GINSBERG: Oh, no question.

11 VICE CHAIRPERSON SOCKWELL: -- the same
12 level of commitment.

13 DR. GINSBERG: Oh, couldn't agree with you
14 more. Couldn't agree with you more.

15 MR. AREND: I would just add that the lot
16 is essential parking for NAEYC employees. As you, I'm
17 sure, are well aware, the neighborhood suffers from a
18 lack of parking for residents and other individuals who
19 work and use the neighborhood.

20 These are 20-22 spaces, depending on how
21 you count them, that are used by NAEYC staff, that are,
22 frankly, essential to the efficient running of the
23 organization. If individuals can't park there, they
24 are, obviously, going to have to park someplace else.
25 Unfortunately, those options are practically

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1 nonexistent.

2 I think that's why historically this lot
3 has been used as a parking lot before not only the
4 Association but many other organizations, groups,
5 residents in the neighborhood.

6 DR. GINSBERG: I think, too -- Let me just
7 reinforce something that you said, Mr. Sockwell, that
8 we as an organization take great pride in what it is
9 that we do. I think we also hope that we take great
10 pride in how we do it.

11 I don't have great pride in what I've
12 learned about how the parking lot had been maintained
13 over time. There's no question that it could have been
14 maintained better, and there's no question that it will
15 be maintained better.

16 You know, part of what I consider to be my
17 responsibility in my time of watch in the organization
18 is to be not only a responsible member of the community
19 but a responsible neighbor in what is a very beautiful
20 and wonderful neighborhood of our city.

21 So, yes, I certainly am not here to defend
22 the practices of the past. I'm here to say that I have
23 understood that the organization could have done
24 better, and to say that our commitment is to do better,
25 and to immediately make changes in the aesthetics of

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1 the parking lot in ways that are consistent with the
2 community's wishes, and then to maintain the parking
3 lot and to maintain a relationship with the
4 neighborhood to be sure that we are maintaining the
5 parking lot in a way that is both sensible and
6 appropriate.

7 VICE CHAIRPERSON SOCKWELL: And just to
8 complete that thought, Dr. Ginsberg, the issue of
9 organizations as opposed to individuals is that an
10 individual living in a single family residence on any
11 particular street can leave and a new resident come in,
12 and that could change the entire visual and social
13 relationship with that piece of property; because that
14 new person could start parking abandoned cars and
15 everything else on the lot.

16 An organization is an organization, and
17 whether Dr. Ginsberg or Mr. Smith is running the
18 organization, that chair should be able to be filled by
19 a new individual without much change in the way the
20 organization perceives its relationship to a community.

21 DR. GINSBERG: True.

22 VICE CHAIRPERSON SOCKWELL: And therefore,
23 the organization itself has been deficient, and perhaps
24 the Director being one who would have handled that
25 relationship did not do anything to improve it. It

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1 might be your charge, period, to make sure that the
2 organization outlives your reign or rule as the person
3 primarily in charge.

4 DR. GINSBERG: Well said, well said.

5 BOARD MEMBER RENSHAW: Madam Chair, a few
6 questions, please.

7 I just want to review a couple of points.
8 Is the hut still there?

9 DR. GINSBERG: No, it's not.

10 BOARD MEMBER RENSHAW: It's gone? Very
11 good. Now the parking is free?

12 DR. GINSBERG: Yes.

13 BOARD MEMBER RENSHAW: With the community?
14 Do you have --

15 DR. GINSBERG: Yes, for everybody.

16 BOARD MEMBER RENSHAW: Do you have
17 arrangements, written arrangements, with them or is it
18 first come, first served with the community?

19 DR. GINSBERG: It's on a first come, first
20 served basis after working hours.

21 BOARD MEMBER RENSHAW: And you have working
22 hours defined?

23 DR. GINSBERG: I believe it's nine to five.
24 It may be eight to five.

25 BOARD MEMBER RENSHAW: All right. And are

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1 there 22 or 20 spaces? Would you be specific?

2 DR. GINSBERG: Twenty-two is what is in the
3 application and has historically been in the special
4 exception. I say 20, because there was an issue that
5 was brought up at the Advisory Neighborhood Commission.

6 There were only 20 spaces marked off, but I believe
7 there are 22 in terms of area, that it's capable of
8 accommodating 22 parking spaces.

9 BOARD MEMBER RENSHAW: All right, 22. Now
10 there is always the question in a community when they
11 see a parking lot that something more is going to
12 happen, even though you're here to proceed as you have
13 been with a parking lot for employees. Do you have any
14 plans to change that lot into an addition for your
15 building, anything like that at all?

16 DR. GINSBERG: We don't at the moment. The
17 community has had contact with us. In fact, several of
18 the neighbors have had contact with us -- in fact,
19 several of the neighbors -- about their interest in
20 that particular piece of property being developed in
21 the future, but we have no specific plans at the
22 moment, although we certainly would be happy to
23 interact with the community about some of their
24 thoughts about the ultimate use of that property. But
25 we rely on that property a great deal as a parking lot

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1 for our employees, and it is very important that our
2 people have a place to park when they come to work.

3 As you know, the impact on the neighborhood
4 would be severe with 20 or 22 additional cars being
5 forced to find other parking. So the short answer to
6 your question is no, we have no immediate plans nor
7 anything on the drawing board, but as always we would
8 be interested to hear the neighborhood's thoughts, and
9 they've begun to explore that with us.

10 BOARD MEMBER RENSHAW: Is your organization
11 governed by a board of directors?

12 DR. GINSBERG: Yes. It's governed by a
13 board of directors. That's a nationally elected board
14 of directors, governing board, as it's called. That's
15 correct.

16 BOARD MEMBER RENSHAW: All right. And at
17 the time when you are going to -- you're beginning to
18 think about doing something with this piece of
19 property, will you bring the ANC and representatives of
20 the community into planning sessions so that these
21 people are not blindsided by what you are going to do?

22 DR. GINSBERG: Well, with that question,
23 that's consistent with the kind of organizational
24 philosophy, as I talked earlier.

25 BOARD MEMBER RENSHAW: How many staff drive

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1 to work and park in that lot?

2 DR. GINSBERG: It's full every day.

3 BOARD MEMBER RENSCHAW: Full every day?
4 Twenty-two or 20?

5 MR. AREND: Twenty, I believe.

6 DR. GINSBERG: I think there's 20 at the
7 moment, and there are others who drive who have to find
8 other places to park, obviously. We have more than 20
9 staff.

10 BOARD MEMBER RENSCHAW: All right.

11 CHAIRPERSON REID: Mr. Ginsberg, I think --
12 Let me first say that I think that the mission of your
13 organization is a very laudable thing. You bring a
14 worthwhile type of entity to the city. Nonetheless,
15 what we're faced with today is you're here for an
16 extension of your special exception.

17 So the responsibility of this Board is to
18 determine whether or not it should be extended, and
19 that's predicated on what we are -- the information we
20 are given from the community and from yourself and what
21 have you.

22 The problem is that you have been given a
23 special exception, and the condition of the special
24 exception was that you were to comply with certain
25 conditions that were not completely complied with, and

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1 you've given us all kinds of reasons why you did not,
2 could not.

3 As a result of that, you now come to ask us
4 to believe that, if we give you an extension, that you
5 will not continue to conduct yourself in the manner in
6 which you have. You came for the special exception,
7 and you were given that. Then there were conditions
8 that were put into the order, and those were not -- you
9 know, that was not taken care of.

10 We now have letters from members of the
11 community who are not happy with the fact that you've
12 not been a good neighbor, and you've not maintained
13 that parking lot as you were supposed to, and they have
14 given us pictures. I mean, they have taken the time.

15 This community is a very concerned
16 community. Like you said, it's beautiful, and they
17 want to keep it like that. They do not want an
18 eyesore, and understandably so.

19 As such, some have recommended to us that
20 we not give you a five-year, that we give you a two-
21 year or maybe even a one-year extension. I can imagine
22 that would be kind of troublesome for you --

23 DR. GINSBERG: Yes.

24 CHAIRPERSON REID: -- for that to happen,
25 but that's happened as a result of your not being

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1 responsible to them and to even their complaints,
2 numerous complaints that just fell on deaf ears.

3 So now is the day of reckoning. So we have
4 to now determine if, in fact, or why we should allow
5 you to continue, and now we have to hear from the
6 community and from the ANC, and you're saying that you
7 will do something. But how do we know?

8 What I would suggest comes to my mind, as
9 I'll often do, do you have a community liaison person
10 or entity that can communicate with you as to when you
11 start to go awry and let you know that, hey, this is
12 not happening, you're not doing like you're supposed
13 to, and straighten it up? Do you have something like
14 that?

15 MR. AREND: I think, de facto we do. Mr.
16 Hobb seems to --

17 CHAIRPERSON REID: No, not de facto. I
18 mean officially --

19 MR. AREND: A great idea. We could do
20 that.

21 CHAIRPERSON REID: -- because of the fact
22 that you have had several complaints that you ignored.

23 I don't want to say ignored. That's too strong; that
24 you have not heeded. So if you have a person who is an
25 official -- quote/unquote, official capacity to work

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1 with you to say -- you know, because like executive
2 directors may come and go. How do we know you're going
3 to still be here five years from now, and a new one
4 comes in and says I wasn't aware of the order, I didn't
5 know what I was supposed to do. So that puts the
6 community in jeopardy.

7 What we're supposed to do is try to assure
8 that, to the greatest extent possible, that there is a
9 peaceable coexistence between the entity, yourself, and
10 the community. As such, I'd like to hear what you'd
11 like to -- what you can do or what you're willing to do
12 in order to be able to bridge that gap, because right
13 now there is a problem.

14 DR. GINSBERG: Well, I think it's a great
15 idea, and I think we would be very prepared. I think
16 it's a terrific thought to establish a liaison function
17 between the organization and members of the adjacent
18 community to the organization. We would be happy to
19 host a couple of receptions or that kind of thing to
20 actually spend some time and talk about the plan, not
21 only for the parking lot today, but have a kind of a
22 regular forum to be sure that we're all complying with
23 the expectations of each other. I think it's a
24 terrific idea.

25 CHAIRPERSON REID: Yes. I don't think that

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1 -- You don't need to have a reception and all of that,
2 but --

3 DR. GINSBERG: Well, I mean like an
4 opportunity for discussion.

5 CHAIRPERSON REID: Okay. Well, do what you
6 feel. I think they want to see something. They want
7 to see some commitment. They were all right with your
8 having a special exception, and I think that you have
9 to -- We have a credibility issue here where you've
10 already promised that you were going to do something.
11 You didn't do it. So now how are you going to restore
12 in the community that degree of credibility that will
13 allow you to be able to receive your special exception,
14 if in fact we were to grant you the extension here
15 today?

16 DR. GINSBERG: I think that's a great idea,
17 and clearly, the neighborhood also enjoys the use of
18 the lot on any given night. There are many, many cars
19 that are parked there on the weekends.

20 CHAIRPERSON REID: Sure. Sure.

21 DR. GINSBERG: You know, we're pleased to
22 be able to provide that for the neighborhood, and
23 together, hopefully, we can create a situation that
24 meets everybody's needs.

25 MR. AREND: I would just note so the record

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1 reflects the balanced view in the neighborhood that we
2 have also received significant support from neighbors
3 for the special exception, St. Luke's, the Foundry
4 Church --

5 CHAIRPERSON REID: We have those.

6 MR. AREND: -- Stoneham Condominium
7 Association.

8 CHAIRPERSON REID: We have those, and we
9 will acknowledge those at the appropriate time, but
10 that's not a problem.

11 MR. AREND: I understand.

12 CHAIRPERSON REID: And rightfully so,
13 that's kind of a given that you would have some
14 support, because this diverts to what you do, you know.

15 But we will acknowledge those letters of support. I
16 don't know if we have people in support here, but we
17 definitely will note those letters. We do have them in
18 the file.

19 CHAIRPERSON REID: Comment?

20 COMMISSIONER MITTEN: I would just like to
21 follow onto a theme that has been developed to some
22 extent, which is one of the main criteria for us
23 deciding whether to grant a special exception -- this
24 is in Section 3104 of our regulations -- is that those
25 special exceptions will be in harmony with the general

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1 purpose and intent of the zoning regulations and zoning
2 maps and will not tend to affect adversely the use of
3 neighboring property.

4 I'm sure you're well aware of the fact that
5 this property is not zoned for a parking lot. It is a
6 special exception, and the desire for development in
7 the neighborhood is not to have parking lots. It's to
8 have residential development.

9 Often when special exceptions are given for
10 something like this, it's because the time isn't right
11 to realize the full potential of what's intended by the
12 comprehensive plan and the zoning regulations. That's
13 not the case right now in that neighborhood.

14 I think one of the things that comes
15 through in the letters from some folks in the community
16 is that this -- even people who are suggesting that
17 there be an extension given, that this is not something
18 that's going to go on indefinitely. So can
19 you respond to the fact that, for people who don't want
20 this special exception granted and who do know that the
21 time is right right now for this to be redeveloped -- I
22 mean, how can we reconcile that with your request,
23 given the direction the neighborhood is moving in?

24 DR. GINSBERG: Well, that's a very good
25 point. What came up earlier, too, is the beginning of

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1 a planning process to look at the ultimate use of that
2 property. You know, at the moment and really for the
3 foreseeable future, we have a need with respect to any
4 development of the property to think about the parking
5 needs of our employees, which are critical.

6 COMMISSIONER MITTEN: Right.

7 DR. GINSBERG: So in considering
8 development options, one of the components, at least
9 from our perspective and, certainly, I can fairly speak
10 for our employees from their perspective, would be to
11 include some opportunities for parking.

12 How that could be configured, how that
13 could be developed, I think, is something that's going
14 to take some time. It's not going to happen overnight.

15 Also, being a not for profit, we're not a developer.
16 That's not our business or our industry, but we
17 certainly think -- and that's why I answered the
18 question the way I did earlier -- we have no current
19 plans, but the neighbors have approached us, and we've
20 concurred with the neighbors that it would be useful to
21 begin a planning process about what ultimately might
22 occur on that property.

23 I do understand that the notion of the
24 special exemption is not a permanent one.

25 COMMISSIONER MITTEN: Well, I just want to

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1 press on a point, and I don't want this to be offensive
2 at all, but the idea that you have this burden of where
3 your employees are going to park -- I mean, the
4 community's position, I would suspect, is well, that's
5 your problem.

6 We have to protect the interests of the
7 community as well as your interests, which are -- You
8 know, they are very specific.

9 DR. GINSBERG: Right. That's the balancing
10 act here.

11 COMMISSIONER MITTEN: So I guess I don't
12 know what to attempt to extract from you by way of
13 commitment to sort of the timetable for exploring
14 alternatives, but I think some folks in the
15 neighborhood would suggest that you've had your time,
16 and it's been in the past that you should have been
17 doing this.

18 DR. GINSBERG: Well, we will begin
19 discussing with our governing board. Clearly, that's
20 something that must occur, and we've already had
21 conversations in a preliminary manner with our
22 governing board about the issues that are before you
23 today, and that's something that will begin. But as
24 you know, the development of a lot that's owned by a
25 nonprofit, the issues take time --

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1 COMMISSIONER MITTEN: Of course.

2 DR. GINSBERG: -- to occur, which is one of
3 the reasons when the community neighborhood commission
4 suggested a two-year extension, we thought that was a
5 reasonable time period to give us an opportunity to
6 look at the long term possibilities of that property.
7 We're pleased that that was one of the suggestions that
8 they made, which does kind of allow a time frame and a
9 deliberate process to occur that's not either rushed
10 beyond capacity or slowed beyond necessity.

11 COMMISSIONER MITTEN: Have you been
12 approached by developers about buying your lot?

13 DR. GINSBERG: We have had -- Several
14 people have called us about the availability of that
15 lot since I have been with the organization, and to all
16 I have said we would entertain discussion, but we've
17 not had any discussions face to face or any preparation
18 or materials presented to us in writing.

19 So as you might imagine, it's a very
20 desirable piece of property by any stretch of the
21 imagination in an area that has been extensively
22 developed and for which residential properties are
23 quite valued. So, clearly, there are some
24 possibilities. Yet the balancing act we were talking
25 about earlier, the need to develop a residential piece

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1 of property but also to think about the long term needs
2 of our employees, given we do operate the organization
3 in the neighborhood, it's a balance that we'd like to
4 try to nurture.

5 VICE CHAIRPERSON SOCKWELL: Dr. Ginsberg,
6 with regard to your use of that lot for accessory
7 parking, I don't want you to believe that this Board
8 would attempt to push you away from an accessory use
9 that has been confirmed and reaffirmed for an existing
10 organization over a period of years.

11 Certainly, the community is very interested
12 in seeing a higher and better use of that lot, but
13 provided that your organization is in compliance with
14 the rules and regulations of the District of Columbia
15 and the orders of this Board, your use of the lot is a
16 continuing use, not a new use or not a new
17 organization. You didn't come in yesterday. You
18 didn't replace a previous organization of the same
19 type. You are the same organization that has been in
20 possession of that lot and using it for this purpose.

21 One of the factors that enters into this is
22 that, because you are an existing organization and you
23 are using the lot in a way that is not consistent with
24 the underlying zoning, it is incumbent upon the
25 organization to handle that gift very, very carefully;

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1 because the community has sincere complaints and
2 sincere needs, and it's not the churches that are
3 against you, because they are around the corner and
4 down the block. It's the people that are adjacent to
5 and across the street from that lot who deal with the
6 issues every day and every night.

7 Because this is a gift, gifts sometimes
8 have to go back to the store because they don't work.

9 DR. GINSBERG: We fully intend to be very
10 responsible.

11 CHAIRPERSON REID: Okay. Let's try to move
12 on. Government reports, ANC?

13 MS. PRUITT: Excuse me, sirs. Could you
14 splay your mikes out in opposite directions of each
15 other.

16 CHAIRPERSON REID: Is the ANC present?
17 Okay, would you allow them to come up.

18 DR. GINSBERG: Sure. Thank you.

19 CHAIRPERSON REID: Thank you very much.
20 We'll have you come back up for closing remarks.

21 MS. SANSONE: Madam Chair, I would just
22 note that the ANC report was filed five days before the
23 hearing. So it would be two days late.

24 CHAIRPERSON REID: Okay, you need to
25 request a waiver.

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1 MR. JACKSON: Madam Chair, I did request a
2 waiver for this, because --

3 CHAIRPERSON REID: You did?

4 MR. JACKSON: -- we were not given timely
5 notice of this hearing, because it was sent to the
6 wrong ANC. The ANC of jurisdiction is 2B, not 2C.

7 CHAIRPERSON REID: All right. Then you
8 made sure that that was corrected within our office as
9 well?

10 MR. JACKSON: I did see the letter
11 requesting a late filing in the file.

12 CHAIRPERSON REID: All right. So you did
13 request a waiver?

14 MR. JACKSON: As soon as the neighbors
15 notified us that they had received word and we had not,
16 we requested a waiver of that.

17 CHAIRPERSON REID: Okay, I don't have it in
18 my file, but just verbally we will accept your request
19 and grant you a waiver, unless there is any objection
20 from any of my colleagues. All right. Please, sir.

21 MR. JACKSON: My name is Don Jackson. I'm
22 the single member district representative for this
23 property. This has been an ongoing discussion in our
24 neighborhood. There are several parking lots in the
25 1500 block of Church Street, and this particular one at

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1 our last ANC meeting was probably a difficult decision
2 for me, because I tend to step back and look at the
3 bigger community, not just look at this lot by itself.

4 I agree with the comments from some of the
5 neighbors that the lot has not been maintained
6 acceptably in the past five years. It has not been
7 cleaned, and the landscaping -- there really is no
8 landscaping, and there's a five percent minimum
9 landscaping requirement in the zoning regulations.

10 Over the past five years my phone calls, as
11 well as some of the neighbors, have gone unreturned
12 from NAEYC. So our process was just to stop
13 discussions and wait until the exception came up for
14 renewal, and that's why Mr. Ginsberg was not contacted
15 until recently.

16 As Ms. Mitten said, the neighborhood is in
17 a growth spurt right now. There is a lot of
18 development going on. That's one of the problems.
19 It's very sporadic, and I don't think there's a plan
20 for the neighborhood. There are interested persons
21 doing individual lots but not thinking about long term
22 impact.

23 We're only a block from 14th Street, which
24 is trying to be rejuvenated. In the other direction,
25 we have the 17th Street commercial strip which brings

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1 in people from outside and has no parking at all. We
2 have the Jewish Community Center at 16th and Q, and on
3 16th Street just a block from this parking lot we have
4 approximately 300 housing units with no parking.

5 So the lot does benefit the neighborhood,
6 and having it open at night has been a benefit. Many
7 neighbors are appreciative of that.

8 In the past year, the Mayor's office has
9 designated both Dupont Circle and the adjoining Logan
10 Circle just across 15th Street as neighborhoods where
11 there is major parking problems, and we have task
12 forces going on right now trying to develop parking
13 plans for neighbors and businesses to coexist
14 peacefully and benefit both parties.

15 That was the reason that I made the motion
16 that I did. Because of all the ad hoc redevelopment of
17 individual properties and knowing that we're going to
18 have to lobby people to try and modify some of their
19 plans to include parking for businesses and residents
20 and that sort of thing, I did not feel that the one-
21 year request by some of the neighbors would be
22 adequate, knowing some of the parties involved.

23 Also, the size of this lot, to develop it
24 by itself -- One of the suggestions made was to do
25 underground parking, as was done in a nearby project,

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1 but ramping down underground would lose quite a few
2 spaces. So there is a lot adjoining it, and one of my
3 plans is to get the owners of that lot, which will be
4 here probably in another month or two before you, to
5 maybe look at some cooperative effort to do some
6 parking there for both of their organizations and for
7 the neighborhood.

8 I don't think this will be accomplished in
9 one year, given the personalities in the neighborhood.

10 So the ANC's recommendation which was filed with you
11 was to approve it only for a two-year renewal,
12 conditioned upon contracts being presented as a matter
13 of good faith, that the new members of the NAEYC, the
14 new staff, would follow through with them.

15 So far, we've not received any copies of
16 these contracts that they said they had presented to
17 you all. So at this point we have not signed anything
18 with them, but if they would present contracts showing
19 they will comply with all the zoning regulations, then
20 we would be willing to sign those at this time.

21 CHAIRPERSON REID: The contracts that
22 you're referring to were to reflect the agreement and
23 the conditions that were stipulated in the ANC letter
24 dated February 10, 1999?

25 MR. JACKSON: Actually, I have a correction

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1 here for you.

2 CHAIRPERSON REID: It must be 2000.

3 MR. JACKSON: Our computer was not Y2K
4 compliant at the time. So I can file it and update it
5 for you.

6 CHAIRPERSON REID: Okay. All right, but is
7 that what you're saying?

8 MR. JACKSON: Yes.

9 CHAIRPERSON REID: But you don't have that
10 yet?

11 MR. JACKSON: We have not received a
12 contract from them at this time, no.

13 CHAIRPERSON REID: All right. Then we can
14 request that prior to any order going out. What single
15 member district are you from, sir?

16 MR. JACKSON: From ANC-2B04.

17 CHAIRPERSON REID: 2B04, okay. Where in
18 the letter does it say two years? Oh, I see it, the
19 first condition, two years -- You said that they agreed
20 to that or they did not? What are you saying?

21 MR. JACKSON: The ANC supports a two-year
22 renewal only on the following conditions, and at our
23 meeting NAEYC also was agreeable to those terms.

24 CHAIRPERSON REID: They are agreeable to
25 only two years?

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1 MR. JACKSON: At our meeting, they were in
2 concurrence with that, yes.

3 CHAIRPERSON REID: Does that conclude your
4 report?

5 MR. JACKSON: Yes.

6 CHAIRPERSON REID: All right.

7 BOARD MEMBER RENSHAW: Madam Chair, I have
8 a question. Appreciate your being here to give a
9 report on your single member district. Mr. Jackson,
10 the Mayor has had a neighborhood summit. He's had two
11 sessions now, and it is the time for neighborhoods
12 getting together for this long term planning that your
13 neighborhood, obviously, needs.

14 Are you going to be taking the lead with
15 the applicant? Are you planning to have the applicant
16 play a large part in this long term planning for your
17 neighborhood?

18 MR. JACKSON: Yes, and it will involve
19 including another ANC as well. The adjoining ANC has a
20 lot of commercial property just half a block from this
21 property that we want to try and work all of this
22 together. So I do plan to have a joint effort between
23 ANC 2F, Logan Circle, which also has a parking task
24 force, and ours; and we will involve both NAEYC and
25 other groups that have parking lots that we want to

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1 redevelop.

2 BOARD MEMBER RENSHAW: All right. Just
3 another point: At times when residential communities
4 buck up against nonprofit led, the residents have a
5 fair amount of angst, because they do not -- They may
6 have a good association with a nonprofit. However,
7 they are not privy to the planning efforts of the
8 nonprofit organization, and they look out on a space,
9 and they know that tomorrow it could change.

10 The surveyors could be over there. The
11 developers could be in your office or in the office of
12 the applicant making plans. So I do want to stress
13 that, in regard to this open space, that the ANC keep
14 tight communications with the applicant and that the
15 ANC is brought into initial planning as quickly as
16 possible.

17 MR. JACKSON: Yes.

18 CHAIRPERSON REID: Ms. Mitten?

19 COMMISSIONER MITTEN: At the meeting did
20 you all discuss -- I know you mentioned that you
21 discussed the one-year renewal. In your opinion, that
22 wasn't a sufficient amount of time to sort of resolve
23 whatever issues there might be. But in terms of giving
24 leverage to the community, in terms of making -- You
25 know, there is the issue of coming and saying all the

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1 right things to us about their commitment to the
2 conditions that they might agree with, with the ANC and
3 so forth, but then the enforcement of all of that, as
4 you know -- that's the difficult part.

5 Did you talk about a one-year renewal in
6 the context of, you know, sort of the added incentive
7 for them to live up to the commitment, because they
8 will have to back quite soon to us to prove yet again
9 that they deserve a renewal of some length of time.

10 CHAIRPERSON REID: One year or two years?

11 COMMISSIONER MITTEN: I'm asking Mr.
12 Jackson. They are recommending a two-year renewal, and
13 I'm asking did they discuss the one-year renewal in the
14 sense that it would give added enforcement authority, I
15 guess.

16 MR. JACKSON: We did consider the one year
17 as a leverage issue, but in terms of all the factors
18 involved, working with the other ANC and property
19 developers and that sort of thing, I do not feel that
20 it was feasible. I would not oppose a one-year. That
21 would be fine, but just from a practicality point I
22 felt the two-year was more appropriate.

23 COMMISSIONER MITTEN: Okay. I don't know
24 if you can answer this question, but in the -- I know
25 the task force, the parking task force is an ongoing

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1 project. How do they view these types of parking lots?

2 Do they consider that they are sort of a short term
3 asset or a long term asset in terms of parking in the
4 community, or do you know?

5 MR. JACKSON: On my particular task force,
6 there hasn't been a lot of discussion about off-street
7 parking in the first -- We divided into two phases.
8 The first was to recover on-street parking as much as
9 possible first for residential zoning purposes, and
10 then we would go on to the off-street parking issues
11 after that.

12 The community is very mixed on it.
13 Obviously, there are those who have benefitted from
14 this lot, and some similar ones are in favor of them,
15 but others definitely want the properties converted
16 back to residential use. So there's a mixture of
17 opinions in the community.

18 COMMISSIONER MITTEN: But you don't know --
19 You know, when you're quantifying the amount of parking
20 available in the neighborhood, do you know how they
21 view a surface lot like this that has a special
22 exception?

23 MR. JACKSON: The parking task force as a
24 whole has not surveyed that just yet.

25 COMMISSIONER MITTEN: Thank you.

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1 CHAIRPERSON REID: Thank you very much.
2 Persons or parties in support of the application,
3 please come forward. Please?

4 MS. KLIPPLE: My name is Mary Jane Klipple.
5 That's K-l-i-p-p-l-e. I'm the nearest neighbor to the
6 lot. My wall adjoins the parking lot.

7 I perhaps was the one that finally got the
8 shack removed after a great deal of effort, but in
9 recent times my only complaint would be on the policing
10 of the lot and keeping the weeds down and that sort of
11 thing.

12 I would say that I think the lot is
13 essential to the neighborhood. As you have already
14 heard, it's used both in the daytime fully by the
15 employees of the organization, and it's certainly used
16 in the evening by perhaps some of the people that
17 object to the continuation of the lot.

18 It is free to the community. It's also
19 free to Foundry United Methodist Church, which is at
20 16th and P and which has parking needs, and I'm an
21 active member of that church and have been for a long
22 time.

23 I have owned my house there since 1991, and
24 I have lived in it continuously since about 1995.
25 Parking is absolutely essential in the neighborhood,

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1 and until I can believe that the city or the ANCs or
2 anybody has any kind of a plan to provide parking for
3 residential areas, I would think that it's absolutely
4 essential to keep this kind of a lot open.

5 I perhaps fault the city as much as I do
6 anybody else in regard to these kinds of situations.
7 We have had until very recently very poor maintenance
8 of streets and sidewalks. We still have absolutely no
9 maintenance of the alley. The parking lot is a hazard
10 to get into, I think, for some of the employees. After
11 any rain, we have a lake right behind my house.

12 I myself have two and a half or three
13 spaces behind my house which are used by staff at the
14 Foundry Methodist Church during the week, because there
15 is just no place for people to park in that
16 neighborhood. The on-street parking has almost totally
17 disappeared from 16th Street and from the side streets.

18
19 So I would hope that in your considerations
20 you would take that point of view from the community.
21 I have a very old house, and I do have some maintenance
22 problems of my own which I am trying to address this
23 year, and I think I will have the cooperation of the
24 current management of the organization.

25 My major complaint was with the past

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1 management who were unresponsive to letters, to any
2 kind of requests, but that has -- Except for the
3 quality of the maintenance, which has not been
4 exceptionally good this past year, I have had no other
5 kind of difficulties with them using the parking lot.

6 CHAIRPERSON REID: Thank you. Sir?

7 MR. WOGAMAN: My name is Philip Wogaman.
8 I'm the Senior Minister of Foundry United Methodist
9 Church at 1500 16th Street, N.W.

10 Our church is the longest standing building
11 or institution in that immediate neighborhood. We have
12 been there since 1904. We have existed in the city
13 since 1815. I think our parking problem began with the
14 invention of the automobile.

15 We do not have a parking lot other than a
16 very minuscule staff parking that will take at maximum
17 eight cars. We've had some use of the underground
18 facility across P Street from us in the last two or
19 three years, and that's been very helpful.

20 We have appreciated the use of the NAEYC
21 lot on Sundays. They have been very kind and generous
22 in allowing us to make some use of that spot. I know
23 on Sundays, in particular, our congregation will fan
24 out through the neighborhood insofar as parking lots
25 are not available to us.

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1 Increasingly, members of our church are in
2 the neighborhood. We probably have several hundred
3 people in our church now fairly close in, and many are
4 within walking distance of the church. For them,
5 parking is not an issue in our immediate neighborhood.

6 But for the church as a whole, it is.

7 Foundry has been committed to the city for
8 all these years. We would never think of moving to the
9 suburbs or anything of that sort. We are deeply
10 committed to being a part of the glue that helps to
11 hold the metropolitan area together, and to us that
12 isn't a sentimental matter. It's a matter of the
13 survival of a wider community which includes, of
14 course, Maryland and Virginia as well as the District.

15 These are real dilemmas. We have observed
16 through the years the increasing density of population
17 in that area. The immediate area is not like the
18 suburbs where you have single family homes and lawns
19 and commensurately large exposure to streets. We have
20 a very densely populated neighborhood.

21 That means, insofar as people who have
22 cars, a dense population of cars as well. I just have
23 to say it seems reasonable to want to have some parking
24 facilities available in areas like this, and that's
25 something the zoning regulations ought to take

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1 seriously into account.

2 I would like to say just one other word
3 about the NAEYC. They have been good neighbors to us
4 in a variety of ways, not least the fact that they are
5 the sponsoring organization, the accrediting agency for
6 preschool programs, and we have an active preschool
7 program in our church accredited by them and supported
8 by them which serves poor people in the city.

9 It's not a money maker for the church.
10 We've put over \$100,000 a year into the preschool
11 program, and we have appreciated the proximity of the
12 NAEYC as the support for that effort, in addition to
13 their generosity to us with the parking lot.

14 CHAIRPERSON REID: Thank you, sir.

15 BOARD MEMBER RENSHAW: I have a question
16 for Ms. Klipple. Ms. Klipple, you made the statement
17 that you have a lake behind your house or -- Yes, a
18 lake behind your house. I'd like to know if any -- Is
19 that drainage from your place or is that drainage from
20 the parking lot?

21 MS. KLIPPLE: It's probably drainage from a
22 lot of places. It's the alley that is so pitted and so
23 low that --

24 MS. PRUITT: Excuse me, ma'am.

25 MS. KLIPPLE: I'm sorry. It fills up to an

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1 extent. On the P Street side, there are apartments. I
2 don't believe there are any single family houses. I
3 think they are all apartments or condos, some with
4 parking behind them and some with not.

5 On my side of the street, there is a house
6 adjoining mine, and I would think that perhaps it's an
7 accumulation of runoff from everywhere, plus the rain
8 that just comes down, and the condition of the alley is
9 such that a lake forms in the alley itself and stays
10 for a period of time until it evaporates or gets
11 splashed off.

12 BOARD MEMBER RENSHAW: So that the lake is
13 in the alley. It's not on your property?

14 MS. KLIPPLE: Oh, yes. It's in the alley.

15 BOARD MEMBER RENSHAW: It's in the alley.
16 Thank you.

17 MS. KLIPPLE: And I have made over the
18 years requests, as I think others have, to get the
19 alley fixed on that block, but there has never been any
20 response.

21 CHAIRPERSON REID: Thank you. Persons or
22 parties in opposition to this application, please come
23 forward.

24 MR. GUILLERY: Hello. My name is Wade
25 Guillery. I live at 1501 Church Street, N.W. at the

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1 end of the block in question, and I've lived there for
2 14 -- a little over 14 years, and I've seen a lot of
3 change.

4 I want to thank you for the opportunity to
5 come before the Commission and for your notices to the
6 community of these changes going on.

7 I don't really want to talk about past use
8 of the lot, because my neighbors will talk to that
9 effect. However, I would like to talk a little bit
10 historically.

11 You know, over the past 40 years a lot of
12 change happened in the city. We had white flight. We
13 had decline of inner city neighborhoods. The suburbs
14 grew, and you had a lot of times properties that were
15 no longer valuable through declining neighborhoods, and
16 they fell into disrepair and, as such, for safety
17 concerns possibly they were razed. Then what do you do
18 with them? They're full of weeds.

19 Well, they became community parking lots or
20 paved over, and they were used by commuters and so
21 forth. I know this, because my next door neighbor, Ms.
22 Maurice Thomas, is 101 1/2 years old, and she's lived
23 in her house since 1925, and she told me that the house
24 I currently own was once a parking lot put in in the
25 fifties.

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1 They tore down two beautiful old rowhouses,
2 and she even showed me the pictures, and it was a
3 parking lot from 1955, I think she said, to 1975 when
4 someone put in and redeveloped five little houses down
5 Church Street instead of fronting on 15th. She said,
6 I've seen those changes come about.

7 At one time, maybe the best use of the
8 property was a commercial surface parking lot, either
9 for residents or whatever, but that has changed. We've
10 seen it change most recently in the last, I'd say, five
11 to seven years where not are we getting Seven Elevens
12 and sub shops. We're getting residential housing.

13 All of a sudden, the developers have found
14 that there is a need, and we're getting condominiums.
15 We've even had a couple of houses on P Street go from
16 rooming houses back to single family, and they were
17 sold before they were even started construction.

18 The neighborhood is just booming and not
19 with commercial/office/retail like this goes on
20 downtown. It's booming with people who want to live in
21 our neighborhoods, and the density that brings also
22 brings us a benefit.

23 It brings us increased revenue to the city.
24 Registration of these automobiles runs about \$85 a
25 pop, city taxes, residential taxes, real estate taxes.

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1 It also brings us safety.

2 If our block, instead of being two-thirds
3 vacant lot, had four-story condominiums or single
4 family homes, you have people walking their dogs,
5 coming home at night, saying hello on the street, less
6 opportunity for vandalism or being mugged, as I have
7 been on my block, held up at gunpoint, or had your car
8 windows broken out of and some minor things stolen.

9 I mean, you can't have guests come without
10 saying don't have anything in your car showing, and
11 it's odd, but you have to tell them that, because they
12 are coming in from the suburbs or another part of the
13 city that isn't tasks with that kind of attention.

14 In general, we've seen a lot of good change
15 and, as you know if you've watched television lately,
16 we've had an article on Channel 4 News showing about
17 the development of the Fresh Fields. We're getting
18 upscale businesses wanting to develop long, long vacant
19 properties. I mean eyesores for years.

20 I was fortunate enough to live there when
21 the Duron Paint put in a Route 1 style suburban store
22 in our property. I supported it, even though it's not
23 beautiful. It got rid of the weeds and the migrants
24 and the homeless people that were living in this vacant
25 area adjacent to my property.

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1 CHAIRPERSON REID: Okay, which brings us to
2 the special exception that we're here for today.

3 MR. GUILLERY: Yes, ma'am. I'm sorry.

4 I ask that you disapprove this exception.
5 As Mr. Sockwell said, this is a privilege. It is a
6 gift, and regardless of the past, we need to look at
7 the future. You as Board members here, I think your
8 role is to see the future and not the past or today.

9 Developers want property to build housing.
10 It's zoned residential. As a neighbor, I'm not
11 concerned they're going to put in a Seven Eleven or
12 some hideous property that we won't have a chance to
13 comment on. With the procedures in place, the ANC, the
14 Historic Preservation and so forth, we will have ample
15 time to comment on any kind of thing they want to
16 build.

17 They can maximize their profit today.
18 After the election this fall or next year, the
19 recession -- Who knows what the economy will do?
20 Possibly, two years from today when we come back before
21 you, the best use will again be surface parking.

22 We have an organization that employs, I
23 think, around 100 people, but we're talking 20 parking
24 spots. We're talking a neighborhood that -- we talk
25 about the JCC and this organization and the businesses

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1 on 17th Street, and they value this parking. We're
2 talking 300 condominium units in the vicinity. Twenty
3 spots?

4 That percentage is minuscule. While, yes,
5 it provides an advantage to some of the neighbors,
6 mostly the renters who are there, and the renters who
7 come in and park there in the evening, they're there
8 Sunday morning. So it's a lot of -- The church
9 doesn't evict the spots to park. So that point is
10 negligible.

11 I guess what I'm getting at is we ask that
12 you deny it so that change can take place. We're not
13 taking the ownership away from this applicant. We're
14 not changing the zoning on it. I nor you nor they
15 could control that it was zoned residential when they
16 bought it. It's zoned residential. Residential it
17 should be, whether it's built on today, next year or
18 two years from now. But for a nonprofit to pass up
19 hundreds of thousands of dollars in potential money is,
20 to me, unconscionable. Thank you so much.

21 VICE CHAIRPERSON SOCKWELL: Mr. Guillery,
22 let me just ask one question. Do you believe that it
23 should be the charge of such a board as this to
24 determine what you can do with your house?

25 MR. GUILLERY: No. I believe --

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1 VICE CHAIRPERSON SOCKWELL: Then -- thank
2 you -- do you believe that it is the charge of this
3 Board to presume that changing an existing use for the
4 sake of fostering development is the right thing to do,
5 because either you or we believe that it's better for
6 Mr. Jones' property to be used for residential than for
7 some other use?

8 MR. GUILLERY: I believe the Board should
9 base their judgments on the adverse impact to the
10 neighborhood, and for continued use of a vacant lot,
11 whether it's for parking, whether they spend hundreds
12 of thousands of dollars to make it beautiful, still
13 impacts the value of my property. I'm a homeowner.
14 I've lived there continuously.

15 If I tried to sell my home, the first thing
16 they see when they step off the street -- they say,
17 well, what are these empty lots? What's going to
18 happen with those? Oh, well, they're accessory lots,
19 and that continues. I don't know the answer to that.

20 I'm just saying I'm adversely impacted.
21 That's why I'm here today. I may not have made that
22 clear earlier.

23 VICE CHAIRPERSON SOCKWELL: Just one more
24 question. Mr. Guillery, do you own a car?

25 MR. GUILLERY: Yes, I do. But I walk to

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1 work every day, and it stays parked, and I walk home in
2 the afternoon, and I see the gridlock that the city
3 faces. I walk home about six o'clock, and we're
4 talking a property that uses 20 spots. I'm talking the
5 immediate use by the owner, not the neighborhood.

6 Neighborhoods will cope, like they always
7 do, when you get overdeveloped. We are talking a
8 property of 16th and P that is within a 12-minute walk
9 of the Orange, the Blue, the Green and the Red and
10 Yellow lines.

11 We're talking served by a major bus line on
12 the P Street and 16th north/south, and we're talking
13 about a commercial garage at 1616 T Street right
14 outside their door that is available, I believe. I
15 haven't checked lately, but to anyone who drives in and
16 pays the eight dollars to park or \$12 to park all day,
17 plus all the ones that are in the 17th and K or 17th
18 and L area that are commercial establishments.

19 So for the 20 people that are privileged
20 enough to park on this lot from the NAEYC Monday
21 through Friday, I would think that 20 out of 100 or so
22 could easily make accommodations. Park in the suburbs
23 and take Metro then.

24 VICE CHAIRPERSON SOCKWELL: Just one more
25 question then, since you brought that 1616 P Street

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1 lot. That's a pay lot, right?

2 MR. GUILLERY: I believe it is a commercial
3 lot. It's part of their right to build this large
4 property on 17th and P, and the National Wildlife
5 Foundation -- to build that, they had to allow this
6 parking garage to be used not solely for their use, but
7 for maybe weekends for the churchgoers to park for
8 Foundry and so forth. I'm not an expert in that area,
9 though.

10 VICE CHAIRPERSON SOCKWELL: Do you know
11 whether or not the garage charges the people to use
12 that?

13 MR. GUILLERY: Yes. It is a commercial.

14 VICE CHAIRPERSON SOCKWELL: So at all
15 times, people have to pay.

16 MR. GUILLERY: I would think so. It's a
17 for profit thing. It's not free.

18 VICE CHAIRPERSON SOCKWELL: So the benefit
19 to the community with regard to the NAEYC lot is that
20 they don't charge the community. They don't charge the
21 church.

22 MR. GUILLERY: They allow it to remain open
23 as part of their zoning order in 1992. If you give us
24 this, we will do that.

25 VICE CHAIRPERSON SOCKWELL: Right.

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1 MR. GUILLERY: Then signage went up four
2 years after the order that basically said do not park
3 here, you will be towed. I don't understand how that
4 can be interpreted as we'll let the neighborhood use
5 it. If the neighborhood knows to use it, they do, but
6 it would be a mystery to someone coming to the JCC or
7 to a restaurant or even visiting me. They would
8 assume, if I park here, I run the risk of being towed.

9 Now that may be changed in the future, but
10 that is the signage that is there today.

11 CHAIRPERSON REID: Wait, wait, wait. There
12 is not signage there, and it says -- There is nothing
13 there that would indicate to anyone that the parking is
14 allowable after a certain time of the day?

15 MR. GUILLERY: No, ma'am. It says parking
16 reserved for members of the NAEYC; others will be
17 towed, period.

18 CHAIRPERSON REID: Okay. All right, thank
19 you. All right, next.

20 MR. TILTON: Hi. My name is Roger Tilton.
21 I also live in the 1500 block of Church Street.

22 I would just like to -- I think you all
23 have asked very probative questions that certainly
24 indicate that you have reviewed this record carefully,
25 and you're aware of the parking deficiencies and the

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1 fact that the current petitioner did not comply with
2 previous BZA orders, which is -- So I don't think I
3 need to go into that.

4 What I would like to go into is that two
5 years ago we came before a different Board with respect
6 to the adjacent parking lot. There are two parking
7 lots that are side by side here. That Board revoked
8 the special exception on that parking lot, because they
9 found it adversely impacted the neighborhood.

10 The reason they found that was that it also
11 had not been maintained. They also had not complied
12 with BZA orders. Now our ANC rep indicated that they
13 were going to be before you again. I guess they are
14 going to ask for not a renewal but a new special
15 exception for that lot. We will, of course, be here to
16 adamantly oppose that, but currently that is not a
17 parking lot.

18 Our position is that the lot that the
19 petitioner is applying for has all the deficiencies of
20 the St. Luke's lot, which is they don't comply with BZA
21 order, and it adversely impacts our neighborhood.

22 In the neighborhood today the new
23 apartments that are being constructed -- some of the
24 two-bedroom apartments sell for as much as \$500,000.
25 I'm sure that none of you would like to live across --

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1 If you had a \$500,000 apartment, would like to look out
2 onto an unkept parking lot. You probably wouldn't like
3 to look out on a perfectly kept parking lot.

4 Parking lots in residential neighborhoods,
5 I don't think, coexist terribly well. It is an adverse
6 impact. I know that the NAEYC has indicated that they
7 would -- that if they are given a year or two
8 extension, that they will start a planning process that
9 might eventually put this property back to its original
10 intended use, which is residential.

11 I think that my problem with that is that a
12 planning process where they have a year or two to do
13 this, they will start a year or two from now, just like
14 they will -- just like in the past these petitioners
15 start complying with your previous order about a month
16 or so before they apply for their renewal.

17 I don't think we're going to gain anything
18 by issuing them an extension. Currently, the
19 developers certainly in that area -- I do work in real
20 estate. So I have a little bit of knowledge of it.
21 The developers in that area are salivating over
22 opportunities to develop. There is no doubt in my mind
23 that, with a very short period of time, that they could
24 come to an arrangement with a developer where they
25 would -- where that property could be a lovely

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1 residential development for the city, accessible to the
2 city, and where they could retain parking.

3 I think it is physically possible. I think
4 it is very doable. In fact, they probably would have
5 condominium parking spaces underneath that building
6 that would be as valuable as the current parking.

7 As a result of that, as I said, I would
8 request that this Board deny this special exception. I
9 don't think special exceptions should turn into
10 permanent zoning changes, and this is looking like a
11 permanent zoning change that is just going to be
12 routinely granted, even when they fail to comply with
13 your orders.

14 CHAIRPERSON REID: Mr. Tilton, in regard to
15 your reference to the Board order a couple of years
16 ago, which I sat on that Board, for St. Luke's Church,
17 if I recall correctly, this was not exactly the same
18 thing.

19 In that instance, there was -- The problem
20 was that the lot -- Part of the lot at least was being
21 used for commercial, and that was the basis by which it
22 was denied, not adverse impact. Yes, there were some
23 similarities, but the essence of that case -- and if
24 you're going to cite, then please do so correctly --
25 was the fact that it was not supposed to have been used

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1 for commercial gain, and that's what happened, and
2 that's the reason why it was denied.

3 I remember that distinctly, because there
4 were a lot of newspaper articles about that decision.

5 MR. TILTON: Right, but you could -- but
6 the Board did approve a renewal of their -- They had
7 two lots.

8 CHAIRPERSON REID: Two lots, P Street and
9 then the Church Street thing.

10 MR. TILTON: Right. And the Board did
11 renew the P Street lot for accessory parking. The
12 Board could have renewed the Church Street lot for
13 accessory parking.

14 CHAIRPERSON REID: Could not, because of
15 the fact that it had been turned into a commercial
16 parking lot, and that was not allowed under the current
17 zoning regulations, sir.

18 MR. TILTON: Well, the Board certainly
19 approved the P Street lot as an accessory parking lot,
20 even though that had been turned into a commercial
21 parking lot as well.

22 CHAIRPERSON REID: Well, I don't know if
23 the P Street had already some compliance or had been
24 given some authority to do that. I know that, in
25 regard to the other parking lot, it was not supposed to

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1 be commercial, and it had been. That's why it was
2 denied. So I don't know what the history of the other
3 lot is.

4 Okay. Also, we've already said that, and
5 Mr. Sockwell said it very clearly, that it is not
6 within the purview of our Board to dictate or to
7 suggest to persons as to what is the highest and best
8 use of their particular land or their property.

9 The only thing we are here for is to
10 determine whether or not the use of their accessory lot
11 will have a negative impact on the community, and not
12 using it for the highest and best use of developing it
13 would not be within the auspices of those categories in
14 which we would be -- that we would use to determine
15 whether or not they are in compliance. Thank you.

16 We do also have for the record your letter
17 in which you laid forth the basis for your decision or
18 your position very clearly. Thank you. Yes, sir?

19 MR. HOPP: Good morning. My name is Jeff
20 Hopp, H-o-p-p. I'm a homeowner in the 1500 block of
21 Church Street as well. I'm here to oppose permanent
22 above ground parking lots in our neighborhood.

23 This neighborhood, as we are all well
24 aware, is certainly coming around finally. It's
25 developing and is not the place for above-ground

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1 parking lots, especially ones that are maintained with
2 a history like this one.

3 Just a matter of clarification, earlier,
4 Ms. Chairwoman, you had asked about the signs. You do
5 have a photograph in your packet of what the exact sign
6 says, and it does, in fact, say no parking, NAEYC,
7 violators will be towed at owner's expense. So I just
8 wanted to clarify that point as well.

9 CHAIRPERSON REID: Wait one second. Let us
10 check that, because I don't remember. Within our file
11 it may have been that the pictures weren't clear enough
12 for us to be able to see. Where is it? I mean, is
13 that actually on the property? What we will do is we
14 will determine that, once we have the applicant come
15 back. Is that on the parking lot?

16 Well, we don't know about that yet. We'll
17 have to determine once we have them back up. We will
18 find out what, in fact, this means and why.

19 MR. HOPP: Right. Actually, that's the
20 sign that's currently on the lot.

21 I also wanted to touch on the fact that
22 these are only 20 spaces, like Mr. Guillery had pointed
23 out. If they don't have this lot for their use, the
24 applicants have stated that where are they going to
25 park. They're going to park on our streets.

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1 Well, that's absolutely not true, because
2 our particular neighborhood and the surrounding
3 neighborhood is zoned for residential parking, Zone 2.

4 They can certainly park there, but if they park there
5 all day long, then they are subject to tickets, and we
6 all know that enforcement has been a problem lately,
7 although we have had some limited success recently in
8 getting enforcement to issue Zone 2 tickets.

9 Mr. Jackson stated that if ramping were
10 installed underground, you know, they might lose some
11 parking. I agree with the gentleman here that a plan
12 could be set forth.

13 What we want is a permanent solution for
14 the neighborhood. We don't want a permanent above-
15 ground parking lot in our neighborhood.

16 As far as their commitment to clean this
17 parking lot and keep it maintained on a regular basis,
18 I have to tell you. I walked by it this morning, and
19 there is trash and debris laying in the parking lot
20 right now as we speak. There are no weeds, as the
21 pictures indicate, because it's wintertime.

22 So I'm just leery of their commitment
23 level, understandably, given the past history. You do
24 have copies of the letters where as early as 1994 and
25 1997 we tried to address the concerns, and Ms. Klipple

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1 indicated that the shack removed. Actually, the
2 reality is that Tom Day of Office of Solid Waste
3 Control, the Clean-Up Division, issued a violation to
4 them in 1998, and then they were forced to remove the
5 blue shack.

6 I also want to comment on when the
7 Association was aware that they had a problem. One of
8 you stated -- I don't remember who it was; I apologize
9 -- that -- I believe it was Mr. Sockwell -- that the
10 conditions of this lot had been -- From the pictures,
11 obviously, they have existed this way for six years.
12 Their employees have to be stepping out of their cars,
13 stepping over trash, stepping over bushes, in order to
14 get into their building, pass through the alley, walk
15 around the 16th Street side to get in the building.
16 However, it was actually drawn to their attention on
17 September 15, 1999, in the form of a notice of
18 infraction from the Office of Zoning Enforcement for
19 failure to have a certificate of occupancy.

20 I did not enclose this copy. I assume you
21 have a record of this ticket. If not, you can have
22 this one. So that's when it was drawn to their
23 attention. That's why we're here today, is because
24 Enforcement went to them, wrote them a ticket, and here
25 we are.

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1 They do have a verbal agreement with the
2 Office of Zoning Enforcement to continue to park cars
3 on the land until this hearing process is complete.
4 You're well aware, there has not been a C of O for 13
5 years on this property. So the time has certainly come
6 to do something about that.

7 There was one point I wanted to make also
8 about support for the lot. I believe you have a letter
9 -- I've looked through the file -- from the Stonesdale
10 Condominium Association. This is a building on 16th
11 Street, N.W. in a different ZIP Code, just as Foundry
12 Church is in a different ZIP Code.

13 They have 15 units in this building, and
14 not one single parking space. They don't look at the
15 lot every day. We own homes on this street. We walk
16 by it every single day. We look at it. It affects our
17 property values, not these folks who are supporting it.

18 The folks who are supporting it, with the
19 exception of Ms. Klipple, don't live in the community.

20 The parking lot is full of Maryland and Virginia
21 license plates, etcetera, etcetera. It affects us, not
22 those folks who are supporting it. Thank you.

23 CHAIRPERSON REID: Thank you. Questions?

24 VICE CHAIRPERSON SOCKWELL; Yes. Mr. Hopp,
25 to the best of your knowledge, have any of your --

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1 Where do you live with respect to the property itself?

2 MR. HOPP: At 1507, catty corner.

3 VICE CHAIRPERSON SOCKWELL: Okay. To the
4 best of your knowledge, have any of your neighbors been
5 ticketed or towed from having parked on that lot at
6 night? Have any of your guests been ticketed or towed
7 from having used that lot at night, and do any of your
8 guests use that lot at night?

9 MR. HOPP: My guests do not use the lot at
10 night. As far as my knowledge of people getting
11 ticketed or towed, I have no knowledge of that. On
12 that particular section of the lot, the St. Luke's lot
13 was a different story a while back, but this particular
14 lot, no.

15 One neighbor was -- My very nextdoor
16 neighbor -- He was supposed to be here. He's not here
17 yet, but he had parked his vehicle on the lot overnight
18 one night and came out to them threatening to tow it,
19 although I believe a verbal argument ensued, and he
20 moved the vehicle.

21 VICE CHAIRPERSON SOCKWELL: Was that a
22 weekday?

23 MR. HOPP: It was.

24 VICE CHAIRPERSON SOCKWELL: Okay. So they
25 have the right to possess their lot during the working

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1 hours.

2 MR. HOPP: I don't know what time. It was
3 in the morning, but yes.

4 VICE CHAIRPERSON SOCKWELL: Mr. Tilton, do
5 you own an automobile, sir?

6 MR. TILTON: Yes, I do.

7 VICE CHAIRPERSON SOCKWELL: And you park?

8 MR. TILTON: I have, actually, a parking
9 spot.

10 VICE CHAIRPERSON SOCKWELL: Okay. With
11 regard to parking lots, surface parking lots in general
12 and your relationship in terms of property position to
13 the lot is?

14 MR. TILTON: I'm at the end of the street,
15 across the street from the lot.

16 VICE CHAIRPERSON SOCKWELL: So you're sort
17 of diagonal.

18 MR. TILTON: Right.

19 VICE CHAIRPERSON SOCKWELL: But down the
20 street slightly. You park off-street?

21 MR. TILTON: I do.

22 VICE CHAIRPERSON SOCKWELL: Okay. So
23 you're not encumbered by the lack of parking for
24 yourself in the neighborhood.

25 MR. TILTON: Correct.

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1 VICE CHAIRPERSON SOCKWELL: And Mr. Hopp,
2 you're not encumbered by the lack of parking for
3 yourself in the neighborhood.

4 MR. HOPP: That's correct.

5 VICE CHAIRPERSON SOCKWELL: And Mr.
6 Guillery, you're not encumbered by the lack of parking
7 for yourself in the neighborhood?

8 MR. GUILLERY: No, I'm not.

9 VICE CHAIRPERSON SOCKWELL: How many spaces
10 do you have behind your house, available?

11 MR. GUILLERY: We have a garage. The
12 houses were built with garages, and we don't have alley
13 access.

14 VICE CHAIRPERSON SOCKWELL: Okay. So your
15 garage is straight under front?

16 MR. GUILLERY: On the street.

17 VICE CHAIRPERSON SOCKWELL: So you're the
18 newer properties?

19 MR. GUILLERY: Yes.

20 VICE CHAIRPERSON SOCKWELL: All three of
21 you? Okay. And you oppose permanent parking, of
22 course, and as well it could be understood that that
23 does not present the highest and best use of land in
24 that neighborhood? Okay. Thank you.

25 CHAIRPERSON REID: Mr. Moulden?

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1 VICE CHAIRPERSON SOCKWELL: He didn't
2 respond to me.

3 CHAIRPERSON REID: Oh, I'm sorry. I
4 thought you were making a statement. What was the
5 question?

6 VICE CHAIRPERSON SOCKWELL: No, Mr.
7 Guillery wanted to respond to me.

8 CHAIRPERSON REID: Oh, what was the
9 question?

10 VICE CHAIRPERSON SOCKWELL: I asked them
11 about their parking, but I don't know what Mr.
12 Guillery's response was, because I had --

13 CHAIRPERSON REID: You made a statement,
14 but was there a question on the floor?

15 VICE CHAIRPERSON SOCKWELL: I had made some
16 statements. I'm not sure what Mr. Guillery's response
17 was, but he has a right to respond to me.

18 CHAIRPERSON REID: Without a doubt.

19 MR. GUILLERY: I wanted to clarify the
20 understanding of your question, that yes, we have
21 parking, and I'm not here to oppose parking in the city
22 or in the neighborhood. I'm here to oppose the adverse
23 impact this has on my property values and my
24 neighborhood in general, the beauty of it and the
25 tranquility and the quality of life by having these

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1 open air, even if they were walled up with grass,
2 impact that it does. It looks like a missing tooth in
3 a line of what was once rowhouses.

4 It's zoned R-5B residential, and that is
5 the primary reason we're here, to enforce our
6 entitlement to ask that the Board honor the zoning of
7 this property. Thank you.

8 VICE CHAIRPERSON SOCKWELL: So you would
9 probably be unhappy if you had a neighbor with a semi-
10 detached house with a large side yard that was grass
11 rather than a parking lot --

12 MR. GUILLERY: No, I would not.

13 VICE CHAIRPERSON SOCKWELL: Well, you said
14 even if it was grassed. So I want to make sure that
15 you're opposed to any open space in the neighborhood at
16 all. You would rather have it all developed as
17 buildings.

18 MR. GUILLERY: Well, sir, this is, I
19 believe, 12 housing lots. It's a very large open space
20 in our contiguous block. I'm not talking about a side
21 yard or the setbacks or the bay windows and the grass.

22 That's what makes our --

23 VICE CHAIRPERSON SOCKWELL: I just wanted
24 to make sure that under no circumstances would you
25 accept open space, because sometimes that's a great

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1 benefit to neighborhoods.

2 MR. GUILLERY: It is.

3 BOARD MEMBER RENSHAW: Madam Chair.

4 CHAIRPERSON REID: Yes. Ms. Renshaw, I
5 would like to recognize Mr. Moulden. He hasn't yet
6 had a chance to speak.

7 MR. MOULDEN: My question is to the members
8 who are opposed. With respect to any adverse or
9 negative impacts from vehicles leaving, maneuvering on
10 the lot as far as noise and maybe headlights in the
11 evening, has there been any negative impacts as far as
12 noise and maybe --

13 MR. HOPP: We can't speak on that, because
14 we don't live directly opposite the lot. There's an
15 apartment building directly oppose.

16 MR. MOULDEN: Any complaints from
17 neighbors?

18 MR. HOPP: Not to me about that, no, sir.

19 MR. GUILLERY: I haven't had complaints
20 from neighbors, nor have I called the police. But late
21 in the evening, I'd say two in the morning, I
22 occasionally visit friends or go to some of the clubs
23 in our neighborhood.

24 You know, since it's an open lot -- we
25 don't want -- it isn't been chained -- you do have

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1 people who drink or carouse, and they will be yelling
2 at someone, and I have observed that, not nightly, not
3 regularly, but yes, it does occur that there are loud
4 noises or, you know, very loud discussions sometimes
5 from some of the people who use the lot as they are
6 leaving or departing, especially on the weekend. I
7 have encountered that. I can attest to that. It's not
8 frequent, but it does happen.

9 MR. MOULDEN: Thank you.

10 CHAIRPERSON REID: Ms. Renshaw?

11 BOARD MEMBER RENSHAW: Yes, just a quick
12 question to Mr. Guillery. Have you brought -- Well, in
13 fact, have all three of you appeared before the ANC and
14 brought these comments? Were your comments part of the
15 thinking process? I see a nod to Mr. Jackson's head,
16 yes.

17 MR. GUILLERY: Ms. Renshaw, I'm glad you
18 brought that up, because we did attend the ANC, and we
19 made our points known. I'd like to -- I do not mean
20 any offense to the ANC in general, but it was comprised
21 -- It's comprised of about six members, and they were
22 there.

23 Of the six districts that were represented
24 that night, four of them are, I believe, if I'm correct
25 in it, west of 16th Street are their districts. Our

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1 two districts, Commissioner Jackson and Commissioner
2 Hart who lives at 15th and O Streets were the only two
3 that are contiguous where this property is located.

4 I'd like the record to show, and I believe
5 the minutes of the ANC do so, that Commissioner Hart
6 was opposed to surface parking lots in her district and
7 in general. She believes they bring crime, and she's
8 lived there since '76. They bring crime, trash debris,
9 and they do not add to the wellbeing of the
10 neighborhood, and she voted against the resolution to
11 give them two years.

12 The rest of the Commissioners, you know,
13 agreed with Mr. Jackson. It's his district, and they
14 went along, and it was almost a unanimous vote. But I
15 feel as a resident that the view of the ANC of what
16 should or may go there in the long run doesn't -- It
17 impacts whether the JCC needs it or the restaurants and
18 bars on 17th Street versus those of us who live in the
19 1500 block. So I'm glad you asked that question.
20 Commissioner Hart was against it.

21 CHAIRPERSON REID: Let me ask you
22 something. This is directed to the three of you. You
23 heard testimony here today from the applicant that,
24 number one, they show remorse and apologize for the
25 fact that they had been remiss in the manner in which

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1 that parking lot had been maintained.

2 Nonetheless, you also heard them proffer to
3 us assurance that they were now in the process of
4 taking steps to make sure that, number one, the
5 conditions that were requested by the ANC were going to
6 be complied with, one, and two, that they were open to
7 creating a liaison, community liaison, entity to ensure
8 that the promises or the order -- the conditions of the
9 order are complied with on a regular basis.

10 If, in fact, that were to happen, would you
11 not be amenable to their special exception application
12 or are you still adamant about -- It's my understanding
13 that you are concerned about the adverse impact. If
14 that were removed, notwithstanding the inference of
15 adverse impact being your property value, whether or
16 not it would or would not increase -- that's not
17 typically what comes before us as being adverse impact.

18 But if they are doing what they are supposed to do,
19 then would you still feel the same way?

20 MR. HOPP: I think I would, because during
21 our meeting with the applicant, Dr. Ginsberg said that
22 -- said himself that this land will never look like
23 anything but a parking lot.

24 CHAIRPERSON REID: No, no, no.

25 MR. HOPP: No matter what they do to it.

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1 It's never going to look like --

2 CHAIRPERSON REID: No. Excuse me. This
3 morning -- and this is the most recent information we
4 have -- out of his mouth I heard him say that they were
5 not opposed to development and, matter of fact, they
6 were getting ready to enter into discussion dialogue
7 with that end with developers. Was I the only one that
8 heard that this morning? They were open to it. That's
9 what I heard today.

10 I don't know if previously he may have had
11 that position, but today he said that he was open to
12 dialogue and, you know -- What you have to understand
13 is they have an organization that they are concerned
14 with. That's where their mindset is. They're not into
15 development. So they don't think about that, but I
16 think that what's important is that they are willing to
17 be open minded about it.

18 I did not hear them say that they would not
19 ever allow. I heard them say today that they would be
20 open to talking to, having some dialogue with
21 developers toward that end.

22 MR. HOPP: Yes, ma'am. Well, I believe we
23 stated in one of the letters that we were open to
24 discussing as well. However, I have to reiterate, we
25 do not support a permanent above-ground parking lot.

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1 It has been our experience in dealing with ANC and BZA
2 issues with the other parking lot you mentioned earlier
3 that what an applicant says they will do and what they
4 actually do are sometimes two very different things,
5 number one.

6 Number two, if the leadership at the
7 organization changes hands, the next person in charge
8 may not necessarily have the same view as Dr. Ginsberg.

9 CHAIRPERSON REID: I agree.

10 MR. HOPP: We certainly think that, you
11 know, something could be done with the land to allow
12 them to have the parking they need for their employees.

13 CHAIRPERSON REID: Well, then you get into
14 dictating -- You know, you can't do that. But if, in
15 fact, you're not agreeable to permanent, then is there
16 a time frame that you would be amenable to?

17 MR. HOPP: I believe that is --

18 CHAIRPERSON REID: I'm trying to reach some
19 kind of compromise here with you and -- I mean, we have
20 the ultimate authority to just determine and to tell
21 you, but we would prefer to have you dialogue and, you
22 know, come up with some kind of compromise.

23 I see them trying to reach you. At the
24 same time, it would be great if we could get some type
25 of -- you know, some movement on this side.

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1 MR. TILTON: Can I respond to that?

2 CHAIRPERSON REID: Sure.

3 MR. TILTON: As Jeff said, we did present
4 to them in our initial meeting with them or follow-up
5 to the initial meeting -- we presented them option, a
6 one-year option that we would permit an extension of
7 the parking lot if they would ensure that it complied
8 with the current parking lot requirements that D.C. has
9 in a residential zone, and if we had a commitment on
10 their part that essentially at the end of the one year,
11 that was it.

12 CHAIRPERSON REID: Well, your ANC -- Excuse
13 me. Your ANC stated that one year was infeasible, and
14 they suggested two.

15 COMMISSIONER MITTEN: Madam Chair, can I
16 interrupt you for just a second? When I pressed Mr.
17 Jackson on that point -- and if you would like him to
18 come back up again just to repeat himself -- he did say
19 that he would accept a one-year extension, I believe,
20 and he can verify that. He's nodding. So just to be
21 correct on what the ANC said.

22 CHAIRPERSON REID: Well, no. What we have
23 to be correct about, Ms. Mitten, is what is written in
24 the letter from the body of the ANC at which a quorum
25 was present, and vote was taken, and to which we would

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1 give the full weight.

2 Now for a single member district
3 representative to come and to say something different
4 is not the last word. We have to accept what has been
5 proffered to us -- Ms. Renshaw, I'm sure that you can
6 concur with this -- what has come from the full body.

7 BOARD MEMBER RENSHAW: Yes, I can, but I
8 would also listen very closely to the single member
9 district commissioner, because in this case Mr. Jackson
10 is closest to the scene and represents his
11 neighborhood. So I would, of course, give great weight
12 to the ANC vote as outlined in the letter from the ANC,
13 but I also listen carefully to the single member
14 commissioner.

15 CHAIRPERSON REID: Okay. All right.

16 MR. TILTON: And I just would like to
17 continue briefly, that I think one year -- My problem
18 with the BZA's routine continuing of these special
19 exceptions of this type is that it is becoming de facto
20 permanent rezoning. I think, when you give them an
21 exception, if you go no further than to say -- and I
22 don't think that you probably would say -- and we won't
23 do this again, because there will be a new BZA two or
24 three years from now, they are just going to come back
25 to you and get another two or three-year exception.

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1 So I think we have to send a message, and
2 we're willing to be accommodating, but we want to send
3 a message that surface parking lots on residentially
4 zoned land are inappropriate.

5 CHAIRPERSON REID: And you are then saying
6 one year? Are you saying one year?

7 MR. TILTON: One year.

8 CHAIRPERSON REID: One year. And you, sir?

9 MR. GUILLERY: Yes, ma'am, one year. A lot
10 has been made about the value it brings to the
11 neighborhood in parking. We're talking about an owner
12 who wants to use it for their use, and --

13 VICE CHAIRPERSON SOCKWELL: Are you sure of
14 that? Can you be specific? Can you make sure that no
15 one else gets to use it? Are you saying that that's
16 the only person that can possibly use it, an owner for
17 his own personal use? You can't be that completely,
18 absolutely inflexible with your statements. You have
19 to speak with a broad understanding and not with a
20 narrow view.

21 MR. GUILLERY: Yes, Mr. Sockwell. What I
22 was referring to was the applicant is applying for a
23 special use exception for this property. That's what's
24 before the Board, and they use it any way they see fit.
25 Whether they allow the neighborhood to use it or

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1 whether they would plan to chain it off, that's their
2 decision to present to you, the compromise.

3 All I'm saying is that there are options,
4 technology and engineering-wise, to allow them to
5 maintain parking. I'm not saying that's your decision.

6 I realize you decide that. I'm saying you have to
7 look beyond. You're the BZA. You have to look at the
8 now and future of the city.

9 We also talk about adverse impact is my
10 property value. It's not only my property value. It's
11 the revenue stream to our city that paves our roads and
12 sidewalks. We're talking -- If it's zoned residential
13 and it's occupied by residential, build it and they
14 will come.

15 Every apartment that has been built in our
16 neighborhood, house, regardless of the price or rent,
17 is fully occupied and is standing room only, and they
18 are sold before they even finish construction. That
19 brings in revenue to the city. That's adverse impact
20 in the city. We're talking --

21 CHAIRPERSON REID: Yes and no.

22 VICE CHAIRPERSON SOCKWELL: Now you're
23 speaking as an expert on real estate issues, which I
24 don't know that you can qualify yourself for.

25 CHAIRPERSON REID: Excuse me, Mr. Sockwell.

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1 MR. GUILLERY: Well, I am a real estate --
2 I have a real estate license, but I'm talking --

3 VICE CHAIRPERSON SOCKWELL: I have an
4 architectural license, but that doesn't mean anything,
5 necessarily.

6 MR. GUILLERY: I understand.

7 CHAIRPERSON REID: Well, I mean, you know,
8 I think that what I keep hearing is that -- and this
9 has nothing to do with what we're doing here today --
10 is that when, in fact, that lot is developed, then the
11 whole neighborhood will benefit from it, and the
12 property values will go up, and everyone will be happy.
13 But that's not what we're here for today.

14 MR. GUILLERY: I understand. Thank you for
15 correcting me.

16 CHAIRPERSON REID: You know, we cannot --
17 We are not given that kind of authority, and that's
18 beyond our purview, and we couldn't anyway, because it
19 would be highly -- and you're a real estate person, and
20 so am I -- speculative at best. I can understand your
21 feeling, because you know, the whole city is like that,
22 and there's a lot of excitement.

23 Nonetheless, we still -- we try to give
24 everyone that comes before us the benefit of the doubt
25 and not use those factors as a basis for determining

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1 whether or not they should be granted their special
2 exception because of the fact they're not maintaining
3 the parking lot like they were supposed to all this
4 time.

5 Let's not forget this organization does
6 indeed have a greater benefit to the city. They are
7 not just a fly-by-night organization. They are well
8 established, and I feel that there is a need for their
9 presence.

10 So let's try to temper what the
11 organization brings to the city with what, in fact, the
12 needs of the neighborhood are, as best we can. Yes?

13
14 MR. HOPP: Yes, Ms. Chairwoman. They do have a
15 good place in the city. You know, they do good work,
16 but two things. I'd like to comment on that and then
17 Mr. Sockwell's comment a minute ago.

18 If they don't have this parking lot, they
19 are still going to do the same good. Their people will
20 just not be able to drive to work. They will take the
21 bus. They'll take the subway. So if this parking lot
22 is not there for them, they are still going to do their
23 work.

24 CHAIRPERSON REID: Okay. And they have a
25 problem with parking. But go on with your next point.

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1 MR. HOPP: Right. Mr. Sockwell indicated
2 earlier a question about parking in the evening on the
3 lot, as far as the neighborhood using the lot.
4 Actually, they hadn't done that previously out of the
5 goodness of their heart, because it was, in fact, in
6 the previous zoning order. You will look through and
7 see that. They were required to allow the neighborhood
8 to park there, and we certainly hope that if this order
9 is granted that that point will be retained.

10 CHAIRPERSON REID: Well, those are
11 basically what we typically do when we extend is to
12 pick up the same conditions from the previous order and
13 to add whatever ones we feel necessary, predicated upon
14 what is comes to us from the community with them having
15 had the special exception, in the first place.

16 All right, thank you very much. Let's now
17 have closing remarks by the applicant. You have to
18 come up to the mike, sir, and speak into the mike,
19 because we can't hear you or get you on the record.

20 MR. AREND: Members of the Board, there is
21 a representative from St. Luke's who is attending who
22 would like to say a few words in support, if we could.

23 CHAIRPERSON REID: All right. Also, I
24 failed to mention that we also had another letter of
25 support in our file from the condominium association,

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1 from the Stonesdale Condominium Association for the
2 application.

3 MS. PRUITT: Excuse me, ma'am, could you
4 raise your right hand. We need to swear you in.

5 (Witness sworn.)

6 MS. VANCROFT: Thank you for this
7 opportunity. My name is Ruby Vancroft, and I'm senior
8 warden at St. Luke's Episcopal Church at 1514 15th
9 Street, N.W.

10 Our property does abut the property for the
11 association asking for a renewal. I guess what I
12 basically want to say just a few words in terms that
13 we, too, have had numerous requests of asking us can we
14 come back to see if we can use our property for parking
15 for a number of neighborhood activities and that, and
16 that as a church that has been there for about 125
17 years, we are part of the community, and we want to
18 continue to be part of the community. But we also want
19 to be part of working closely with the community and
20 trying to solve the problems as they have come up.

21 We realize that we do need to have areas to
22 work on. We do need to do the communication. In light
23 of that, we do go to the ANC meetings. I do myself,
24 and we are a part of the Dupont Circle Association. So
25 we are looking at how we as a church located within

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1 that area can be an active part of the community to
2 serve the community and help in any way that we can.

3 We do support the applicant in terms of use
4 of the parking lot, because we ourselves as a church do
5 use ours during the week and also during the Sunday
6 service. So as a part of the church and as a part of
7 the community, we are here to support them, but also to
8 say we will do whatever we can to work along to help
9 have the communication that you had talked with and to
10 keep an open door in terms of fostering good
11 relationships within the community.

12 Thank you.

13 CHAIRPERSON REID: Thank you. Okay.

14 MR. AREND: Members of the Board, if we
15 could first respond to a few points that were raised in
16 the opposition, first with respect to the length of the
17 special exception that we are requesting.

18 We certainly don't object to a two-year
19 recommendation on the part of the ANC, but it is
20 certainly the Association's preference and request that
21 a five-year special exception be granted. Certainly, a
22 one-year is not reasonable, we don't believe,
23 particularly considering that we've received a contract
24 from a contractor to do landscaping in accord with the
25 conditions set forth by the residents of Church Street,

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1 and that will take some time to do, and also the
2 expense to the Association will be over \$10,000. To do
3 that for simply one year with the condition that then
4 the site must be developed is not something that's
5 particularly feasible for the Association.

6 Second of all, with respect to the signage
7 issue, we concede that point. The sign is incorrectly
8 worded, and there is one sign on the lot. It's been up
9 there for years.

10 DR. GINSBERG: Can I just say two points
11 about that. One is that, to my knowledge, there has
12 never been ticketing or towing done of any car on that
13 lot.

14 Secondly, as to the signage issue, it was
15 pointed out to us, and frankly, it was not something I
16 was aware of that was in my radar screen. One of the
17 items on the proposal in the contract that we have from
18 a contractor which was sent to us just yesterday after
19 last Wednesday's community neighborhood advisory
20 meeting -- this happened very quickly -- one of the
21 items is removal of that sign and a correction with
22 another sign around the hours in which the parking
23 would be restricted to agency people.

24 CHAIRPERSON REID: Oh, I see. So you would
25 have a sign that would say --

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1 DR. GINSBERG: Correct. That the lot would
2 be restricted during business hours, and we would list
3 those, Monday to Friday, then available to the
4 neighborhood.

5 CHAIRPERSON REID: Okay. So you will
6 correct that.

7 DR. GINSBERG: Yes. That's one of the
8 items in the -- As I said, the neighborhood commission
9 asked us to get this done very quickly, and just
10 yesterday we did get a contract from a contractor that
11 we're negotiating the final language and specs of, but
12 we expect to begin that work on the lot soon after the
13 weather breaks. Some of that work has to await the
14 more favorable weather.

15 MR. AREND: That was turned around in less
16 than a week. I received it yesterday and forwarded it
17 to the Board yesterday as well.

18 Also, I would note that, although the lot
19 itself is an R-5B zoned lot, as I understand it, I
20 think we have to bear in mind that we are asking, as
21 has been noted, for an existing and continuing use,
22 that the neighborhood is larger than simply Church
23 Street. There are more than simply residences in that
24 neighborhood.

25 There are a significant number, as has been

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1 pointed out, of businesses, other nonprofits, and other
2 associations and organizations that, obviously, employ
3 many hundreds of people that need space.

4 The lot has always been operated as a lot
5 free of charge, and indeed many of the members from the
6 NAEYC who use the lot aren't in a position to pay for
7 parking, frankly, given their incomes. Parking in the
8 city on a daily basis is very expensive. You're
9 looking at \$8 to \$10 a day at a minimum.

10 CHAIRPERSON REID: And the people that you
11 serve are low and moderate income parents?

12 DR. GINSBERG: Many of our employees are
13 working in the childcare arena. Many of our workers
14 are early childhood professionals who are not, as we
15 know, some of the most highly paid workers. If
16 anything, they are some of the most passionate,
17 committed workers, I think, but salaries are not as
18 great as we would like them for a variety of reasons in
19 the early childhood field, in the early childhood
20 profession.

21 Parking benefits is a significant benefit
22 for these workers, by the way.

23 VICE CHAIRPERSON SOCKWELL: Gentlemen, I'm
24 going to take just a second to paint a picture that has
25 developed. I'm going to play artist for a moment.

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1 The NAEYC operates a parking lot. That
2 parking lot is removed from their place of business.
3 That parking lot serves the NAEYC as a convenience to
4 its employees. Outside of the business hours of the
5 weekdays, NAEYC has paid absolutely no attention to the
6 parking lot, its condition, its impact on the
7 neighborhood or a relationship with the neighborhood
8 regarding the lot.

9 I don't believe that you could tell me that
10 NAEYC ever informed the property owners or made it well
11 known to the property owners that they could use the
12 lot, just assumed that if they didn't use it for
13 themselves, they wouldn't chain it up and didn't lock
14 it, and the signage reflects that, the fact that it's
15 "our" lot, your lot, and for your use.

16 There has been no attempt to work with the
17 neighbors, qualify any of the neighbors for use of the
18 lot, no stickers, passes or anything that would make
19 them feel that they could comfortable park on that lot,
20 but they've been doing it, because you haven't been
21 ticketing.

22 The problem that I see is that you've
23 neglected your charge to the community which might have
24 prevented a number of citizens from coming in, having
25 this kind of negative response to your application,

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1 simply because they don't see you as a viable community
2 oriented organization for the purpose of their support.

3 I believe fully that the three gentlemen
4 that showed up here to sit before this Board to voice
5 their opposition would probably have been much more
6 concerned with the relationship with your organization
7 if it had been cultivated when it should have been.
8 Now we are in the position of working with this kind of
9 decision, whether it's one year, two years or no years.

10 I believe that, if you see this, regardless
11 of what happens today, you need to be a better neighbor
12 to your community. Too often, organizations just don't
13 do the right thing until they have to, and there's no
14 reason for that.

15 CHAIRPERSON REID: Are there 20 spaces or
16 22 spaces?

17 MR. AREND: I believe there are 20 spaces.

18 CHAIRPERSON REID: I'm hearing -- You know,
19 it goes back and forth, 20, 22.

20 MR. AREND: I believe there are 22 spaces
21 that are actually painted right now, but the area of
22 the lot can accommodate 22, but those two extra spaces
23 are not painted.

24 CHAIRPERSON REID: But there are only 20
25 that are available?

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1 MR. AREND: Right.

2 DR. GINSBERG: But there's 22 that are
3 possible.

4 MR. AREND: Twenty-two that are possible,
5 20 that are used, because they are -- they haven't been
6 painted yet.

7 CHAIRPERSON REID: All right. In regard to
8 the contract or the agreement that you had with the
9 ANC, is it written up and signed or is it just verbal
10 or what is it?

11 MR. AREND: This was an agreement we
12 arrived at meeting with Mr. Hopp and Mr. Tilton at the
13 Association a number of weeks ago, and then subsequent
14 to the ANC meeting we spoke again with those
15 individuals and some others, as well as Mr. Jackson
16 from the ANC.

17 Mr. Hopp provided us with a letter prior to
18 the ANC meeting with some conditions addressing
19 landscaping issues primarily that we said, fine, we're
20 perfectly willing to do. Once we received the approval
21 from the ANC, which I think was last Wednesday night,
22 we immediately contact a contractor, and the contractor
23 provided --

24 DR. GINSBERG: What we objected to in
25 their proposal was a one-year condition, because in our

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1 view, it just simply isn't feasible, running a
2 nonprofit the way we do with a governing board
3 structure and a large membership, to come to a decision
4 about the eventual use of a very valuable piece of
5 property. It's a very valuable asset for the
6 Association.

7 It was my feeling as the Executive that to
8 do that within a one-year time frame was, in light of
9 all of the other work that we do with children and
10 families in this city and elsewhere around the country
11 -- was just going to be a terrific burden, and we felt
12 that the two-year provision that Mr. Jackson suggested
13 at the ANC was far more feasible and workable and gives
14 us time to be deliberate about the eventual ultimate
15 use of the property.

16 CHAIRPERSON REID: Okay. And you heard the
17 opposition say that, well, if you were to comply with
18 the order that had been -- the condition in the order
19 that had been stipulated before and to do the things
20 you say you're going to do now as far as the proposal,
21 contracting the work to be done and the liaison, that
22 they would be amenable to a time frame of maybe one
23 year, and the ANC full body said two years.

24 MR. AREND: Yes.

25 CHAIRPERSON REID: What are you requesting?

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1 MR. AREND: I think we're requesting a
2 five-year special exception.

3 CHAIRPERSON REID: What could you live
4 with?

5 MR. AREND: Well, one year is really an
6 impediment.

7 CHAIRPERSON REID: One year, I would agree
8 with that.

9 DR. GINSBERG: I would prefer -- We would
10 prefer more than two years, because it gives us time to
11 be very deliberate. I think within two years that
12 would be the minimum that we think we can work on these
13 issues.

14 MR. AREND: I think it's important to bear
15 in mind also -- and this point, I believe, was brought
16 up by Mr. Jackson of the ANC -- that while the lot
17 accommodates 20-22 cars, if you were to build on that
18 lot, we've heard that the building almost assuredly
19 would have to be residential.

20 Well, not many people are going to buy a
21 residential apartment or house without parking. So
22 you're already going to have parking in that
23 underground lot. So you're going to find the very
24 nature of the development take away some spots.

25 In addition to that, as a practical matter

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1 you probably would have to develop the lot adjacent to
2 it, which belongs to St. Luke's, which is a church,
3 another nonprofit organization.

4 Certainly, meshing those two
5 administrations along with the ANC, the neighborhood
6 and, you know, a myriad of other concerns is going to
7 be a complicated matter, to say the least, and I think
8 having the utmost flexibility to explore all of these
9 issues without any predetermined outcome, I think, it
10 is important to understand, is important to all parties
11 concerned.

12 CHAIRPERSON REID: But are you saying that
13 you are open to or amenable to exploring other
14 possibilities of use of the lot other than just the
15 surface parking lot at some point?

16 MR. AREND: Absolutely.

17 CHAIRPERSON REID: And this is not in any
18 way trying to encourage you to do otherwise. I'm just
19 wondering, based on what we've heard here today -- I
20 just wanted to get some clarification as to --

21 DR. GINSBERG: I think we're open to
22 exploring all possibilities and our minds are not
23 closed about anything. I think the issue is still that
24 in the period of time that the lot would remain a
25 parking lot, we would hope, we do intend to be both

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1 responsible neighbors and neighbors that can hopefully
2 not only maintain a lot but have a lot that would meet
3 some of the -- in fact, many of -- all the needs that
4 we've heard from the community, and we think that the
5 proposal that they presented to us with respect to
6 landscaping and maintenance and those kinds of things
7 are quite reasonable and quite appropriate.

8 CHAIRPERSON REID: Okay. So you were
9 saying more than two. But what could you live with?

10 DR. GINSBERG: Well, we had hoped for an
11 additional five year extension. I think three years
12 would be better than two, and four years would be
13 better than three. I think, from our perspective, one
14 year is very unreasonable. Two, we think, is quite
15 rushed and is not a whole lot of time when you look at
16 all the elements that need to be brought together for
17 development.

18 CHAIRPERSON REID: Right. And the expense.

19 MR. AREND: And expense. Certainly, it's
20 not there's just the initial expense of the almost
21 \$11,000 for the landscaping. It's the cost of the
22 individual to supervise the parking lot on a daily
23 basis, and then any upkeep that has to go on on an
24 annual basis.

25 So I mean, certainly, the Board is in its

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1 discretion to grant whatever it would like to grant in
2 terms of duration of the special exception, but we
3 would prefer, obviously, a five-year exception.

4 DR. GINSBERG: And three is better than
5 two, and four would be better than three.

6 MR. AREND: Yes, certainly. You know where
7 we sit on that issue. That's not going to be a
8 surprise.

9 CHAIRPERSON REID: Ms. Renshaw?

10 BOARD MEMBER RENSHAW: Dr. Ginsberg, since
11 landscaping is essential to, shall we say, the
12 temporary quality of life in the neighborhood, I'd like
13 to know are you going in for a landscape guaranty? In
14 other words, if the plantings that you do put on the
15 property do not survive because you do not water, we
16 have a drought, that those plants will be replaced by
17 the company that you hire to do the landscaping?

18 DR. GINSBERG; Well, we just have a
19 proposal from the contractor, and we haven't ironed out
20 all the details of that. But our commitment would be
21 to maintain the lot in the manner in which the
22 community has asked us and we've agreed to maintain it.
23 So that would be our commitment.

24 BOARD MEMBER RENSHAW: So that would be in
25 writing. You would work out something with the

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1 landscaping company so that replacement of plants would
2 be in writing?

3 DR. GINSBERG: Yes, I would want the lot to
4 be maintained, not just look nice for 30 days. But
5 absolutely, it would be consistent.

6 BOARD MEMBER RENSHAW: All right. So
7 guaranty for landscaping. What I sense here with what
8 you have had to say about the time frame for this
9 special exception, that you're in a holding pattern and
10 you are bringing to bear some nibbles from the
11 development community concerning that property.

12 I would like to know, Dr. Ginsberg, if you
13 have the authority to speak for the board of directors?

14 DR. GINSBERG: I don't, in terms of the
15 ultimate development of the property. I do, because
16 I've discussed it with the board. They are
17 understanding of the issues that we're dealing with,
18 and we have had preliminary conversations about our
19 need to look long term at the use of that property.
20 But any ultimate decision about how that property is to
21 be developed, sold, whatever would happen to it, would
22 be a decision of our governing board, not my decision
23 alone.

24 BOARD MEMBER RENSHAW: But I'm asking the
25 question in regard to the community issue to enter into

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1 an agreement with the ANC and with the neighbors. Do
2 you have the authority to sign a piece of paper that
3 states we are going to do and we agree to do this and
4 this and this?

5 DR. GINSBERG: With respect to the
6 improvement on the lot?

7 BOARD MEMBER RENSHAW: With respect to the
8 improvements of the lot and again what I pressed for
9 earlier, that the community and the ANC, the single
10 member district commissioner be involved early on with
11 any development concerns and future that you have for
12 the property.

13 DR. GINSBERG: Yes, that's a good point.
14 Let me clarify it. I do have the authority to make the
15 agreement for the improvements to the lot, without
16 question. If the lot were to be sold or a contract
17 could be entered for the development of the lot, that
18 decision would be a decision I would need to bring to
19 my board before that decision is finalized, but the
20 decision on improvements I have the authority to make.

21 BOARD MEMBER RENSHAW: All right. But
22 again, do you have the authority to add these people,
23 the representatives of the community, however they wish
24 to nominate themselves and put their names forward --
25 Do you have the authority to enter into a negotiation

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1 with these people that they will be part of the future
2 development?

3 DR. GINSBERG: Oh, yes.

4 BOARD MEMBER RENSHAW: You do have the
5 authority?

6 DR. GINSBERG: I think the decision about
7 the eventual use --

8 BOARD MEMBER RENSHAW: That's the board's
9 decision.

10 DR. GINSBERG: -- is the Board's decision,
11 but in terms of seeking the input, advice and guidance
12 of our neighbors in that process, I certainly do have
13 the authority.

14 BOARD MEMBER RENSHAW: And would these
15 neighbors and the ANC commissioner be able to speak to
16 the chairman of the board? In other words, interact?

17 DR. GINSBERG: Yes, I would think so. I
18 serve on the board as a board member as Executive
19 Director, but I would certainly want to involve that
20 kind of dialogue with a broader array of our
21 leadership, yes.

22 BOARD MEMBER RENSHAW: All right.

23 DR. GINSBERG: Yes. Not a problem.

24 CHAIRPERSON REID: Okay. Are you asking
25 for a bench decision, summary order today?

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1 MR. AREND: If the Board is in its
2 discretion and feels that it has enough information and
3 has deliberated this matter sufficiently and is
4 prepared to make such a ruling, we could accept that.

5 CHAIRPERSON REID: All right. If you would
6 like to get a decision today, okay.

7 MR. AREND: It's not required. We don't
8 feel that we have to have a Board decision. Obviously,
9 we need a Board decision in order to get the
10 certificate of occupancy and in terms of moving forward
11 with the proposal -- to prepare to move forward with
12 the proposal, you know, as soon as --

13 CHAIRPERSON REID: But the thing about it,
14 though, is that you're overdue.

15 MR. AREND: I understand that. I
16 understand that.

17 CHAIRPERSON REID: This is why I'm kind of
18 throwing it out to you.

19 MR. AREND: I agree with you, yes.

20 CHAIRPERSON REID: All right. Board
21 members? I'd like to have a motion, and then we can
22 comment.

23 VICE CHAIRPERSON SOCKWELL: On the basis of
24 the fact that this is a nonprofit organization and -- I
25 apologize for misstating at the beginning of this

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1 hearing issues of taxes, because you don't pay property
2 taxes.

3 MR. AREND: That's correct.

4 VICE CHAIRPERSON SOCKWELL: And on the
5 basis of the fact that the community would not be
6 placing the NAEYC under any mandate to develop or
7 dispose of the property, since it would just fall into
8 fallow if not continued as an active use and would
9 probably be far more detrimental to the neighborhood
10 condition in an unused, vacant condition, I move that
11 we approve an extension of not more than two years for
12 the use to which it is currently illegally being put
13 to, with the condition that the certificate of
14 occupancy be sought or issued immediately, and that all
15 aspects of the tentative agreement with the community
16 be complied with.

17 CHAIRPERSON REID: All right.

18 BOARD MEMBER RENSHAW: I can second that.

19 CHAIRPERSON REID: Okay, seconded, and then
20 thee are conditions. However, why is that you are
21 limiting it -- What is the basis for limiting it to the
22 two years?

23 VICE CHAIRPERSON SOCKWELL: My basis for
24 the two year limitation is that the organization,
25 regardless of the Executive Director being new -- the

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1 organization has never taken a position of -- It's
2 obvious to me that they ever intended to comply with
3 previous orders of the Board, and --

4 CHAIRPERSON REID: Well, we can't really
5 say that.

6 VICE CHAIRPERSON SOCKWELL: Well, let's put
7 it this way. Let me say that they did not comply with
8 the elements of the previous order in a timely manner.

9 CHAIRPERSON REID: That is correct, and
10 that is the basis for your -- Okay. I'd like to hear
11 from other Board members.

12 COMMISSIONER MITTEN: I am going to say two
13 things. One is that I would like to put an additional
14 condition in what is already included in the ANC letter
15 and so forth, and I would also like to speak in favor
16 of a one-year renewal only. But let me give my
17 additional condition first, because it might make it a
18 little bit easier to handle the second thing I'm
19 proposing.

20 This is what I would suggest as a proposed
21 condition. In recognition of the fact that this
22 special exception for a surface parking lot is not
23 intended by either the comprehensive plan or the zoning
24 regulations as a long term use of this property, the
25 applicant will exert its best efforts to formulate a

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1 solution to its employee parking needs that do not
2 include the use of this property for surface parking.

3 Now the reason that I think that's
4 important to add is to allay the fears of the community
5 that these people will only get urgent when it's time
6 again for renewal.

7 CHAIRPERSON REID: That they will -- Say
8 that again, please.

9 COMMISSIONER MITTEN: That they will only
10 become urgent --

11 CHAIRPERSON REID: No, no, prior to that
12 you said that -- prior to the surface -- that that be
13 not used only for surface parking.

14 COMMISSIONER MITTEN: Would you like me to
15 just repeat the condition?

16 CHAIRPERSON REID: Well --

17 COMMISSIONER MITTEN: I don't know where
18 you want me to start.

19 CHAIRPERSON REID: Yes, because that's a
20 very long condition.

21 COMMISSIONER MITTEN: Well, that's why I
22 wrote it out.

23 CHAIRPERSON REID: Yes. Typically -- What
24 is the essence of that condition?

25 COMMISSIONER MITTEN: The essence of it is

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1 to make sure that these people, this association, does
2 not drag their feet about addressing the issue that
3 this is not meant -- this use in this zone is not meant
4 to be a long term use. It's not meant, as the
5 gentleman suggested, to be a de facto rezoning.

6 VICE CHAIRPERSON SOCKWELL: If I might
7 interrupt, Madam Chair, because I made the motion, the
8 issue for a two-year motion or two-year extension is
9 exactly that, to preclude the thought that this is a
10 permanent use of property.

11 I don't believe that we have the right to
12 tell an organization or an individual that he or she
13 must assume the position of a developer or one
14 proposing development because we personally may think
15 that the use of the land is not the highest and best
16 use. We cannot do that.

17 This is not an inquisition. We are telling
18 them by the fact that they must come back and see this
19 Board or whatever Board is in place at that time. They
20 have to come back and show that this is acceptable
21 again, and it may not be acceptable next time, but I
22 don't think that we can start conditioning our orders
23 to say that you've got to start looking for someone to
24 buy or develop this land within the next two year
25 period, or else. It just can't e done.

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1 COMMISSIONER MITTEN: Well, I --

2 VICE CHAIRPERSON SOCKWELL: The
3 understanding of your intent is there, but I don't
4 think that we can do that.

5 COMMISSIONER MITTEN; Well, I would like to
6 suggest that we can do that and that, you know, we have
7 very specific things that we are concerning ourselves
8 with, which is the burden on this organization, the
9 burden on the community --

10 VICE CHAIRPERSON SOCKWELL: But can you
11 find in the zoning ordinance --

12 COMMISSIONER MITTEN: Could I please just
13 finish? Yes, I could. In fact, I read it at the
14 beginning, and I'll read it again. Under Special
15 Exception, Section 3104.1, and I'll leave out the
16 beginning of the sentence.

17 VICE CHAIRPERSON SOCKWELL: Put it all in.

18 COMMISSIONER MITTEN: All right. "Pursuant
19 to authority contained in the Zoning Act, the Board is
20 authorized to grant special exceptions as provided in
21 this title where, in the judgment of the Board, those
22 special exceptions will be in harmony with the general
23 purpose and intent of the zoning regulations and zoning
24 maps and will not tend to affect adversely the use of
25 neighboring property in accordance with the zoning

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1 regulations and zoning maps."

2 So this is saying look at the big picture,
3 and the big picture is special exceptions like this are
4 not intended to be long term solutions. All I'm
5 suggesting is these people need to be made urgent about
6 finding what is a long term solution.

7 I'm not trying to tell them what that
8 should be. I'm just saying we need to put -- I think
9 we need to include it so that, when they come back, t
10 hey have to give evidence that, yes, in fact, they have
11 been seeking a long term solution.

12 CHAIRPERSON REID: Well, the purpose of the
13 special exception within itself is to give some relief
14 and to, in instance where there is a basis for someone
15 or an entity to receive a special relief or special
16 exception from the existing building regulations
17 because of the fact that they were promulgated in 1958
18 and sometimes things just don't fit like they did, and
19 the main test there is the adverse impact aspect.

20 The special exception, by virtue of its
21 very existence, is because of the fact that it's not in
22 compliance with the existing zoning. That's why you
23 get the special exception.

24 COMMISSIONER MITTEN: I understand.

25 CHAIRPERSON REID: And as such, as Mr.

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1 Sockwell said, we can't -- Even though there was
2 testimony here today to say that special exceptions are
3 de facto zoning changes or permanent zoning changes,
4 this is just not true. That is not the purpose of the
5 special exception process.

6 It is done so as to give relief to our
7 citizens who have been -- do not fit within the
8 auspices strictly of the zoning that is in the
9 regulations today, and we use the adverse impact as a
10 test to determine if, in fact, it will cause such
11 detriment that it is not feasible to have them there.

12 Now they have already been given one
13 special exception which, by virtue of -- and that, I
14 think, by virtue of the fact that another Board decided
15 that it was -- that they were convinced that it was all
16 right for them to be there, and now we come a few years
17 later and they are coming for an extension.

18 From what I'm hearing, they really haven't
19 done anything except to not comply with one provision,
20 and that is the provision in regard to keeping the
21 parking lot as it's supposed to be and, as I said
22 before, I'm not making excuses for them. But this
23 happens. I've seen it happen many times before.

24 They have now made some proffer to us as to
25 how they would like to try to change that. We have the

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1 opposition. We also have support, and I think that --
2 I think anyone would have to -- I mean, how could just
3 one year, then investing \$11,000 and to do all the
4 things that they are, are we going to ask them to do
5 for one year would be very infeasible for them to do
6 that.

7 I think that two years is even a short
8 enough time, even though the ANC has asked for two
9 years, but I think that, given the fact that I'm not
10 concerned about the fact that the area is in demand and
11 that there is a squeeze on getting this property such
12 that now the applicant comes before us and the
13 community is saying, well, we want you out and we want
14 that property for another purpose. That is not the
15 purpose of our Board here.

16 I'm not concerned about that. What I am
17 concerned about is whether or not they have complied
18 with the existing order that they had, and there was
19 some problems with that, and they have now said that
20 they would make the necessary changes to do that; and I
21 heard the opposition say, well, okay, if they do, we'll
22 give you one year.

23 I would say that one year is too short.
24 Two years is too short. I would suggest that we give
25 them four years, and I think that that would be fair.

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1 They do serve a benefit to the community, and letting
2 them park the cars in the community. The churches
3 said that they are able to park their cars there on
4 Sunday.

5 So I think that this particular applicant
6 has demonstrated that, even though they have not been a
7 perfect good neighbor, that due to circumstances -- and
8 it's inexcusable, really -- they just have not lived up
9 to what they were supposed to, but they will put forth
10 their best effort to do so again, and I'd like to see
11 them have that opportunity.

12 BOARD MEMBER RENSHAW: Madam Chair, while I
13 seconded Mr. Sockwell's motion for two years, I would
14 really prefer one year, because I don't think that it
15 is a hardship on the applicant to review with this
16 Board improvements on that lot and the interaction that
17 needs to be set up immediately with the neighbors.

18 We have to realize that there is
19 practically zero enforcement right at this point when
20 we -- Who do the neighbors turn to if indeed the orders
21 are not being complied with? Of course, turn to the
22 applicant. But if they turn to the city, there is
23 going to be little enforcement.

24 So I would -- I do not look upon this as a
25 negative by suggesting that one year is really within

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1 bounds. I look at it as a time for you to come back
2 and to cheer about your improvements and to just say
3 the year ahead looks great, because this is what we're
4 doing, and have the neighbors -- give them a time to
5 speak, because they have been so passionate about their
6 very objective but negative views on your property.

7 I don't believe that it is handicapping you
8 in any way to deal with a tight time frame, because I
9 am quite sure that your board is moving along with --
10 since you have some interest, expressed interest from
11 developers, and that's not something you just sit on.

12 CHAIRPERSON REID: I don't think that the
13 opposition has been objective, not in the least.

14 BOARD MEMBER RENSCHAW: I do. I do, because
15 they are there, and we're not there. They have to tell
16 it as they see it, just as the applicant does the
17 applicant's side.

18 CHAIRPERSON REID: Okay. Mrs. Renschaw, you
19 have to remember that this is a nonprofit organization
20 that -- I'm not finished -- that has to pay fees to
21 come to this Board again next year, and they have to
22 incur this \$11,000 in costs. And suppose they come
23 here next year, and they are turned down. Then that
24 money has just gone down the drain.

25 So I would think that a term that would

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1 allow them time to comply with the order and to
2 demonstrate that they are going to continue to keep it
3 as it's supposed to be would be more appropriate.

4 BOARD MEMBER RENSHAW: Well, I don't think
5 money is going to go down the drain at all. If you are
6 sincere, if you're serious about what you're doing,
7 this is going to be money very well spent. But I don't
8 feel that it's going to be that kind of handicap for
9 you to come back before the Board and sit with us for a
10 half an hour and just bring us up to date on your
11 improvements.

12 CHAIRPERSON REID: It won't be half an
13 hour. Mr. Moulden?

14 BOARD MEMBER MOULDEN: I'd like to see an
15 agreement put in the recommendation that the nonprofit
16 group will work with the community to develop some type
17 of memorandum of understanding, and maybe the approval
18 is contingent upon that action being taken to improve
19 the lot, landscape, screen and so forth. If that
20 doesn't happen, is there some kind of way that the
21 approval could be disapproved?

22 CHAIRPERSON REID: Are you suggesting that
23 we table the actual vote to request that this be done,
24 and then we would take it up at our regular meeting,
25 which would be the first Wednesday in March?

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1 MR. AREND: Madam Chairman, may I just say
2 that there actually is in writing already, I think,
3 substantially all of the conditions that we've
4 discussed with the neighborhood in the context of a
5 letter from some of the representatives from the
6 neighborhood that we have all reviewed and on which
7 this landscaping and maintenance proposal is based.

8 CHAIRPERSON REID: You could submit it to
9 us?

10 MR. AREND: And I believe I did submit to
11 the Board yesterday as soon as we received it a copy of
12 this proposal with an accompanying plan of the lot,
13 indicating where certain landscaping would occur and
14 lighting and so forth, and we are perfectly willing to
15 enter that into the record as a condition of the
16 special exception.

17 BOARD MEMBER MOULDEN: Does that represent
18 all of the committee concerns?

19 MR. AREND: I believe it does. Well, the
20 community concerns that have been voiced in opposition.

21 I believe it does. It was done in conjunction with
22 them.

23 CHAIRPERSON REID: If we go at this vote
24 today, then it would be to include the recommendations
25 and conditions that were included in the previous

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1 order, as well as the conditions that were also
2 proffered and that you agreed upon with the ANC --
3 You've agreed to that -- and the signage they had
4 requested be changed. That should also become --

5 MR. AREND: That's part of the proposal, I
6 believe, for the landscaping.

7 CHAIRPERSON REID: Well, the proposal,
8 landscaping proposal, will be incorporated, I guess.
9 Ms. Pruitt, would it be incorporated or would it just
10 be referenced in the order?

11 MS. PRUITT: Well, it's like the plans
12 follows with the order. They are not actually -- You
13 can say -- If you want to, you can actually reference
14 the landscape plans as an exhibit.

15 CHAIRPERSON REID: All right, and the
16 community liaison aspect of it, we want the condition
17 that that be another condition, that they would create
18 a community liaison to meet regularly with the --

19 MR. AREND: We have even spoken with them
20 and indicated please, you know, we would like to have
21 continuing contact with you and, if there are any
22 issues, please come to us, and we will address them.

23 CHAIRPERSON REID: So the only issue at
24 this time is the term, and here we are. We have one
25 year, two years -- What did she say?

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1 BOARD MEMBER MOULDEN: Two.

2 CHAIRPERSON REID: Two years, and then four
3 years. I said four years, and Ms. Renshaw said one
4 year. So we're between -- We don't have any consensus.

5 Can we --

6 MS. PRUITT: Right now you have a motion on
7 for two years. You either vote on this or amend it or
8 -- I mean, you have to deal either with that first or
9 amend it.

10 CHAIRPERSON REID: All right. All in favor
11 of the motion for two years?

12 VICE CHAIRPERSON SOCKWELL: I believe there
13 is somewhat more discussion on the motion that's on the
14 floor. Ms. Renshaw had a --

15 BOARD MEMBER RENSHAW: Yes. I think it
16 would be a good idea if we tabled this to our first
17 meeting of the next month so that we can be very clear
18 in what these conditions are going to be, because we've
19 been passing language back and forth, and I'm not quite
20 sure if it's in or it's out. But I really feel that
21 it might be better if we tabled it, because that's not
22 going to inconvenience the applicant.

23 VICE CHAIRPERSON SOCKWELL: Normally, if I
24 might interject, the staff maintains a log of what
25 motions are on the floor and which ones are applicable

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1 and what conditions are applicable, and I think that we
2 can take care of this now.

3 CHAIRPERSON REID: You have it, don't you,
4 Ms. Pruitt?

5 MS. PRUITT: Yes. That's why I say. The
6 first motion was made by Mr. Sockwell, seconded by Ms.
7 Renshaw. That was for two years.

8 Now I believe later Ms. Renshaw said she
9 really would like one year. Does she want to amend the
10 original motion?

11 COMMISSIONER MITTEN: I think they are
12 going for what are the conditions.

13 MS. PRUITT: Well, that was the first
14 motion. Then as a condition right now, aside from the
15 normal conditions that we have about parking lots, we
16 have Ms. Mitten's condition about the use of the
17 property.

18 CHAIRPERSON REID: Yes. And mine about the
19 liaison, community liaison.

20 MS. PRUITT: Correct.

21 CHAIRPERSON REID: All right. So we have
22 those, Ms. Renshaw. Okay. So now the vote -- The
23 motion was for two years, and there was a second. Then
24 -- Well, wait a minute. You can't have -- Are you
25 seconding his motion or not?

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1 BOARD MEMBER RENSHAW: I can amend the
2 motion for one year instead of two years, if I have a
3 second.

4 COMMISSIONER MITTEN: I'll second that.

5 CHAIRPERSON REID: All right. All in favor
6 of the approval with one year?

7 BOARD MEMBER RENSHAW: Aye.

8 COMMISSIONER MITTEN: Aye.

9 CHAIRPERSON REID: All opposed? All right.
10 The motion fails.

11 MR. Sockwell, are you going to reiterate
12 your motion?

13 VICE CHAIRPERSON SOCKWELL: What I would
14 like to do -- I would move that a two-year extension be
15 provided with the conditions of the previous BZA order
16 to be combined with conditions of the current order
17 with one condition left out, and that is a condition
18 that requires the applicant to make certain -- take
19 certain action to seek best use of the property --

20 CHAIRPERSON REID: That's not a condition.

21 VICE CHAIRPERSON SOCKWELL: That was a
22 condition that was on the first motion.

23 CHAIRPERSON REID: No, no.

24 VICE CHAIRPERSON SOCKWELL: Okay. We'll
25 leave that out. Okay.

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1 Then the motion would be as stated, with
2 Ms. Renshaw's -- Let's see, whose requirement -- Excuse
3 me. Whose requirement was that we have the liaison?

4 CHAIRPERSON REID: It was mine.

5 VICE CHAIRPERSON SOCKWELL: Okay.

6 CHAIRPERSON REID: All we need now is to
7 make a motion for the --

8 VICE CHAIRPERSON SOCKWELL: For the term?

9 CHAIRPERSON REID: Just make a motion that
10 it be approved with the term for two years that you --

11 VICE CHAIRPERSON SOCKWELL: All right. I'm
12 looking for a two-year motion then.

13 CHAIRPERSON REID: All right. Is there a
14 second on the two-year motion?

15 BOARD MEMBER RENSHAW: I second.

16 CHAIRPERSON REID: All right. Seconded.
17 All right. All in favor of two years?

18 COMMISSIONER MITTEN: I'm opposed.

19 CHAIRPERSON REID: All opposed?

20 COMMISSIONER MITTEN: That would be me.

21 CHAIRPERSON REID: All right. That's it.

22 MS. PRUITT: I was just going to read back.

23 Staff would record the vote as five -- Excuse me --
24 four to one to approve for a two-year period with the
25 conditions as stated.

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1 CHAIRPERSON REID: Thank you. That
2 concludes today's BZA. Did Mr. Zahn come in?

3 MS. PRUITT: No. Staff has called Mr.
4 Zahn.

5 CHAIRPERSON REID: Repeat recording of the
6 vote, please.

7 MS. PRUITT: The motion was made by Mr.
8 Sockwell, seconded by Mr. Moulden with Ms. Renshaw and
9 Ms. Reid to approve, and Ms. Mitten in opposition.

10 CHAIRPERSON REID: No. I'm sorry. I'm in
11 opposition. So you have three-two.

12 MS. PRUITT: I'm sorry. This is the two-
13 year. You're in opposition to the two-year approval?

14 CHAIRPERSON REID: I am. I wanted five
15 years.

16 MS. PRUITT: Oh, I'm sorry. I didn't hear
17 your vote clearly. I thought you said to approve. I
18 only heard Ms. Mitten.

19 CHAIRPERSON REID: I was with Ms. Mitten.
20 She opposes it, and I oppose it for different reasons.

21 MS. PRUITT: Okay. When the vote was
22 called, I only heard Ms. Mitten.

23 CHAIRPERSON REID: Let's do it again.

24 MS. PRUITT: Yes. Could we, please?

25 CHAIRPERSON REID: All in favor of the

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1 motion to approve with two years?

2 BOARD MEMBER RENSHAW: Yes.

3 VICE CHAIRPERSON SOCKWELL: Yes.

4 BOARD MEMBER MOULDEN: Yes.

5 CHAIRPERSON REID: All opposed?

6 COMMISSIONER MITTEN: Aye.

7 CHAIRPERSON REID: Aye. Now you have it?

8 MS. PRUITT: Yes. To reiterate so we're
9 all straight: Motion made by Mr. Sockwell for two
10 years, including the other conditions as mentioned.
11 Seconded by Mr. Moulden, and Ms. Renshaw to approve,
12 Ms. Reid and Ms. Mitten in opposition.

13 CHAIRPERSON REID: All right. That
14 concludes today's BZA hearing for the morning session.

15 (Whereupon, the foregoing matter went off
16 the record at 12:19 p.m.)

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A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:21 p.m.)

VICE CHAIRPERSON SOCKWELL: Good afternoon.

I am Robert sockwell, Vice Chair of the Board of Zoning Adjustment, sitting in for the early portion of this session for Sheila Cross Reid who is absent on personal business.

I would like to call this hearing to order.

Good afternoon, ladies and gentlemen. This is the February 16 Public Hearing of the Board of Zoning Adjustment of the District of Columbia. My name is Robert Sockwell.

Joining me today are, to my left, Anne Renshaw who is a new Board of Zoning Adjustment Commissioner, and Rodney Moulden, who is sitting with the Board from the National Capital Planning Commission -- this is his first day for residence with the Commission -- and Carol Mitten, who is with the Zoning Commission, who is sitting with the Board today.

All persons planning to testify either in favor of or in opposition are to fill out two witness cards. These cards are located on each end of the table in front of us. Upon coming forward to speak to the Board, please give both cards to the reporter who is sitting to my right.

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1 The order of procedure for special
2 exceptions and variances is: One, statement and
3 witnesses of the applicant; two, government reports,
4 including Office of Planning, Department of Public
5 Works, etcetera; three, report of the Advisory
6 Neighborhood Commission (ANC); four, parties or persons
7 in support; five, parties or persons in opposition; and
8 six, closing remarks by the applicant.

9 If an appeal application is on the agenda,
10 which we don't have -- No, we have no appeals. All
11 right. Cross-examination of witnesses is permitted by
12 the applicant or parties. The ANC within which the
13 property is located is automatically a party in the
14 case.

15 The record will be closed at the conclusion
16 of each case except for any material specifically
17 requested by the Board, and staff will specify at the
18 end of the hearing exactly what is expected.

19 The decision of the Board in contested
20 cases must be based exclusively on the public record.
21 To avoid the appearance to the contrary, the Board
22 requests that persons not engage the members of the
23 Board in conversation. Please turn off all beepers and
24 cell phones at this time, so as not to disrupt these
25 proceedings.

1 The Board will make every effort to
2 conclude the public hearing as near as possible to 6:00
3 p.m. If the afternoon cases are not completed at 6:00
4 p.m., the Board will assess whether it can complete the
5 pending case or cases remaining on the agenda.

6 At this time, the Board will consider any
7 preliminary matters. Preliminary matters are those
8 which relate to whether a case will or should be heard
9 today, such as requests for postponement, continuance
10 or withdrawal or whether proper and adequate notice of
11 the hearing has been given.

12 If you are not prepared to go forward with
13 a case today or if you believe that the Board should
14 not proceed, now is the time to raise such a matter.
15 Does the staff have any preliminary matters?

16 MS. PRUITT: Yes, Mr. Chair, we do. On
17 application 16550 you have a request for a continuance
18 from the architecture's representative of the
19 applicant. There should be a letter in your file.

20 Unfortunately, we have not been able to
21 contact this person to find out when they would like to
22 have it rescheduled. So we will just have to -- We
23 can't do the March 1st date that he would like, because
24 of the schedule we have. I think we already have six
25 cases on that day. If you'd like, we can add it, but

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1 that's going to make a very heavy day for you all.

2 In absence of that, we will just have to
3 readvertise, which can be done with no problem.

4 VICE CHAIRPERSON SOCKWELL: Are
5 representatives of that case here in the room today,
6 16550? Yes. Is anyone representing the applicant
7 himself here today? No. Then we would not have, in
8 any event, the proper representation to go forward.

9 Give me just a second, please.

10 (Off the record.)

11 VICE CHAIRPERSON SOCKWELL: All right. In
12 the absence of representative of the applicant and the
13 request having been submitted by the architect as
14 representative of the applicant, -- the architect is
15 out of the country and will not return until the 20th
16 of February per his letter -- I would suggest a
17 continuance to the first available date.

18 MS. PRUITT: Free date? I mean, do you
19 want to add this to an end? Right now you have a full
20 agenda up to May 1 with eight cases on each day -- you
21 know, a full agenda for each day. Do you want to add
22 it to the end or do you want to put it on May 1? That
23 would be the earliest.

24 VICE CHAIRPERSON SOCKWELL: Well, it seems
25 that May 1 would be appropriate. In the absence of the

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1 architect, someone from the applicant should have been
2 present at this hearing to make the case for anything
3 earlier. So I think that, absent that, we would move
4 it to the most appropriate date for the Board.

5 MS. PRUITT: So we can reschedule it for
6 May 1 and, hopefully, we will -- Staff will try to
7 contact the -- excuse me, May 3 -- contact the
8 applicant to confirm this timing, but we will not need
9 to send out -- Based on my understanding, you're
10 suggesting we should not -- we will not need to
11 readvertise if we continue to the 3rd.

12 VICE CHAIRPERSON SOCKWELL: Right. There
13 will be more than enough time.

14 MS. PRUITT: So we continue to the 3rd, May
15 3 in the afternoon.

16 VICE CHAIRPERSON SOCKWELL: Thank you. One
17 question: Is Mr. Zahn here?

18 MS. PRUITT: No. Mr. Sockwell, staff in
19 the break called Mr. Zahn's office twice, and he was
20 not available, and we did talk to somebody in his
21 office and was trying to contact him. When we returned
22 a call, he was still not available. So that's the best
23 we can give you on that.

24 I don't know what you want -- I mean, the
25 case is -- Do you want to continue it?

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1 VICE CHAIRPERSON SOCKWELL: Well, it's a no
2 show. That's a good point.

3 MS. PRUITT: Dismiss it? I don't know.
4 I'm sorry, sir. What case? We're talking about a case
5 this morning for Mr. Gregory Zahn, application --

6 CHAIRPERSON REID: Is anyone here
7 affiliated with that case?

8 VICE CHAIRPERSON SOCKWELL: And the
9 audience does not have the right to speak out
10 requesting dismissal of cases that they are not even
11 sure what we're talking about.

12 CHAIRPERSON REID: That was from this
13 morning.

14 VICE CHAIRPERSON SOCKWELL: Yes. We're
15 talking about another case. And don't talk anyway.

16 CHAIRPERSON REID: Ms. Pruitt, should we
17 let him contact you, the staff members, to reschedule?

18 MS. PRUITT: Well, we have to contact him,
19 because at this point I don't know what's happening.
20 He knew that the hearing was today. He knew the
21 hearing was today, and he was --

22 CHAIRPERSON REID: He didn't show up.

23 MS. PRUITT: He didn't show up. So you
24 either can dismiss or, if we continue, we'll have to
25 readvertise, because we don't know --

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1 CHAIRPERSON REID: Well, I don't want to
2 continue it, because I don't know what the status of it
3 is. So why don't we table that until our next hearing
4 or something like that to see what happens in the
5 interim.

6 MS. PRUITT: We would have to -- I mean, we
7 still have to do -- We have to continue to a date or
8 something.

9 BOARD MEMBER RENSHAW; Madam Chair, I would
10 recommend, since the applicant was a no show, that we
11 move to dismiss.

12 COMMISSIONER MITTEN: Second.

13 CHAIRPERSON REID: All right. I would not
14 -- I don't think that -- With the dismissal, then he
15 would have to reapply and start from beginning to end.

16 MS. PRUITT: Yes, he would have to pay
17 another filing fee. For homeowners, it's just a flat
18 \$250 rate. I mean, that's not a little fee, but it's
19 not -- You know, he can ask for multiple types of
20 relief.

21 CHAIRPERSON REID: What is the other
22 alternative?

23 MS. PRUITT: We could continue it to a date
24 certain and hope that he shows up, but we don't know.
25 And the application, as it is, is not really ripe for

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1 hearing anyway.

2 CHAIRPERSON REID: I would think that that
3 would be a more humane route to take.

4 VICE CHAIRPERSON SOCKWELL: Yes. Absent
5 any knowledge of why he didn't show, maybe something
6 befell him that we really don't have any idea of.

7 CHAIRPERSON REID: Maybe an emergency or
8 something. We don't know what happened.

9 COMMISSIONER MITTEN: May I ask a question
10 before we vote on the motion? Can he request that the
11 fee be waived when he resubmits?

12 CHAIRPERSON REID: No.

13 COMMISSIONER MITTEN: He can't?

14 CHAIRPERSON REID: He can request it, but
15 it can't be waived. Cannot.

16 So we have a motion. Go ahead. I'm sorry.

17 VICE CHAIRPERSON SOCKWELL: Yes, we had a
18 motion.

19 BOARD MEMBER RENSHAW: We had a motion. We
20 had a second.

21 VICE CHAIRPERSON SOCKWELL: Yes. All in
22 favor of dismissal. Opposed?

23 MS. PRUITT: Staff would record the vote as
24 three to two to dismiss. Motion made by Ms. Renshaw,
25 seconded by Ms. Mitten and Mr. Moulden to dismiss, Ms.

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1 Reid, Mr. Sockwell to not. So the motion is dismissed.

2 CHAIRPERSON REID: Okay. Does that
3 conclude the preliminary matters?

4 MS. PRUITT: Madam Chair --

5 VICE CHAIRPERSON SOCKWELL: Are there any
6 other preliminary matters?

7 MS. PRUITT: Madam Chair, yes, there is. I
8 just got a note. The audience would like to note that
9 there are people here on the record for application --
10 Oh, we haven't gotten there yet, sir. Hold one.

11 There is another preliminary issue. 16550
12 -- No, that is the same one. I'm sorry. We continued.
13 There are some people here in the audience who are in
14 opposition to this. They would just like to have that
15 put on the record.

16 VICE CHAIRPERSON SOCKWELL: All right.

17 MS. PRUITT: Opposition to the application.

18 VICE CHAIRPERSON SOCKWELL: So they should
19 fill out their cards and pass them in.

20 CHAIRPERSON REID: I'm confused. Ms.
21 Pruitt, opposition to which application?

22 MS. PRUITT: Actually, we have several
23 continuances, and this one we haven't dealt with yet.

24 CHAIRPERSON REID: Okay, let's take them in
25 order.

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1 MS. PRUITT: Okay, this is the next one,
2 application of Stacy Hamblin, 16550, request for a
3 continuance. I do understand that there are people
4 here who want to testify on this hearing. I won't say
5 in opposition or not. I don't know yet.

6 VICE CHAIRPERSON SOCKWELL: Just for
7 procedural matters, now that Chairperson Sheila Cross
8 Reid has arrived, I will pass control of the meeting
9 back to her. Thank you.

10 CHAIRPERSON REID: Thank you, Mr. Sockwell.

11 All right. Anyone who is associated or
12 affiliated with this particular application, please
13 come forward. Is the applicant here? So the applicant
14 is not here?

15 MS. PRUITT: As I said, we did do this one.
16 This is the architect is out of the country. We've
17 already continued that to May 3rd.

18 CHAIRPERSON REID: No, no, no. That's not
19 the one that I was referring to. Which one are you
20 referring to?

21 MS. PRUITT: 16550.

22 CHAIRPERSON REID: Oh, I'm sorry. Oh,
23 okay. I'm sorry. I got you now. So the architect is
24 out of the country.

25 MS. PRUITT: We continued that to May 3,

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1 the first case, in the afternoon after one o'clock.

2 CHAIRPERSON REID: I'm sorry. I'm coming
3 in here behind. That's the one that is continued to
4 May 3. Okay.

5 MS. PRUITT: Correct, and I got a note from
6 some people in the audience to state that they are
7 here, and they wanted that on the record, that they
8 were here for this case.

9 CHAIRPERSON REID: Okay. So you're so
10 notified that it will be heard on May 3rd. Thank you,
11 and sorry for any inconvenience this may have caused.

12 Question? Come forth, please.

13 MS. PRUITT: Please state your name for the
14 record, please, sir.

15 MR. FENTY: My name is Adrian Fenty. I'm
16 representing ANC-4C, and we did pass a disapproval
17 resolution to this matter, and we invited several
18 members on the block who live within the proper area to
19 oppose this variance request to this meeting, and we
20 have had several conversations with the architect, and
21 we do want it on the record that the architect as
22 recently as a week ago stated that he would be at this
23 meeting and didn't tell us that he wouldn't be here.

24 We even asked him if he would withdraw the
25 application, and he made no mention that he wasn't

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1 going to be here. So we would want that on the record,
2 that he came before the ANC and did not testify as
3 such, as he has presented to this body.

4 To be honest with you, we would actually
5 like you to hear our testimony, and we would like to
6 ask for a dismissal, because in our opinion, him not
7 showing up with that excuse at the last minute is just
8 the same as someone not showing up. I don't think he
9 actually is out of the country. That's not what he
10 testified at the ANC hearing last Tuesday.

11 CHAIRPERSON REID: The fact of the matter
12 is that we've already taken a vote on it to continue
13 it, you know.

14 MR. FENTY: A motion to reconsider maybe?

15 CHAIRPERSON REID: Ms. Pruitt, the ANC
16 which is a party in the case can request a dismissal.

17 MS. PRUITT: Correct, if they are a party.

18 CHAIRPERSON REID: And we had already
19 decided to continue it, notwithstanding the fact that
20 you didn't speak.

21 MR. FENTY: Well, we didn't get a chance.

22 CHAIRPERSON REID: We heard some murmurings
23 in the back, and we had to clarify what case we were
24 talking about.

25 MR. FENTY: I'm sorry that we didn't

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1 testify, but we were trying to alert someone on your
2 Board that we were here to testify in opposition to
3 this, and we would --

4 CHAIRPERSON REID: In opposition to the
5 request for continuance?

6 MR. FENTY: To the request for a variance,
7 ma'am.

8 CHAIRPERSON REID: Okay, you were here to
9 testify in opposition to the variance itself, but not
10 the request for the continuance?

11 MR. FENTY: Well, I'm in opposition to that
12 on behalf of the ANC as well, and I would ask for you
13 to entertain a motion for reconsideration and then hear
14 a motion for dismissal.

15 MS. PRUITT: Madam Chair, in fairness to
16 Mr. Fenty, no one was invited to comment on our motion
17 to continue the case from the audience.

18 CHAIRPERSON REID: No one had ask if anyone
19 affiliated with the case to come forth?

20 VICE CHAIRPERSON SOCKWELL: I asked if
21 anyone affiliated with the case was here. I didn't ask
22 them to come forward.

23 CHAIRPERSON REID: Okay. Well, all right.
24 Just to make sure that -- In the event that, because
25 there's some misunderstanding, we erred, then let's do

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1 that. Let's put a motion on the floor to reconsider.

2 COMMISSIONER MITTEN: I so move.

3 BOARD MEMBER RENSCHAW: Second.

4 CHAIRPERSON REID: All in favor? Opposed?

5 Okay, now.

6 MS. PRUITT: Excuse me. Could I have that
7 verbally? Was there anyone in opposition?

8 CHAIRPERSON REID: No.

9 MS. PRUITT: So to dismiss. This was the
10 motion to dismiss?

11 BOARD MEMBER RENSCHAW: No, this is a motion
12 to reconsider.

13 MS. PRUITT: I wanted to keep the motion
14 straight. That's it.

15 CHAIRPERSON REID: This is to reconsider
16 the first motion. So now there is a motion on the
17 floor to dismiss coming from the ANC representative.
18 Your name?

19 MR. FENTY: Adrian Fenti.

20 CHAIRPERSON REID: Okay. Did you give your
21 address?

22 MR. FENTY: Yes. It's on my witness card.
23 I'm sorry. 4712 17th Street, N.W., Washington, D.C.

24 CHAIRPERSON REID: Okay. Now put your
25 motion on the floor.

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1 MR. FENTY: Okay. I would like the Board
2 of Zoning Adjustment to consider a motion to dismiss
3 this case. The facts that I would like to bring
4 forward are that both the developer, the land owner and
5 the architect have testified at a civic association
6 meeting and a formal ANC meeting. They have brought
7 forth testimony and plans and drawings to both the
8 civic association and the ANC.

9 Both our 16th Street neighbors, civic
10 association and the ANC have voted against this, and
11 the ANC passed a resolution which was unanimous, and
12 that should be in front of you; but if it's not, I have
13 extra copies to present to the Board, and it's a
14 disapproval resolution which calls for this to not be
15 approved in any form or fashion by the ANC, and it's
16 signed by the ANC, including the single member
17 districts which include this property.

18 CHAIRPERSON REID: One second, please.

19 Okay. On January 7 the applicant asked for
20 a continuance, because he would be out of town until
21 February 20th and would like us to reschedule it to
22 March 1st. I have no problem with that. Anyway, the
23 motion on the floor to dismiss it, because the ANC has
24 requested it, for the reason they gave. Is there a
25 second for that motion?

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1 COMMISSIONER MITTEN: Well, just
2 technically, I think he's requesting that one of us
3 make the motion to dismiss, and that hasn't been made.

4 CHAIRPERSON REID: Ms. Pruitt, he can't
5 make a motion if they're a party?

6 MS. PRUITT: No. It would be a little
7 easier if the Board would make it, so we can record it
8 correctly.

9 CHAIRPERSON REID: So would someone,
10 please?

11 BOARD MEMBER RENSHAW: I so move.

12 COMMISSIONER MITTEN: I'll second it for
13 purposes of discussion.

14 MR. FENTY: Madam Chair, we also have
15 several homeowners in the audience today who have taken
16 time off of work, who could testify as to their
17 specific reasons why they don't want this development
18 to occur.

19 CHAIRPERSON REID: Well, that would be if
20 we have the hearing. Right now we just wanted to deal
21 with the aspect of it that pertains to whether or not
22 the case should be dismissed. Discussion?

23 COMMISSIONER MITTEN: If I could put a
24 question to Mr. Fenty. Is there some hardship -- and I
25 realize, you know, that you have folks that have come

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1 down here and perhaps taken time off of work and all of
2 that. Is there some particular hardship for you all if
3 we continue this, given that the development that you
4 oppose can't go forward without approval of this body?

5 MR. FENTY: I think the facts of the record
6 should be noted by the Board. There is an application,
7 of course, by the petitioner, and then there is the
8 unanimous resolution passed by the ANC, and the D.C.
9 Code, of course, gives great weight to the decision of
10 the ANC.

11 In this matter, it's unanimous. We've
12 addressed the entire community, and no one is in favor
13 of this particular development. So in light of those
14 facts, I don't see the need to continue this matter and
15 to have our civic association and ANC have to bring
16 people down here again to go through this, when the
17 proponent knew that he should be here when there are
18 rules that say that, if they don't show up, matters
19 will be dismissed.

20 Again, it's unanimous. We've had two
21 meetings on this and an ANC meeting. I don't think
22 postponing it for two months would bring anything else
23 to the table.

24 BOARD MEMBER RENSHAW: Question, Madam
25 Chair, to Mr. Fenty. On January 7 the applicant or the

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1 architect, Klaus Klott, wrote to the BZA requesting an
2 appearance on February 16, and then he says a previous
3 commitment on that day will not permit me to appear.
4 Did you not get a copy of this?

5 MR. FENTY: No, ma'am, we didn't or else we
6 would not have shown up today. Again, we met with him
7 as early as last Tuesday.

8 BOARD MEMBER RENSHAW: Last Tuesday, and he
9 never mentioned putting this in the file?

10 MR. FENTY: No, he didn't.

11 VICE CHAIRPERSON SOCKWELL: So when were
12 you specific meetings with the architect and the
13 developer?

14 MR. FENTY: We had a meeting on January
15 31st of the neighbors who surround that area. That
16 meeting involved about 34 people. All 34 were opposed
17 to the development as it's been proposed to this Board,
18 and then on February 8 ANC-4C met, and there were seven
19 ANCs present, and we had a unanimous vote to disapprove
20 the application for variance.

21 VICE CHAIRPERSON SOCKWELL: And the
22 architect was present both meetings?

23 MR. FENTY: Yes, and he did a proposal at
24 both meetings of about 15 minutes to a half-hour and
25 then answered questions.

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1 VICE CHAIRPERSON SOCKWELL: Was the
2 developer present at both meetings?

3 MR. FENTY: The developer was present and
4 gave testimony at the first meeting. He was present in
5 the second meeting but did not give testimony.

6 VICE CHAIRPERSON SOCKWELL: Madam Chair, it
7 appears that in the absence of the architect, the
8 developer would have known and that, with any intention
9 to be open with the community, since the letter that
10 we've received occurred prior to either of the two
11 meetings, there is some indication that there was a
12 complete disconnection in terms of letting the
13 representatives of the community know what was
14 transpiring or was not expected to transpire on the
15 16th of this month.

16 Because of the level of communication that
17 the community had with the applicant, it does seem
18 unusual that they would not have been made aware that
19 the hearing would not take place or that the applicant
20 was not going to be present.

21 CHAIRPERSON REID: Well, you know, the fact
22 of the matter is that they are not here, the developer
23 or the applicant, to give their side as to what
24 happened. I think that postponement and continuance
25 for two weeks to March 1st -- and will the calendar

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1 allow that? That's another thing.

2 MS. PRUITT: That was the concern about the
3 previous one which we continued to May 3d, the very
4 first. You have a full agenda up until May with eight
5 cases on each day.

6 CHAIRPERSON REID: So May would be the
7 first time it could be heard?

8 MS. PRUITT: Yes.

9 CHAIRPERSON REID: All right.

10 MR. FENTY: Madam Chair -- I'm sorry.

11 BOARD MEMBER RENSHAW: While they are in
12 discussion, Mr. Fenty, tell me again. You had ANC
13 meetings on January 31st, and what was the other date?

14 MR. FENTY: The January 31st meet was a
15 single member district meeting, and then the February
16 8th was the entire ANC.

17 VICE CHAIRPERSON SOCKWELL: Mr. Fenty, I
18 just have one more question for you. With regard to
19 the meetings that you had with the developer and the
20 developer's architect, was this hearing brought up in
21 either of those meetings?

22 MR. FENTY: Absolutely. At the February
23 8th hearing one of the ANCs put a motion on the floor
24 to request that the developer withdraw the application
25 in light of the overwhelming community opposition and

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1 asked him to withdraw his application for this hearing.

2 At that time, I would have thought that would have
3 been a perfect time to say, well, you know, we've
4 already asked for a postponement. But no such mention
5 was made at that time, nor at any other time.

6 I would like to put on the record also
7 that, although the architect of the -- I think he's
8 been designated to testify on behalf of the developer,
9 but the developer still could have testified today and
10 has a partner, his brother-in-law, who -- both men live
11 in the city and have testified that they have other
12 buildings in the neighborhood, and they could have come
13 here today to testify in their own behalf.

14 BOARD MEMBER RENSHAW: Also, Madam Chair, I
15 wanted to ask the Board if it is a requirement when an
16 applicant is asking for a postponement not to paper the
17 ANC. In other words, as the party sends in a request
18 to the BZA that that paper is also sent on to the ANC.

19 Is that not a requirement?

20 CHAIRPERSON REID: It's generally all
21 parties. All parties are to be notified.

22 MS. PRUITT: Right, prior to a hearing
23 except the only party that's identified is an ANC at
24 that point.

25 CHAIRPERSON REID: So the applicant --

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1 MS. PRUITT: The party status isn't granted
2 until the actual hearing.

3 CHAIRPERSON REID: Except for ANC.

4 MS. PRUITT: Except for ANC. That's what
5 I'm saying.

6 CHAIRPERSON REID: So you think that they
7 were aware of the fact that they were to have notified
8 the ANC that they wanted a continuance and did not do
9 so? This is speculative.

10 MS. PRUITT: I can't answer on that,
11 because I have not talked to Mr. Klott. So I have no
12 idea.

13 CHAIRPERSON REID: So I think that I would
14 be willing to give them the benefit of the doubt and
15 let them come to us on our next date certain that we
16 could to explain to us what happened, and then at that
17 time you can still put a motion on the floor to
18 dismiss. I mean if it doesn't go today.

19 Now any other discussion? All right then,
20 we have a motion on the floor to dismiss and it's been
21 seconded. So all in favor of the motion?

22 BOARD MEMBER RENSHAW: Aye.

23 VICE CHAIRPERSON SOCKWELL: Aye.

24 CHAIRPERSON REID: All right. All opposed?
25 Let me say it again, and can you speak into your mike.

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1 All in favor of dismissal? All opposed? MS.

2 PRUITT: I just wanted to be sure, because I had heard
3 too many. The motion to dismiss was Mr. Sockwell, Mr.
4 Moulden and Ms. Renshaw to dismiss, Ms. Reid and Ms.
5 Mitten not to. Is that correct?

6 CHAIRPERSON REID: Right.

7 MS. PRUITT: So this case is dismissed.

8 CHAIRPERSON REID: Okay. Is there another
9 preliminary matter, Ms. Pruitt?

10 MS. PRUITT: Yes, there is, on application
11 16551. We just received it today, the affidavit of
12 posting. So you just need to waive the time for
13 filing. We actually do have it, and was it posted on
14 time is what I need to --

15 CHAIRPERSON REID: Waive the time?

16 MS. PRUITT: For filing. Yes, it was
17 posted timely. It's just that it wasn't filed timely.

18 CHAIRPERSON REID: Oh, the affidavit, you
19 mean?

20 MS. PRUITT: Correct.

21 CHAIRPERSON REID: They didn't request it?
22 We just do it automatically?

23 MS. PRUITT: Well, I mean you have to do
24 it, because they just gave it to us today.

25 CHAIRPERSON REID: Oh, okay.

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1 MS. PRUITT: I got it about ten minutes
2 ago.

3 CHAIRPERSON REID: May I see someone who
4 associated with this case, please? Come forward.

5 MS. PRUITT: 16551.

6 CHAIRPERSON REID: Can you tell us why --
7 Give your name, please.

8 MS. HUNTER: Dora Hunter.

9 CHAIRPERSON REID: And could you tell us
10 why it wasn't -- the affidavit of posting was not
11 submitted timely?

12 MS. HUNTER: Actually, the photos didn't
13 come out, and I had to retake them and redevelop them.

14 CHAIRPERSON REID: All right. Well, I have
15 no problem with waiving the time to allow the affidavit
16 of posting to come into the record, if there is no
17 objection by my colleagues. She actually posted, but
18 she just did not --

19 MS. PRUITT: Correct. The affidavit was --
20 The property was posted timely, 15 days prior to the
21 hearing. The thing is that the affidavit should be in
22 here five days prior to the hearing, and it was today.

23 CHAIRPERSON REID: Okay. Well, we'll waive
24 the time. All right, thank you very much. We'll call
25 you back when it's time for your case to be heard.

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1 Thank you.

2 MS. PRUITT: Staff has no more preliminary
3 matters. I don't know if you queried the audience,
4 though.

5 CHAIRPERSON REID: Well, did you ask prior
6 to my coming in, Mr. Sockwell, if there were any other
7 preliminary matters from the audience?

8 VICE CHAIRPERSON SOCKWELL: No.

9 CHAIRPERSON REID: Okay. So let's have the
10 first case of the day, please.

11 MS. PRUITT: The first case of the day is
12 application 16549, application of Daniel Berman,
13 pursuant to 11 DCMR 3103.2 for a variance under
14 Subsection 2001.3(a) and (c) to allow for a proposed
15 addition to an existing nonconforming four-unit
16 apartment house and under Section 406.1 from the
17 minimum closed court requirements in an R-5-B District
18 at 1906 Biltmore Street, N.W. (Square 2549, Lot 419.)

19 All those planning to testify, would you
20 please stand and raise your right hand?

21 (Witnesses sworn.)

22 CHAIRPERSON REID: Excuse me. Is that
23 gentleman back there -- are you planning to testify in
24 this case, sir? No? All right. So it's just the
25 three people here?

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1 MS. PRUITT: Please be seated.

2 MR. ELLIS: Good afternoon. My name is
3 Craig Ellis. I am counsel for the applicant, and it's
4 pleasure to be back before the Board again.

5 I have with me today Mr. Sam Dyer, the
6 designer of the project, and also the applicant sitting
7 right behind us, Mr. Daniel Berman.

8 This is an application for two variances.
9 The variances are necessitated to make an addition to
10 the house at 1906 Biltmore Street, N.W. The house as
11 it presently stands without any building, additional
12 building, is a house that exceeds the lot occupancy.

13 The house also as it presently stands has a
14 closed court. That court has a width varying from two
15 and half to roughly three and a half feet, almost four
16 feet, and the closed court, pursuant to our zoning
17 regulations, is too small. The closed court
18 requirement width is 15 feet, and this closed court is
19 too small.

20 So, therefore, nothing could be done in
21 terms of additions to this house without first coming
22 to the Board for a variance.

23 The actual relief -- I'm sorry. The actual
24 construction to the property would not be necessitated
25 if these existent conditions were not present. Nothing

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1 in the addition that we propose to do here causes any
2 additional relief. It is the property as it sits that
3 causes us to seek this relief. So I wanted to begin
4 with that.

5 It was originally a four-unit apartment
6 building. Mr. Berman has come in, and he has taken the
7 property and reduced it from a four-unit to a three-
8 unit apartment building. He and his wife want to start
9 a family. They want this addition to the rear.

10 It's going to be built on the second floor,
11 over the second floor on a deck that is off the third
12 floor of the property. The skin will be essentially a
13 glass, stucco and brick. It is to brick the one side
14 to go with the property on the one side, stucco on the
15 other side to go with sort of the property on the other
16 side, and the glass.

17 To the extent that you may have any
18 questions about how it's designed, we have the
19 architectural plans over there on the board.

20 Essentially, the addition will be built to
21 cover approximately one-half of this deck that's on the
22 second floor, off the third floor but on top of the
23 second floor. The deck would be approximately -- I
24 mean, the new addition would be approximately 16 1/2
25 feet by 15.25 feet.

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1 Now as I stated, we are here for a
2 variance. Do you want me to go through --

3 CHAIRPERSON REID: Mr. Ellis, obviously,
4 you don't have any opposition to your particular
5 application.

6 MR. ELLIS: No. The ANC supports us.

7 CHAIRPERSON REID: Yes, and support from
8 the ANC or the letter. Well, there are only three
9 people sworn in. And the ANC is in support of your
10 application. So just give us the fill-in points, but
11 do demonstrate how you meet your test for your
12 variance.

13 MR. ELLIS: I just want to clarify
14 something, Madam Chair. You said there are three
15 people who have been sworn in. I only know of two, the
16 two that are here with me.

17 CHAIRPERSON REID: Oh, I'm sorry. There
18 are three people here, two sworn in. So there's a lot
19 of people here. You're correct.

20 MR. ELLIS: For the first variance from
21 Section 2001.3 (a) and (c) to allow an addition to an
22 existing nonconforming structure in a R-1 zone, that
23 section provides in Section (a) and (c) that a
24 structure shall conform to the percentage of lot
25 occupancy requirement and (c) that the additional

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1 enlargement itself shall not increase or extend any
2 existing nonconforming aspect of the structure, and so
3 not create any new nonconformity of the structure and
4 addition combined.

5 Pursuant to Section 403.2, all structures within
6 this R-5-B zone has a -- is limited to a lot occupancy
7 of 60 percent. This property as it sits exceeds that
8 by 18.36 percent. The subject property, as I stated,
9 is a three-story rowhouse. It is also three units.

10 The variance relief sought is justified in
11 that the proposed addition does not cause the property
12 to not conform with the lot occupancy requirement nor
13 does it increase any or extend any existing -- I'm
14 sorry -- does not conform with the lot occupancy
15 requirement nor does it increase or extend any existing
16 nonconforming aspect of the structure or create any new
17 nonconforming aspect.

18 Because the property as it was constructed
19 prior to the implementation of the zoning regulations
20 exceeds lot occupancy requirements and the minimum
21 width requirement of the closed court, no addition
22 could be built without this addition.

23 The requested variance will not be
24 detrimental to the public good nor will it impair the
25 intent or integrity or purpose of the zone plan. The

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1 subject property is located next to an apartment
2 building, and the proposed addition to be built is to
3 be next to a solid brick wall that extends at least ten
4 feet above the proposed addition.

5 No air, light or ventilation of the
6 apartment will be affected. Further, the ANC supports
7 this structure.

8 With respect to the minimum closed court,
9 Section 406 requires that the closed court in an R-5-B
10 zone have a minimum width of 15 feet. The existing
11 closed court has a width of from 2.9 feet to
12 approximately 3.5 feet.

13 Since the subject property as presently
14 constructed violates the closed court requirement,
15 again no addition could be built without the requested
16 variance relief.

17 The subject property presents an
18 exceptional condition in that the property as
19 constructed has a closed court to provide ingress and
20 egress to a basement on the subject property and to
21 provide light to those rooms in the subject property
22 located over that closed court.

23 Had the rear portion of the property been
24 constructed from lot line to lot line, as most
25 rowhouses, and in all the other rowhouses in that

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1 neighborhood, no rear court would have been present
2 and, therefore, there would be no need for the closed
3 court variance.

4 The closed court in this instance was
5 necessary to provide an exterior exit from the cellar
6 under the front porch and other property.
7 Additionally, the closed court provided an ambient
8 light source to the rooms that are over that court.

9 In Droughty v. Board of Zoning Adjustment,
10 the District of Columbia Court of Appeals held that the
11 concept of exceptional condition in the variance
12 context refers to an unusual condition of the property,
13 of that particular property.

14 In this case, this is a property that has
15 an unusual condition in that it has a closed court. It
16 was built before the zoning regulations. The closed
17 court does not comply with our present zoning
18 regulations, and indeed if you take that application,
19 it would also apply to the lot occupancy; because it
20 was built before there were lot occupancy requirements,
21 and the lot occupancy was exceeded by the building when
22 it was built back before the zoning regulations.

23 So, therefore, this building provides, in
24 and of itself, an exceptional condition. No
25 improvement of the property could take place without

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1 the requested variance, and the presence of the closed
2 court would present the applicant with an exceptional
3 practical difficulty if the zoning regulations are
4 strictly applied, since no construction could be
5 undertaken without the granting of the variance.

6 Finally, granting of the variance for the
7 closed court would not cause substantial detriment to
8 the public good and would not impair the intent and
9 purpose and integrity of the zone plan.

10 The requirement focuses on evidence of
11 adverse impact of the grant of the variance on the
12 adjoining property owners; (2) the neighborhood,
13 including traffic, parking and circulation; and (3) the
14 existing zoning requirements for the zone district in
15 which the property is located, including light/air
16 requirements, yard and set-back requirements, lot size
17 and shape; (4) the location of the structure on the lot
18 and the relationship to adjoining lots and
19 streetscapes, uniformity of the streetscapes and design
20 of the neighborhood structures; (6) character of the
21 neighborhood, including increased noise, density,
22 influx of commercial vehicles and other traffic; and
23 (7) neighborhood stability.

24 The neighbors here support the addition,
25 and ANC-1C has submitted a letter to support the

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1 requested variance. The proposed addition is located
2 at the rear of the subject property and is totally
3 obscured from the street view. The wall for which the
4 apartment next door will extend ten feet above the
5 proposed addition.

6 The property is to be used by the applicant
7 and his wife, and there is no additional traffic as a
8 result of this proposed addition. Additionally, we
9 have here -- and I will hand to the secretary of the
10 Board -- five sets of pictures of houses in the
11 neighborhood so you get an idea about this house.

12 This is one of the few houses that has an
13 actual structured garage. As a result of that, that
14 counts in the lot occupancy, and they had originally
15 sought to have that garage -- the roof on the garage
16 removed so that it wouldn't be structure, and the
17 Historical Preservation Review Board denied that
18 request. If that had not ben denied, again we would
19 not have been here either.

20 What happens is, as you can see in all five
21 of those pictures, most of the neighbors in the
22 neighborhood have this addition. But because the
23 garage on this house was considered to be historical,
24 they couldn't tear it down. They couldn't remove the
25 roof, and therefore, they can't build onto their house

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1 without variance relief.

2 So we just wanted to show you those
3 pictures that show that everybody in the neighborhood -
4 - well, not everybody, but a good many of the people in
5 the neighborhood have done exactly what my client
6 intends to do.

7 If there's any questions from the Board or
8 for the architect, we'll be happy to entertain them.

9 VICE CHAIRPERSON SOCKWELL: So what do you
10 want us to do about it?

11 MR. ELLIS: To approve -- Well, as per our
12 brief that we have filed, we ask you to approve our
13 variances.

14 VICE CHAIRPERSON SOCKWELL: And you think
15 you've justified it fairly well. You've covered
16 everything except the footing. So I was wondering if
17 there was anything else you might want to present to
18 the Board to support your case.

19 MR. ELLIS: Nothing.

20 BOARD MEMBER RENSHAW: Do you have a large
21 color picture or a large black and white picture of the
22 back of your house where this addition is going to be
23 made?

24 MR. ELLIS: Yes, we do.

25 CHAIRPERSON REID: Mr. Ellis --

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1 MR. ELLIS: I said large, but it's not
2 large, but it shows where it would be. Yes, Madam
3 Chair?

4 CHAIRPERSON REID: I'd say that your
5 presentation was quite succinct, and that there is no
6 doubt, I don't think, that you've demonstrated that
7 there is no way that the applicant would be able to
8 comply with the existing zoning regulations, given the
9 fact that the structure itself predated -- the
10 existence of the structure predated the existing zoning
11 regulations. Any comments, Board members?

12 We'll move on to the ANC. Is there any ANC
13 representative here? We didn't have one earlier.
14 Okay. We did have a letter of support from the ANC-1C,
15 and they had a quorum present and a vote taken. So,
16 therefore, they will be afforded the great weight to
17 which they are entitled, and they said in pertinent
18 part that they support the application for a zoning
19 variance for this application.

20 Are there any other persons who have come
21 in in support of the application? In opposition to the
22 application? Closing remarks by the applicant.

23 MR. ELLIS: As a closing remark, we would
24 just ask the Board for a bench decision.

25 CHAIRPERSON REID: I would move approval of

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1 this application. Board members?

2 BOARD MEMBER RENSHAW: Second.

3 CHAIRPERSON REID: I think that the
4 applicant has demonstrated, as I said earlier, that he
5 has met his three-pronged test and that, given the fact
6 that the structure itself predates the zoning -- the
7 current building regulations, it would be certainly a
8 practical difficulty for him to be able to comply with
9 the existing zoning regulations.

10 So, therefore, given the fact that there
11 does not appear to be any substantial detriment or
12 adverse impact by virtue of the fact that we don't have
13 any letters or any persons here who are opposed to the
14 application, the ANC came on board in support of the
15 application, and that it does not tend to impair the
16 intent or integrity of the zoning regulation or map,
17 all in favor? Oh, comments? I'm sorry. Mr. Sockwell,
18 please, how could I not give you a chance to give your
19 comments.

20 VICE CHAIRPERSON SOCKWELL: Thank you,
21 Madam Chair. With regard to a lot of properties that
22 preexisted the zoning regulations that are anomalous to
23 their adjacent environment, in case of things like
24 courts where this could have been built straight out
25 rather than with the light well court notch or niche,

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1 if you want to call it, these kinds of things and minor
2 variations put buildings like this in nonconformity
3 with the zoning ordinance, and it's only because of the
4 fact that the zoning ordinance was not intended to take
5 into consideration some of these preexisting
6 conditions.

7 In a house like this, I don't see that the
8 proposed addition would damage either the neighbors'
9 rights nor would it increase anything that was not a
10 preexisting nonconformity in ways that would be
11 significant.

12 So, therefore, I have no problems with the
13 garden room. Let's hope he gets enough sunlight.
14 Thank you.

15 CHAIRPERSON REID: Other comments, Board
16 members? All right, all in favor? Opposed?

17 MS. PRUITT: Staff will record the vote as
18 five to zero to approve. Motion made by Ms. Reid and
19 seconded by Ms. Mitten for summary order.

20 MR. ELLIS: Thank you.

21 MS. PRUITT: The next case on the agenda is
22 application 16551, application of The Welch Family
23 Limited Partnership #1-/Steve Royall, pursuant to 11
24 DCMR 3103.2, for a variance under Section 2101 of the
25 off-street parking requirements for a "Social Lounge

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1 and Dance Place (Public Hall)" in a C-2-A District at
2 1335 H Street, N.W. (Square 1027, Lot 824).

3 All those planning to testify, could you
4 please stand and raise your right hand.

5 (Witnesses sworn.)

6 MS. PRUITT: Please be seated. Thank you.

7 CHAIRPERSON REID: Give your name and your
8 address.

9 MS. HUNTER: My name is Dora Hunter,
10 address 5552 B Street, S.E.

11 CHAIRPERSON REID: Okay. Ms. Hunter, tell
12 us why you think you should receive -- have your
13 application approved for your variance.

14 MS. HUNTER: As we are aware, on that
15 commercial property there is no parking. What I'm
16 trying to do is something -- I'm trying to look for
17 something on the positive aspect, and I just really
18 want to have the variance approved based on off-street
19 parking to facilitate my building.

20 CHAIRPERSON REID: Ms. Hunter, did you have
21 any discussion with the staff as to how to prepare for
22 this particular hearing?

23 MS. HUNTER: No, ma'am.

24 CHAIRPERSON REID: Did you not -- Have you
25 ever been to this Board before?

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1 MS. HUNTER: No, ma'am.

2 CHAIRPERSON REID: Are you familiar with
3 these proceedings?

4 MS. HUNTER: Slightly.

5 CHAIRPERSON REID: All right. Then do you
6 know that the purpose of your being here is to have
7 your application approved for the variance, and in
8 order to do so you have to demonstrate how you satisfy
9 a three-prong test? Do you know about the test?

10 MS. HUNTER: No, ma'am.

11 CHAIRPERSON REID: Okay. We have to,
12 number one, show how your property -- something about
13 the subject property that's unique and unusual or
14 exceptional such that it would cause you practical
15 difficulty to comply with the existing zoning
16 regulations. That's the first test.

17 Is there anything about the property or --
18 Let me just say this -- or do you feel that you are
19 prepared to go forward today; because oftentimes when
20 people come to us and they are not aware of the
21 proceedings or they are not familiar with exactly what
22 they need to do to give their case the best possible
23 light for it to be approved, then they will have it
24 rescheduled and give themselves time to consort with
25 the correct persons or determine what they need to do.

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1 I'm sure that you are aware of the fact
2 that you also have opposition.

3 MS. HUNTER: Yes, I am.

4 CHAIRPERSON REID: Okay. So it's kind of
5 risky, because you really are not adequately prepared
6 to go forward today. So it puts you at a disadvantage.

7 Now you have two choices. You can either go forward
8 today or, in the alternative, you can ask us for a
9 postponement so that you can become better prepared and
10 come back to us.

11 So it's up to you. If you go today, then
12 basically you'll be winging it, and we'll do all we can
13 to try to help you through it, but I don't want to
14 delude you into thinking that you can just say a few
15 words and that would be adequate enough to give you the
16 best possibility of getting your application approved.

17 MS. HUNTER: I understand. I do not want
18 to hurt my chances. I have been working hard and
19 trying to obtain the seven variance that I need for the
20 property. I have come up with a business owner who is
21 willing to let me use their parking space. I have it
22 in writing for the property. However, I'm not exactly
23 sure if maybe I should or not, but I will take the
24 advice from you.

25 CHAIRPERSON REID: You have a business

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1 owner who will allow you access to their parking lot
2 for you to have the cars parked on that lot?

3 MS. HUNTER: That is correct.

4 CHAIRPERSON REID: You have that in
5 writing? Well, that's good, but you still have to make
6 your burden of proof in regard to getting your variance
7 today. Number one is, is there anything unusual,
8 unique or exceptional about the property itself that
9 would not allow you to be able to comply with the
10 existing regulations or cause you some practical
11 difficulty? Practical difficulty means some hardship
12 or some problems.

13 MS. HUNTER: Hardship if I don't obtain
14 variance.

15 CHAIRPERSON REID: Well, that's true, but
16 let's start there. Did you -- What do you want to do
17 today? Do you want to go forward or do you want to --

18 MS. HUNTER: I just really don't want to
19 hurt my chances of this. If there is a more -- a
20 different procedure that I need to go, then I'm willing
21 to do that.

22 CHAIRPERSON REID: Well, you would then --
23 and I've asked staff to do this, and I guess it has not
24 been put in place yet. But in the cases where it's
25 very obvious that an applicant is not familiar with the

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1 proceedings and they have not demonstrated within their
2 submission to us that they even have a clue as to what,
3 in fact, they need to do to get their application
4 approved, I had asked that they consult with them and
5 to make sure that they understand, and take them step
6 by step through the process, so that they have a better
7 opportunity to have it done.

8 So what we usually do in cases like this is
9 to assign you to a staff member who will then work with
10 you and walk you through the different steps to help
11 you.

12 MS. HUNTER: Would I be able to be heard
13 today?

14 CHAIRPERSON REID: It's unlikely, because
15 we have another case, a big case, coming up after you,
16 and it's going to take some time. I mean, that's not
17 something they can do in a few minutes. I mean, you're
18 going to have to make an appointment to sit with them
19 and to go over everything and to make sure that you
20 have the best likelihood of getting it approved.

21 Now the idea of the parking lot -- that's
22 good that you could submit that to us. But that still
23 does not negate the fact that you have not been able to
24 demonstrate that you comply with that three-prong test,
25 and that's what you have to do.

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1 Another thing is have you met -- I saw in
2 here that you did talk to ANC?

3 MS. HUNTER: Yes.

4 CHAIRPERSON REID: And matter of fact, you
5 appeared before them.

6 MS. HUNTER: Yes.

7 CHAIRPERSON REID: Oh, okay. Yes?

8 MR. WALKER: I'm sorry, Madam Chair. My
9 name is Darrell Walker, and I am Chairman of ANC-6A.

10 MS. PRUITT: Excuse me, sir. Neither one
11 of you were sworn in. Correct?

12 MR. WILSON: I'm sorry. No.

13 MS. PRUITT: Can we do that before you
14 start testimony. Stand please, and raise your right
15 hand.

16 (Witnesses sworn.)

17 MR. WALKER: Thank you. Madam Chair, my
18 name is Darrell Walker. I reside at 1839 D Street,
19 N.E., Apartment 2, Washington, D.C. 20002.

20 I am currently Chairman of Advisory
21 Neighborhood Commission 6A. The applicant did come
22 before the ANC's zoning and licensing committee on
23 January 12. There was opposition to her application,
24 because the single member district commissioner was not
25 notified of an existing application for a variance at

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1 that location of 1335 H Street, N.E.

2 The applicant was also told to submit a
3 parking plan to the ANC either at our regularly
4 scheduled monthly meeting, which took place February 3,
5 or at our zoning and licensing committee meeting which
6 took place February 9.

7 I do not recall seeing the applicant. As a
8 matter of fact, our monthly meeting was cut short, so
9 to say, where we could not actually hear or even vote
10 on the minutes from the Z&L. We did not have a chance
11 to bring up the case before the full Commission. As a
12 matter of fact, the case was not even put on the agenda
13 to be brought up, because we did not get any
14 notification from the applicant.

15 On February 9 at our monthly Z&L committee
16 meeting, the applicant came back before the Z&L
17 committee. She did submit a parking plan. The parking
18 plan was not approved by the Z&L committee. It was not
19 approved by the full Commission.

20 Therefore, at this time, because of
21 opposition to this application, there were a lot of
22 questions that are unanswered about the application
23 itself, along with the establishment as far as who owns
24 the -- who is actually going to be running this
25 business.

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1 Those are some of the questions -- You
2 know, who is going to be running the business, you
3 know, the case that these -- the parking plan itself,
4 you know. I mean, the parking lot in question is three
5 blocks from where the establishment is. At three
6 o'clock in the morning you're going to walk down H
7 Street.

8 CHAIRPERSON REID: Which parking lot is in
9 question?

10 MR. WALKER: The parking lot in question is
11 a hair salon.

12 CHAIRPERSON REID: Is that the one that
13 she's referring to when she says that she's arranged
14 for parking?

15 MR. WALKER: Right, right. It's a hair
16 salon approximately three blocks away from the
17 establishment. It's a small lot, sits on a corner
18 between two buildings, hardware store and a hair salon.

19 We asked that she come back before the ANC
20 with the paperwork notarized. Anyone could write a
21 letter. We asked -- We did ask her to have the papers
22 notarized. There were some questions about a copy of
23 an application. It actually came from here, from the
24 BZA, that was not on D.C. Government letterhead. It
25 looked like someone had typed it.

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1 CHAIRPERSON REID: It was what?

2 MR. WALKER: It's in the folder. There is
3 a copy of the application that's on regular paper with
4 no D.C. Government letterhead, and every time I come
5 down here I get it on D.C. Government letterhead.
6 There was a question as to where that even came from.
7 No, that's not it.

8 There are a lot of unanswered questions.

9 MS. PRUITT: Ms. Reid, you probably don't
10 have it in the ones that we've copied you, because you
11 don't copy everything. So you might want to look in
12 the case file.

13 MR. WALKER: Right. I think I saw it in
14 the case file. Actually, I pulled this letter, copied
15 this out of the case file. I think you all have this.

16 It was a letter from the ANC. This letter -- I was
17 not privy to this letter at all, by me being the
18 Chairman of Advisory Neighborhood Commission 6-A.

19 CHAIRPERSON REID: Wait a minute. What do
20 you mean you weren't privy to this letter?

21 MR. WALKER: I never saw it. I never saw
22 it until I came down here. I don't -- I never knew the
23 contents. I never even knew a letter was coming from
24 the ANC to the BZA.

25 CHAIRPERSON REID: Do you know Marvin

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1 Fields?

2 MR. WALKER: Yes, I do. Marvin Fields is
3 an ANC Commissioner.

4 CHAIRPERSON REID: All right. Well, this
5 letter apparently was written by Marvin Fields.

6 MR. WALKER: Okay. And Mr. Fields at the
7 February 9 meeting was instructed by me, the Chairman
8 of ANC 6-A, to get the letter -- form the letter and
9 send the letter to me, and I would have the letter put
10 on ANC letterhead and sent here, and I will bring it to
11 him to be signed by him and signed by myself.

12 MS. PRUITT: Mr. Jones, is it?

13 MR. WALKER: Walker.

14 MS. PRUITT: Walker, I'm sorry. The Board
15 doesn't consider this an official ANC letter with great
16 weight. So it's taken as regular testimony.

17 MR. WALKER: Okay, thank you.

18 MS. PRUITT: I did want to clear that up
19 for you.

20 MR. WALKER: Thank you.

21 CHAIRPERSON REID: Do we have a letter from
22 -- an official letter from the ANC?

23 MS. PRUITT: Not an official letter. You
24 just have it from the single member district. This is
25 the only thing we have from the ANC.

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1 CHAIRPERSON REID: But wait, wait, wait,
2 wait. Let us get this clarified, because this letter
3 was the letter that we had in the file that stipulated
4 it was the zoning and licensing committee, and that is
5 the entity that Ms. Hunter appeared before?

6 MR. WALKER: Yes, ma'am.

7 MS. PRUITT: That's a subcommittee of your
8 ANC. Correct?

9 MR. WALKER: Correct. It's a subcommittee.

10 CHAIRPERSON REID: Then they should have
11 given a report to you, and then you would have
12 submitted the letter to us.

13 MR. WALKER: Correct.

14 CHAIRPERSON REID: And so they circumvented
15 that whole process.

16 MR. WALKER: Yes, ma'am. Right.

17 CHAIRPERSON REID: And they sent the letter
18 straight to us.

19 VICE CHAIRPERSON SOCKWELL: So these are
20 actually meeting minutes.

21 MR. WALKER: Sir, actually, those are not
22 correct minute meeting -- I mean meeting minutes. I'm
23 sorry. Actually, the minutes don't reflect the
24 opposition by myself or the community.

25 CHAIRPERSON REID: So I don't know how this

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1 could get in, and it's being proffered as an official
2 document. So perhaps you can clarify that and get that
3 straightened up within your own body that that's not to
4 happen, because that is confusing.

5 MR. WALKER: It really is. Like I said, I
6 didn't know about any of the letters until I actually
7 came here today and asked for copies of the letter out
8 of the file.

9 MS. PRUITT: This is actually -- But we
10 wouldn't consider this an official letter. I mean, we
11 often get letters from single member districts on top
12 of the resolution or the official letter for a report.

13 It is a little unusual, because it's from a single
14 member.

15 VICE CHAIRPERSON SOCKWELL: Yes, but Ms.
16 Pruitt, the way it reads, it says Advisory Neighborhood
17 Commission 6A, Zoning and Licensing Subcommittee. It
18 doesn't say SMD anything. So I assumed it to have come
19 from the ANC-6A.

20 CHAIRPERSON REID: And then it says --

21 MS. PRUITT: But it says it's the Licensing
22 and Zoning Subcommittee, which --

23 VICE CHAIRPERSON SOCKWELL: Yes, but that
24 doesn't say SMD anything. In other words --

25 MS. PRUITT: I understand, but --

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1 CHAIRPERSON REID: Okay, okay. Let's not
2 belabor this, okay?

3 MR. WALKER: Could I say one more thing?

4 CHAIRPERSON REID: The fact of the matter
5 is that it was put in inappropriately, and it caused
6 some confusion. I think we can all agree with that. I
7 was confused, and Mr. Sockwell was confused.

8 MS. PRUITT: It's not inappropriate for the
9 letter to be in, because the record is open. It's just
10 not considered an official ANC report, because it
11 wasn't a quorum ANC, and that's the point I was trying
12 to make.

13 CHAIRPERSON REID: The point that was being
14 made through the Chairman was that he had requested
15 that the letter be sent to him, so it could be
16 submitted properly on the letterhead. That's why I
17 said that this letter, which appears to represent --
18 does not, and it should not have come to us like that.

19 Based on the way it's worded, one could
20 deduct that it was from the full ANC. It's just not
21 clear, and he is basically saying to us that he had
22 instructed the --

23 MR. WALKER: Commissioner Fields.

24 CHAIRPERSON REID: -- Fields to do
25 otherwise, and it was done like this, and that it does

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1 not really even reflect what actually happened. That's
2 where the confusion comes in for me.

3 So we'll make sure that we -- You will make
4 sure that we get the appropriate letter that is
5 directly from your ANC with the quorum and the vote
6 taken, and that will reflect the true feeling or the
7 true position of the ANC. Correct?

8 MR. WALKER: Yes, ma'am. Also you said
9 that there was a letter. I'm not sure that the single
10 member district commissioner actually wrote a letter to
11 the BZA. Oh, okay, because I talked to him, and he
12 said he hadn't written a letter.

13 CHAIRPERSON REID: Okay. Well, what do you
14 mean? If he didn't write the letter, where did it come
15 from?

16 MR. WALKER: This letter came from -- The
17 letter that you're referring to -- Are you referring to
18 the letter that says -- this letter here?

19 CHAIRPERSON REID: Marvin Fields.

20 MR. WALKER: Okay. Marvin Fields is not
21 the single member district commissioner.

22 VICE CHAIRPERSON SOCKWELL: Hold that up
23 again, please.

24 CHAIRPERSON REID: Is that the same one?
25 It's ANC Commission 6A.

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1 MR. WALKER: Zoning and Licensing
2 Committee.

3 CHAIRPERSON REID: Chairman, Commissioner
4 Marvin Fields.

5 MR. WALKER: Right. He's not the single
6 member district commissioner.

7 CHAIRPERSON REID: Oh, he's not?

8 MR. WALKER: No, ma'am. Marvin Fields --
9 Okay. Because we did not actually -- Because our
10 February 3 meeting did not actually take place per se,
11 we were not able to reconstruct the committees. So,
12 therefore, the February 9 meeting was chaired by Marvin
13 Fields.

14 Until we have our next meeting and we're
15 able to reconstruct those subcommittees, then no one is
16 the Chairman unless they are either appointed by
17 myself, which I chose not to do -- they have to be
18 elected by the full Commission.

19 CHAIRPERSON REID: Okay. So what are you
20 saying, that we have to disregard the letter?

21 MR. WALKER: Yes, ma'am.

22 MR. PITTMAN: Well, Linden Place is here,
23 Ms. Reed, and I'm Robert Pittman. We have concerns --

24 CHAIRPERSON REID: Give your address,
25 please.

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1 MR. PITTMAN: I'm sorry. It's 1219 Linden
2 Place, N.E. We have similar concerns as the new Chair
3 has regarding this establishment, including who is the
4 owner, and we have attempted to reach some type of
5 understanding or know who we're dealing with in terms
6 of Dora Hunter and her business.

7 We've not been able to establish it at this
8 point. So what we would like, in conjunction with the
9 Chair, is to, one, either have additional time to do an
10 investigation and find out exactly what we're dealing
11 with, because there are some concerns with credibility
12 in how this operation would be run.

13 We are talking about -- If you grant a
14 variance, we're looking at a public hall license. So
15 that's one of our concerns. The other is that, if we
16 can't reach that, we would be willing to assist this
17 lady with getting some other type of license, but
18 possibly not a public hall license.

19 MS. HUNTER: Madam Chair, I had submitted
20 to the ANC a letter stating the Welch Family
21 Partnership who is the owner of that building, and I
22 have submitted a letter to show them. They have shown
23 a great concern of who owns the building, and I have
24 given that to them in writing stating the association
25 that I have with the Welch family in regards to this

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1 business.

2 CHAIRPERSON REID: Do you have that?

3 MR. WALKER: Madam Chair, it should be in
4 the file. Madam Chair, the question -- maybe it was
5 taken the wrong way. We are questioning who is going
6 -- We know the Welch family owns the building. We
7 actually want to know who is going to be running that
8 business, because there are two people on the
9 paperwork. You have --

10 MR. PITTMAN: Steve Royall.

11 MR. WALKER: -- Steve Royall, and you have
12 the applicant. It got confusing to us when we saw the
13 application. We don't know who to deal with, and then
14 she brings a letter -- the applicant brings a letter
15 before the ANC that says she's representing the Welch
16 family.

17 MS. HUNTER: As well as one from Steve
18 Royall. I'm handling all the business licenses and
19 procedures for this building.

20 CHAIRPERSON REID: Who is Steve Royall?

21 MS. HUNTER: He is my partner. It is not a
22 partnership. We're doing this together. I'm handling
23 all of the licenses, the procedures.

24 CHAIRPERSON REID: Okay. So you're going
25 to be running the business?

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1 MS. HUNTER: Yes.

2 CHAIRPERSON REID: All right. Does that
3 answer your question? Does that answer your question?

4 MR. WALKER: No, it doesn't. Not exactly.

5 CHAIRPERSON REID: It seems like we're
6 going nowhere fast with this application. Okay?
7 There's just too many inconsistencies, and there's not
8 sufficient information in the file, and I would
9 recommend that you go and reschedule this, allow Ms.
10 Hunter to consult with staff so that she can have her
11 ducks lined up as to how she could make her
12 presentation to us, and in the interim that she meet
13 with the correct body of the ANC and make sure that you
14 know the person that you're dealing with is the correct
15 person, and that you can then ascertain from her
16 everything you need to know and to determine what
17 you're dealing with and get all the facts and what have
18 you.

19 Also you had suggested that perhaps you
20 could work with her and try to help her, because it
21 appears to me that she's kind of groping her way around
22 this rather complicated licensing process, and I know
23 that for someone who has never done it before, it can
24 be rather daunting, and she could inadvertently slip up
25 and make a mistake that could be very costly, and

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1 perhaps there may be another way to go at this to
2 accomplish the same thing so that when she comes again
3 that she will be able to have the better possibility of
4 getting it through.

5 MS. HUNTER: Madam Chair, I have spoken
6 with the single family member who is handling this, Mr.
7 Almond. I have spoken with him. I have given them all
8 the information that they had asked, and their concern
9 is a public hall permit, and I'm here for a variance.

10 CHAIRPERSON REID: Well, the variance that
11 you're here for is for a public hall, to allow -- No,
12 actually, it's the parking, I think, for a public hall
13 which requires a variance.

14 That's what I'm saying. It can be a bit
15 befuddling.

16 MS. HUNTER: And I have gone to the ANC.

17 CHAIRPERSON REID: Work with them.

18 MS. HUNTER: And I have given them
19 notarized letters in regards to the public hall.

20 CHAIRPERSON REID: But again --

21 MR. WALKER: Madam Chair, if I may. I have
22 said to everyone that I as Chair will not hold a one-
23 on-one meeting with any applicant. If you want to meet
24 me, you have to meet the full Commission, and that's
25 fair. I explained this to the applicant at our last

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1 Z&L meeting.

2 I asked her to specifically get in touch --
3 Well, I put her with Mr. Hammonds, Commissioner
4 Hammonds, and Mr. Pittman and said you three get
5 together, come to some conclusion, and I asked him to
6 help at that meeting. I said can you help her, and
7 Commissioner Hammonds and the three of you get together
8 and then whatever you agree with, bring it before the
9 ANC, the full body.

10 In all fairness to any applicant that comes
11 before the ANC, if we find fault in your application,
12 we will do the same thing we're doing here, come down
13 here and try to get it straightened out or either try
14 to work it out before you get here.

15 CHAIRPERSON REID: Right.

16 MR. WALKER: That's what I want to do, you
17 know, because there's things that we asked her in the
18 meeting that she did not even know, and we said, you
19 know, you need a little bit of help in certain areas,
20 and we asked the people who were there to actually help
21 her.

22 So this should have been avoided, even
23 coming down here to voice any opposition to this
24 application, if that would have been done. To my
25 understanding, contact had not been made --

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1 CHAIRPERSON REID: Communications broke
2 down.

3 MR. WALKER: Right. Communications broke
4 down, and things didn't happen between then and now.

5 CHAIRPERSON REID: Okay. Now, Ms. Hunter,
6 I think that we should point out to you that they are
7 willing to work with you and try to help you through
8 this, and I would suggest that you give the your full
9 cooperation, because -- for two reasons: One is that
10 they are more familiar with the process, because of the
11 fact that they deal with it quite frequently.

12 MS. HUNTER: Exactly.

13 CHAIRPERSON REID: Two is that they carry
14 great weight here at this Board. When they come before
15 us, they give us what their position is, and they then
16 defend that position and we listen very carefully to
17 what they tell us.

18 So these are the friends that you want to
19 have in order to get your application through, because
20 when you have them in opposition, it makes your course
21 a very slippery slope when you're dealing out there
22 without that support. I can hear them. They are not
23 adamantly opposed. They want to find out more about
24 you and who you are and what you are and how you're
25 going to operate before they make their final decision.

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1 MS. HUNTER: And I have given them --

2 CHAIRPERSON REID: And they will help you
3 as well as the citizens association. They're willing
4 to assist you. So, you know, take that and try to work
5 it out with them to make sure that your application is
6 better prepared next time.

7 MS. HUNTER: I have bent over backwards
8 trying to obtain the information that they asked. They
9 even wanted to see the lease of my building.

10 CHAIRPERSON REID: Whatever they ask for is
11 what you have to provide. I know sometimes it can be
12 like -- If you're not familiar with the process, it can
13 be rather, you know --

14 MS. HUNTER: One-sided.

15 CHAIRPERSON REID: Yes, and you're like,
16 well, why do I have to give you this and, you know,
17 I've given you all of that, and I don't feel like going
18 through all this. But the fact of the matter is this
19 is what everyone has to do.

20 MS. HUNTER: That's right, and I'm willing
21 to comply.

22 CHAIRPERSON REID: Great. I'm glad to hear
23 that. Any other comments?

24 BOARD MEMBER RENSHAW: Yes, Madam Chair. A
25 comment to Mr. Pittman: In regard to two pieces of

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1 correspondence that you sent into the BZA February 4
2 and February 10, 2000, would you supply the BZA with a
3 copy with actual signatures? These do not look like
4 actual signatures. These look like typewritten
5 signatures.

6 MR. PITTMAN: They were computer generated,
7 and we'll be happy to give you a hard copy.

8 BOARD MEMBER RENSCHAW: Please, on both
9 those letters.

10 CHAIRPERSON REID: All right. So are we
11 going to -- Ms. Hunter, are you asking for a
12 continuance?

13 MS. HUNTER: Well, a postponement. Yes.

14 CHAIRPERSON REID: Okay.

15 MS. HUNTER: Thank you.

16 VICE CHAIRPERSON SOCKWELL: Ms. Hunter, the
17 letter that we have in our file which seems to be a
18 sort of a "Dear Neighbor" -- this is an introduction to
19 your business -- I found very vague in terms of
20 explaining what it is that you're trying to do. It
21 didn't tell me very much of anything except in one
22 area, and that was that you were going to provide some
23 sort of location for sobriety organizations one day a
24 week.

25 That was the only thing that I really was

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1 able to gather from that letter that told me anything
2 about what you were going to do in that building.
3 Without more sufficient descriptions of the proposed
4 operation, it makes it difficult for the Board to
5 evaluate. It would make it difficult for the
6 community to evaluate what it is that you plan to do.

7 We have had some applicants come before us
8 having presented material to the community on purpose
9 that didn't tell them what they were going to do, and
10 although we don't think that that's the case here, I
11 would like to see you regenerate this letter with a
12 little bit more fact and a little bit less "we're going
13 to be really nice people," but "we're going to be nice
14 people doing X, Y and Z."

15 CHAIRPERSON REID: Ms. Pruitt, who would be
16 the staff member?

17 MS. PRUITT: Mr. Hart.

18 CHAIRPERSON REID: Okay, Mr. Hart, then
19 having heard the concerns of Mr. Sockwell, will you
20 ensure that in working her that she addresses all of
21 the issues that he just put forth in her applicant's
22 statement submission to us.

23 MR. HART: Yes, Madam Chair.

24 CHAIRPERSON REID: As well as everything
25 else that she may need.

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1 MR. HART: Sure.

2 CHAIRPERSON REID: Okay. All right, now
3 the date?

4 MS. PRUITT: May 3rd in the afternoon.

5 CHAIRPERSON REID: Yes, that's the earliest
6 that we have available. There's no way we could put
7 her on any other day?

8 MS. PRUITT: Well, you have -- As I state,
9 you have eight and nine cases on each day.

10 CHAIRPERSON REID: Let's try to get her on
11 earlier, because I know that there are some
12 considerations as far as getting the licensing and
13 opening and what have you.

14 BOARD MEMBER RENSHAW: Madam Chair, does
15 the ANC have to call a special meeting in order to get
16 any of this information to the BZA concerning this
17 case?

18 MR. WALKER: Not if she has to come back at
19 May 3, because actually the ANC will not be having a
20 meeting in the month of March. Our next meeting is the
21 first Thursday of April. So it would really -- She
22 would really have adequate time. We would have
23 adequate time to work with the applicant.

24 CHAIRPERSON REID: Well, how often do you
25 meet? Don't you meet once a month?

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1 MR. WALKER: We are only required by law to
2 have nine meetings per year, and we are trying to
3 settle some -- get some ANC things together before our
4 next meeting.

5 CHAIRPERSON REID: Is there any way you can
6 have a special meeting?

7 MR. WALKER: We could call a special
8 meeting.

9 CHAIRPERSON REID: Because that's a long
10 time to hold someone up.

11 MR. WALKER: Well, it is. I mean, we could
12 call a special meeting. I mean, we would have to give
13 the commissioners seven days' advance notice, but a
14 special meeting could be called, depending on the date.

15 CHAIRPERSON REID: So if you could call a
16 special meeting -- What days do you usually have your
17 meetings, or this would be -- Any day then?

18 MR. WALKER: Right.

19 CHAIRPERSON REID: Well, then could we try
20 to get her on around the first of April, Ms. Pruitt?

21 MS. PRUITT: In April you have a full
22 agenda on the 5th. You have Waste Management on the
23 19th and G.W. master plan on the 26th. That's why I
24 say you have a very full agenda.

25 CHAIRPERSON REID: Okay. On the 5th --

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1 MS. PRUITT: You already have continued two
2 cases on top of the four that's already scheduled.

3 CHAIRPERSON REID: For the morning or the
4 entire day?

5 MS. PRUITT: You only have the afternoon.
6 I mean, the morning is a meeting.

7 CHAIRPERSON REID: Okay, but with the
8 meeting, typically after the meeting we have a couple
9 of cases.

10 MS. PRUITT: Well, it just depends. I
11 mean, because we don't -- Meetings are kind of hard to
12 judge. Depends on how many bench decisions you make
13 and what motions come in.

14 CHAIRPERSON REID: I would try to get her
15 in on that date.

16 MS. PRUITT: Do you want it in the morning
17 or the afternoon?

18 CHAIRPERSON REID: The morning after our
19 meeting.

20 MS. PRUITT: Okay.

21 CHAIRPERSON REID: That will be the first
22 Wednesday in April?

23 MS. PRUITT: Correct. That would be April
24 5th.

25 CHAIRPERSON REID: Is there any objection

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1 to trying to get her on for that date?

2 BOARD MEMBER RENSHAW: No. That's the
3 first Wednesday, April 5?

4 CHAIRPERSON REID: That's our meeting day,
5 and after we have our meeting typically we have a
6 couple of cases in the morning.

7 BOARD MEMBER RENSHAW: Just ask the ANC if
8 that's going to be all right with your schedule.

9 MR. WALKER: Well, see, our meeting isn't
10 until the 6th.

11 CHAIRPERSON REID: You have a special
12 meeting. We have to have a special meeting anyway.

13 MR. WALKER: We have to have a special
14 meeting to consider it, and what I will do is I will
15 call a special meeting for -- Okay, this meeting will
16 be continued to April 5. Correct?

17 CHAIRPERSON REID: The hearing.

18 MR. WALKER: The hearing. Okay.

19 CHAIRPERSON REID: That gives you six
20 weeks. Well, actually, five.

21 MR. WALKER: Roughly, around five and a
22 quarter weeks. We could call a special meeting in the
23 middle part of March.

24 CHAIRPERSON REID: Ms. Hunter, would that
25 work for you?

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1 MS. HUNTER: Yes, ma'am.

2 MR. WALKER: Let's say three weeks. We'll
3 put notice of a special meeting on this case.

4 CHAIRPERSON REID: All right. Very well.
5 Thank you.

6 MS. PRUITT: This is also to indicate that
7 you will not be re-noticed. This is your notice of the
8 April 5 meeting.

9 MR. WALKER: Thank you.

10 CHAIRPERSON REID: Ready?

11 MS. PRUITT: The last case on the agenda
12 for the day, application 16457, the rehearing of the
13 application of Kass MA, L.L.C., pursuant to 11 DCMR
14 3104.1, for special exceptions under Sections 410 and
15 2516 to allow the construction of 33 new single-family
16 detached dwellings with garages in a theoretical lot
17 subdivision and 176 luxury garden apartments in the R-
18 5-A and R-5-B District at premises bounded by Good Hope
19 Road, S.E., between 24th Street, S.E., to the east, and
20 18th Street, S.E., to the west (Squares 5735, Parcels
21 211/96, 220/31 and Lot 804 and Square 5763, Parcels
22 219/38).

23 All those planning to testify, could you
24 please stand and raise your right hand?

25 (Witnesses sworn.)

1 MS. PRUITT: Please be seated.

2 CHAIRPERSON REID: Given the fact that
3 there appears to be such a great interest in this case,
4 the Board will take a recess for ten minutes so that we
5 won't have to stop again.

6 (Whereupon, the above entitled matter went
7 off the record at 2:46 p.m. and went back on the record
8 at 3:01 p.m.)

9 CHAIRPERSON REID: Before we get started
10 with this particular case, we have housekeeping matters
11 that we need to attend to. There is one item from this
12 morning, and that was for case Number 16548, and I
13 needed to have the record reopened to change the vote
14 that was taken and recorded incorrectly as voting in
15 opposition to case Number 16548, Education of Young
16 Children, when my intention was to abstain; because I
17 was not voting against the application. I was voting
18 against the motion, and as a result of that, the vote
19 was recorded that I was in opposition to it.

20 So I want to make sure that that is now
21 changed. It was my mistake -- now changed to reflect
22 that I abstained in that particular case, 16548,
23 National Association for the Education of Young
24 Children. Thank you.

25 Could you please so notify the applicant

1 and the opposition, I guess, about the actual vote so
2 that they could be so -- made to be aware of the fact
3 that that vote was supposed to have been an abstention
4 on my part.

5 All right. Now please call the case, and
6 then we'll take up the --

7 MS. PRUITT: We've already called the case.

8 CHAIRPERSON REID: You called the case?
9 Okay.

10 MS. PRUITT: The only thing I would like--

11 CHAIRPERSON REID: The swearing in has been
12 done? Right?

13 MS. PRUITT: Yes.

14 CHAIRPERSON REID: All right. So now
15 before you go to the time, we had a request for party
16 status from the Frederick Douglas Association. Sir, in
17 this instance, this case is rather like an anomaly in
18 that we have already -- This is a rehearing of a case
19 that we had before, and we had already established the
20 party status for persons in this particular case.

21 So at this point we cannot entertain
22 requests for party status. Nonetheless, you may still
23 testify, but just not as a party. Thank you.

24 Now also the Office of Planning submitted a
25 late report and a request that we waive our rules to

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1 allow the report to come in for good cause shown. If
2 there are no objections by any other Board members,
3 then we will so waive the rule to allow the report to
4 come into the case.

5 Now the other thing is time. Ms. Pruitt?

6 MS. PRUITT: Yes. Under the new statute or
7 under the new regulations promulgated in October, there
8 are time limits established for presentations. The
9 Board always has the right to change those time limits,
10 but to start out the application has an hour.

11 The parties will have -- Since there is only one
12 party, that person will have 15 minutes. Organizations
13 will have five, and individuals will have three. We'll
14 try to time it. ANCs, no time. There is no time limit
15 on any government entity, and that's only for
16 testimony. Cross-examination is not counted in the
17 time frames.

18 CHAIRPERSON REID: Okay. But also I think
19 that we want to give some kind of constraints to cross-
20 examination.

21 MS. PRUITT: Well, that's your prerogative.

22 CHAIRPERSON REID: Because this is going to
23 be a rather lengthy case, and we don't want it to go on
24 and on and on ad infinitum with cross-examination. So
25 we want to give some type of guidance to the amount of

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1 time we will allow for cross, and that would be --

2 MS. PRUITT: That's for the Chair to set.
3 I mean, I'm not sure what you would like.

4 CHAIRPERSON REID: Oh, I'm sorry. I
5 thought that --

6 MS. PRUITT: There are no guidance.

7 CHAIRPERSON REID: -- we had some
8 guidelines to adhere to.

9 MS. PRUITT: The guideline is for
10 testimony.

11 MS. DOBBINS: Madam Chair, I can indicate
12 to you that we will not use cross-examination to try to
13 make our case. We will only use it to clarify issues
14 that have been presented.

15 CHAIRPERSON REID: I appreciate that very
16 much. All right. Then Ms. Dobbins?

17 MS. DOBBINS: Thank you.

18 CHAIRPERSON REID: And tell us how long do
19 you anticipate it will take you?

20 MS. DOBBINS: I think we can probably
21 accomplish this in 60 minutes. We'll try. That's
22 assuming that there are not a lot of interruptions.
23 I'm not sure whether the Board would choose to save
24 questions for the end of the presentation or how you
25 would like to proceed.

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1 CHAIRPERSON REID: Well, it's hard. You
2 know, sometimes the need to ask the question is just so
3 overwhelming that they just want to jump right in
4 there. So we'll try to as much as possible hold them,
5 but if we need to, we will. Be mindful of the fact
6 that we have read -- See all of this?

7 MS. DOBBINS: Yes.

8 CHAIRPERSON REID: We have read this
9 voluminous amount of material. So we are aware of.
10 Gee, I'm the only one up here who sat on the original
11 one, aren't I? So the other Board members are
12 reasonably aware of it. So, Ms. Dobbins, can you in
13 your presentation just kind of, you know, hit on the
14 highlights and just give us the summaries of what, in
15 fact, you are here for today?

16 MS. DOBBINS: We will keep it as precise as
17 we possibly can.

18 CHAIRPERSON REID: Appreciate that.

19 MS. DOBBINS: Good afternoon, Madam
20 Chairperson and members of the Board. I'm Madeliene
21 Dobbins with the law firm of Arter & Hadden, and seated
22 to my right is Phil Feola of the law firm of Wilkes,
23 Artis, Hedrick & Lane. Together we represent the
24 applicant, KSI Services, Inc., in this matter before
25 you today.

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1 We would first like to thank the Board for
2 the opportunity to be here for the second time to
3 present our proposed development. We would also like
4 to thank the community for its patience, guidance and
5 commitment during this process.

6 We are here today seeking approval for the
7 planned residential community containing a mid-rise
8 garden apartment component and a single family detached
9 home component.

10 The Homes at Woodmont development will be
11 located on two parcels of land along Good Hope Road,
12 S.E. These two parcels are separated by a portion of
13 Fort Stanton Park. The apartment component is planned
14 for the eastern parcel, and the single family component
15 is planned for the western parcel.

16 Both housing types are permitted as matter
17 of right uses on the property, and both components meet
18 all of the requirements of the zoning for the site.
19 The proposed development with 176 apartments and 35
20 detached homes is only about 25 percent of the density
21 permitted for the site or the zone.

22 We seek no variances or deviations from the
23 zoning regulations, only the two special exceptions
24 required for this type of development. The two special
25 exceptions involve the creation of a theoretical

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1 subdivision governed by Section 2516 of the zoning regs
2 and the site plan review for multi-family development
3 in the R-5-A zones governed by Section 410.

4 As you know, in the residential zone
5 districts, approval from the Board is required for
6 theoretical lot subdivision, and in the R-5-A zone
7 district Board approval is required for all multi-
8 family developments.

9 Both forms of review are essentially site
10 plan reviews. These review processes were designed to
11 ensure high quality, responsible residential
12 development in the District. They were designed to
13 ensure the delivery of residential developments like
14 the one we will present today.

15 We will demonstrate to you today that the
16 proposal meets all of the standards of Section 2516 and
17 Section 410 of the zoning regulations. We believe the
18 proposed development achieves all of the goals of the
19 comprehensive plan and the purposes and intent of the
20 zoning regulations.

21 It will provide new, high quality, market
22 rate housing east of the Anacostia River. It will
23 encourage a number of residents to remain in the
24 District because of improved housing options. It will
25 encourage homeownership through the single family

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1 detached component, and it will facilitate the
2 development and redevelopment of residential and
3 commercial projects in the surrounding area.

4 The development will enhance neighboring
5 property by correcting erosion problems, eliminating an
6 unsightly landfill area, and improving the streetscape
7 along Good Hope Road, S.E. The applicant has spent
8 many hours with the community presenting, listening,
9 and refining this development.

10 Although we will demonstrate substantial
11 community support, we have been unable to gain
12 unanimous support for our development. However, we are
13 committed to continue working with the community.

14 The future of the communities east of the
15 river and their revitalization are dependent on private
16 capital investment. This development is an enormous
17 investment of private dollars in the community. It
18 will provide quality housing, community input, and it
19 will provide a catalyst for future residential and
20 commercial development.

21 Testimony today will show that the
22 applicant has gathered the evidence and necessary
23 support to present a substantial and convincing case.
24 We are hopeful that your decision will be made easier
25 by the voluminous supportive documents in evidence that

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1 you have already been provided with.

2 The written record in this case will be
3 supplemented and highlighted by the testimony and
4 exhibits that you will hear and see today.

5 Phil Feola will present our witnesses and
6 their credentials. Phil.

7 MR. FEOLA: Thank you, Madam Chair. For
8 the record, Phil Feola with Wilkes, Artis on behalf of
9 the applicant. As Ms. Dobbins just said, again we
10 would like to thank the Board for rehearing this case.

11 The witnesses, while there are a number of
12 them who have stood up and been sworn in, most of them
13 -- most of our technical people are here to answer
14 questions and respond to questions, and the persons who
15 we have proffered as expert witnesses before are the
16 same persons -- in the previous hearing on this matter
17 are the same persons, but for your reference they are
18 listed in Tab M of the applicant's prehearing
19 submission.

20 We would like the Board to consider a new
21 expert in this matter, Rosalind Wheeler Styles, who has
22 helped the applicant in developing community support,
23 and her expertise in community development
24 organization. With that, I'd like to submit her resume
25 and see if the Board would recognize her as an expert

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1 in this field.

2 If it pleases the Chair, we can start the
3 presentation while it contemplates Ms. Styles' --

4 CHAIRPERSON REID: How many witnesses, Mr.
5 Feola?

6 MR. FEOLA: Five.

7 COMMISSIONER MITTEN: Madam Chair, could
8 Mr. Feola just repeat. What is the area of expertise
9 that Ms. Styles is being offered as an expert in?

10 MR. FEOLA: Community development.

11 BOARD MEMBER RENSHAW: If I may ask, when
12 did Ms. Styles join the corps, so to speak?

13 MR. FEOLA: I believe it was July of this
14 year, and it was in direct response to the concerns the
15 Board raised in the previous iteration of this case,
16 that the applicant hadn't reached out and accommodated
17 some of the concerns in the community.

18 BOARD MEMBER RENSHAW: All right. I would
19 have appreciated -- I think BZA would have appreciated
20 having her resume in advance, if she's been working
21 with you since July.

22 MR. FEOLA: So noted.

23 CHAIRPERSON REID: That's a new procedure
24 that we're going to be instilling, wherein prior to
25 your actual case being heard, that the resumes of

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1 expert witnesses be submitted. I think we're going to
2 have that be 14 days ahead of time. Is that right, Ms.
3 Pruitt?

4 MS. PRUITT: Fourteen days ahead of time is
5 t he prehearing.

6 MR. FEOLA: And I apologize. It was an
7 oversight on our part, because, as you know, the rest
8 of them are in our --

9 CHAIRPERSON REID: Well, I don't think you
10 knew. I don't think that you knew about the fact that
11 we are trying to do that from now on. So go ahead.

12 MR. FEOLA: Thank you. I'd like to call
13 our first witness, Mr. Richard Knapp of KSI Services,
14 Inc., and with him and next to him is Gene Edgecombe of
15 Viertex, and I'll just let them go on.

16 Mr. Knapp, state your name and address for
17 the record, please.

18 MR. KNAPP: My name is Richard Knapp. The
19 address is 2731 Woodley Place, N.W., Washington, D.C.

20 I am the Senior Vice President of KSI
21 Services, Inc., the developer of this project. I'm
22 joined by Sarah Davidson of my office, who is the
23 project manager. I'm one of the principals of the
24 project. I'm one of the owners and principals of our
25 property management company as well.

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1 I'd like to thank the development team for
2 being here and being with us for about 18 months as
3 we've gone through this marathon project. The
4 architect is here, the geotechnical consultant, the
5 wetlands people, the land planners. They have my deep
6 appreciation.

7 I also want to thank the community very
8 much for their perseverance and, as Madeliene said,
9 their guidance and wisdom.

10 As Madam Chair knows, we did not fare well
11 with the BZA about half a year ago. The BZA rejected
12 our application, urging us to do more in the community
13 in terms of building community consensus about what we
14 wanted to do, as well as working more intensively with
15 the National Park Service.

16 We hope we've been able to address those
17 two concerns. I'm going to run through a brief
18 presentation about KSI, the developer, our project and
19 the kinds of things we've been doing in the last half-
20 year to respond to the BZA's urgings.

21 KSI Services, Inc., is a Virginia based
22 company that specializes in planned residential
23 communities. These are well designed, planned
24 communities that have a mixture of different housing
25 types, including multi-family, single family,

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1 commercial. They are noted for high quality, extensive
2 amenities, a range of housing types, and intensive
3 community participation.

4 We are known for a planned community called
5 Cascades in eastern Loudoun County which we did about a
6 decade ago. We are well known for Sully Station.
7 These are done by Kettler and Scott, our wholly owned
8 affiliate. Sully Station was a planned community we
9 did in Centerville, Virginia.

10 The Homes at Woodmont, which we are showing
11 here in this rendering, is what we are proposing in
12 Southeast of Washington, D.C., and it's just another
13 line of one of our planned communities, emphasizing a
14 mix of housing types.

15 We have in the eastern parcel, as Madeliene
16 referred to it as, 176 multi-family apartments, and in
17 the western parcel 35 detached, single family homes
18 that my development partner, Gene Edgecombe is going to
19 be developing.

20 I want to show you some examples of our
21 multi-family product. This is some multi-family we've
22 done in eastern Loudoun County, a property which we
23 took a lot of the citizens from Southeast to look at.
24 Our impression was that this tour went very well.

25 An example of our interiors. We take that

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1 very seriously in terms of space, layout, quality of
2 finishes, color selections, overall finish quality. By
3 the way, that's an elderly development that we've done
4 in northern Virginia.

5 We do most -- About half of our work
6 involves renovation of older buildings. This is
7 Cambridge Commons which was at one time a highly
8 deteriorated multi-family development which we
9 resuscitated.

10 This is an example of it before renovation.

11 It was vacant, riddled with crime, a lot of
12 abandonment. That, I should say, is one of my sons who
13 is thriving in D.C. Public Schools right now. I just
14 wanted to put that in.

15 This is an example of the kitchens
16 beforehand in his property, kitchens after. I'm
17 showing you a lot of experience in renovation.

18 This is a well known property in Bethesda
19 which was owned by Mrs. Casey, a very controversial
20 landlord that let the property slip with a lot of code
21 violations. We took it over and totally revitalized
22 it, re-tenanted it.

23 We took the citizens of Anacostia to see
24 this property. Again, our impression was that this was
25 a useful property for them to see in order to get to

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1 know us better.

2 This is a property called Loudoun House in
3 Leesburg. It was a very distressed property, a 100
4 percent Section 8 property with a lot of crime,
5 vandalism, drug activity, very infamous within the
6 community.

7 We were able to totally revitalize it, re-
8 tenant it, reclad the outside, put new landscaping in,
9 put amenities in, and completely turn it around. It's
10 now really just a model multi-family community,
11 indistinguishable from any kind of market rate, first
12 class community in the area.

13 I've been showing some bricks and sticks,
14 but what we really specialize in is property
15 management. That's how we define ourselves, we feel,
16 by the services we provide our residents. This is the
17 staff from one of our developments. We have a diverse
18 property management staff, reflecting the diversity of
19 our clientele that we serve.

20 Lessons learned over the last half-year as
21 we've gone back into the community: We've heard from
22 the community over and over again to provide a range of
23 housing types to suit diverse community needs. People
24 are living longer. The type of household is changing.
25 There's not just a nuclear family. There's divorcees.

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1 There's empty nesters. There's single parents with
2 children. There's young starter couples.

3 Working with my partner, Gene Edgecombe,
4 we've tried to come up with a residential concept that
5 cuts across many different housing needs. Build a
6 quality community. We're told that over and over
7 again, especially by Chairperson King of the ANC. He
8 kept emphasizing, go quality, quality, quality.

9 We were told don't just build buildings;
10 build a community. Focus not just inside our property
11 line but what's happening outside in the fabric of the
12 community within the overall neighborhood that we'll be
13 in.

14 Achieve historical and environmental
15 compatibility. These were words that I really picked
16 up from Mr. Gray and Mrs. Gray of the Frederick Douglas
17 Civic Association. We're building in an infill
18 situation with very sensitive existing neighborhood
19 fabric, and we were told to be very conscious of the
20 history of Anacostia, the historical building materials
21 that have been used, to be sensitive to the
22 environment, certainly with the National Park right
23 there.

24 Keep the density low, we heard. We have a
25 development which is 13 units to the acre. Madeliene

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1 referenced our reduced density. The allowable density
2 under the CON zoning is 50 to the acre, but we're
3 bringing this development in at 13 units to the acre.

4 Community participation: Rosalind Styles,
5 our community development expert who was being sworn
6 in, will talk more extensively about all the community
7 participation that we've been engaged in at the urging
8 of the BZA. The developers entered into written and
9 legal enforceable agreements, agreements in partnership
10 with the ANC-6C, 8B and the Frederick Douglas
11 Improvement Council.

12 We have letters of support from all those
13 groups. We have these legally enforceable agreements
14 with all of them, with the one exception of ANC-8B.
15 We're just in the process of putting the finishing
16 touches on a legally enforceable agreement which
17 Rosalind Styles will talk to more.

18 Financial ability to proceed: One of the
19 nice things about this development is, if we can get
20 through this hearing, we are there. We can start. We
21 have the ability to raise the equity through Sun
22 America. It's an insurance company on the west coast,
23 which is our long time partner, which has done about 35
24 major projects with us.

25 The debt will come from housing bonds. I'm

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1 pleased to say that Sarah last night was able to get a
2 unanimous endorsement from the D.C. Housing Finance
3 Agency for an inducement resolution. So that part is
4 moving very well.

5 We've used these sources to produce over
6 7,000 apartment homes in the region, using other
7 bonding besides D.C., obviously. We've used VHGA, the
8 Community Development Authority bonds and other terms
9 of financing.

10 I want to touch on the product briefly.
11 I'm going to be talking primarily about the apartments.
12 My partner, Gene Edgecombe, will be talking about the
13 single family homes, which he is developing.

14 KSI is going to develop and own and manage
15 the multi-family. This is 176 apartments in six
16 different garden style buildings with a major pool,
17 with an extensive clubhouse area.

18 Quality apartment homes at Ron King's
19 urging, gated community, pool, fitness center and
20 clubhouse, an after school enrichment program. We
21 believe in services, not just physical product.
22 Computer training for our children, a children's play
23 area, modern, efficient floor plans, washer/dryers and
24 features such as fireplaces and vaulted ceilings and
25 top floor units.

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1 This is very important: Prewiring for
2 cable, FAX and online services. We have a whole -- KSI
3 has a whole technology division which is going to be
4 wiring these apartments for the 21st Century. We're
5 using RG-6 cable. We're using Category 5 wire. We're
6 also using fiber optic cable which will be in the
7 backbone of this development so that our customers will
8 have full, high speed, broad band access to the
9 Internet and whatever other services come along.

10 This is an example of some existing
11 apartments in Anacostia. We know that there are people
12 in this room, when they think of apartments, they think
13 of this type of product which was built through Federal
14 programs, which was built at great density, which was
15 built with small units, which wasn't really built for a
16 market. It was built per a Federal program.

17 It suffers from abandonment, often absentee
18 management, absentee ownership, crime, drug and other
19 issues. This is what we're contrasting it with. This
20 is an example of a KSI product, a beautiful product.

21 I've been told to just speed it up a
22 little, which I will certainly do. An example of one
23 of our -- a product which I want to contrast it with.
24 Our floorplans -- I can go through this quickly. I
25 want to just show you our floorplans real quickly:

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1 Vaulted ceilings, fireplace, separate dining room
2 facility, large bedrooms as opposed to the 90 square
3 foot minimum FHA bedrooms.

4 Apartments of the past: Program driven,
5 very low, very low income, high density, small units,
6 versus the kind of product that KSI is talking about,
7 market driven, targeted toward middle and upper middle
8 income, lower densities, larger units, abundant
9 amenities and services, owner managed.

10 There's a strong market for quality rental
11 housing. Marbury Plaza, Skyland, Park Naylor have
12 comparable rents, are at full occupancy. Tight market
13 -- there's no new supply of housing combined with
14 removal of all their units.

15 There's people currently leaving Anacostia
16 because they can't find suitable housing. Good Hope
17 marketplace is an existing shopping center which is a
18 key anchor.

19 I want to just point out the context a
20 little bit. This is the two properties along Good Hope
21 Road, which is a highly traveled transitway with bus
22 service leading right into downtown, which is a ten to
23 15 minute ride away.

24 There's bus service connections to the
25 Metro stop, which is right here. We think that

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1 inevitably our customers are going to be able to get
2 into the -- The product is going to do very well,
3 because there's a tremendous amount of job growth
4 happening in downtown D.C. which is really taking
5 advantage of some of the national trends, increased
6 employment in hospitality, entertainment, international
7 trade, new media, high technology.

8 There's a whole burgeoning job growth
9 happening right here within an easy Metro commute from
10 our property.

11 Timetable is to start construction
12 September of the Year 2000, which is not too far away.

13 This is a project that can happen quickly. Everything
14 is in place, subject to the entitlements. Initial
15 delivery, June of 2001 for both the apartments and the
16 homes.

17 I want to turn it over to Gene now who we
18 like a lot, because he's a big proponent of smart
19 growth with experience in neighborhood housing, in-town
20 housing.

21 This map shows you the suburban commuting
22 routes that are used by P.G. County to get into the
23 city. The thick lines are Branch Avenue and
24 Pennsylvania Avenue, which are highly congested.
25 Within the next ten years there's going to be 1.2

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1 million people that have to be accommodated in our
2 metropolitan area. Not everybody can live in the
3 suburbs.

4 Gene's goal, with me, is to get folks back
5 downtown in nice neighborhoods on transit stops where
6 they can get to an abundance of employment.

7 Gene, let me turn it over to you. I think
8 I've gotten a hint I've exceeded my time limit.

9 MR. EDGECOMBE: Thank you, Madam Chair,
10 members of the Board. My name is Gene Edgecombe.
11 Along with my partner, IDS will be developing the
12 single family homes. I've got a long history in this
13 type of development.

14 Just in the way of background, since 1970
15 I've been a registered architect here in the District.

16 For the last ten years I've been a full time
17 developer, primarily residential development. Right
18 now, not including Woodmont, I've got about 135 new
19 single family homes under development, plus about
20 another 30-some units of rehab multi-family for which
21 we are the development mangers.

22 What we are proposing here for the Homes at
23 Woodmont is a product that, quite frankly, we're very
24 familiar with, because we're actually building them
25 now.

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1 This is an example. Dick mentioned smart
2 growth and things related to that. This is one of our
3 developments in northeast Washington called Woodridge
4 Place. Actually, it's 37 -- very comparable, 37 new
5 single family homes. We have been completely sold out.

6 We'll have build-out in April or May of this year.

7 The same homes that we are doing at
8 Woodridge we'll be doing at Woodmont, and this gives
9 you some idea of the type of units that we're talking
10 about. We have four product types that we'll be
11 developing.

12 Standard will be the brick fronts, and
13 they're standard on both the Woodridge and will be
14 standard on the Woodmont homes. Our four products
15 range in size for the finished space a little over 1700
16 to a little over 2200 square feet of finished space.
17 Every home has a full basement, unfinished. Every home
18 has a garage, and we offer a full array of options
19 available to the home buyers.

20 Again, this sort of gives you the flavor.
21 They have been very well received. We've had a lot of
22 members of the southeast community come out and look at
23 our products, and I think they were well received.

24 I show this, because I think we make a
25 change in communities that we work in also. All of my

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1 work is either in the cities or near in. This what
2 you're looking at was the former Montana Terrace public
3 housing complex, which is directly across the street.

4 We have come in as the development managers
5 working with the Housing Authority, and we're actually
6 converting these, a portion of them, to home ownership.

7 The units you are looking at right now that were four-
8 story walk-up apartments will now be stacked townhouse.

9 We've torn down about 50 percent of the
10 buildings, de-densified. These homes will be for sale,
11 market value of about \$110,000, but they will sell for
12 under \$70,000. We have the same opportunity in this
13 community where we are proposing the Homes at Woodmont,
14 and I look forward to working with the community on
15 some of those.

16 CHAIRPERSON REID: I'm sorry. Do we have
17 under a tab his resume as well, because I didn't see
18 it?

19 MR. FEOLA: Actually, Mr. Edgecombe's vitae
20 is under a different tab as part of the development
21 team. Let me see if I can get to it real quick. Yes,
22 Tab C, Madam Chair. It's a brochure about his company
23 and attached to it is his personal resume, I'm pretty
24 sure. Yes.

25 CHAIRPERSON REID: Okay.

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1 MR. FEOLA: May we proceed?

2 CHAIRPERSON REID: Please.

3 MR. FEOLA: Next witness is Joe Plumpe,
4 landscape architect, who will describe a site plan and
5 the layout of the respective components of the
6 development. Mr. Plumpe, your name and address,
7 please.

8 MR. PLUMPE: Thank you. Good afternoon.
9 My name is Joseph Plumpe, Studio 39 Landscape
10 Architecture, land planner, land architect for the
11 project. My residence address is 9366 McCarthy-Litz
12 Court, Burke, Virginia. The office is in Alexandria,
13 Virginia.

14 The product itself is 15.8 acres along Good
15 Hope Road, and essentially it's the middle of Good Hope
16 Road's retail corridor. If you think about it, Good
17 Hope Road retail right now is existing just across from
18 the 11th Street Bridge. Traversing past the project is
19 the Safeway marketplace.

20 Around the community itself, various types
21 of housing, which you want to try and blend in with as
22 much as possible. Scullen Apartments to the east,
23 Marbury Plaza to the north, Fairlawn community to the
24 north as well. Fort Stanton Park bisects the site in
25 the middle.

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1 The park itself, owned by the National Park
2 Service, provides a unique opportunity for us to
3 position our development within the existing tree lined
4 parks that are there right now.

5 Right now, currently, the fabric of the
6 area, residential fabric -- some of these shots are all
7 on Fairlawn: Attached single family housing, family
8 housing themselves showing brick, simple roof lines,
9 similar to what will be done for the single family
10 houses, as well as the apartment buildings.

11 The Skyland Apartments right next door east
12 of the project itself, tree lined streets, brick. We
13 are trying to complement that as well.

14 Across the street, across Good Hope Road is
15 Altamont Condominiums, a rehab project: Again brick.
16 We're trying to bring that quality material into our
17 project. Good Hope Road is on the right.

18 Marbury Plaza: The highrise apartment
19 buildings are across the street, across from the
20 National Park Service and the single family development
21 of the site plan.

22 Good Hope Road itself also lends itself to
23 single family homes and single family attached, which
24 will right across from the proposed single family
25 portion of the development. Good Hope Road is right

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1 here, and our site is on the right side.

2 Aerial view tells the big story here.
3 Right now the multi-family parcel is basically a
4 desolate, barren landfill that has been abused for many
5 years, and it's eyesore into the community.
6 Fortunately, in the park a beautiful natural site that
7 we would like to help the Park Service clean up with
8 improved trail systems and through culvert crossings in
9 the trails, garbage removal, taking care of the erosion
10 which the multi-family parcel now has in itself.

11 The way we're going to do that is by
12 dynamic compaction, which is a detailed construction
13 type of ability to compress the soil to make it more
14 suitable to build, as well as soil removal that is
15 debris ridden from the past Metro construction
16 opportunities in the past.

17 Single family parcel is right across the
18 street from Marbury Plaza and some of the Fairlawn
19 single family houses themselves. Existing trees now,
20 some will be preserved; some will have to be removed
21 for development. There's also wetlands that will be
22 enhanced on the project itself, as well as preserved.

23 One of the big issues with the National
24 Park Service is what do you see from the Capitol, near
25 the Capitol crossing the 11th Street Bridge. So we

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1 went out there on a very windy and cold day across the
2 11th Street Bridge.

3 Marbury Plaza here does stick up, and our
4 site here is in the red. A better shot shows it a
5 little bit better, Marbury Plaza. Then our property
6 will be right here. These trees here, incidentally,
7 are on the edge of property and which will be preserved
8 and, therefore, minimize if not maybe totally shield
9 the apartments. The apartment buildings themselves are
10 three and four-story units tall.

11 The site right at Altamont and Good Hope
12 Road: Here is our desolate, barren landfill site.
13 That will be taken down gradewise, of course, so we can
14 enter the site. That will be taken down, buildings
15 built on it, and with the various different types of
16 construction techniques to make that happen.

17 This is what the site is right now. Park
18 Service property to remain intact. Our site right now
19 is the landfill.

20 The other direction looking back east along
21 Good Hope Road, our site here, the National Park
22 Service street which will stay intact. Currently,
23 there is approximately a seven to an eight foot rise in
24 the land right off of Good Hope Road, again taken down
25 for grade access for the units themselves as well as

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1 the preservation of the trees of the National Park
2 Service so that we can have good views from the
3 apartment buildings, but as well to shield to buildings
4 from the 11th Street Bridge and down Good Hope Road.

5 Good Hope Road itself is tree lined. This
6 is near the entrance into the single family parcel,
7 Marbury Plaza here, and then the single family entrance
8 being at this location. Those trees in this area would
9 be preserved, because they are on the National Park
10 Service property.

11 Off of 18th Street, which is the secondary
12 entrance into the single family parcel, National Park
13 Service on this area. Here would remain the houses
14 themselves being in this area. So it's a nice tree
15 lined entrance off of 18th Street, which is west of the
16 project.

17 The zoning itself: Right now today we
18 could build -- I think it's over 800 apartment units,
19 but the conscientiousness of the developer and working
20 with the neighborhood staff and the Park Service has
21 led us to something that we think is successful, a
22 multi-family housing parcel on the parcel that needs
23 to be developed right now, and also it is very
24 compatible with the adjacent Skyland Apartments.

25 The single family parcel, which is right

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1 across the street from other single family units --
2 that will complement what's there right now today.
3 Again, the west entrance off of 18th Street is here,
4 and Good Hope Road in this fashion.

5 The site plan itself, as Dick mentioned:
6 There is a multi-family housing component here and a
7 single family here. We have -- Tree lined streets is
8 what we will try and do throughout both parcels, as
9 well as along Good Hope Road.

10 The multi-family parcel: Again, that
11 barren, desolate area. We have to improve upon it with
12 grading and opportunities to help minimize the impact
13 of the National Park Service views from their trails
14 with extensive walls that will be natural in look,
15 natural materials used, as well as extensive
16 vegetation, vegetation which is fast growing as well as
17 large material installed to minimize the views from
18 Fort Stanton Park. Numerous meetings with the National
19 Park Service to get that ironed out.

20 The site plan again follows the contour of
21 the land with the apartment buildings facing outward
22 towards the Park area itself with two other buildings
23 here, with an alternative of having an internal court
24 for people to converse, what-not, in between the two
25 buildings.

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1 Conscious effort again. The previous site
2 plan had buildings parallel to the property line. This
3 shows just end units to the property lines themselves,
4 which these four end units are three stories tall with
5 the rest being four stories tall components of the
6 buildings.

7 A poolhouse, poolmentaria, gatehouse area
8 to control house into the project from Good Hope Road,
9 but also there is a minor access from Wagner Street to
10 the south.

11 The entry sketch: This is kind of an
12 artistic impression of what could happen. Brick
13 columns, stone columns, masonry type columns with
14 fencing to welcome the people into the project itself.

15 The gatehouse or the gate arm behind all the walls --
16 excuse me, behind the fencing and the landscaping, the
17 clubhouse itself being a one-story component to blend
18 in again with the different types of architecture in
19 the neighborhood.

20 Cross-sections through the multi-family
21 housing parcel tells it all. Severe elevation change
22 for the Park property here to the multi-family.
23 Extensive walls and landscaping, as I mentioned before,
24 will be provided.

25 The apartment buildings are themselves

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1 three-story components, four-story components, three
2 stories on the ends that are on the perimeter of the
3 property, and again using siding and brick. Once again
4 -- I can't stress the point that we really want to fit
5 in with the community with the building materials and
6 the architectural styling.

7 The single family housing parcel has a
8 private road which allows us to meander the road
9 aesthetically through the property and provide
10 aesthetically pleasing lot sitings, as shown on the
11 drawing here. But we have a wetland area here which we
12 would like to enhance and to make better and larger and
13 also we'll get into that a little bit later.

14 There are also wetland preservation area
15 here and tree preservation. These trees again will
16 help shield the apartment piece to the east.

17 Types of housing: Just like as Gene
18 mentioned, architectural in styling, brick siding,
19 again to match in with the community.

20 Cross-sections through the single family
21 parcel really tells the dialogue of working with the
22 National Park Service, the National Park Service being
23 here. Elevation changes have been modified on our site
24 plan to minimize walls and to minimize tree disturbance
25 within the tree drip lines as well as to provide the

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1 streetscape feel that would provide all the houses on
2 the one side of the street without any backyard
3 disturbance onto the National Park Service property.

4 Again, this shows another section. These
5 show the worst case scenarios with the topography
6 difference between the road and the National Park
7 Service. Our property, incidentally, is right here.
8 So again, we're trying to minimize the impact on the
9 National Park Service.

10 What's there: Right now today this is the
11 way you go along Good Hope Road and walk down the hill
12 a little bit. Just be a little careful. It's a
13 little steep, but you go down there. This is that
14 wetland area in the single family housing parcel.

15 The wetland grade itself doesn't function.
16 It's an eyesore, but we plan to make that into a view
17 amenity from the backyards of some of the units of the
18 single family houses, the wetland area being here. The
19 National Park Service and that streetscape that I
20 mentioned before is in this area.

21 Then Good Hope Road is here, which we plan
22 to have an interpretative plaque that would describe
23 what a wetland really is and what does it do for the
24 community. It's not an eyesore. It's actually a
25 benefit for water quality and for aesthetic viewing.

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1 Again, the entry sketch. We'll eventually,
2 hopefully, make Homes at Woodmont a success in the
3 neighborhood.

4 MR. FEOLA: Mr. Plumpe, for the benefit of
5 the Board, I wonder if you could go through the
6 accommodations that have been made for the Park Service
7 in a little more specificity.

8 MR. PLUMPE: Okay. Let me go to the -- I
9 want to go to the site plan. Single family-wise, you
10 know, that's where most of the issues are with the
11 Park Service themselves. Again, improving what our
12 grades are up against the property line on the single
13 family parcel; taking out debris into the National
14 Park's property right now, doing improvements to the
15 existing trail system.

16 The culverts have been cleaned and cleared,
17 trash removal. On the multi-family housing parcel on
18 the property line, which is in this area, shows us that
19 right now the landfill has actually spilled onto the
20 National Park Service property by several feet in
21 height.

22 We want to take that, being very careful
23 with backhoes, and with long boom type backhoe
24 equipment to pick that off the property without
25 disturbance to the existing trees themselves. There's

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1 a lot of asphalt there, too, from previous landfill
2 dumpage. It's to take that garbage out.

3 The other thing is to provide extensive
4 planting along the property line of the apartment
5 parcel here as well as those walls that I mentioned
6 before, to retain the earth, but as well to minimize
7 the views from the trail itself by using that large
8 vegetation and natural looking stone or masonry type
9 elements on the walls themselves.

10 Dick just mentioned to me, previously we
11 eliminated two to three lots located generally in this
12 location because of wetlands that we needed to
13 preserve, basically from a Corps standpoint but also
14 from aesthetic standpoint.

15 What's going to be interesting as one
16 crosses the road here, it has a view corridor toward
17 the National Park Service property, a nice aesthetic
18 view either coming from Good Hope Road or going through
19 the property to exit the property onto Good Hope Road.

20 Lastly, the houses themselves used to front
21 along this property line. So we pulled them all on the
22 other side of that, preserving that National Park
23 Service feel, and actually take benefit of it from
24 having a tree lined street that's mature trees now that
25 one can drive under and go into the parcel.

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1 MR. FEOLA: Madam Chair, for the record in
2 the applicant's prehearing statement on pages 13
3 through 16 are the specific provisions that have been
4 made to address the Park Service concerns, and I think
5 the Park Service will address their own concerns in a
6 few minutes. But at least that will point you in the
7 direction where the applicant is going.

8 Our next witness is Mr. Osborne George.
9 Mr. George, your name and address for the record,
10 please.

11 MR. GEORGE: Good afternoon, Madam
12 Chairperson and members of the Board. For the record,
13 I'm Osborne George with address at 1738 Elton Road in
14 Silver Spring, Maryland.

15 MR. FEOLA: Go ahead.

16 MR. GEORGE: Madam Chair, at the request of
17 the applicant we undertook a study of the potential
18 traffic impact and parking generation needs of the
19 proposed community which has been described to you
20 today.

21 We did so in conjunction with extensive
22 discussions with the Department of Public Works, Office
23 of Intermodal Planning. We used their standards and
24 guidelines as well as current general engineering
25 standards in assessing the impacts, as I mentioned.

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1 We determined that the proposed use should
2 not result in adverse traffic and parking conditions.
3 The findings of our study are documented in Tab D, and
4 in the interest of time I've been requested to endorse
5 that document here today and to summarize its findings
6 briefly.

7 The exhibit that is before you shows the
8 location of the site. The roadway running roughly
9 diagonally east-west is Good Hope Road. Based on
10 discussions with the Department of Public Works, we
11 analyzed four intersections between 25th Street to the
12 east and 16th Street to the west of the subject
13 property.

14 We determined that, based on existing
15 conditions and going into the future, using a projected
16 buildout of the site in two to three years, that the
17 future conditions would continue to be acceptable.
18 That is, the intersections considered would continue to
19 operate at acceptable levels of service and, again,
20 within the standards of DPW except for two
21 intersections in the future.

22 That is the intersection of 25th Street and
23 Good Hope Road to the east and the intersection of Good
24 Hope Road with the Marbury Plaza entrance, which will
25 be a bit to the west of the subject property.

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1 I would point out that our study also
2 showed that these conditions could be mitigated by
3 minor changes in the signal phasing and signal timing
4 of the intersection, which is a procedure which the
5 Department of Public Works would typically accommodate
6 as part of the implementation of a particular project.

7 MS. DOBBINS: Mr. George, before you go on,
8 would you state when these conditions would be -- the
9 times? You indicated that two intersections would not
10 function or would need some change. Would you indicate
11 at what times?

12 MR. GEORGE: Right. Those minor
13 deficiencies or marginal deficiencies would occur
14 during the morning peak hour only. During the
15 afternoon peak hour, the situation would be acceptable.

16
17 I would point out, Madam Chair, that in
18 projecting the future situation we use very
19 conservative estimates. Looking at data provided by
20 DPW for the period 1990 through 1996, the data showed
21 considerable fluctuations in traffic volumes on a daily
22 basis, but generally a decline in traffic volumes.
23 However, in keeping with DPW's standards, we assumed a
24 six percent growth per year. So we have pretty much
25 simulated the worst case scenario as far as the future.

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1
2 I would point out, though, and as Dick
3 Knapp alluded to, that you couldn't look at the study
4 area and its road network in complete isolation. This
5 is part of a more sub-area and regional road network.
6 Dick Knapp pointed out to the Pennsylvania corridor is
7 a major commuter route. So is the Branch Avenue
8 corridor running north/south just east of the study
9 area.

10 These are major corridors, very often
11 subject to incidents and accidents, and very often you
12 do have significant diversion of traffic through more
13 local oriented roadways such as Good Hope Road. In
14 fact, I'll just say that we undertook a survey in the
15 area of the site during the course of the study, and we
16 determined that eight out of ten -- roughly eight out
17 of ten of the vehicles using Good Hope Road during the
18 morning were indeed vehicles with out-of-state -- that
19 is out of the District of Columbia -- registration.

20 We think this is significant and, while
21 it's outside of the scope of this study to address
22 regional issues, we think that this is a factor that
23 should be noted to the Board.

24 Madam Chairperson, one of the concerns
25 raised by the citizens and which we were asked to

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1 address was the issue of transit service. Good Hope
2 Road is a major transit corridor connecting with bus
3 service directly to downtown, as well to the Anacostia
4 Metrorail station located to the west.

5 We had discussions with the transit
6 planning specialist of the Washington Metropolitan Area
7 Transit Authority, WMATA. They confirmed that there
8 are five bus routes along here, providing service
9 between five and 15 minute headways. That is the time
10 spacing between buses during the morning peak hour and
11 afternoon peak hour, and a little bit greater than that
12 during the off-peak periods.

13 They confirmed that there are bus stops
14 conveniently located that would serve the community,
15 and it indeed is in keeping with WMATA's policy to
16 enhance ridership. So they look forward to perhaps the
17 growth of residential development and increasing the
18 ridership on their system.

19 Another concern that was raised had to do
20 with parking. The site will consist of 176 multi-
21 family units. That is the eastern portion of the site.

22 The applicant proposes to provide 184 parking spaces,
23 off-street parking spaces.

24 The zoning ordinance requires one space per
25 unit, which means that 176 spaces would be required.

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1 So while we satisfy -- While the applicant satisfies
2 the zoning regulations, we were also requested to
3 survey developments, comparable developments within the
4 immediate area to determine what is the empirical
5 usage, what the empirical data shows as far as parking
6 generation.

7 We surveyed two sites, one located
8 immediately to the east, the Skyland Apartments, and
9 the Park Naylor Apartments which is off Naylor Road
10 just to the north.

11 I think this is very important. Those
12 developments contain a bit over 200 units each, one
13 213, Skyland Apartments, and the Park Naylor
14 Apartments, quite comparable in terms of quality to the
15 proposed use, contains 231. The proposed development
16 will in total consist of 216 units.

17 Just to summarize, we found that in the
18 peak period of parking generation, which would
19 generally be between midnight and 6:00 A.M., both sides
20 generate an average of approximately .78. That is,
21 8/10 of a parking space utilized per apartment unit.

22 Next slide. So, based on average usage, we
23 find that the parking that is provided for this
24 development would be well in excess of what is needed.

25 We went further and looked at census data for the sub-

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1 area. We looked at a number of census tracts which are
2 indicated here, and we specifically singled out rental
3 units, since that was the concern as to whether the
4 parking provided for the rental units would be
5 adequate.

6 This show the numbers. Basically, it shows
7 that for this area the average number of vehicles owned
8 per rental unit is in the range of .65. So we think
9 that this data supports -- If you have less than
10 three/quarters of a car, if you accept that, much less
11 than a single car per unit, then it strongly suggests
12 and supports the applicant's proposal in terms of the
13 parking supply.

14 That, in a nutshell, is the essence of the
15 study, and I look forward to answering any questions
16 you may have.

17 MR. FEOLA: Madam Chair, we have one more
18 direct witness. We've got Ms. Styles who will describe
19 the community outreach that the developer has
20 undertaken since May.

21 CHAIRPERSON REID: We first need to accept
22 her as an expert witness. Do Board members have any
23 objection, after having looked at her resume, to accept
24 her as an expert witness within the category of
25 community relations?

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1 All right. Was there any objection by any
2 other party in this case to accepting Rosalind Styles
3 as an expert witness? Okay, Ms. Styles. Just a
4 moment, please. Yes, Ms. Jones? You need to come to
5 the mike, please. You need to come up to the mike.

6 MS. JONES: What was your question?

7 CHAIRPERSON REID: Oh, I'm sorry. We are
8 now -- We have taken up the issue of accepting Ms.
9 Rosalind Styles as an expert witness in community
10 relations, and we always ask other parties if they have
11 any objection. The Board members have no objection.

12 MS. JONES: Yes -- Oh, you mean the Board
13 members?

14 CHAIRPERSON REID: The Board members or
15 parties in the case.

16 MS. JONES: My name is Thelma Jones. I'm
17 the President of Fairlawn Citizens Association. Yes, I
18 object to her testifying as an expert witness or a
19 community liaison because, as someone stated, she was
20 hired in July, and in July they had Ms. Sharon Robinson
21 on board as a consultant.

22 I have a card from Ms. Rosalind Styles,
23 like I have cards from everybody else. It does not
24 state any dealings with what she is associated with.
25 Then I notice in her -- on her profile that they passed

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1 out that her Capital City is a number of Fairlawn
2 Citizens Association.

3 No, Capital City is not, but Rosalind
4 Styles joined the Fairlawn Citizens Association on
5 January 13 at the ACC meeting. So with that, I don't
6 see how she can testify, because even though she did go
7 out through the community, write letters, send FAXes to
8 people asking them to put them on their letterhead and
9 FAX them back, and they did that with no questions
10 asked.

11 Only two, three people, four people I spoke
12 with, and I asked them did -- Some of them were FAX'ed
13 back relating to the ANCs, and I have a letter from
14 Butch Hopkins. When I called him, I said did Ronald
15 King request this letter from you? He said, no,
16 Rosalind Styles requested the letter. But I have a
17 letter stating that.

18 Mrs. -- The lady from east of the river
19 called and said she had requested a letter, and she
20 said she told her no. A lot of these letters that they
21 have in here, the people don't even live in close
22 proximity to the site.

23 She even -- The lady that is the President
24 of the Fort Stanton Civic Association called me and
25 asked me -- told me that she was pressuring her to send

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1 the letter back on her letterhead, but I have her copy
2 where she FAX'ed back to her that she is not supporting
3 this project.

4 So, no, I don't abide that she's -- Yes,
5 she has gone out and filled up this document. I think
6 I have a copy, and I got it paged. I've got the pages
7 where I can -- She's gone to the church up on Alabama
8 Avenue. Reverend Lipscomb don't sign no letter for
9 anybody. She's gone up to --

10 CHAIRPERSON REID: Okay, Ms. Jones, here's
11 the question on the floor. In order for us to accept
12 her testimony as an expert witness, then she submitted
13 a resume that basically reflected her background, her
14 experience in that regard, in community relations.

15 That is what we have to look at. Now if,
16 in fact, she has not been involved in community
17 relations or outreach or doesn't have that background
18 or experience as such, that's what you can question.
19 But what you're saying in essence is that she has. She
20 is doing just that, and from her resume she has been
21 doing that type of work for several years.

22 So that's what we are looking at, not as to
23 whether or not when she passed out her cards it had the
24 title of community outreach and the fact that she came
25 on whenever she came on doesn't matter. If she came on

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1 yesterday, it doesn't matter.

2 What we're looking at is whether or not she
3 can testify as a community outreach person or in regard
4 -- an expert in community relations.

5 MS. JONES: Well, as far as I'm concerned
6 and what I know from the community, she is not a stable
7 person.

8 CHAIRPERSON REID: Thank you, Ms. Jones.

9 MS. JONES: She's not stable in the
10 community. That's what I'm saying.

11 CHAIRPERSON REID: Thank you very much, Ms.
12 Jones.

13 BOARD MEMBER RENSHAW: Madam Chair, I would
14 just like to point out that it's very difficult to
15 analyze a resume of a "expert witness" in the dark. I
16 do feel that we have not been given adequate
17 opportunity to go over the multi-pages which include
18 all the background of Ms. Styles.

19 So I would suggest that we take her
20 testimony and enter that into the record. We can all
21 read it, but not to go forward with any testimony at
22 this time.

23 MR. FEOLA: Madam Chair, the developer has
24 no problem with Board Member Renshaw's position, and we
25 can -- She can say what she has to say, and you can

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1 take it for --

2 CHAIRPERSON REID: So are you saying that
3 you want to take her testimony, and then we'll
4 determine in our deliberations whether or not she would
5 be accepted as an expert witness?

6 BOARD MEMBER RENSHAW: No. What I'm saying
7 is that the Board can accept this written testimony,
8 but we don't necessarily have to hear from Ms. Styles
9 at this time.

10 CHAIRPERSON REID: Well, I for one --

11 BOARD MEMBER RENSHAW: I don't think it's
12 necessary.

13 CHAIRPERSON REID: -- would like to hear
14 from her, because quite a large portion of this case is
15 community driven, and I'd like to also be able to
16 question her as to her role in this second segment in
17 that the applicant has proffered that they have done an
18 extensive community outreach.

19 I think it's only fair to allow the person
20 that they have proffered to us as the person who has
21 done that to testify.

22 BOARD MEMBER RENSHAW: But in fairness to
23 Ms. Styles, it's just the fact that this Board has not
24 had adequate opportunity to scrutinize her biographical
25 material so that we can format questions to her that

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1 would be relevant to what is said in the testimony.

2 MR. FEOLA: We'll withdraw her -- I'm
3 sorry.

4 BOARD MEMBER RENSHAW: In other words, you
5 juggle one to the other. Go ahead.

6 MR. FEOLA: We will withdraw our request
7 for her to be recognized as an expert. We would
8 request that she be allowed to testify, and that should
9 be 11 minutes, because we'd like three minutes in the
10 remaining part of our time, because it is a very
11 important part of our case.

12 CHAIRPERSON REID: All right. Is there any
13 objection? All right. Proceed, Ms. Styles, please.

14 MS. STYLES: Thank you, Madam Chair. Good
15 afternoon, Madam Chairperson and members of the Board.

16 My name is Rosalind Wheeler Styles. I live at 2330
17 Good Hope Road, S.E., Apartment 807, Washington, D.C.

18 I would like to present testimony outlining
19 KSI's efforts to outreach to the community in support
20 of application number 16457.

21 I am a native Washingtonian, born and
22 raised in the Anacostia section of Southeast
23 Washington. I have extensive community based Federal,
24 local and private industry experience. A copy of my
25 resume has been filed with the Board.

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1 If it is the pleasure of the Board at the
2 end of this testimony that you need me to elaborate, I
3 will be available to do so.

4 I currently manage Capital City Associates,
5 Inc., a private community based consulting firm to
6 coordinate the relationship between developers and
7 local communities. Capital City's main goal is to
8 ensure that local residents and businesses participate
9 and benefit from the unprecedented amount of
10 development proposed or currently underway in our
11 neighborhoods east of the Anacostia River.

12 In July of 1999 I was hired by KSI in
13 response to a recommendation by this Board of Zoning
14 Adjustment that KSI undertake outreach to this
15 community and gather support for the Homes at Woodmont.

16 After a comprehensive review of the
17 development plan, I joined the KSI team as a
18 development consultant to design and implement a
19 strategy for maximizing community participation in the
20 development process. The strategy consisted of
21 conducting extensive outreach to the broader community
22 and ensuring the participation of local residents and
23 businesses in the proposed development of the Homes at
24 Woodmont.

25 Since the last hearing, KSI has

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1 participated in a variety of community generated
2 activities to garner community support. KSI began by
3 compiling and disseminating copies of the development
4 plan to the community.

5 In addition to the overall design and
6 description of amenities, the plan contained supporting
7 data such as the market research, census data,
8 environmental report, and traffic and engineering
9 studies. The plans were made available for public
10 review and comment through the Advisory Neighborhood
11 Commissions and the local library.

12 KSI was invited and conducted presentations
13 at over 60 public forums and community meetings. KSI
14 participated in organized discussion meetings with
15 community residents, civic associations, business
16 groups, and other community organizations.

17 At the request of the community, KSI and
18 the local ANCs arranged three property tours for
19 residents to visit VDS single family homes in
20 northeast Washington and KSI's multi-family homes in
21 both Northern Virginia and Maryland. The tours allowed
22 residents to view the housing types being proposed at
23 the site.

24 KSI prepared and distributed comprehensive
25 written responses to concerns elicited by community

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1 members in community resident meetings. These
2 concerns became the basis for establishing an advisory
3 committee to manage KSI's long term partnership with
4 the community.

5 KSI consulted the community leaders and
6 stakeholders to determine their concerns and coordinate
7 their participation in the development process. KSI
8 met with elected officials to coordinate their support.

9
10 Council Member Sharon Ambrose in Ward 6 and
11 Council Member Sandy Allen in Ward 8 laid the
12 foundation for garnering local support within their
13 respective ward. Those efforts led by Advisory
14 Neighborhood Commissioner Ronald King in ANC-6C and
15 Advisory Neighborhood Commissioner Hope Etiene in ANC-
16 8B resulted in unconditional support by both Council
17 members.

18 They were also instrumental in securing the
19 support of Council Member Charlene Drew Jarvis, Chair
20 of the Committee on Economic Development, and Council
21 Members At Large Harold Brazil, David Catagne and Phil
22 Mendelssohn.

23 ANC-6C, ANC-8B and the Frederick Douglass
24 Community Improvement Council were instrumental in
25 providing forums for residents and community

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1 participation in the review and assessment of KSI's
2 development plan. As a result of their efforts, each
3 ANC passed a resolution in support of the proposed
4 development.

5 The ANCs and the Frederick Douglass
6 Community Improvement Council have agreed to sign an
7 agreement with KSI to implement a strategy for the
8 continued participation of the community during the
9 construction and management of the development.

10 In addition to the support of the ANCs and
11 the Frederick Douglass Community Improvement Council,
12 KSI has received support from other resident
13 organizations such as the Concerned Citizens of
14 Anacostia and the Marbury Plaza Residents Association.

15 The residents of other associations have
16 also expressed their individual support of the
17 development, members of the Park Skyland Civic
18 Association and the Altamont Manor Condominium
19 Association.

20 KSI has also conducted extensive outreach
21 to community organizations to ensure their ability to
22 provide goods or services to the new families living in
23 the Homes at Woodmont. Community organizations who
24 endorse the development include the Anacostia Economic
25 Development Corporation, Building Bridges Across the

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1 River, Senior Citizens Counseling and Delivery Service,
2 Parklands Community Center, Covenant House Washington,
3 the United Planning Organization, and the Far Southeast
4 Family Strengthening Collaborative and the D.C.
5 Chartered Health Plan.

6 KSI met with other representatives of the
7 community to coordinate their services to the 211 new
8 families who will be moving into the neighborhood. The
9 District of Columbia Board of Education has ensured KSI
10 that local schools will be able to accommodate the
11 additional students from the proposed development.

12 The Police Department has informed KSI that
13 they have the resources necessary to ensure the safety
14 of the additional families. The Washington
15 Metropolitan Area Transit Authority, otherwise known as
16 Metro, has committed that their public transportation
17 system has the capacity to accommodate the additional
18 families. The local churches, Allen Chapel AME Church
19 and Our Lady of Perpetual Help Church, welcomes the new
20 families.

21 The local business groups, the Ward 8
22 Business Council, Tony Thomas Associates, and the
23 Washington Metropolitan Minority Contractors
24 Association, endorse the development plan.

25 In addition, the Washington Minority

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1 Contractors Association assisted KSI to develop its
2 local and minority hiring plan, and will continue to
3 work with KSI to provide opportunities for local and
4 minority hiring.

5 KSI has worked with the community to
6 establish long term goals and commitments. KSI wants
7 to ensure that the proposed development provides
8 significant and long term value added to the community.

9
10 To manage that process, the community has
11 created a community advisory committee consisting of
12 resident groups, ANC leaders, and the developer, to
13 facilitate long term, ongoing communication and a
14 partnership between the developer and the community
15 residents.

16 The focus of the advisory committee will
17 be: (1) community directed investment, portion of
18 profits derived from this development into neighborhood
19 based projects and activities; and (2) to implement a
20 local hiring plan encompassing the construction trades
21 and service trades.

22 KSI is committed to ensuring that the
23 community and the developer are accountable to one
24 another over the long term. How will KSI stand by its
25 commitments?

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1 KSI has entered into written and legally
2 enforceable agreements of partnerships with ANC-6C and
3 the Frederick Douglass Community Improvement Council.
4 ANC-8B's agreement is pending.

5 Neighborhoods east of the Anacostia River
6 have become the target of significant proposed
7 development. These plans include the redevelopment of
8 public housing, new home construction, apartment
9 renovation, construction of commercial districts,
10 shopping centers, subway stations, and extensive school
11 renovation.

12 Historically, the comprehensive
13 redevelopment of neighborhoods has created the
14 displacement of current residents and squeezing out of
15 local businesses in the development process. Economic
16 revitalization of neighborhoods must encompass a
17 partnership between the government, private sector,
18 developers, and local businesses and residents.

19 The revitalization plans should ensure that
20 local businesses are given an opportunity to
21 participate in the proposed development and that
22 residents are protected from displacement and
23 outpricing by new home construction, and are able to
24 secure employment in jobs created as a result of that
25 development.

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1 The Homes at Woodmont encompasses the
2 partnership process. KSI and the community working
3 together can successfully remove blight from the
4 community, improve the quality of life for the
5 residents, and serve as a catalyst to generate
6 development of the surrounding community.

7 KSI's investment in this neighborhood will
8 help to create a magnet for other potential development
9 and assist the residents to achieve our goal of
10 enhancing the lives of communities east of the
11 Anacostia River.

12 I thank you for the opportunity to appear
13 before you today.

14 MR. FEOLA: Madam Chair, that ends our
15 direct presentation. I just would like the Board to be
16 aware that we have a number of experts with us today to
17 answer questions: James Eckert with Engineering
18 Consulting Services who did the geotech report which is
19 part of Tab F of our prehearing submission; Ernie
20 Anderson and D.M. Lucie of Greenhorne & O'Mara which
21 did the wetlands studies for this property, which is
22 also part of that same tab; John Lutestanski and Kyle
23 Oliver, the civil engineers for the project; and
24 Michael Lemay of Lemay Arts and Architects who did the
25 architecture for the project.

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1 So they are all here and available for
2 questions from the Board on the technical issues, and
3 all the slides you saw -- we have boards that we can
4 point to and put the lights up.

5 CHAIRPERSON REID: I'd like to have the
6 person who is here who has the -- just to give us a
7 summary of the geotechnical report, and also the one
8 that has done an environmental -- Mr. Eckert?

9 MR. FEOLA: Jim Eckert.

10 CHAIRPERSON REID: Yes, to summarize for us
11 the results of your analyses for the record. We have
12 it. You have an environmental specialist as well.

13 MR. FEOLA: That's correct.

14 CHAIRPERSON REID: And the environmental
15 specialist. Just in a few words, give us the essence
16 of your analysis, sir.

17 MR. ECKERT: My name is James Eckert. My
18 address is 11446 Dale Spring Drive, Oakton, Virginia.
19 I'm Senior Vice President of Engineering Consulting
20 Services. We are the geotechnical engineers for the
21 project.

22 By and large, when we did the first study
23 of the site, we found that the site has been covered in
24 large part by up to 40 feet of a construction debris
25 fill which was placed there from some Metro site in the

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1 area.

2 Underneath that, there is the typical soils
3 of the area, which include some low to moderate
4 plasticity clays, sands and gravels. Because we were
5 unable to reach the critical alignment where the
6 retaining walls will go, we went back and redrilled the
7 site recently and cut a bench along that hillside and
8 drilled that area as well.

9 In essence, because of the depth of
10 existing fill which is variable across the site, we
11 recommended that the site be improved by the use of
12 dynamic compaction. This is a means of using a weight
13 to densify the soils in place without having to cut
14 them out and put them back in again.

15 Once that is finished, the hillside will be
16 reconstructed with the retaining walls that were shown
17 in Joe Plumpe's cross-section, and they will be -- the
18 hillside will be reinforced with drilled piers. Once
19 that's finished, the site will go forward much like any
20 other site with compacted fill to bring it to design
21 grade and the construction of the buildings on shallow
22 foundations at normal bearing capacities.

23 CHAIRPERSON REID: All right. Thank you.
24 The environmental specialist? Come back. I'm sorry.
25 I just wanted a statement. Do you have a question?

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1 VICE CHAIRPERSON SOCKWELL: Yes, since we
2 are there. Mr. Eckert, as you spoke about the existing
3 conditions of the site environment, you said that there
4 was up to 40 feet of fill, most of that from Metro
5 construction. I assume that most of that was clay and
6 sandy soil base.

7 MR. ECKERT: Most of it was sandy and
8 silty. Very little clay is in it, and mixed in there
9 was some construction debris, both dimension stones,
10 some concrete, some asphalt, all material that will
11 respond to a dynamic compaction. The extent of clay
12 was not detrimental to the use of dynamic compaction.

13 VICE CHAIRPERSON SOCKWELL: One of the
14 issues about fill sites is that, as one removes the
15 overburden and/or compacts what's there, one may be
16 dealing with something that's unlike a natural
17 occurring base. Therefore, the stability of said
18 compacted area could vary considerably, depending upon
19 to what extent what's there that isn't good is taken
20 out and replaced with something else and to what extent
21 that which it bears upon is actually truly compactable
22 and capable of maintaining a certain amount of water.

23 If the soil tends to be expansive and runs
24 dry and then wet, you're going to have movement in
25 basements and foundations of the new construction.

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1 That's one of the things we find with suburban
2 construction sites that have been subjected to
3 compacted fill, dynamically compacted fill, where the
4 water table has been destabilized, and sometime after
5 the product has been put in place, i.e., the building,
6 you start getting differential settlement among
7 portions of the building and its foundations, cracks
8 and separations and all sorts of things like that.

9 From your experience with geotechnical
10 analysis, do you see any specific areas, especially
11 those areas where we are going to have hillside
12 stabilized by retaining walls -- have you seen anything
13 that would give you rise to believe that more needs to
14 be done to provide a stable base for that hillside edge
15 community?

16 MR. ECKERT: Let me expand a little bit on
17 what the dynamic compaction would consist of, I think,
18 to address that issue.

19 First off, with dynamic compaction there's
20 a heavy decompaction and then there's the ironing pass,
21 so called, on the surface. In this case, there will be
22 an addition, the placement of compacted fill as we
23 bring it up to grade. So the buildings themselves will
24 be sitting well above that existing material in the
25 reworked material.

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1 Secondly, the extent of the clays in the
2 water, insofar as water table, because you are on a
3 hillside, you have less of an issue. You actually had
4 on that site prior to the placement of fill two ravines
5 and two lobes of -- or three lobes of headland that
6 went across the site. That's where the variableness of
7 the fill results from.

8 In the slope itself where the retaining
9 walls go, we have proposed, and they will be a part of
10 the design, is drill pier earth retention of the slope.

11 So the retaining wall is truly retained globally by
12 the drill piers and not by the retaining walls per se.

13 They retain only the upper portion of it.

14 From our experience, and we've done many of
15 these, including in old landfills and the one in
16 Fairfax County near Manchester Lake that you may be
17 aware of, it is a good site for dynamic compaction and
18 will work well. The debris that's there will --
19 Obviously, concrete debris won't densify, but it will
20 be -- the material around it will be placed into a
21 denser state by the dynamic compaction.

22 VICE CHAIRPERSON SOCKWELL: Are you going
23 to be using something like RC-30 or any of those types
24 of materials as part of the compacted fill or is it all
25 going to be --

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1 MR. ECKERT: Be putting a drainage material
2 in?

3 VICE CHAIRPERSON SOCKWELL: Yes.

4 MR. ECKERT: No, that will not be required
5 in this case. There's enough drainage coming out of
6 it. That will change, but there is no need to put in
7 like with drains, I guess, is what you have reference
8 to.

9 VICE CHAIRPERSON SOCKWELL: All right,
10 thank you.

11 BOARD MEMBER RENSHAW: Madam Chair, a
12 question for Mr. Eckert. When you start to tamper with
13 landfill, what, if anything, is going to be released
14 into the air or the water as a result of your moving
15 this landfill or compacting this landfill?

16 MR. ECKERT: We did not do the
17 environmental, but I guess in reference to your
18 question, as far as the geotechnical aspects there
19 would be nothing other than -- Materials that are there
20 that we've found are all benign materials. They are
21 stone, wood, concrete, asphalt, things which are on the
22 ground surface regularly.

23 To my knowledge, the environmental found no
24 other materials that you would be concerned with.

25 BOARD MEMBER RENSHAW: All right. Thank

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1 you. Who is the environmental expert here?

2 MR. FEOLA: We have two different entities,
3 one that did the wetland studies on the wetlands
4 report, and then the civil engineer which is dealing
5 with soil erosion and storm water and the like.

6 The environmental assessment that's
7 referenced by Mr. Eckert's testimony was done by a
8 consultant who is not here, the Phase I environmental
9 assessment. It is part of Tab F, part of the
10 prehearing submission, which goes to the quality of
11 what's in that materials.

12 BOARD MEMBER RENSHAW: Did your material,
13 your environmental material, have to be reviewed by
14 D.C.'s Environmental Regulation Administration within
15 the Department of Health?

16 MR. FEOLA: It will have to be.

17 BOARD MEMBER RENSHAW: But it has not?

18 MR. FEOLA: No. The regulations are -- The
19 review is done upon application for permits. But, yes,
20 it will have to be.

21 CHAIRPERSON REID: All right. So the
22 person in the Phase I is not here.

23 MR. FEOLA: No, ma'am. Our wetlands --

24 CHAIRPERSON REID: The wetlands and civil
25 engineer? Okay, then we will hear just briefly from

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1 him.

2 MR. FEOLA: The wetlands?

3 CHAIRPERSON REID: Please.

4 MR. FEOLA: Briefly state your name and
5 address and summarize.

6 MR. ANDERSON: Good afternoon, Madam
7 Chairperson and members of the Board, ladies and
8 gentlemen. My name is Ernest Anderson. I'm with
9 Greenhorne & O'Mara as a technical consultant in the
10 area of wetlands. I live at 13223 Poet Court, Fairfax,
11 Virginia.

12 Briefly, Greenhorne & O'Mara conducted a
13 detailed wetland investigation, as required by the
14 Corps of Engineers. In that investigation we found
15 approximately an acre and a half of jurisdictional
16 area, wetlands under Federal regulation.

17 Subsequently, the Corps of Engineers
18 reviewed our work in the field and formally approved
19 that as a delineation of wetlands on the property.
20 Subsequent to that and subsequent to the previous
21 hearing, in concert with the engineers and architects
22 and in concern to the National Park Service issues, the
23 geometry was changed, and wetland impacts on the
24 project were reduced from .39 to approximately 2/10 of
25 an acre.

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1 Also, we met with Jim Collier's staff and
2 discussed the requirements and the approach to
3 mitigation for the wetland impacts, and received
4 agreement that our approach was appropriate,
5 significant and adequate.

6 CHAIRPERSON REID: Thank you. Okay.

7 BOARD MEMBER RENSHAW: Question. How far
8 back from the wetlands is the construction going to be?
9 In other words, how much room are you giving?

10 MR. ANDERSON: It might help, if you don't
11 mind, to put up the map. The large area right there is
12 -- Approximately an acre of that is wetlands. What we
13 are proposing to do is to delay the rate at which water
14 runs through that system, to increase the wetland
15 acreage there, and this is the very strategy we
16 discussed with Jim Collier's staff.

17 In that area there will be a distance of
18 approximately 40 or 50 feet from any fill to the edge
19 of those wetlands. There is a wetland impact there
20 where the road crosses the wetland complex. That will
21 be fill. So the facts are that there would be an
22 earthen fill and a culvert pipe in the wetlands there,
23 and that's a 2/10 acre impact, which I discussed.

24 In the wetlands above there towards the
25 National Park, again it's 20 or 30 feet or more from

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1 the edge of the jurisdictional wetlands to any kind of
2 fill material.

3 BOARD MEMBER RENSHAW: Only 20 to 30 feet?

4 MR. ANDERSON: Yes, ma'am.

5 BOARD MEMBER RENSHAW: That's not very
6 much.

7 MR. ANDERSON: Ma'am, that wetland there is
8 about two feet wide, and so it may be -- The closest
9 encroachment will be 20 feet. It will be much greater
10 than that in some cases, but it's merely a riverine
11 system bank to bank. It's not vegetative wetlands in
12 that area.

13 CHAIRPERSON REID: And you met with the
14 representatives for the National Park Service to
15 discuss the reconciliation of the wetlands with the
16 proposed site, and was it based upon that that they
17 decided to eliminate the two houses?

18 MR. ANDERSON: Ma'am, that was also in
19 relationship to screening and the preservation of
20 vegetation in that area. The wetland issues were
21 really a minor issue compared to the visual issue of
22 the vegetation in that area.

23 Again, you know, the wetland in that area
24 is only a couple of feet wide. In a field trip, a
25 detailed field trip with the National Park Service

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1 representative, we did view the wetlands on the -- the
2 adjacent wetlands, the seeps, as they call them, on
3 adjacent areas, and found that there was no surface
4 connection and, of course, the Park Service will have
5 to speak for itself.

6 CHAIRPERSON REID: Okay. We'll have them
7 come up.

8 VICE CHAIRPERSON SOCKWELL: If I might,
9 it's my understanding that the perimeter revitalization
10 of park area was part of the charge of the developer in
11 achieving a reasonable degree of nondisturbance with
12 the proximity of the development. Again, you were
13 involved with that?

14 MR. ANDERSON: Yes, sir, I was, including
15 the details of removing the material that has crept
16 onto the National Park Service ground and to stabilize
17 that so that that not only is corrected but it's
18 prevented in the future.

19 BOARD MEMBER RENSHAW: Is there going to be
20 any fence around this wetlands area to protect it?

21 MR. ANDERSON: Yes, ma'am.

22 BOARD MEMBER RENSHAW: There will be? How
23 high is the fence going to be?

24 MR. ANDERSON: I learn it's four feet.

25 BOARD MEMBER RENSHAW: Four feet? Thank

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1 you.

2 CHAIRPERSON REID: Okay. I have questions
3 for Ms. Rosalind Styles.

4 MR. FEOLA: Just for the record, I'd like
5 Mr. Anderson to tell us who Jim Collier is that he
6 referenced.

7 MR. ANDERSON: Mr. Collier is the head of
8 the Environmental Health Administration who is charged
9 with the District of Columbia's regulations related to
10 wetlands and water quality related to the wetlands.

11 CHAIRPERSON REID: Thank you. I wanted to
12 say that I think that it is very laudable that the
13 applicant has now done a considerable amount of
14 outreach to the community. As a result of that, many
15 of the entities that had at first opposed this
16 application have now come on board in support of, in
17 addition to many of the Council members who we have now
18 gotten letters from, some of which have had previously
19 been in opposition to.

20 So there has been evidence that there has
21 been a tremendous outreach, and I think that it is
22 highly commendable that you've been able to obtain
23 agreements from the developer wherein he will -- they
24 will be instrumental in making -- building a community
25 rather than just a project, and reaching out to the

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1 various community entities to help to bolster up the
2 strength and stability of that community.

3 That's very important. However, there's
4 still two entities that are in opposition, and they
5 were before, and they still are. These were the most
6 vehement oppositions that we had, particularly Fairlawn
7 and then later we had another one from Skyland, Skyland
8 Civic Association, I think it was.

9 You're shaking your head, but I have a
10 letter in here from another. Let's first go to --
11 While I'm looking for it, let's first go to Fairlawn.
12 Have you had any meetings with them or have you been
13 able in any way come to any kind of compromises or any
14 mediation?

15 MS. STYLES: Well, the first thing I'd like
16 to address is that I was real concerned when Ms. Jones
17 said that I had misrepresented myself in terms of who I
18 -- the things that I do.

19 I have three sets of business cards, and it
20 all depends on the audience as to which one I use. I
21 am an owner of a training organization. So if I am
22 meeting with a client regarding training, that's the
23 card I give.

24 When I met Ms. Jones, I was at the time as
25 a representative of Capital City Associates, and I gave

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1 her a card in that respect. The card that she has I
2 gave to a friend who lived in the -- We live in an
3 apartment building together, and I gave it to her as a
4 personal card, not as a business card.

5 So in saying that, yes, we have talked.
6 Yes, I have met with the Fairlawn Civic Association.
7 The first meeting was held during the summer in July.
8 I had just -- I was trying to make a decision at the
9 time whether to join the team, and I went to the
10 meeting that they were having with the residents in one
11 of the local establishments, and there were a lot of
12 concerns from the residents about the project.

13 So I then asked and was granted, you know,
14 a meeting with Ms. Jones, because I wanted to
15 understand as a resident of the community for myself
16 and in talking to her as the leader of that
17 organization what are the real issues, what are the
18 real concerns, what are the problems, and how could I
19 help to intervene on behalf of the residents and the
20 community to resolve those problems.

21 The problems and the concerns that she had
22 affected me also. So I wanted to be sure that, if
23 there was a way that we could work together to
24 compromise in terms of the concerns, and the major
25 concern that was expressed at that meeting -- and then

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1 she did subsequently come to the ANC meeting, and I'll
2 have -- Commissioner King will have to be able to
3 respond to that -- was the lack of information or
4 misinformation.

5 It was my charge to make sure that the
6 information about the development in print was prepared
7 and given to her, as well as any studies around the
8 project, that it was the documentation in writing was
9 prepared and given; because a person can say one thing,
10 but if you have documentation, then that's the kinds of
11 things that the community wanted.

12 Those things were specifically made
13 available and presented to her. The other -- The
14 subsequent meetings and outreach -- the organization
15 has not been interested in communicating further, and
16 those efforts have been -- tried to have been
17 coordinated through the ANC.

18 I try to serve as a facilitator for the
19 ANCs and the resident associations as not directly for
20 the developer. I try to be the listening ear and the
21 facilitator when the community wanted to have meetings.

22 So a lot of the activities and the outreach was done
23 through the ANC-6C, and again Commissioner King can
24 respond to that.

25 If there are any other -- Are there any

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1 other things from the team?

2 CHAIRPERSON REID: All right. Now we are
3 not going to allow -- and you know this -- speaking
4 from the audience now. Let's establish the rules that
5 you already know and proper conduct in a hearing of
6 this nature.

7 Now if, in fact, I have to stop again, then
8 I can assure you that those persons who are the guilty
9 persons continuing to cause some disruption will have
10 to asked to leave.

11 MS. STYLES: To clarify it again, Madam
12 Chair, the answer is yes. The second thing was that
13 Ms. Jones also participated in the tour of the
14 property. So there has been outreach to that
15 particular organization.

16 In reference to the Skyland -- Park Skyland
17 Civic Association, yes, you have received --

18 CHAIRPERSON REID: Wait, wait, wait. First
19 with Fairlawn, did you meet? You all met? On one
20 hand, you said that --

21 MS. STYLES: I met with the President.
22 Yes, I did.

23 CHAIRPERSON REID: Not the organization?
24 And now you're a member of the organization. Correct?

25 MS. STYLES: Yes, I am a member of the

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1 organization.

2 CHAIRPERSON REID: Okay. So.

3 MS. STYLES: On the occasion that when I
4 asked her -- and I did outreach to her in writing, and
5 I do have copies of that, requesting a meeting and
6 support, that was not responded to.

7 CHAIRPERSON REID: Okay. They gave you
8 their concerns and their issues, and you responded to
9 them, gave them what they asked for?

10 MS. STYLES: KSI -- before I joined the
11 team, they responded in writing, yes.

12 CHAIRPERSON REID: Were they satisfied with
13 what you gave them?

14 MS. STYLES: They did not respond to me in
15 terms of any additional concerns.

16 CHAIRPERSON REID: So you don't know?

17 MS. STYLES: Those responses were given to
18 the ANC Commissioner.

19 CHAIRPERSON REID: But you don't know if
20 that was satisfactory to them?

21 MS. STYLES: I cannot answer that, no.

22 CHAIRPERSON REID: All right. Now let's go
23 now to the Park Skyland Civic Association. That was
24 the other letter that we received.

25 MS. STYLES: Yes. The Park Skyland Civic

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1 Association convened a meeting, and they convened a
2 meeting specifically for KSI to do a presentation. At
3 that meeting there were concerns raised by the members,
4 and they asked that we respond to those questions in
5 writing, which we did, and we submitted the responses
6 to the Civic Association.

7 As a follow-up we requested a letter of
8 support in writing, and we were not responded to. We
9 again -- The ANC-8B and Park Skyland requested a tour
10 to be conducted for their constituents. That tour was
11 held, and their constituents were able to participate
12 in the tour.

13 After the tour was held, we asked them to
14 reconvene at their next meeting and make a decision in
15 regards to support. They did not convene the meeting,
16 and we asked to be invited to a follow-up meeting which
17 was held in January.

18 At that meeting, the Chairman had already
19 submitted a letter in opposition, and we asked him
20 again in writing about his concerns. He stated new
21 concerns which we responded to in writing. All of that
22 documentation is available for submission.

23 He requested twice, and Mr. Taylor decided
24 that he as an individual would oppose the development.
25 His membership do not -- were not supporting his

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1 decision, and so he submitted his letter as his own
2 independent position and not the position of the
3 organization.

4 CHAIRPERSON REID: So in other words, you -
5 - in dealing with -- You had two entities -- three
6 entities, Parkland, and then you had the Park Skyland
7 Civic Association and Mr. Taylor.

8 MS. STYLES: Yes. Well, Mr. Taylor is the
9 Park Skyland, yes.

10 CHAIRPERSON REID: I understand that. Mr.
11 Taylor's position was not the same as the
12 association's?

13 MS. STYLES: It was not -- It was never
14 taken to a vote, because he never called for a vote on
15 a decision by the organization.

16 CHAIRPERSON REID: Okay, because the letter
17 that he proffers to us was from -- as the President of
18 the Civic Association.

19 MS. STYLES: Exactly, and that is -- We --
20 I mean, we take issue with that, because we were there,
21 but he stated emphatically that that was his own
22 personal decision, his own personal opinion.

23 CHAIRPERSON REID: We don't have a position
24 from the Park Skyland Civic Association with a vote
25 taken and a quorum present.

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1 MS. STYLES: Because on the third page of
2 his letter, the very opening statement on the back
3 page, it states, "As President of our Association, I
4 can only express my personal opinion on this matter."
5 He made it very clear that this was his personal
6 opinion.

7 CHAIRPERSON REID: Well, it's a
8 contradiction. He starts out as President.

9 MS. STYLES: Exactly, and that's exactly
10 what --

11 CHAIRPERSON REID: As the President of the
12 Association, I can only express my personal opinion.
13 Well, I mean, how do you read that? I mean, anybody,
14 even though they may have an office of authority, they
15 still will always have a personal opinion. So I guess
16 we just have to take this as we see it and accept it as
17 his personal position, since we don't have one from the
18 Park Skyland Civic Association per se.

19 Nonetheless, what I need to understand is
20 that there was an effort made to try to determine what,
21 in fact, the issues and concerns were and to try to
22 address them as best you could.

23 MS. STYLES: And I do have those copies, if
24 you need it.

25 CHAIRPERSON REID: Okay.

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1 MS. STYLES: I mean, I have them with me
2 today.

3 CHAIRPERSON REID: Once you gave them
4 responses to what you had determined were the main
5 issues, then you didn't get a follow-up response on
6 that?

7 MS. STYLES: No, we have not.

8 CHAIRPERSON REID: Nor did you -- Are you
9 aware of any reversal in their position predicated upon
10 what you had done in trying to reach some compromises
11 with them?

12 MS. STYLES: No, I'm not aware of that.
13 The only thing I -- As I said earlier is his personal
14 decision, and he had not -- They had not convened a
15 vote, you know, in terms of the membership.

16 CHAIRPERSON REID: Thank you. All right.
17 Are there any further questions for Ms. Styles or
18 anyone else? Ms. Renshaw?

19 BOARD MEMBER RENSHAW: Yes. On January 6
20 and January 7 Ms. Thelma Jones of the Fairlawn Citizens
21 Association, Inc. -- she is the President -- wrote to
22 the BZA expressing her opposition to this application.

23
24 Now had Ms. Jones -- Had you communicated
25 with Ms. Jones concerning the issues that she advanced

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1 to the BZA prior to January 6? In other words, I'd
2 like to know if you wrote on any of the subjects that
3 Ms. Jones brought up in her letter, because --

4 MS. STYLES: I'm not aware of that letter.
5 I'm sorry, I would need to see it. I don't know what
6 letter you are referencing.

7 BOARD MEMBER RENSHAW: January 6, 2000.
8 It's in the file. Because these are hard issues that
9 Ms. Jones has brought up on behalf of her citizens
10 association, and they require, I would imagine, some
11 technical background to answer the questions. So I
12 would assume that you as the community outreach person
13 had brought to bear the proper people to answer this
14 type of letter in advance of her advancing a letter to
15 us.

16 MS. STYLES: I'm sorry.

17 MR. FEOLA: I'm sorry. Ms. Renshaw, is it
18 the date stamped in you are referencing or the date of
19 the letter?

20 BOARD MEMBER RENSHAW: The date of the
21 letter is January 6, and it's stamped January 7 on
22 Fairlawn Citizen Association letterhead.

23 CHAIRPERSON REID: Let's just paraphrase it
24 quickly so that --

25 MS. STYLES: I've never seen the

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1 communication.

2 CHAIRPERSON REID: Basically, you probably
3 are aware of them, because the issues that are being
4 raised have been raised before: Adverse impact or
5 substantial detriment to the community, which is a part
6 of the special exception criteria, the test for
7 approval, that there not be substantial detriment; and
8 in this instance, she has raised issues like gridlock,
9 traffic gridlock, parking problems, overcrowding in
10 schools, overcrowding in the shopping centers, and
11 increased soil erosion.

12 Those are the main issues that she had put
13 on the table, and those are the ones that you are
14 saying that you had addressed?

15 MS. STYLES: We do have the responses to
16 those questions, and I think that has been submitted as
17 a part of the package. The questions that were raised
18 by the -- specifically by her and the community.

19 CHAIRPERSON REID: Well, I think that some
20 of the issues -- The traffic and the parking Mr.
21 Osborne --

22 MS. STYLES: Mr. George.

23 CHAIRPERSON REID: Mr. George, sorry, had
24 addressed those problems. The overcrowding aspect of
25 it, I don't know how you could best answer that, but

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1 the soil erosion is something that would be addressed
2 by the civil engineer in regard to, I suppose, soil
3 borings on the site, and I think that we were given
4 information from the geotechnical witness that those
5 problems -- those issues had been addressed.

6 So I think that -- I'm satisfied there has
7 some dialogue and discussion about those things.
8 Adequately? I don't know yet, but at least there was
9 the commencement of some type of discussion.

10 MS. STYLES: Madam Chair, if I may, again I
11 just want to reiterate that the questions, when they
12 were first precipitated, were responded to in writing,
13 and that listing that we submitted in the hearing
14 application specifically asked those questions, and
15 each answer has been provided in writing, and those
16 issues -- those responses were provided to the Fairlawn
17 Civic Association. The answer to that question is yes.

18 CHAIRPERSON REID: Okay. Thank you. I
19 have one other question. Go ahead.

20 MR. FEOLA: Madam Chair, for the record the
21 prehearing submission which we made to the Board on
22 January 5 was given, as Ms. Jones did allude to, to
23 her, and in that has a detailed analysis of
24 environmental, storm water conditions, erosion control,
25 and --

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1 CHAIRPERSON REID: Parking?

2 MR. FEOLA: Mr. George's entire parking and
3 transportation report is part of that. This is as
4 detailed prehearing submission as I've been associated
5 with in 20 years of doing this, and she may not like
6 the conclusions or take issue with some of the
7 findings, but the information was provided to her.

8 CHAIRPERSON REID: Okay. Now the other
9 question -- I don't know who could best answer this.
10 That is: What are the proposed sale prices of the
11 houses, the price range of the houses that are going to
12 be constructed, as well as the rental, ranges of the
13 rental?

14 MR. EDGECOMBE: Madam Chair, I can speak to
15 the sales prices of the houses. Right now, even though
16 we still have a little bit more marketing analysis to
17 do, we are proposing to sell our lowest priced model
18 starting at in the neighborhood of \$170,000, and for
19 the largest product that we have it will be in the low
20 190's.

21 Those same homes right now in northeast are
22 selling from 175 to 225,000.

23 CHAIRPERSON REID: And rentals?

24 MR. FEOLA: Let the record show, Madam
25 Chair, that was Mr. Gene Edgecombe speaking.

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1 MR. KNAPP: The rentals, Madam Chair, we
2 will have two bedrooms starting at 775 and three
3 bedrooms starting at \$900 per month.

4 MS. DOBBINS: Let the record reflect that
5 that was Mr. Richard Knapp speaking.

6 CHAIRPERSON REID: Okay. Now here's what I
7 don't understand. I've been a real estate broker here
8 in this city for 20 years, and I have a difficult time
9 understanding how, given the current comparables in
10 that particular area of Anacostia as far as the prices
11 of houses are concerned -- I don't know any houses that
12 are selling in that price range.

13 So I need someone to explain to me, based
14 upon your feasibility study or your market analysis,
15 how are you justifying a price between 170 and 190
16 there?

17 MR. EDGECOMBE: I think your question is an
18 excellent question. One of the positive parts about --
19 which is why we're so interested in the development of
20 this area. That area is rapidly becoming a mixed
21 income area.

22 Interestingly enough, because we have sold
23 out all of our houses in northeast, we still have a lot
24 of traffic coming in expressing an interest for our
25 southeast site. We have indicated what our pricing

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1 would be. We have had no problem at all.

2 We have another development that's under
3 construction right now 15-20 minutes from that site
4 just across the District line in Prince George's
5 County, across from Dodge Plaza on 202. We're selling
6 the same product for the same price.

7 The day we had the opening of our model
8 homes, we signed contracts for 12 units for sale the
9 first day. We have done -- For about a three-mile
10 radius around our Prince George's site, which would
11 overlap into our Good Hope Road site, we did a market
12 study, the Zimmerman Group out of Princeton, New
13 Jersey, and they have confirmed.

14 As a matter of fact, given the median
15 income levels for the area, they felt our numbers were
16 conservative, and our sales in both the northeast and
17 there in Prince George's County has confirmed such.

18 CHAIRPERSON REID: So let me see this. I
19 have a couple more questions. Although in your
20 submission to us you many times mentioned that you were
21 offering many amenities within the scope of your
22 project, but in the community itself now the types of
23 support structures that you would need such as the
24 shopping, schools, safety -- I have a very difficult
25 time understanding how at this time -- I'm not saying

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1 that sometime in the future, but at this time how that
2 site on Good Hope Road can support a project, high end
3 project, of this magnitude, given the fact that --
4 Maybe, you know, someone else may be able to tell me,
5 but I'm a native Washingtonian.

6 I don't know of too much shopping that's
7 available around there. I don't know of -- I know the
8 school system, being a former teacher. I know the
9 school system, and I don't know if the school reports
10 would -- this is something that parents want to know,
11 the test scores of the schools would be conducive to
12 the type of people who would be interested in
13 purchasing there, as well as the crime reports.

14 Once the crime reports are obtained and one
15 made an analysis of a decision to buy there as opposed
16 to buying somewhere else, paying the same amount of
17 money somewhere else where you did have ample shopping
18 and you did have the kind of schools that you want to
19 send your children to, and also you didn't have the
20 kind of crime problems that you have in that area --
21 That's why I have some hesitance about this development
22 at this time there, because I don't know, quite
23 frankly, anyone of my clients that I could bring over
24 there right now and have them to purchase a property,
25 just to be able to convince them to purchase a property

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1 at that site at this time for between \$170-\$190,000.

2 MR. EDGECOMBE; Madam Chair, again your
3 hesitancy, your question is a good one. Some years ago
4 I had the same hesitancy when we were looking to
5 develop our Woodridge site. Directly across the street
6 -- and I mean directly across the street -- from where
7 we just recently sold our highest price model, \$225,000
8 for the base price, was what I can only describe as a
9 war zone.

10 I'll call it the former Montana Terrace
11 development.

12 CHAIRPERSON REID: Sure. We know where
13 that is.

14 MR. EDGECOMBE: We sold out our 37 home
15 development before the rehab/redoing of Montana Terrace
16 started, even though we did indicate that we would be
17 redoing it.

18 We also had the disadvantage -- Unlike Good
19 Hope Road that has a tremendous volume of WMATA bus
20 service, we have bus service but not nearly the
21 frequency that you have on Good Hope Road. We don't
22 have major shopping centers nearby.

23 I guess what I'm trying to say is that I've
24 gotten to understand more the urban market. Folks who
25 tend to buy in the urban market buy so for a reason.

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1 They opt not to go out into the suburbs.

2 Let me give you another example. We're
3 doing 40 new single family homes that I mentioned
4 within shooting distance of the District line on 202 in
5 Prince George's County across from Dodge Plaza. That
6 site, very much like the Montana Terrace site, had a
7 horrible reputation.

8 As a matter of fact, the site was closed
9 down. It had former garden apartments, and there was
10 so much problem with drugs and other things, the site
11 was closed down. Over a period of time we negotiated
12 with the county to redevelop the site.

13 Interesting enough, because of my
14 experience in northeast, I had a lot less hesitancy.
15 That's the site that I just mentioned. On opening day
16 when we opened our model, our two model homes, we
17 signed up 12 people for contracts.

18 It's a little different market. These are
19 folks who, for the most part, have opted to stay in the
20 urban area, who recognize that your large super Giants
21 and other super stores may not be around the corner,
22 but because of other conveniences, convenience to the
23 workplace, not having to be involved in an hour's worth
24 of commute, they are prepared to buy such.

25 I think the final part is that folks also

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1 tend to look at the community that you are creating.
2 If you had come to visit our site in northeast three or
3 four years ago, I think a lot of people would have had
4 reservations, but I'd like for you to come out and see
5 that site today. I don't mean just our single family
6 homes, but I mean the whole community is thriving now.

7 I mean, it's moving forward.

8 I think it's a different market from the
9 suburban market. Folks do make their option. But
10 here's my final point. When you look at quality homes
11 in the District, comparable homes, this is still the
12 best bargain going.

13 You know, Southeast -- this is a gorgeous
14 site. The views, the parkland, proximity to major
15 arterials -- If you work on Capitol Hill, you're 15
16 minutes from the office -- a lot of amenities.

17 No, we don't have yet the super shopping
18 areas that you have, but who knows. The Gateway down
19 at Martin Luther King and Good Hope Road one day will
20 be a thriving retail gateway, I'm sure.

21 CHAIRPERSON REID: But don't you usually
22 have these things before you -- Don't you have the
23 support system in place prior to establishing a
24 project, and from what you're saying to me is that the
25 project, for the most part, I guess, is highly

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1 speculative.

2 MR. EDGECOMBE: Not at all, ma'am.

3 CHAIRPERSON REID: You just don't know,
4 because you're relying on the P.G. County project and
5 the one over in northeast as a benchmark for whether or
6 not this project will go well there. Again, my
7 question to you was how do I convince a homeowner to
8 allow me to sell them one of the houses that you're
9 going to build over there for \$190,000 on Good Hope
10 Road?

11 Also, I want to clarify that I think that
12 southeast, Anacostia, is one of Washington's best kept
13 secrets. I think that there is great potential and
14 that it's one of the most beautiful areas of the city,
15 actually. Nonetheless, there are still problems that
16 give me pause for a development at this time of that
17 nature.

18 I think that in the future that there will
19 be many similar types of projects all around and about,
20 but I just --

21 COMMISSIONER MITTEN: Madam Chair, an
22 appraiser's perspective?

23 CHAIRPERSON REID: Yes.

24 MS. STYLES: Could I just respond, please,
25 if I may, Madam Chair; because I'd like to be able to

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1 answer your question.

2 One of the things when I talked about -- In
3 my opening statement I talked about development east of
4 the river. If I can just kind of give you a little bit
5 of a background of what's going on across the river and
6 why this project fits into that master plan, I'd like
7 to just take that minute, if I may.

8 To begin with, in 1995 -- In 1995 the
9 revolution -- the evolution of east of the river began.

10 When President Clinton came into office, he then began
11 -- he set aside monies to jump start revitalization of
12 the city.

13 The first amount of money was earmarked for
14 what we call the last development area, which is east
15 of the river. In 1997 we conducted a conference to
16 begin to put together a master plan, to be able to
17 address the concerns that you have just raised in terms
18 of development.

19 Now in 1998 we did a construction fair for
20 east of the river. At that time we identified over 200
21 -- close to \$300 million worth of development that's
22 going on in our neighborhoods. That's comprehensively
23 east of the river.

24 That number is now up to over a half a
25 billion dollars, and these are things that are

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1 currently underway or will begin in the spring of this
2 year. The kinds of homes that are being developed, the
3 majority of the projects is over 1,000 new townhome
4 construction.

5 There are major shopping development that's
6 going on. Mr. Edgecombe talked about the Northern
7 Gateway project. The shopping center that's there is
8 only one of a series of shopping plazas that are being
9 proposed east of the river. This site is being
10 developed.

11 Right along that corridor we have other
12 businesses who are looking to move into that
13 neighborhood. We used to have a hard time attracting
14 people to the neighborhood. Now we are being selective
15 in terms of the development.

16 The Mayor's initiative called for a
17 comprehensive study, because there was so many avenues
18 for development. There were so many opportunities for
19 development. The Office of Planning, which has just
20 released a study, showed that the development has moved
21 far beyond anywhere else in the city.

22 So this offers people, the consumers who
23 want to stay within the city, a different alternative.

24 Yes, there is comprehensive redevelopment of existing
25 properties like Stanton Hill. There are new home

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1 constructions that's going on like the ones that are
2 going on in far Southeast and far Southwest, but there
3 is not a new product of single family, full detached
4 homes that's going on within this neighborhood
5 revitalization with the exception of this product that
6 KSI is building on Good Hope Road.

7 Across the street the new owners of Marbury
8 Plaza are investing in resurging that property. We are
9 working with the new owners, because they see that
10 property having an attractive market. They see this
11 property competing with their tenants.

12 People within that community want to wait-
13 list for this property to be developed. So is the
14 demand there? Yes. The demand was there a year ago.
15 It will be more so next year and by the time this
16 structure is built.

17 So hope that in some way shows how this
18 property fits within the entire neighborhood
19 revitalization effort, not just an isolated incident.

20 VICE CHAIRPERSON SOCKWELL: Madam Chair.

21 CHAIRPERSON REID: Ms. Mitten asked.

22 COMMISSIONER MITTEN: Well, I guess I just
23 wanted to kind of give a brief response to your
24 question, Madam Chair, which is you said, you know, you
25 could see that sometime down the road this is possible.

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1 In fact, Mr. Edgecombe is -- He's going to make a
2 market. He is going to be the first.

3 As Ms. Styles said, there is a lot of
4 demand, and there's all of these demographic factors
5 playing a role. So Mr. Edgecombe and his associates,
6 they extrapolate their experience in northeast and in
7 close-in Prince George's County, and they say all of
8 these similar factors have led to a success and led to
9 a price level in these other developments.

10 If I were appraising this property, I would
11 look to those experiences and say those same factors
12 are in place here and, yes, it can be done, because the
13 demand does exist.

14 MR. EDGECOMBE: Madam Chair, if I may, I
15 don't trust my own judgment on these things. I'll give
16 you an example.

17 I have two banks right now vying for the
18 financing on these, Bank of America, former Nations
19 Bank. Matter of fact, I drove representatives of Bank
20 of America throughout the whole community within the
21 past couple of weeks. Riggs Bank who is doing my
22 Woodridge Place are anxious to finance it.

23 We don't do spec homes, first of all. All
24 of our homes are based on pre-sales. We have a pre-
25 sales listing already for this site. Folks who have

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1 come over to our northeast site to look at the one
2 model that we have left have signed our book, which is
3 not a commitment to a contract but just signing up.

4 I am so sure on this market, for me it's
5 not a speculative venture at all.

6 VICE CHAIRPERSON SOCKWELL: Mr. Edgecombe
7 and fellow Board members, as a native Washingtonian, as
8 many of us are, I have seen a lot of what has happened
9 in neighborhoods. Georgetown was gentrification.
10 Capitol Hill was gentrification. Columbia Heights is
11 gentrification. Olde Town Alexandria was
12 gentrification. When I worked in Olde Town Alexandria,
13 it was just starting.

14 Woodridge I looked at. When I first saw
15 it, I could not imagine how those houses would sell
16 with Montana Terrace directly behind them. Then I had
17 a long conversation with a gentleman named Jim Roberts,
18 whom I have known for many years.

19 At that point I understood more about how
20 the infrastructure was being balanced, Montana Terrace
21 against the new homes, the new homes against Montana
22 Terrace, from an economic standpoint to create the base
23 that you needed to get the project going and done. But
24 once you had that coming together, those single family
25 homes sold.

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1 Now I will admit, two of those single
2 family homes on the fringe on the back side look like
3 they were something out of Kosovo, because as they were
4 being put up and the insulation was being put on, the
5 people that were in Montana Terrace who had not been,
6 shall we say, relocated used it as a firing range for
7 missiles of all sorts.

8 I said, this may not work, but it has
9 worked. I'm proud to say that driving through that
10 area now, one does not recognize it. To produce
11 infrastructure like this on a planned basis sometimes
12 even frightens the communities in which it's going to
13 be developed, because they are not used to such
14 strategically developed change.

15 People tend to fear the unknown. This is
16 an unknown. What is it going to do to our community?
17 There are lots of things that people don't understand
18 until they see it, but realistically, projects like
19 this one and development happen to occur either as
20 happenstance or as directed, and sometimes one cannot
21 tell by looking at the surroundings how well the
22 development will do.

23 Now I worked on the design of the
24 Washington subway system, and it was we build it, they
25 will come. They didn't come for 25 years. They didn't

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1 come. They didn't ride it. They didn't -- Development
2 didn't occur at the ends of the lines where we thought
3 we were supposed to be getting the development, because
4 nobody was interested. Nobody changed his pattern.

5 But patterns develop in very unusual ways,
6 and right now the pattern is that, if you live out
7 there, you're too far away from the jobs in here. The
8 infrastructure in here is the most valid
9 infrastructure.

10 In my own neighborhood -- I live across the
11 street from a longstanding public housing unit -- my
12 condominiums have gone up just about double in the past
13 two years in value, when they were on a consistently
14 continuous down-spiral. These things just happen.

15 If they are projected by the economic
16 trends and if the other things are in place, they will
17 work. The one thing I do have a question about is how
18 much public amenity is being provided for wintertime
19 sports, because you've got a pool, but I don't see very
20 much else there.

21 BOARD MEMBER RENSHAW: Madam Chair, now
22 back to the case at hand. This is a gated community,
23 Mr. Edgcombe? Part of it? Which part is the gated
24 part?

25 MR. EDGECOMBE: I'll let Dick speak to

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1 that. But not for the residential. You want to speak
2 to the apartments?

3 VICE CHAIRPERSON SOCKWELL: We like to
4 think apartments are residential, actually.

5 BOARD MEMBER RENSHAW: We certainly do. We
6 want to protect them, too.

7 MR. KNAPP: Yes, the multi-family will be a
8 gated community.

9 BOARD MEMBER RENSHAW: Now how many gated
10 communities are there in this general area, and are
11 gated communities successful, if there are others?

12 MR. KNAPP: Yes, there are a number of
13 rehab project -- rehab communities that do have gates
14 surrounding them.

15 CHAIRPERSON REID: No, she asked in that
16 community.

17 BOARD MEMBER RENSHAW: In that general
18 community.

19 MR. KNAPP: Yes, Park Skyland comes to
20 mind, which is the adjacent property to where we are.

21 BOARD MEMBER RENSHAW: I want to find out,
22 since you are going to put someone in that little booth
23 or whatever, is it going to be 24 hours a day, 365 days
24 a year?

25 MR. KNAPP: No, ma'am. The gate will not

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1 have 24 hour guard surveillance. The gate will be
2 accessed -- will be activated automatically by a
3 mechanism. The gate will go up, and residents will be
4 able to -- The gate will be right here. It will not be
5 manned with a person. It will just have a card reader
6 that will allow it to automatically go up.

7 When visitors arrive here, they will call
8 up on a telephone and be buzzed in. If their entry is
9 denied, they have a bailout where they will come out,
10 and they will be able to turn around and come out.

11 BOARD MEMBER RENSHAW: So this really is to
12 kind of monitor the cars into that area rather than a
13 public safety of the people who live there?

14 MR. KNAPP: That is correct. It's
15 primarily to control vehicular access. That is
16 correct.

17 BOARD MEMBER RENSHAW: All right. I have
18 some questions for the traffic consultant also. Is he
19 still here?

20 VICE CHAIRPERSON SOCKWELL: Now while he's
21 out there, you say that it's not gated in the
22 traditional gated community sense. So there's no
23 guardhouse or anything like that, just strictly a flip
24 gate?

25 MR. KNAPP: That is correct.

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1 VICE CHAIRPERSON SOCKWELL: And there is
2 perimeter fencing around the entire property?

3 MR. KNAPP: Yes, that is correct. There
4 will be a gate.

5 VICE CHAIRPERSON SOCKWELL: So all up along
6 in here there would be perimeter fencing?

7 MR. KNAPP: Yes, that is correct.

8 VICE CHAIRPERSON SOCKWELL: And at what
9 height?

10 MR. KNAPP: Approximately six feet.

11 VICE CHAIRPERSON SOCKWELL: Now on the
12 single family residence side there's fencing against
13 the Park. Yes?

14 MR. EDGECOMBE: We're looking at the
15 potential based on the conversation with Park Service,
16 possibly having fencing along the parkland edge.

17 VICE CHAIRPERSON SOCKWELL: See, one of the
18 issues --

19 MR. EDGECOMBE: And that's primarily
20 because of the recommendation by the Park Service.

21 VICE CHAIRPERSON SOCKWELL: One of the
22 issues that I would be concerned about is that, because
23 the Park allows free travel within itself -- now there
24 is a dropoff along here. Yes or no? Or is that
25 dropoff primarily along the back side of the multi-

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1 family?

2 MR. PLUMPE: For the record, my name is Joe
3 Plumpe, Studio 39.

4 Along the single family road here -- We had
5 numerous conversations with the National Park Service,
6 Jim Rosenbaum -- excuse me, Jim Rosenstock is here
7 today. He will probably talk about that as well.

8 Actually, you know, sometimes fences are
9 not the best thing for the Park Service property line.

10 We had numerous conversations with them. Where we
11 have the fences it's really to keep people's private
12 yards out of the National Park Service.

13 The main concern there was having people
14 take over the Park Service forest for gardening or
15 something like that. So, really, this being a public
16 way, a private roadway, again the issue is not to have
17 a fence that would be of any nature, really.

18 We met with Jim and Dave Murphy many times.
19 Well, the Park is sometimes higher and sometimes on
20 grade. There is a sidewalk only on the house side, you
21 know, to try and discourage the cut-through as much as
22 possible to the Park land. But it is a public open
23 space. We cannot prohibit people to go in there.

24 Right now people, you know, go through it
25 at will, and there is a path right now that is

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1 established through Fort Stanton Park, which is used
2 periodically through the residents of the neighborhood
3 as well as the regional system.

4 BOARD MEMBER RENSCHAW: Having -- Well,
5 perhaps Mr. Feola can answer this question or someone
6 on the Board. But I understood that any property that
7 was in direct proximity to National Park land had to go
8 before the Fine Arts Commission. Now did you go before
9 the Fine Arts Commission?

10 MR. FEOLA: No, we didn't, and that is not
11 an exactly correct statement. The Fine Arts Commission
12 has jurisdiction over Rock Creek Park and the Potomac
13 parks. Any property that is built upon or subdivided
14 adjacent to those parks as part of the Shipstead-Luce
15 Act have to go to Fine Arts.

16 The rest of the parks in the city, many of
17 which are governed -- are owned by the Park Service,
18 managed by the Park Service, are not subject to
19 Shipstead-Luce.

20 BOARD MEMBER RENSCHAW: Okay. Question
21 answered.

22 MR. FEOLA: As I said that, the Park
23 Service is an adjacent property owner, and participated
24 in this hearing before; and the applicant is cognizant
25 of trying to work with the Park Service.

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1 BOARD MEMBER RENSCHAW: But do you have
2 anything in writing from the Park Service as of now?
3 You had proposed things that I have marked in your
4 exhibit book.

5 MR. FEOLA: There is a letter that I
6 received today which I'm sure Mr. Rosenstock will talk
7 to that was sent to the Board that states the Park
8 Service's position much more clearly than I could
9 possibly do. Maybe Mr. Rosenstock is going to deliver
10 them. I have a copy of it.

11 BOARD MEMBER RENSCHAW: Has your traffic
12 consultant returned yet?

13 MR. FEOLA: Yes.

14 BOARD MEMBER RENSCHAW: All right. You said
15 that Good Hope Road has about 17,000 vehicles a day?

16 MR. GEORGE: I didn't say that today. That
17 might have been in the report.

18 BOARD MEMBER RENSCHAW: It was in the
19 report. You did the traffic count?

20 MR. GEORGE: No. We obtained the data from
21 the Department of Public Works, average daily traffic
22 volume.

23 BOARD MEMBER RENSCHAW: Ah, very good.

24 VICE CHAIRPERSON SOCKWELL: Turn your
25 microphone on, please.

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1 BOARD MEMBER RENSHAW: I asked the question
2 as to what magic words did you use with DPW to get at
3 the results of a traffic report out of them, because we
4 invite you to my neighborhood. We've been trying for
5 years to get an accurate traffic count in my
6 neighborhood on various roads, and we have not gotten
7 them. So what did you use? Tell me.

8 MR. GEORGE: Okay. I'm tempted to say
9 Abracadabra, but --

10 BOARD MEMBER RENSHAW: I'll try it.

11 MR. GEORGE: -- that may not work. Ms.
12 Crenshaw, let me clarify --

13 BOARD MEMBER RENSHAW: Renshaw, R -- I'm
14 not the golfer.

15 MR. GEORGE: Ms. Renshaw, let me clarify.
16 We did our own turning movement counts during the
17 morning and afternoon peak periods for the purpose of
18 evaluating the intersections. In order to look at the
19 historical trends of traffic flow within the area, DPW
20 is the repository of that data, and they had data for
21 the period 1990 through 1996, and we obtained that data
22 from them.

23 I might tell you that Mr. Peter Moreland of
24 that Department, through him this type of data is
25 readily available.

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1 BOARD MEMBER RENSHAW: Ah. Well, you'll
2 perhaps give me his phone number later on.

3 MR. GEORGE: All right, I will.

4 BOARD MEMBER RENSHAW: Now did you factor
5 in -- Your data goes into 1996. Did you factor in for
6 subsequent years of traffic into that analysis?

7 MR. GEORGE: Yes. We did our counts in
8 1999, within the period February and March. We
9 estimated then that the development would be built out
10 within two to three years, and as I indicated earlier,
11 even though the data from DPW shows that there has been
12 some moderate decline in traffic volumes, we used a
13 factor of six percent. We increased the traffic by six
14 percent going into the future; that is, over the three-
15 year period.

16 BOARD MEMBER RENSHAW: All right. Now did
17 you provide the BZA with any accident reports from that
18 area?

19 MR. GEORGE: No, ma'am.

20 BOARD MEMBER RENSHAW: Oh. You did not go
21 to the local police district and ask for that
22 information, because I note here that -- Well, I'm
23 going to ask you. Are you requesting of DPW to put in
24 a traffic light?

25 MR. GEORGE: At the entrance to the site?

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1 BOARD MEMBER RENSHAW: At the entrance to
2 the multi-family site, especially.

3 MR. GEORGE: No, ma'am. A traffic light --
4 The need for a traffic light would be governed by
5 specific warrants dictated by the Manual on Uniform
6 Traffic Control Devices. This development would
7 generate less than 100 trips during the morning peak
8 hour, and those types of volumes won't come close to
9 warranting a traffic light.

10 BOARD MEMBER RENSHAW: Well, let me just say
11 that what dictates a traffic light is often an accident
12 count, and it's a vehicular count. And the residents
13 and, certainly, the developers can make a good argument
14 with the city to put into a budget for a traffic light
15 at a specific location. We've done in my area.

16 We've had to wait, but we've done it, and
17 we've pressed on it, and it has been successful and
18 very, very needed; because one accident is one accident
19 too many.

20 MR. GEORGE: Ms. Renshaw, what --

21 BOARD MEMBER RENSHAW: And I note that this
22 is 25 miles an hour. This area is 25 miles an hour.
23 Do you know that -- I mean, are the police able to keep
24 the traffic within 25 miles an hour or is this like so
25 many other routes in the city, a speedway?

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1 MR. GEORGE: I would say that, because of
2 the fact that commuter traffic is very heavy on a
3 number of those roadways and very often along roadways
4 such as Good Hope Road, the volume of traffic in itself
5 mitigates the speeds, and the speeds are rather low.

6 As far as the accident statistics being
7 used as a basis for a traffic signal, yes, that is
8 true. What we find is that the entrance to this site
9 is located between two signalized intersections.

10 BOARD MEMBER RENSHAW: How far apart?

11 MR. GEORGE: From 25th Street on the east
12 to the Marbury Plaza entrance? I don't know. I could
13 perhaps scale it off the map and give you a distance.
14 I would estimate it's approximately 1500 feet between
15 the two intersections. That's an estimate.

16 BOARD MEMBER RENSHAW: 1500? Okay

17 MR. GEORGE: Yes. And as far as -- The
18 signals would generally be able to be used to create
19 gaps in traffic to facilitate access onto that roadway.

20 BOARD MEMBER RENSHAW: You had a rather
21 interesting statement to me -- I'm just going to tuck
22 back in my notes here; hold on -- that you were going
23 to ask for some minor changes in signal timing. That's
24 interesting, because in my community I can't tell you
25 what a disaster it is to ask DPW to re-sync traffic

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1 lights.

2 Again, if your abracadabra works over on
3 Good Hope Road, I mean, I will spread the word and get
4 those people to do what they have not done in my
5 community, and we've been asking for over 15 years. I
6 am always very suspicious of traffic counts on busy
7 roads, and I'm very suspicious at speed when you say
8 posted 25, because my road is posted 25 and I live on
9 one of the heaviest, most trafficked roads in the upper
10 northwest.

11 MR. GEORGE: Would that be Wisconsin
12 Avenue?

13 BOARD MEMBER RENSHAW: No. It's Military
14 Road which carries about 35,000 cars a day, and nowhere
15 in development in my community is that ever released
16 but by the citizens; because the city tucks itself back
17 in and does not talk about it. But I am expressing
18 these points, because I think that in any traffic
19 analysis, while you've done your job, you have to look
20 at it from the neighborhood perspective.

21 They are the ones who live there. You're
22 not living there. If they say, and it may come out in
23 their testimony, that that roadway is very fast and
24 that there is speeding and that they can't get out into
25 traffic because the lights are badly synchronized, then

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1 we're going to listen very closely. At least, I am,
2 because I know that is going to be more accurate than -
3 - I'm sorry -- your very well crafted testimony.

4 MR. GEORGE: Thank you.

5 CHAIRPERSON REID: That's a good point, Ms.
6 Renshaw. Part and parcel of the reason why we're
7 having this rehearing is because the applicant felt
8 that the Board erred and -- although they felt that
9 way, I'm not saying that we did. We agreed to have the
10 rehearing, and that there was in many instances quite a
11 bit of expert testimony that was given to us that
12 supported their project.

13 The opposition that -- that the opposition
14 did not have the quote/unquote "expert" testimony. I'm
15 glad you said that, because as we well know, often the
16 persons in the community don't have the wherewithal to
17 be able to hire all these experts and attorneys and
18 these lettered people. Yet and still, when you talk
19 about detriment to the community, which is a criterion,
20 substantial detriment or adverse impact, then we rely
21 on people who live there who can see, who can feel, who
22 can experience that come to us.

23 They don't have to be experts. I think
24 that if I live in a certain area and I've lived there
25 for sometime and I understand and know better than

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1 people who come into my community, I am then the quasi-
2 expert as to what is happening, and we don't discount
3 or trivialize what they say to us, because they don't
4 happen to be -- they have this title or this particular
5 label on them.

6 In parity and equalness and fairness, we
7 consider everything that is brought to us.

8 MR. GEORGE; If I may, Madam Chairperson
9 and Ms. Renshaw, I think you would find that in traffic
10 engineering that one has to take a balanced approach.
11 Please remember that the traffic light is not a panacea
12 as far as traffic flow. In fact, studies have shown
13 that very often, by providing a traffic light, you
14 introduce considerable stopping and you increase
15 certain types of accidents.

16 So in and of itself, a traffic light is not
17 a panacea. Again, the guidelines for these types of
18 traffic control devices are governed by specific
19 criteria, and I would dare say that a development which
20 generates 100 vehicles -- less than 100 vehicles in the
21 peak hour, which is perhaps 1.5 vehicles per minute,
22 would not likely satisfy. I mean, wouldn't even be
23 subjected to the warrant for a traffic signal.

24 BOARD MEMBER RENSHAW: You said that
25 traffic lights often cause accidents. Well, they can

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1 also save lives.

2 MR. GEORGE: Yes.

3 BOARD MEMBER RENSRAW: And that is why I am
4 very surprised that you in your traffic analysis did
5 not go to the police department and investigate the
6 accidents along Good Hope Road in the area where you
7 are building.

8 MR. GEORGE: There's a specific reason for
9 that. I think the section of the zoning regulations
10 require that we show that the proposed development will
11 not cause. There may be problems in an area, but I
12 think the onus is on us as the consultants, as the
13 experts, to demonstrate, as the regulations require,
14 that the development will not cause such adverse
15 impacts.

16 BOARD MEMBER RENSRAW: But you have to know
17 about the history of the road. In other words, you're
18 putting a very developed housing units up there. I
19 mean, lovely. You've got your trees and your roadways,
20 and you have to put it into an area where you hope
21 there is safety for those who live there.

22 MR. FEOLA: Ms. Renshaw, we, I think, hear
23 what you're saying, and we certainly can provide that
24 for the record. I think the reason that particular
25 piece of information may not have been part of his data

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1 is, as you can see from the aerial, this is a vastly
2 undeveloped piece of property. My guess is there are
3 probably not a lot of accidents, because there is
4 nobody there. But we can get the data for the general
5 vicinity. I'm talking about the site specific, but we
6 can get the data from the police department for the
7 intersections, both north and south and east and west,
8 and I think that's appropriate. And we will get that
9 for the record for your consideration.

10 CHAIRPERSON REID: And I think, to that,
11 putting forth the best effort to do that and to also
12 demonstrate how you could mitigate some of the concerns
13 that the community has voiced as to the traffic impact
14 and suggestions for how -- and I don't know what the
15 answer is, if it's a traffic light or if it is that the
16 timing of the traffic light or whatever, if it's more
17 traffic signs or whatever -- to demonstrate to the
18 community that you have heard and that you are
19 listening to and that you want to do something to help
20 to mitigate that perceived adverse impact.

21 MR. GEORGE; Yes.

22 CHAIRPERSON REID: So that would be great
23 if that could be done.

24 MR. FEOLA: Madam Chair, with the Board's
25 permission, we would be happy to provide a management

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1 plan, so to speak, for your consideration.

2 CHAIRPERSON REID: That would be great. I
3 think that that would go a long way in quelling some of
4 the concerns as far as the traffic is concerned. I
5 think that what the community -- The impression I got,
6 Mr. Feola, was that the community wanted you to
7 demonstrate that you respected them and that you have
8 some concern about what they have raised as issues and
9 that you're trying to do something about it.

10 MR. FEOLA: Absolutely. I think, as the
11 ANCs will testify, the agreements that you'll see make
12 the community -- and including -- and we hope Fairlawn
13 will joint the group -- and the developer partners in
14 making this thing work going forward in the future.

15 CHAIRPERSON REID: Okay. Now let's move on
16 to cross-examination. Is there any cross-examination
17 by the party, which is Ms. Jones representing Parklawn
18 Citizens Association? I'm sorry, Fairlawn Citizens
19 Association.

20 You have to sit down and speak into the
21 mike, Ms. Jones. First give us the person to whom you
22 are directing the question. Then give your question.

23 MS. JONES: Mr. Joe Plumpe. In your
24 presentation you stated that you all will have an
25 entrance from the homes off of 18th Street.

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1 MR. PLUMPE: Yes, that's correct. We'll
2 have one entrance off of the 18th Street to the west of
3 the single family parcel right there.

4 MS. JONES: There is no 18th Street west
5 there, unless --

6 MR. PLUMPE: This street right here.

7 MS. JONES: Right where? Okay. So where
8 is the entrance going to be, because you know, that's a
9 big drop down into a gully. You have to take steps and
10 walk down into that land. So how are you going --

11 CHAIRPERSON REID: Let him answer the
12 question, Ms. Jones, and try to calm yourself down
13 some. Okay? We can get the questions answered for
14 you.

15 MR. PLUMPE: Really, right now she is
16 correct. There is a grade drop there. It is not such
17 a grade drop which cannot be overcome from the
18 standpoint of construction right now.

19 There is room to grade out there. Our
20 property is wide enough to raise the grade to have
21 proper access onto the roadway itself. But what will
22 probably happen there is the houses themselves may be
23 walk-out conditions, because -- meaning that the front
24 yards are higher and the rear yards are lower. So,
25 therefore, the road can be raised so it would line up

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1 approximately to the same grade or slightly higher than
2 the grade of the National Park Service that's adjacent
3 to it.

4 It can be done. We have preliminary
5 grading plans already worked out for the entire
6 project. So we can furnish those as well from the
7 civil engineer on the project.

8 MS. JONES: So how are you going to do
9 that, because off of B Street when you go down into
10 that site, it's about -- I know you have to walk down
11 steps, about, I know, 20 feet drop down in it.

12 MR. PLUMPE: I don't know if it's quite
13 that deep, but there is a drop there. I will agree
14 with you. There is a drop right in that area right
15 here.

16 MS. JONES: Where V Street is.

17 MR. PLUMPE: That is correct.

18 MS. JONES: And then unless you all are
19 going to cut some of that hill away that goes all the
20 way back into W Street --

21 MR. PLUMPE: Well, right now from here to W
22 Street -- Is this W Street right here, right? Is that
23 correct? No? Okay, I'm sorry. You know, again by the
24 entrance into the project, which is close to the
25 National Park Service there, that will allow us the

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1 opportunity to enter the site itself. It should work
2 and will work to allow proper access into the property.

3 MS. JONES: I don't think so.

4 CHAIRPERSON REID: Ms. Jones, all you can
5 do is ask questions. Even if you don't --

6 VICE CHAIRPERSON SOCKWELL: The topographic
7 map shows basically a knoll at that point where the two
8 intersect, sort of narrows at that point. You're
9 probably looking at what I'm looking at.

10 MR. PLUMPE: That's right, yes.
11 Essentially, I was just giving the civil engineering
12 drawing from the civil engineer which basically shows
13 18th Street and V Street intersection here, and our
14 access into the property is right next to the National
15 Park Service.

16 The existing grade on 18th Street is at
17 contour 132. Our proposed road grade would be at 132-
18 133. So, therefore, it will meet the grading that will
19 be along the property line of the National Park
20 Service, may require a small retaining wall, but it
21 will be workable.

22 Right now there is a 30 contour which is
23 approximately 15 feet into the property at the National
24 Park Service contour. It is at a 28 contour. So
25 there's only really two feet of grade change there.

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1 Basically, what you're looking at -- This will be on
2 fill. There will be dirt -- Excuse me. There will be
3 soil filled up in that area.

4 You see, the hillside along U Street there
5 at the corner here, this is where the hill is on Lot 1
6 of the single family parcel. That will be regraded,
7 but the hill and the property line of the single family
8 parcel, which abuts U Street, will be basically met.
9 The grade will be, you know -- Excuse me. The grade
10 will meet. So it can be done.

11 CHAIRPERSON REID: All right.

12 MS. JONES: I haven't finished. I got
13 another question. Right here when you come off of U
14 Street onto 18th Street, if you cut away that hill, are
15 you all going to put a wall to hold that street up;
16 because it's a street.

17 MR. PLUMPE: Okay. Let me respond --

18 MS. JONES: Wait a minute. I'm not
19 finished.

20 MR. PLUMPE: Okay, I'm sorry.

21 MS. JONES: If you're going to cut into
22 that dirt and not put a wall up there, that street is
23 going to fall over.

24 MR. PLUMPE: Well, I'll agree with you on
25 that behalf. But in our situation, we are not --

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1 VICE CHAIRPERSON SOCKWELL: Ms. Jones --
2 Excuse me. Let me just interrupt. Ms. Jones, when
3 we're dealing with public streets and the access to
4 public streets, the city has jurisdiction. The city
5 will not allow a connection to a public street that
6 doesn't work.

7 MS. JONES: They have to comply?

8 VICE CHAIRPERSON SOCKWELL: They have to
9 comply. No matter what it costs them, they have to
10 comply. By the same token, because the Department of
11 Health deals with erosion control standards and storm
12 water management, they will have to comply for the
13 retention, lack of erosion. All those things will be
14 taken care of.

15 The people that would be the unknown in the
16 equation would be the Park Service and how they would
17 expect anything at the perimeter of their property to
18 be handled from the standpoint of erosion and stripping
19 the soil that might change something in the ecosystem
20 at that point. But believe me, there are enough
21 agencies involved with that that you won't have to
22 worry about it.

23 The person that guys a house will have to
24 look at what his backyard looks like or front yard
25 looks like. That's another story entirely. But don't

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1 worry about what will happen to V Street or 18th Street
2 or U Street. That will be taken care of. Guaranteed.

3 CHAIRPERSON REID: Okay, Ms. Jones, next
4 question.

5 MS. JONES: That's enough for him. Ms.
6 Styles.

7 CHAIRPERSON REID: Thank you, sir.

8 MS. JONES: You stated that you sent me a
9 letter. I have never received a letter from you. I
10 have received letters from Mr. Gray, but I have never
11 received a letter from you.

12 You stated that you met with me twice.

13 MS. STYLES: Yes.

14 MS. JONES: Yes, you did come to my house
15 twice, but you were not an employee of KSI.

16 MS. STYLES: The first time.

17 MS. JONES: And the second time you came on
18 a Friday. You came on a Saturday after they gave us
19 dinner. Remember?

20 MS. STYLES: Yes.

21 MS. JONES: Okay. You were not employed by
22 KSI.

23 MS. STYLES: Ms. Jones, did I come to your
24 house --

25 MS. JONES: Okay, wait a minute.

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1 MS. STYLES: Can I answer that one?

2 MS. JONES: Wait a minute.

3 MS. STYLES: I came to your house three
4 times.

5 MS. JONES: Right. Wait a minute. Yes,
6 you did, on a Monday.

7 MS. STYLES: The third time I picked you
8 up.

9 MS. JONES: On a Monday.

10 MS. STYLES: And I told you --

11 MS. JONES: No, you didn't. No, you did
12 not, because -- and I have proof with Ms. Dobbins
13 there, and I didn't know you were employed by KSI until
14 we went on the tour to view those houses.

15 COMMISSIONER MITTEN: Madam Chair.

16 CHAIRPERSON REID: Yes?

17 COMMISSIONER MITTEN: Ms. Jones, you're
18 supposed to ask a question now, and then later you can
19 testify.

20 MS. JONES: I'm asking questions. This
21 lady sitting here said --

22 CHAIRPERSON REID: No, wait, wait. Ms.
23 Jones --

24 MS. JONES: All right. The question is--

25 CHAIRPERSON REID: -- just calm yourself

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1 and just ask the question simply and not raising your
2 voice, so we can get through this. All right.

3 MS. JONES: Okay. On that Monday, I had
4 called --

5 CHAIRPERSON REID: You have to ask her.
6 Put it in the form of a question. Did you on that
7 Monday?

8 MS. JONES: Did you on that Monday come and
9 pick me up, because you wanted to know where were all
10 the vacant apartments in the area, because you did not
11 know the area?

12 MS. STYLES: No, that's not true. What I
13 did do is I called you and we made an appointment. We
14 made an appointment for us to meet at two o'clock. I
15 came to your house, and I picked you up -- I'm
16 responding.

17 I came to your house, and I picked you up,
18 and I said to you -- I said, Ms. Jones -- I said, I
19 understand. The first thing I said to you when I
20 called you was that I have joined the KSI team. I
21 said, and you need to know that. I said, the second
22 thing is that I would like for us to go together to the
23 site, because I need to understand what your concerns
24 are specifically about the back side of the site.

25 When we went to the site, we walked through

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1 the woods, and you said I don't understand why KSI
2 don't fix up some of these buildings that are here that
3 are vacant, and you showed them to me. You pointed out
4 about three different properties.

5 We got in the car again, and we drove
6 around, and we visited other locations in the
7 neighborhood, and you said to me -- You said, Ms.
8 Styles, I don't understand why KSI is building more
9 apartments; we already have a lot of places in this
10 neighborhood that they could fix up. And you wanted to
11 show those neighborhoods to me.

12 We stopped in our travels and talked with
13 Mr. Wilson who was in the neighborhood at the time, and
14 you said to him -- expressed your frustrations -- Drake
15 Wilson -- You expressed your frustrations as, well, I
16 don't understand why KSI is building new product when
17 there are so many already in the neighborhood that need
18 to be fixed up. And I said to you, is it possible for
19 us to sit down and work out a compromise. And I said
20 to you, I will go back to KSI and ask them if they
21 would be willing to work with you in terms of
22 identifying some sites that could be fixed up.

23 Now the responses after that -- The
24 meetings that we had after that, Ms. Jones, you told me
25 that you would not talk to me. So the remainder of the

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1 conversations that was held with Ms. Jones were
2 conducted, and they were precipitated by the ANC
3 Commissioner and the Chairman of the Frederick Douglass
4 Community Improvement Council.

5 MS. JONES: When?

6 MS. STYLES: When did they contact you?

7 MS. JONES: No. When did I meet with you
8 through the ANCs and through the Frederick Douglass
9 Council?

10 MS. STYLES: No. The rest of the
11 communication with your organization was precipitated
12 by the ANC Commissioner and the Chairman of the
13 Frederick Douglass Improvement Council. Mr. Gray and
14 Mr. King will be able to directly respond to that, and
15 their relationship with that organization.

16 MS. JONES: But I will address what she's
17 saying when I do my testimony.

18 VICE CHAIRPERSON SOCKWELL: But you do
19 understand, Ms. Jones, that --

20 CHAIRPERSON REID: Okay, Ms. Jones, ask
21 your questions.

22 VICE CHAIRPERSON SOCKWELL: But you do
23 understand that Ms. Styles is saying that she did not
24 meet with you again.

25 MS. JONES: Yes, but she didn't do the

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1 calling. I called her.

2 CHAIRPERSON REID: Okay, Ms. Jones, right
3 now what you're doing at this time is getting
4 information out of Ms. Styles so that we will be aware
5 of some of your concerns, and then when you have your
6 opportunity to speak, then you can testify as to what
7 your impression of her response was. Okay?

8 MS. JONES: I will do that.

9 CHAIRPERSON REID: Thank you. All right.
10 Okay, that concludes the cross-examination. Now we
11 have government reports, and that would be Office of
12 Planning. Also, I saw a representative of National
13 Park Service. Are there any other government officials
14 here, DPW or -- I'm sorry, come forth, please. Then
15 we'll have the ANCs, but I just wanted to get
16 government reports first, and then we'll have the ANC
17 reports. All right, sir. Right now let's have Office
18 of Planning report first, and then I'll have the other
19 government reports. Thank you. Mr. Colby.

20 MR. COLBY: Thank you. My name is David
21 Colby representing the Office of Planning.

22 The report is in the record.

23 CHAIRPERSON REID: Yes, we have your
24 report.

25 MR. COLBY: But I will briefly summarize

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1 it. We looked at the project, and it appears to meet
2 the very specific criteria contained in Sections 410
3 and 2516 which deal with multiple buildings on lots.

4 The plans which are in the conceptual stage
5 now will be refined and at the time that the permits
6 are sought, they will be more detailed, and the permit
7 office, the zoning office will be better able to assure
8 that those zoning sections, the requirements of those
9 sections, have in fact been met.

10 The applicant, in response to National
11 Park Service concerns, has, as the material of the
12 applicant has provided, agreed to a number of erosion
13 controls, including the use of retaining walls and
14 easements for conservation and dense landscape covers.

15
16 According to the applicant, the National
17 Park Service is generally receptive to these mitigating
18 measures, and I guess we will hear whether that's fully
19 accurate or not this evening. As has been pointed out,
20 the Environmental Regulations Administration will
21 review this further as it comes to them in the permit
22 stage.

23 As noted again in the materials, five
24 forest wetlands have been identified on the two sites,
25 have been accommodated generally with a small amount --

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1 which was noted earlier -- crossing the road which
2 could not be accommodated and put into a culvert, which
3 is consistent -- This small amount is consistent with
4 Federal regulations and acceptable to the Army Corps of
5 Engineers.

6 As regards vistas and viewsheds, there is
7 considerable change in elevation within Fort Stanton
8 Park. The existing trees within the park coupled with
9 the additional landscaping proposed along the property
10 line should provide visual screening of the
11 development.

12 The adequacy of parking was an issue raised
13 in the earlier proceedings, and briefly mentioned again
14 tonight -- or today. The project now provides more
15 than the amount of parking required by the zoning
16 regulations, and as was pointed out, the study of
17 parking use in the area and other apartment projects
18 has shown that parking is currently used at less than a
19 one to one ratio. So it is believed that parking will
20 be adequate and, of course, the Department of Public
21 Works has recommended approval of the project for the
22 District.

23 As regards density, which was a
24 considerable concern expressed last go-round and in the
25 order of that proceeding, the Board in its November 5,

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1 1999, order noted community concern that one more
2 garden apartment complex would eventually only add to
3 the existing inventory of distressed or vacant garden
4 apartment buildings and units in the area, which have
5 tended to lead to vandalism and drug activity.

6 The Board noted as well that an increase in
7 the area's population would exacerbate the existing
8 congestion on the roadways and lead to adverse parking
9 impacts. But the question to be addressed is whether
10 density leads to these things automatically or whether
11 it can be affected by design and development decisions
12 or even by location or timing variables.

13 It should be noted that the proposed
14 development -- and I think this has been pointed out --
15 way underbuilds the permitted zoning of those zone
16 districts that it is being built within. Only about 26
17 percent of the approximately 800 units permissible
18 under existing zoning will be built.

19 Yet while this reduced density is positive
20 in many ways and it provides a transition to the park
21 and a more comfortable fit to the community, is density
22 really bad? Surely, the quality of the development and
23 the associated amenities and the physical environment
24 created as well as the management and maintenance
25 necessary for a quality environment are all key to

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1 answering the questions about density.

2 The proposed Homes at Woodmont project is
3 intended to be a high quality development, it has been
4 pointed out and questioned by the Board as to whether
5 it's ahead of its time in that location. It's not
6 likely to become distressed as so many other garden
7 apartments in the area have over time, and thus not
8 adversely affect the overall quality of the community.

9 It will likely have the reverse effect,
10 stimulating renovation and/or new development. If that
11 occurs, the populated density of the area will again --
12 will increase and again be what it was once. But it's
13 unlikely that anyone will find that increase to be
14 problematical, rather just returning to what was there
15 before.

16 The project is not inconsistent with the
17 comprehensive plan. I think that was clearly pointed
18 out in the materials in the record, and I won't go into
19 that, but I'll be happy to answer any questions on
20 that.

21 The community -- and we will hear, I think,
22 a great deal of testimony still today. The community
23 has been deeply involved in the project. Many voice
24 either strongly oppose or mixed in their support or
25 opposition.

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1 E-V-E-N-I-N-G S-E-S-S-I-O-N

2 (6:00 p.m.)

3 MR. COLBY: The current submission includes
4 a significant collection of letters in support, many
5 from persons or groups who did originally oppose the
6 project. The primary opposition to the project has
7 come from and continues to come from the Fairlawn
8 community located across Good Hope Road.

9 The concerns of this community have been
10 and remain extensive, as the record of the case
11 indicates, including concerns about environmental
12 issues, traffic and parking, density and building type
13 issues. In addition to those concerns, the community -
14 - Ms. Jones called me directly and expressed some
15 additional concerns about the design of the buildings,
16 recognizing that if the project were approved, which
17 she opposes, but would want design input, nevertheless,
18 to ensure its compatibility with the community -- with
19 her community.

20 The specific concerns, as our report notes,
21 were that the buildings should either be brick or have
22 a substantial amount of bricks to relate to the brick
23 homes in her community, and that the backs of the
24 detached houses facing Good Hope Road would, in her
25 view, present an undesirable view to the street and to

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1 the community across the street.

2 I believe the Board should evaluate this
3 issue as part of -- and in response to that during the
4 public hearing on this case. I should note that the
5 detached houses will have, as I understand it, brick
6 facades. The apartment buildings include some brick
7 along with other materials, and the frontage along Good
8 Hope Road will be heavily landscaped, hiding the back
9 sides and generally hiding and screening the detached
10 housing.

11 The Department of Housing -- As far as
12 other agency comments, the Department of Housing and
13 Community Development in the previous session, and the
14 Department of Public Works this time around have both
15 reviewed this application and recommended approval.

16 In conclusion, the applicant appears to
17 have met most of the concerns expressed by the Board in
18 its order. The project will provide a quality of
19 housing not otherwise available for sale or rent in the
20 area, and it is expected, and we hope it will, attract
21 people who are currently moving to P.G. County to seek
22 that quality of development there.

23 Rather than having an adverse impact on the
24 area and adding to existing distressed properties, the
25 development should have the effect of encouraging much

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1 needed reinvestment. It will clean up an unsightly
2 landfill situation that has existed in the area for
3 many years. The impacts on the park and on the traffic
4 can and will be mitigated.

5 For these reasons and for all the others
6 noted in our report, the Office of Planning recommends
7 approval of the subject application, and note the
8 importance of the Board's making the many commitments
9 by the applicant to the community and to the National
10 Park Service a part of its order to ensure their
11 implementation, and that the applicant continue to work
12 with all parties, in particular the Fairlawn community,
13 to ensure the development lives up to all of its
14 promise and is a true asset to the neighborhood and to
15 the city.

16 That's the end of our report.

17 CHAIRPERSON REID: Mr. Colby, thank you for
18 your report. It was very enlightening.

19 MR. COLBY: Sorry we were so late in
20 getting it to you.

21 CHAIRPERSON REID: That's all right. I'm
22 glad that we have it. Just one question, and that was:
23 You mentioned that Ms. Jones had asked for design
24 input. She opposes it, but she also asked for design
25 input, and you said that we should address those

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1 issues. Can you clarify that a little bit more for us,
2 please?

3 MR. COLBY: Well, first of all, to her
4 credit, let me say that many people who oppose projects
5 oppose them so strongly that they lose the opportunity
6 to have input into what is finally approved. I think
7 they lose, and the Board loses, and the project loses
8 by that.

9 I think this project is better for having
10 gone through this difficult process.

11 CHAIRPERSON REID: So are you recommending
12 that the --

13 MR. COLBY: I'm recommending that, if we
14 could, that you have -- through your powers, that you
15 have the applicant address the issue of the brick -- of
16 the screening of the single family homes and what
17 people will see from Good Hope Road, of that part of
18 the project, and where the houses do not directly face
19 Good Hope Road; and whether the -- Sorry, I'm losing on
20 the other one.

21 CHAIRPERSON REID: Brick.

22 MR. COLBY: Yes, whether there is enough
23 brick to, in fact, ensure that this project is strongly
24 compatible with its surroundings, and particularly the
25 Fairlawn community.

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1 CHAIRPERSON REID: Okay, thank you. Is
2 there any cross-examination, Mr. Feola, for Mr. Colby?
3 Ms. Jones, did you have any cross-examination?

4 MS. JONES: No, I'll address that when I do
5 my testimony.

6 CHAIRPERSON REID: All right, thank you
7 very much. All right, National Park Service. Before
8 the National Park Service speaks, let's make an
9 assessment at this time. It's just about six o'clock,
10 and we need to determine whether or not we are going to
11 be able to finish this evening.

12 I've lost one Board member who had a prior
13 commitment. He had to leave. I'm going to lose
14 another one shortly. So we now have to finish the
15 government reports, the ANC reports, and then we'll
16 have the persons in support of the application, and
17 then persons in opposition of the application, and then
18 closing remarks by the applicant.

19 Now we need to get some type of gauge as to
20 whether or not we feel we can complete that all this
21 evening or if we feel that we need to continue it to
22 finish on another day. Let me get some input from the
23 applicant and also from the opposition.

24 MS. DOBBINS: Madam Chairman, Madeliene
25 Dobbins. We don't expect to take a lot of additional

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1 time with any rebuttal or any closing statements. So
2 we think that we probably could finish it tonight.

3 CHAIRPERSON REID: Okay. All right, thank
4 you. Ms. Jones, come forth, please.

5 MS. JONES: With all the rest of the --

6 CHAIRPERSON REID: Is your mike on?

7 MS. JONES: Oh, I don't know. With all the
8 opposition and the people that's supporting it and you
9 have quite a few other people before you get to the
10 opposition, so I would suggest that you would come back
11 another day; because it is getting late, and we all
12 have to go home. And so after you do the government
13 witnesses, I think we should take a break and let the
14 opposition and the proponents and the other people come
15 back another day, because it is getting late, and it
16 will take time for people to get their point across,
17 because they are out here and they want to be heard.

18 CHAIRPERSON REID: Okay. Let me do an
19 assessment, please, Ms. Dobbins. How many people are
20 here to testify in support of the application? So we
21 have about six people.

22 The people who are speaking in support, I
23 think we can probably get through that fairly quickly,
24 because we've heard so much today. Basically, if we
25 could just kind of have kind of a consent calendar type

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1 of procedure wherein you go on the record as saying I
2 support this application and give your name, for the
3 most part, unless there's something that is just so
4 pressing that you feel you want to get it out. But if
5 we get the gist of it, that would be all right with
6 you?

7 MS. DOBBINS: That's fine with us, Madam
8 Chair. Most of the persons here in support are being
9 represented by one person. So that we didn't bring the
10 whole group.

11 CHAIRPERSON REID: That's great. Thank you
12 very much. Now persons in opposition? Okay. All
13 right now, those persons who are in opposition, which
14 is quite a few -- I'm just looking at the people. Ms.
15 Jones, are many of these people with your organization?

16 MS. JONES: Yes.

17 CHAIRPERSON REID: Okay. Well, would you
18 allow Ms. Jones to speak on your behalf or, if there is
19 some pressing need to speak individually, is there some
20 consensus about the concerns that Ms. Jones can put
21 forward to us? Now how many people who are in
22 opposition will allow it to get spoken through Ms.
23 Jones? Okay. So most of you don't -- All right, okay.
24 Most of you will not be speaking -- Ms. Jones will not
25 be speaking for you. Okay. Well, then those persons

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1 we will then allow to speak three minutes a piece.

2 If you can possibly, you know, get out what
3 you have to say in less than three minutes, you can
4 cede your time to the next person, and if someone
5 before you has just said what you wanted to say, then
6 you could just ditto that, and we can just moving on
7 and, hopefully, we may be able to get out of here in
8 about an hour, hour and a half, 7:30-ish. Does that
9 sound --

10 Okay. Well, I've been told that we'll be
11 here a couple of hours. Now if we can get through this
12 in a couple of hours, we can dispose of this case
13 today, and then we don't have to come back. So if
14 everyone cooperates, we can do it.

15 Yes, sir? Come up front, please, and speak
16 into the mike.

17 MR. WALLACE: My name is Wendell Wallace,
18 and I'm a resident on Good Hope Road, S.E. We have
19 been here for about four hours. We have given the
20 opposition the respect and a great deal of respect, and
21 also the Board. We respect you, and we respect at the
22 same time your coming -- or your listening to us. But
23 we do hope that you will give the homeowners and the
24 people who live in the community the same amount of
25 time and the same amount of respect. Thank you.

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1 CHAIRPERSON REID: If you're speaking in
2 terms of opposition per se, then we've already in the
3 beginning, sir, said that the opposition -- we would
4 allow them equal time, an hour. That would include
5 everyone. All right?

6 MR. WALLACE: So we are only given one
7 hour, when the people here who are the developers have
8 been given at least two or three hours?

9 CHAIRPERSON REID: No, sir. They were
10 given an hour in which they concluded, and then the
11 rest was cross-examination and questioning by the
12 Board. That's why it went on, because we had to
13 question them about some of the testimony that they
14 gave here today. But their actual case that they put
15 on did not exceed an hour.

16 Remember when the stop clock beeped, and
17 then I was in the midst of asking questions. That was
18 subsequent to them having given their presentation,
19 sir.

20 MR. WALLACE: That was when the clock went
21 off?

22 CHAIRPERSON REID: Right.

23 MR. WALLACE: And then we --

24 CHAIRPERSON REID: I was in the questioning
25 mode at that time. But they had no more witnesses to

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1 come forward.

2 MR. WALLACE: Okay. Then my second thing
3 is: I look at the Board as a judge when we're in a
4 courtroom, and we look at different parts of the
5 plaintiff and the defense. I hope that -- I've never
6 seen the judge take sides in reference to either the
7 plaintiff or the defense, and I hope that the Board
8 will do the same.

9 CHAIRPERSON REID: Of course. What's your
10 name?

11 MR. WALLACE: Wendell Wallace.

12 CHAIRPERSON REID: Mr. Wallace, of course.
13 I mean, we are an objective body, and this is why
14 we're trying to get all the facts. Only after we get
15 the facts can we even begin to think about making a
16 determination. We don't know yet. We really don't
17 know.

18 MR. WALLACE: But what I have been hearing,
19 I have seen some agreement with the developers. I've
20 seen agreement with some of the Board up there, and I
21 didn't like that very much.

22 VICE CHAIRPERSON SOCKWELL: Well, Mr.
23 Wallace, there's certain things that you are going to
24 hear your way, no matter what we do. On top of that,
25 if we are agreeing with you -- consider the other side

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1 -- saying the same thing. But what you don't know is
2 what we are going to do once we have heard your side as
3 well as their side; and if you prejudge us, we will not
4 prejudge you, regardless.

5 CHAIRPERSON REID: Yes. Within these
6 discussions and testimony, there's certain parts that
7 we do agree with, and then when you all talk, there
8 will be parts that we will agree with, with you. But
9 that does not within itself determine what the outcome
10 of this particular case will be. That will be only
11 when we have our hearing meeting, and we will then go
12 into deliberations, and we will then discuss the issues
13 and then whatever position we take, we will defend that
14 position, and then we'll have a vote.

15 That is when it's ascertained what, in
16 fact, the body as a whole would like to see done or
17 like to have done there.

18 VICE CHAIRPERSON SOCKWELL: And the other
19 thing, Mr. Wallace: If you yourself are inflexible in
20 your position on things, then don't ask someone else
21 not to be.

22 MR. WALLACE: I am not -- I am a very
23 flexible person, because there are some things that I
24 agree with.

25 VICE CHAIRPERSON SOCKWELL: That's good.

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1 CHAIRPERSON REID: Let's get it out. Let's
2 get the whole case out.

3 VICE CHAIRPERSON SOCKWELL: Just remember,
4 we have to ask the questions of the developer. We have
5 to get to the bottom of the issues, and there's certain
6 things that we will say that may not be what you want
7 to hear. But if what we say are the truth, then it
8 doesn't matter.

9 CHAIRPERSON REID: Let's proceed and get
10 all the evidence on the table, all the testimony, and
11 then we'll have the full picture to be able to deal
12 with.

13 BOARD MEMBER RENSHAW: Madam Chair, are you
14 going to poll the members as to whether they would
15 recommend to break at this point or continue?

16 CHAIRPERSON REID: Well, Ms. Renshaw, my
17 understanding was that you had to leave.

18 BOARD MEMBER RENSHAW: Yes, I do, but I
19 also want to vote on this case. I do not want to --

20 CHAIRPERSON REID: We won't vote today.

21 BOARD MEMBER RENSHAW: I know, but I'm
22 going to have to catch up with all of the transcript,
23 and I hate to miss hearing from the neighbors. I mean,
24 it's one thing to read it. It's another thing to sit
25 here and listen to you.

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1 CHAIRPERSON REID: Okay. Well, let's poll
2 the members as to whether or not they want to finish
3 today or have to continue it. I say I'm here for the
4 duration, you know, and I don't know how Ms. Mitten
5 feels or Mr. Sockwell. So speak on the matter, please.

6 COMMISSIONER MITTEN: Well, I'm available
7 to see it through to the end, although I'm very
8 sensitive to the fact that the community -- These are
9 folks that -- You know, they're not being paid to sit
10 here, and they have -- you know, they have their lives
11 to get back to, and they have their dinner to have and
12 all of that, you know, and they've been here quite a
13 while.

14 I think that there is something to be said
15 for us reconvening when we're all fresh and we can give
16 the community -- for all of the participants from the
17 community, you know, our full attention to their
18 concerns.

19 CHAIRPERSON REID: Mr. Sockwell?

20 VICE CHAIRPERSON SOCKWELL: With a case
21 that has as much opposition and as much support as this
22 one, and those people in opposition and in support may
23 be somewhat diametrically opposed, I'm sure the
24 community, too, would prefer that the Board that has
25 heard much of the case would hear all of the case and

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1 that they would have access to all of us for this
2 decision.

3 On that basis, I'm willing to recess until
4 we can bring everyone back together and complete the
5 process as it was started. Were this a deck or
6 something like that, something very small and not quite
7 so complex, I'd be more willing to say, okay, three of
8 us can do this, and people might not be so put out.
9 But I do believe that the community wants to get the
10 broadest base of involvement of the Board on a case
11 that has as much importance to them as this one does.

12 So I would suggest that we consider
13 recessing, even though it puts a strain on the Board
14 because we have so many cases to hear, and our time is
15 given from our other lives. We don't work for the
16 city. We are here, but we are not regular salaried
17 government employees, and we have other people, and
18 some of us have millions of dollars riding on the hours
19 that we don't spend here.

20 CHAIRPERSON REID: Well, if we do that, can
21 we then at least hear the Park Service, National Park
22 Service, so they don't have to come back again, and --

23 MS. DOBBINS: Madam Chair, before you
24 finish I'd like to request that, if you do have to
25 recess, that you at least proceed through the ANCs and

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1 a couple of the support organizations that will not be
2 able to return. ANC-6C has indicated --

3 VICE CHAIRPERSON SOCKWELL: And that might
4 be okay, in that if the ANCs have sent letters in which
5 reflect the positions they will take, we may be able to
6 work with that. I'm not too averse to that.

7 CHAIRPERSON REID: Let's try to do the best
8 we can this evening. It doesn't matter to me. Like I
9 said, if you want to be here, if you want to finish it,
10 I'm here for the duration. If not, then I will come
11 back whenever you -- to reconvene. It doesn't matter
12 to me. Whatever everyone wants to do is what I'm
13 amenable to do.

14 The Park Service -- Excuse me. The Park
15 Service, and I have a letter from DPW and School Board
16 and the ANC -- If we can get through just that portion
17 of it, then when we come back -- Oh, and a couple of
18 people -- you said organizations in support here. If
19 we can get through just that amount within the next 45
20 minutes, then we can target seven o'clock. Is that
21 good for everyone? Then we'll reconvene at a date
22 certain.

23 MS. KRESS: I would just say, you might
24 want to determine that date now so those people who
25 know they are not going to testify this evening can

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1 leave.

2 CHAIRPERSON REID: All right.

3 MS. KRESS: Paul has the calendar here.

4 MR. HART: Okay. The first possible date,
5 Madam Chair, is March 8.

6 CHAIRPERSON REID: March 8? All right.
7 Morning or afternoon?

8 MR. HART: It's open. You can have it
9 morning. I would suggest morning.

10 CHAIRPERSON REID: All right.

11 MS. DOBBINS: Madam Chairperson, if
12 possible, we need to be able to get through this in
13 February. We're looking at final acquisition of the
14 properties, and we're on a deadline. It was continued
15 at least once.

16 CHAIRPERSON REID: Do you have a better
17 date?

18 MR. HART: Madam Chair, we have a potential
19 date we can look at. On the 23rd of February, we have
20 -- Just a minute -- we have two cases. One is in the
21 morning, and one is in the afternoon. So we can
22 piggyback this case on one of them. At that point it
23 might be better to do it in the afternoon.

24 CHAIRPERSON REID: The afternoon, the
25 second case of that afternoon on February 23. Is that

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1 amenable to everyone? Okay.

2 MS. DOBBINS: And the Board starts its
3 afternoon proceedings at one o'clock. Is that correct?

4 CHAIRPERSON REID: Right, and we'll take up
5 the first case, and then your case after that, and
6 we'll have only to finish up the people in support and
7 the opposition and closing remarks. Okay. All right,
8 thank you.

9 All right now. Sir.

10 MR. ROSENSTOCK: Good evening, Madam Chair
11 and members of the Board. My name is Jim Rosenstock,
12 representing the National Capital Parks East, the
13 National Park Service. It's a pleasure to be here once
14 again to speak before you.

15 We delivered fairly extensive testimony on
16 our concerns about this project in May of 1999. I'll
17 attempt to be much more brief this time, even though
18 I'm looking at a number of new faces.

19 You should have before you -- I gave Mr.
20 Hart some copies of our most recent letter signed by
21 Superintendent John Hale. We were very interested in
22 what the Office of Planning would have to say on this.

23 While the Park doesn't believe that it's
24 appropriate for the National Park Service to either
25 support or oppose this project because of a number of

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1 issues that are beyond our purview, we feel that what
2 the Planning Board had to say in conclusion is very
3 much to the point.

4 The applicant has made a number of promises
5 and proffers to us and the community in the course of
6 these six months or so, and it's definitely very
7 important that these be made a permanent part of the
8 order in this case, if indeed this project is approved.

9 We have met extensively with the applicant
10 in this regard, because of the large number of concerns
11 the Park Service had on adjoining Park lands, a number
12 of issues. The applicant has made, we believe, a good
13 faith effort to understand and address a lot of these
14 issues. However, we do remain concerned, because this
15 is a very difficult site, and it has had a difficult
16 history with the Park, and we're concerned that all the
17 proffers that have been made actually are successful,
18 if indeed this project is granted.

19 Let me go over a few of the concerns as
20 quickly as I can that we had. Behind the single family
21 portion of the project, to the west is a portion of
22 Fort Stanton Park that includes some extremely
23 sensitive and rare wetland communities on the National
24 Park Service site. We're reasonably confident that the
25 applicant has taken steps to protect that portion of

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1 National Park's land.

2 In regard to the wetlands on the
3 applicant's single family site itself, that's not
4 really within the purview of the National Park Service,
5 and we depend on D.C.'s water quality and wetlands
6 people, Jim Collier's shop, to address those issues.

7 We have concern -- There is the Fort Circle
8 hiker/biker trail that passes through Fort Stanton
9 Park. We did have considerable concerns that the
10 multi-family portion, the apartment portion built on
11 the large landfill to the east, that it would have
12 adverse impacts on the trail, on the views from the
13 trail as you come through, and also on the adjoining
14 Park land.

15 Indeed, as has been stated several times,
16 there has been extensive erosion and sedimentation on
17 the Park land from the landfill site. As the applicant
18 has testified, it will be a difficult site for them to
19 build on. They will have to take special measures to
20 be able to put their buildings up in a stable
21 situation.

22 Additionally, this land is suspect in terms
23 of its ability to support the kind of vegetation that
24 we feel is absolutely necessary for this project from a
25 landscaping standpoint. On the site right now there's

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1 a lot of trees that have come up on their own over the
2 years since the landfill was put in. They are all
3 stunted because, frankly, the soil types are not
4 sufficient to support mature forest.

5 The applicant has offered to do extensive
6 reforestation plantings to augment the Park Service
7 forest along the border of their eastern parcel in
8 order to help provide screening both for the trail and
9 also, in the long view, to provide additional augmented
10 mature forest eventually on that site.

11 The National Park Service does have
12 specific standards for reforestation, and in addition
13 to plant species, the soil conditions are absolutely
14 critical to the success of a project like this. I only
15 have one copy of this. We have supplied the applicant
16 with this. I have one copy for you. I have no others,
17 because we are a tree conservation organization.

18 The applicant has noted that they did an
19 analysis of one of the long views. In addition to the
20 view, the close view from the park, from the scenic
21 trail that we have through Fort Stanton Park, we do
22 have great concerns for the long view.

23 Fort Stanton Park is a part of the Fort
24 Circle Park systems, which is a forested ridge line
25 that pretty much envelopes the central city and

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1 provides a forested green backdrop. When you look at
2 the morning news and they show the beautiful vista of
3 the sun rising behind the Capitol, in the background is
4 Fort Dupont Park. The Fort Circle Parks were set aside
5 as an important element of the overall larger
6 cityscape, and it's very important to protect this.

7 The applicant has done some analysis of the
8 vistas, particularly from the 11th Street Bridge.
9 There are a number of vistas that we note are important
10 from the center city, a number of historic and
11 important sites that we do have great concerns that the
12 multi-family dwellings, which are artificially elevated
13 on this large mountain of rubble, if you will -- we're
14 concerned these buildings will intrude on the
15 viewscape.

16 So it's critically important that as many
17 plantings be done close to the buildings and on the
18 terraces that they will be building as well, and that
19 these plantings be successful and grow fast and grow
20 tall and grow large, and are there forever.

21 We need these kind of protections, and we
22 need this placed in the order in such a way that future
23 owners of the property will not have it within their
24 purview to remove these trees.

25 There are already some other constructions

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1 in the area that are definitely very intrusive into
2 what is otherwise a beautiful green forested ridge
3 line, and we want to make sure that any project like
4 this would not add to that intrusion.

5 CHAIRPERSON REID: Mr. Hale, I just wanted
6 to interject.

7 MR. ROSENSTOCK: Rosenstock. Mr. Hale is
8 my boss.

9 CHAIRPERSON REID: Oh, I'm sorry. Looking
10 at your letter -- what's your name?

11 MR. ROSENSTOCK: Jim Rosenstock.

12 CHAIRPERSON REID: Oh, Rosenstock. Can you
13 please make a list of those concerns that you had that
14 you would like to have placed in any order, make a list
15 of them and make sure the staff gets it?

16 MR. ROSENSTOCK: Yes. I think this letter
17 addresses those concerns pretty --

18 CHAIRPERSON REID: Well, yes, but it's not
19 -- They have not been itemized. It would be easier for
20 us if you could just itemize them and give them to
21 staff.

22 MR. ROSENSTOCK: You would like it in
23 outline form?

24 CHAIRPERSON REID: Right, because then it
25 could be very easily incorporated as opposed to staff

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1 having to go through the letter and try to extract from
2 it exactly what you want, and something may
3 inadvertently get omitted or left out.

4 MR. ROSENSTOCK: Absolutely. We'll be
5 happy to do that.

6 CHAIRPERSON REID: We appreciate that.

7 MR. ROSENSTOCK: Okay. Basically, the
8 proffers that the applicant has made to the Park
9 Service have been reasonably responsible to our
10 concerns, but as the Office of Planning put it, it's
11 important that these be incorporated into the order in
12 such a way to ensure that these proffers are
13 accomplished successfully.

14 One additional thing: If indeed this
15 project is approved, there are a number of erosional
16 problems, both on Park Service land and on other lands.

17 They come from the existing problems with the land,
18 with the landfill problems. All of these erosional
19 problems, including a drainage to the south of the
20 site, should be addressed during that phase.

21 If you have any other questions, I would be
22 happy to take them.

23 VICE CHAIRPERSON SOCKWELL: Mr. Rosenstock,
24 I have but one question, and it's not very timely.
25 Where was the Park Service when the adjacent land to

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1 the Park was being developed into a landfill?

2 MR. ROSENSTOCK: We were there. I guess,
3 actually --

4 VICE CHAIRPERSON SOCKWELL: Nobody cared
5 then.

6 MR. ROSENSTOCK: No, sir. We have in our
7 files numerous complaints about that.

8 VICE CHAIRPERSON SOCKWELL: But you've got
9 40 feet of fill, and 40 feet of fill didn't just appear
10 overnight.

11 MR. ROSENSTOCK: No, it didn't, but like I
12 say, first of all, in D.C., unfortunately, regulations
13 as far as landfills were different then than they are
14 now, thankfully.

15 There are a number of fills of that nature
16 and, surprisingly, or not so surprisingly, really, many
17 of them are in southeast, and many of them happened
18 during the last phase of Metro construction.

19 We did protest mightily. We have a number
20 of documents in our files about that, and there were
21 some citations of the operator that was filling on the
22 Kass property at the time. We have photos in our files
23 of seven feet of sedimentation on Park Service
24 property.

25 We were aware of it. It was -- and there

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1 was some struggling done with it, and quite frankly,
2 not a lot happened.

3 VICE CHAIRPERSON SOCKWELL: And,
4 unfortunately, a lot of that landfill probably affected
5 the ecosystem within the Park significantly, and over a
6 period of years; and although very fortunately now, the
7 Fort Circle Park System is considered to be more
8 important because the community has grown more
9 cohesive, as well the city has been moving forward.
10 But it is a shame that Metro was allowed to use that
11 adjacent land indiscriminantly to fill next to the
12 Parks when the Parks were really the only
13 representative body that could have done anything about
14 it.

15 MR. ROSENSTOCK: Well, like I say, we did -
16 - That was actually before my time and this job at the
17 Park, but I know in our files the Park did protest.
18 But that, unfortunately, is not the only site in
19 southeast that was treated in that manner.

20 Maybe an even larger point would be that
21 it's a shame that that land was not Park land then, and
22 that's a parcel that probably should have been a part
23 of Fort Stanton Park when it was acquired many years
24 before. But it was not. So that was then, and this is
25 now.

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1 BOARD MEMBER RENSHAW: Madam Chair, I have
2 just a few questions for this witness. I want to say
3 how much we regard the National Park Service in my
4 neighborhood. We are very close to the Park proximity-
5 wise, and we just have wonderful, wonderful relations
6 with the Park Service. So three cheers to you.

7 The last page of Mr. Hale's letter I'd like
8 to have you put your hands around or your fingers
9 around, because it's kind of loose.

10 CHAIRPERSON REID: Which letter? What's
11 the page?

12 BOARD MEMBER RENSHAW: It is the February
13 15, 2000, letter to the BZA from John Hale,
14 Superintendent of National Capital Parks East.

15 The last paragraph talks about the "Wetland
16 seeps exist in Fort Stanton Park; these homes are
17 sensitive to plant communities as well as rare micro
18 fauna. The applicant has agreed to work with us to
19 protect these areas from immediate construction impact
20 as well as from secondary impacts such as the spread of
21 invasive plants. We will also coordinate with staff
22 from D.C. Department of Health, Division of Health and
23 Environment, in this regard."

24 Put some teeth into that. What do you
25 mean? That's very vague. That is vague.

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1 MR. ROSENSTOCK: Yes, okay. I'll be more
2 specific. We were very concerned that the single
3 family homes development, the construction, would have
4 impacts on some of these wetland seats that have rare
5 plant communities in them.

6 We were concerned about drainage from the
7 road. We were concerned about backyards from homes on
8 that site being extended or, in some cases, being used
9 as dumping grounds onto the parkland, which has been
10 our experience in some other areas. We were concerned
11 that drainage and erosion from the construction phase
12 might adversely affect these seats.

13 After the initial May 1999 meeting, we did
14 meet in the field with the applicant. They did make
15 some changes. They pulled the housing to one side of
16 the road to allow a cleaner border, quite frankly,
17 between the park and the single family residences.

18 In terms of grading on their site, they
19 made some changes so as to ensure that flows would be
20 from the wetlands toward the street rather than any
21 flows that might tend to impact toward the wetlands.

22 There was -- This may be off the subject,
23 but let me quickly expound. In terms of fencing, we're
24 not fans of chain link fence in the National Park
25 Service. Also we don't believe in fencing people away

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1 from the parks. We do prefer that people use
2 established trails, and we don't need to have our
3 contiguous forests broken up by unnecessary trails, but
4 the parklands are for the people, and we expect the
5 residents of any new community to be able to use our
6 park and our trails.

7 In terms of backing up residential
8 backyards to parks, especially those type of backyards
9 that have privacy fences, we've found that typically
10 more debris finds their way on the other side of the
11 fence. We prefer, for that reason, for fencing to be -
12 - if it is indeed necessary for safety or liability
13 purposes, that fencing be as transparent as possible,
14 both for aesthetics and for protection of the parkland.

15 BOARD MEMBER RENSHAW: But do you feel that
16 you have -- Do you have a written agreement with the
17 developers that, if this development goes forward, the
18 National Park Service land there is suitably protected?

19 MR. ROSENSTOCK: We have a list of proffers
20 from the applicant that we would like to have written
21 in the orders of the zoning decision, if you do so.

22 BOARD MEMBER RENSHAW: Yes. All right,
23 thank you.

24 CHAIRPERSON REID: Thank you very much.
25 Now the representative from the School Board, please

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1 come forward. I think that's the last government
2 report. Then we have the ANC report. Is there one ANC
3 or two ANC representatives here? Just one?

4 MR. BONHAM: Good evening. My name is
5 Benjamin Bonham, and I'm the Ward 6 representative on
6 the D.C. Board of Education.

7 I would just like to submit this letter for
8 the record to this particular Board.

9 Dear members: I represent Ward 6 on the
10 D.C. Board of Education and would like to express my
11 opposition to the building of multi-family homes under
12 application Number 16457 by Kass MA, L.L.C., KSI Inc.
13 However, I do support development of single family
14 homes where the multi-family homes are currently
15 planned to be built.

16 This plot of land is mostly located in Ward
17 8 with approximately one-quarter to one-third located
18 in Ward 6. Before the 1990 census, all the land was
19 located in Ward 6. Because the boundary is redrawn
20 every ten years, if the census determined it is
21 necessary to bring equity to each ward, this boundary
22 change could very well place the plot of land back in
23 Ward 6, once the 2000 census is completed.

24 No matter what the circumstances are, the
25 children from the development will attend Ketchum

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1 Elementary School, Kramer Middle, and Anacostia High
2 Schools, all located in Ward 6. The development will
3 be located on the upper end of Good Hope Road, while
4 all three schools are located on the lower end of Good
5 Hope Road.

6 Good Hope Road is currently a traffic
7 hazard for many of our students, especially during the
8 morning rush hour when traffic congestion runs the
9 entire length of the road. With no future plans for
10 road expansion, space for expansion being limited at
11 best, and limited alternative routes, if the
12 alternative routes are taken, it creates a bigger
13 problem because traffic, which normally uses the main
14 road, Good Hope Road, will flood residential streets.

15 I truly have a concern regarding the safety
16 of our children if apartments is developed.

17 Let me somewhat apologize for maybe the way
18 I'm reading this. I've noticed the past month or so my
19 sight has changed. So I'm starting to see a little
20 double as I'm going through this. So I'm trying to
21 remember what I wrote more so than try to read what I
22 wrote.

23 BOARD MEMBER RENSHAW: It happens to all of
24 us.

25 MR. BONHAM: So I've reached that stage,

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1 and I understand what my parents were discussing. So
2 work with me through this, please.

3 A negative stigma has plagued Anacostia
4 long enough. There are a large number of vacant and
5 abandoned apartment buildings in the area. I strongly
6 suggest revitalization of current apartment sites and
7 begin to help stabilize our community.

8 Building single family homes would greatly
9 assist in accomplishing the goals we have for our
10 community. Schools east of the river are the D.C.
11 Public Schools' most populated. The development of
12 apartments by KSI can negatively impact the learning
13 environment at the three schools in Ward 6.

14 Reports have shown that smaller school
15 sizes have fostered a better learning environment for
16 students. Limited space and financial resources to
17 build new schools will compound the problems the school
18 system has in providing and improving these schools.

19 Those schools are already targeted as
20 special assistance schools. Targeted assistance
21 schools are schools that are performing at a level or
22 levels behind other schools across the city. Because
23 of the reasons stated, I oppose the development of
24 apartments by KSI on the application number 16457 site.

25 CHAIRPERSON REID: Okay. I'm sorry I did

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1 not earlier give the applicant or the opposition an
2 opportunity to cross-examine the gentleman from the
3 National Park Service. I just wanted to make sure that
4 I didn't omit that. Mr. Sockwell?

5 VICE CHAIRPERSON SOCKWELL: Mr. Bonham --

6 MR. BONHAM: I would like to also add that
7 I'm a life long resident of Ward 6, and the majority of
8 my family live in Anacostia and the surrounding areas
9 that's here for discussion, my first cousins, my aunt,
10 and I have many other cousins that live in that
11 community that have great concerns about the
12 development that's going on in that particular
13 community, as well as the representation that I provide
14 to that community.

15 I would like to comment on some of the
16 other areas, some things that I've heard discussed
17 tonight regarding the particular area in Ward 6, if you
18 don't mind. I did hear from Ms. Styles that the Board
19 of Education was supporting this measure, the
20 development, and that's just not true.

21 I just wanted to also say that there was a
22 letter in the package, I believe, from the Board member
23 in Ward 8 who did comment on supporting this particular
24 project, but he lives nowhere near this project, and
25 the fact is that the two Board members that do live in

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1 Ward 8 that are on the Board of Education send their
2 kids to school in Ward 3.

3 So they are not going to be impacted by
4 what happens at these schools that are in Ward 6 or
5 that's going to be in that particular community. They
6 actually send their kids way across town to school.

7 Allen Chapel A.M.E. Church -- I am their
8 immediate past president of the men's ministry for the
9 A.M.E. churches of the Washington Conference, which
10 make up about 80 churches between D.C. and Baltimore,
11 and I know Reverend Leon Lipscomb very, very well, and
12 I know that he would love to have the additional
13 parishioners come to his church. However, I don't
14 think that he would allow -- he would be so concerned
15 about building the membership in this community that he
16 would put the kids' safety in that neighborhood at
17 jeopardy.

18 I also don't believe that he would like to
19 see the academic achievement of the schools that we are
20 trying to build deteriorate even further. I got that
21 appointment from the Bishop of the A.M.E. churches.

22 I used to be a teacher at Kramer Elementary
23 School, which is one of these schools that's going to
24 be greatly impacted, and all we've ever had down there
25 was chaos. We are trying to turn that around as a

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1 system. Like I said, this is a targeted assisted
2 school. We are putting extra resources. We're trying
3 to do what we can at this time to turn that particular
4 school in the community around with the assistance of
5 the Fairlawn Civic Association.

6 The lack of a quorum -- It's my
7 understanding that the ANC-6C is supporting this, and
8 the Frederick Douglass community organization is
9 supporting this. I guess I've had -- Given the nature
10 of my job, you know, I have the pleasure of attending
11 some of these community meetings, and I would just like
12 to say that I don't believe that when this particular
13 issue was passed by those two organizations, that they
14 even had a quorum present.

15 I know at the ANC meeting when they passed
16 this, I think Commissioner Adams, Commissioner Johnson,
17 Commissioner Drake and Commissioner King were the only
18 four members attending that particular meeting that
19 night, other than Ms. Jones and maybe one person from
20 the community.

21 Unfortunately, we don't get this much
22 attendance in the Anacostia area as we would like to.
23 However, I would say that the Fairlawn Civic
24 Association meetings, when I do attend their meetings,
25 we have 50 or more attending those particular meetings.

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1 So if I would recommend a group that actually
2 represent that community, it would be the Fairlawn
3 Civic Association, because they are always packed.

4 The Frederick Douglass organization, when
5 they passed the -- when they decided to support this,
6 the membership there was Mr. Gray and his wife. I
7 don't think that's a clear -- a good representation of
8 the Frederick Douglass community to say that that
9 organization would support such a big project that's
10 going to give such an impact to the entire community.

11 I just would like for you all to take those
12 things under consideration. I didn't come to vote at
13 those particular meetings, but given the nature of my
14 position I do attend these particular meetings. You
15 know, you get a little frustrated when you only see two
16 people at a meeting.

17 Ketchum -- The PTA President, very good
18 friend of mine who has been active with that PTA with
19 the past two years. It seems as though that was a
20 crafted letter. I know him very well. He bought his
21 house in the area that you're talking about, and you
22 made the comment about those homes not selling for a
23 certain amount. Well, he bought his home just five
24 years ago for \$42,000, see.

25 So we're talking about a community that we

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1 really have to look at with the reality is on the
2 pricing of these houses, because a PTA President there,
3 like I say, bought his house for \$40,000. I'm sure
4 he's hoping that his house would appreciate with this
5 development, because he lives there on U Street, and
6 that he's not really an active member, and at these PTA
7 meetings no one shows, and he's not active at all. In
8 fact, he's frustrated.

9 So I'm sure that someone contacted him --
10 contacted the school, found out who the PTA President
11 was, and asked him to sign the letter and support it.
12 Of course, he would. I mean, he's admitted to me that
13 there's nothing going there, and I come to those
14 meetings, and I know it's just he and I.

15 Well, I just wanted to give those
16 particular comments based upon some of the things that
17 I've heard so far tonight said. You know, you can give
18 that the weight that you decide.

19 VICE CHAIRPERSON SOCKWELL: Mr. Bonham, I
20 have a couple of questions, but -- In fact, I'll start
21 with a question.

22 Do you fully believe that bringing luxury
23 housing rather than low income housing into the
24 community is a negative thing? Do you really believe
25 that bringing in residents who are generally more

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1 concerned and more actively concerned about the
2 neighborhood, the schools, the conditions, public
3 safety is a negative thing to bring into your
4 community?

5 MR. BONHAM: Well, it really depends upon
6 the type of people that move into the city. You know,
7 I've recently heard that the majority of people that
8 move in the city now don't even have children. So --

9 VICE CHAIRPERSON SOCKWELL: Which would not
10 impact the schools at all.

11 MR. BONHAM: Could impact the schools.

12 VICE CHAIRPERSON SOCKWELL: Well, it
13 wouldn't if they don't have children.

14 MR. BONHAM: Well, we're not saying they
15 will impact it. Let me just say why they could impact
16 the schools, and I said that because you know there's
17 been a lot of proposals out there on how we're going to
18 redesign our board, what the governing structure may
19 be, where if the Mayor gets to appoint people to the
20 board will he be appointing people who have children in
21 the schools or people who do not have children in the
22 schools.

23 The people who decide what -- If this goes
24 to a ballot, a referendum on the ballet, who will
25 determine whether there be an appointed board or an

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1 elected board. Would it be people who don't have kids
2 in the schools, since that's the majority, or would it
3 be the people who do have kids in the school, which are
4 a minority.

5 So I'm just saying that all these things
6 greatly impact education, quite frankly. A lot of
7 these things determine how much funding that the school
8 system will receive, so we can try to meet the needs of
9 kids who just can't -- whose needs are just not being
10 met.

11 You've mentioned it before when you
12 mentioned the regentrification. I mean, let's be real.

13 You are aware of it, because you mentioned it. What
14 are we trying to do to Anacostia? Are we really trying
15 to bring that community together and stabilize it or
16 are we actually trying to just tell these people go to
17 P.G. County?

18 VICE CHAIRPERSON SOCKWELL: Well, I think
19 the question is adequately raised in the long term
20 sense of what the city does in terms of programs, but
21 the question is, specifically with regard to a
22 development such as the one that is proposed, if you
23 are bringing in a resident who is interested in his
24 community, interested in the quality of his living
25 space, interested in public safety, more likely to

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1 bring higher tax base to the area, improve the services
2 and probably come to PTA meetings, are you doing a bad
3 thing?

4 MR. BONHAM: Well, you know, I think --

5 VICE CHAIRPERSON SOCKWELL: You're not
6 answering the question. You don't give me that "you
7 know." I want a yes or no, and don't even try it. You
8 are a very, very involved person. It's either yes or
9 no, and what you want to say is no, but you know the
10 answer is that, yes, it is good for the community.

11 As to whether or not this development is
12 good for the community and schools, you talk about how
13 it increases that. We have to make -- You have to
14 understand that, if someone said they were building low
15 income housing, single family, you wouldn't want it.

16 CHAIRPERSON REID: Mr. Sockwell --

17 VICE CHAIRPERSON SOCKWELL: So all I'm
18 saying is I just ask that question because I want an
19 objective answer, and I know that you want to couch it
20 in the position that you're take, but I'm asking that
21 particular question.

22 CHAIRPERSON REID: -- let him answer your
23 question. You can't ask a question and answer at the
24 same time. Excuse me. Excuse me.

25 VICE CHAIRPERSON SOCKWELL: Yes, Madam

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1 Chairman.

2 CHAIRPERSON REID: Mr. Sockwell, let him
3 answer your question. You can't ask him a question,
4 then tell him what the answer is. I mean, at least let
5 him get out --

6 VICE CHAIRPERSON SOCKWELL: Usually, it's
7 easy to answer a question that is fairly well drawn.

8 CHAIRPERSON REID: Well, let him say what
9 he has to say.

10 VICE CHAIRPERSON SOCKWELL: I didn't
11 question the other answer he gave, but that one I did.

12 MR. BONHAM: The only reason I didn't just
13 give a flat yes or not, because sometimes flat yes and
14 no answers are not fair.

15 VICE CHAIRPERSON SOCKWELL: Sometimes they
16 are not.

17 MR. BONHAM: And the reason that you may
18 say that I was, if you want to say, dodging your
19 question --

20 VICE CHAIRPERSON SOCKWELL: Evading.

21 MR. BONHAM: -- evading is because I didn't
22 think that question was fair, and I was hoping that you
23 would decide to rephrase it where I could probably
24 answer it in a fair manner.

25 VICE CHAIRPERSON SOCKWELL: The reason that

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1 I asked it was because, when you started, you spoke to
2 the multi-family being bad for the community, but you
3 didn't speak to the fact that multi-family can be bad
4 for the community but shouldn't always; and if it high
5 rent for your neighborhood, the likelihood is that if
6 it works, it will bring in a higher level of
7 economically prepared resident, let's say, maybe a more
8 committed resident, because they have more to lose.

9 Sometimes, especially in homeownership, of
10 course, we all have more to lose. But in apartment
11 dwellers we can find that they are the ones that are
12 going to have tenant associations. I mean, I've been
13 there, done that, start tenant associations.

14 I'm on the condo board of my condo. We
15 can't get a quorum in our condo for an annual meeting,
16 and we've tried twice this year, last year and the year
17 before, and these are people whose condos cost 200
18 grand or a little less.

19 MR. BONHAM: Yes. I really believe that
20 the question you're asking this time is very fair. But
21 I do not believe that there should be no apartments in
22 the area. I never really stated that.

23 What we were talking about was new
24 apartment development in the area. I do believe that
25 there are some existing properties that can be turned

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1 around in that particular area, and I think that that
2 would probably be the best type of development for an
3 area such as in that particular area. That's just the
4 way I feel.

5 VICE CHAIRPERSON SOCKWELL: And thank you.

6 That's the kind of answer I'm looking for.

7 BOARD MEMBER RENSHAW: I have a question
8 for Mr. Bonham. I go back to your letter of February
9 16, 2000, to the BZA. I'd just like to get an idea of
10 the schools that you list in your letter, Ketchum
11 Elementary, Kramer Middle, and Anacostia High School.

12 What is the enrollment, and are these
13 schools up to capacity at this time?

14 MR. BONHAM: Let me say that I do have the
15 enrollment figures here. I had the profile and left it
16 in my car, but I believe I wrote it in my notes.

17 BOARD MEMBER RENSHAW: We hope that you
18 didn't write in small print.

19 MR. BONHAM: So am I. Actually, let me
20 just say I can tell you what the -- Let me -- Well, I'm
21 looking and talking at the same time.

22 The enrollment -- should I say the capacity
23 of the building is not accurate. I did attempt to
24 bring the report which would have given the capacity
25 today. However, that report was not released by the

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1 school system, because it's not completed, and to give
2 you any information outside of the completed document
3 could have been very misleading. However, what I could
4 tell you is I do have some old paperwork, and I can
5 tell you that some things have changed since the
6 capacity of the seventies.

7 Now we have computer rooms. We have
8 technology. We cannot fit the number of students in
9 these schools that we could back in the seventies.
10 We've had to take coatrooms and make other type of
11 rooms out of them, just so we could try to accommodate
12 half of what the capacity was at that time.

13 I do have a sheet here, I believe, if I
14 didn't give it to you. The building capacity at
15 Ketchum Elementary School -- it was designed for 752
16 students, the program capacity of 604.

17 The Kramer Junior High School -- it really
18 doesn't -- I don't know how much this information is
19 going to help you. The Kramer Middle School capacity
20 is 828, and Anacostia Senior High School is 1458.

21 One of the reasons why -- I pointed this
22 out to the school system, that this information was
23 pretty -- was inaccurate, because I graduated from
24 Eastern Senior High School. When I went to Eastern
25 Senior High School, we had over 3000 students at that

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1 school. Today, if you put half of 3,000 students in
2 Eastern, it's filled to capacity.

3 So the figures of yesterday doesn't match
4 up with today. The same thing with Anacostia.
5 Actually, I'm looking at Anacostia, and I really don't
6 know how they got this figure for Anacostia of 1458. I
7 used to be on the track team at Eastern Senior High
8 School, and we used to go to PEN relays every year, and
9 they -- Franklin Farrell, you know it -- and we had
10 school sizes so we can be fair to the smaller schools
11 and the larger schools.

12 Anacostia always ran with the smaller
13 schools, and the smaller schools' capacity had to be
14 750 and below, you see. So -- and I'm looking at this,
15 and it says Anacostia Senior High School 1458. I know
16 that's off, and I brought it up to Facilities. We're
17 still doing work on trying to get -- Well, you all know
18 all about the numbers of the D.C. Public School System.

19 There's a lot of work to be done. It
20 hasn't been completed, and I would say in this area,
21 it's one of those.

22 BOARD MEMBER RENSHAW: Is it your
23 testimony, Mr. Bonham, that the children who may be in
24 this project or in this development as proposed by the
25 applicant would negatively impact those schools?

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1 MR. BONHAM: I believe at this time it
2 would negatively impact those schools, because those
3 schools are not just regularly performing schools. I
4 mean, they are not high achieving schools at this time.

5 I hate to say that. And they are not average
6 achieving schools. They are below average achieving
7 schools, and they have been targeted by the school
8 system to receive special assistance to try to bring
9 them up to par.

10 BOARD MEMBER RENSHAW: The applicant talked
11 about early on and after school enrichment program,
12 didn't get into the guts of that. But has the
13 applicant talked to you about the design of such an
14 after school enrichment program?

15 MR. BONHAM: Unfortunately, I haven't heard
16 anything from the applicant. I have come out to the
17 community meetings and seen the demonstrations, and I
18 guess I've seen the demonstration maybe about five
19 times at different community meetings, but never was
20 there any discussion regarding what they could do to
21 help improve the quality of life for the kids in the
22 schools.

23 CHAIRPERSON REID: Well, they are here now.
24 So perhaps before the evening is over, you can make
25 some type of contact with them directly, exchange cards

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1 and get some dialogue going along those lines, because
2 they have indicated within their submission that they
3 are in the midst of establishing the after school
4 enrichment program. So you would be the first that I
5 would think -- one of the people who would --

6 MR. BONHAM: Let me also comment about
7 after school programs, you know. It's not always do
8 you have a program. It's about do you have an
9 effective program. There are many schools that have
10 programs, and there's kids that are still performing at
11 the low par.

12 So I just want to make sure that you take
13 that under consideration as well, because people always
14 say they are doing things, but you know, a lot of
15 times it's for naught.

16 CHAIRPERSON REID: Well, you can work with
17 them, I think, in that regard, because it could very
18 well be that they really would not be as highly skilled
19 in that regard as you may be or someone that you know
20 may be to assist them in setting up the kind of program
21 that would be effective. Like you said, I agree with
22 that.

23 I mean, just set a program up, but if you
24 have that type of concern, then I think that it would
25 be appropriate for you then to talk to them and to make

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1 sure -- to better ensure that what they are doing is an
2 effective program. I think that's a very good point.

3 MR. BONHAM: Okay. I agree with you 100
4 percent. Yes.

5 CHAIRPERSON REID: Okay. Now let's try to
6 move this on.

7 COMMISSIONER MITTEN: Can I just ask one
8 quick question, please, of Mr. Bonham?

9 CHAIRPERSON REID: Yes.

10 COMMISSIONER MITTEN: One of the things
11 that's included in your letter is that you say there
12 are a large number of vacant and abandoned apartment
13 buildings in the area, and you strongly suggest
14 revitalization of current apartment sites to help
15 stabilize.

16 Are you meaning rehabilitation of the
17 existing multi-family?

18 MR. BONHAM: You know, right. That could -
19 - Yes. Yes. I mean, like I said earlier, that I don't
20 believe that multi-family properties are necessarily
21 bad. However, you don't want the entire community to
22 be multi-family. You want to try to keep a balance in
23 the community.

24 I think, if they were to do that and build
25 the homes, I think that would create a lot of balance

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1 in that community; because not just -- There's a lot of
2 apartment buildings in that community, if you compare
3 the homes to the apartments.

4 I think revitalization or, should I say,
5 refurbishing or rehabilitating some of these buildings,
6 I think, would do a lot for those communities, and I
7 think a developer would know what to do, because it's
8 their profession.

9 COMMISSIONER MITTEN: Well, my follow-on
10 question is just to understand. You know, if we're
11 talking about vacant and abandoned buildings, that
12 means they are not populated right now, and then if you
13 have a concern about the density of people associated
14 with multi-family and you're suggesting rehabilitation,
15 then that would mean, you know, a higher density of
16 people and children going to the schools.

17 MR. BONHAM: Well, we do know that.
18 However, we also know that that would provide some type
19 of a balance to the community. We are looking at
20 people who should be in those places now that we should
21 be accommodating as well, see.

22 So we are not looking at counting
23 additional people. We are looking at what should be in
24 that community now, and we have to deal with that. If
25 those buildings were to open up tomorrow and families

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1 moved into those apartments, we have to deal with them.

2 But we don't need to compound it by building
3 additional apartment buildings, and then also open
4 those buildings tomorrow and create a havoc for the
5 school system.

6 COMMISSIONER MITTEN: Thank you.

7 BOARD MEMBER RENSHAW: Mr. Bonham, at this
8 time with those vacant buildings there is no movement
9 to -- There is no movement in the community to address
10 that, to rehabilitate these buildings?

11 MR. BONHAM; Actually, from going to ACC
12 meetings and to the other community meetings, I think
13 that there are aggressively trying to get something
14 done for that community. Yes.

15 CHAIRPERSON REID: Well, we're lagging
16 behind. I really would like to try to move this on,
17 and we can try to limit our questions to maybe one, if
18 we have to have a question, so that we can try to
19 conclude this fairly shortly. Appreciate it.

20 Are there any cross-examination questions
21 for Mr. Bonham? All right, thank you so much, Mr.
22 Bonham, for your testimony.

23 All right. I have a letter from DPW in
24 regard to this application. It says basically in
25 pertinent part that, based on parking usage data

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1 provided by the applicant for comparable development,
2 as well as census data regarding automobile ownership
3 in the general area of the project, the Department
4 concludes that the provision of 216 parking spaces at
5 the site will be adequate to minimize parking spill-
6 over to the neighboring residential area.

7 We now move to ANC report, and this is the
8 last -- Oh, except we are going to do a couple of
9 persons. Okay.

10 MR. KING: Good evening, Madam Chair and
11 members of the BZA. I'm Ronald King, Chairman of
12 Advisory Neighborhood Commission 6-C, and I'm happy to
13 be joined this evening by Drake Wilson, Treasurer of
14 ANC-6C.

15 The School Board member has left. I
16 wanted to address something to him. For the record,
17 I'm quite proud of Anacostia High School in Ward 6. He
18 may not have seen the Anacostia, its academic team win
19 just recently, and I think many of our residents who
20 are here tonight took some offense to that.

21 Additionally, the Superintendent's figures
22 on school enrollment have been independently verified,
23 and I tend to agree with the Superintendent. I suppose
24 Mr. Bonham, who really could not be specific in giving
25 the capacity of schools in that area presently -- I do

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1 remember earlier today that was addressed explicitly by
2 the presentation of the applicant.

3 You have in your possession our statement
4 for the record, which was submitted, my letter to you,
5 Madam Chair, November 15, 1999. In the interest of
6 time, I won't read it at all. I'll just cite --

7 CHAIRPERSON REID: Summarize it for us.

8 MR. KING: Exactly. I'll cite a number of
9 points I made. Also I'd like to mention that our
10 School Board member was rather forgetful, because he
11 was mistaken when he stated that we did not have a
12 quorum present. Indeed, he mentioned members who were
13 not even at that meeting.

14 As you see in my paragraph number 2, I
15 state for the record indeed who was there --

16 CHAIRPERSON REID: There was a quorum.

17 MR. KING: -- and that the vote was
18 unanimous.

19 Let me just say, bottom line, ladies and
20 gentlemen, is this comes down to apartments. Seated
21 here this evening are neighbors. We're good neighbors.
22 We're friends. Some of us support the development.
23 Some who oppose it do so because of the inclusion of
24 apartments. That is the bottom line.

25 You had asked if there had been any

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1 movement on the part of members of Fairlawn because of
2 the apartments. There has not, and there will be,
3 because some people will oppose this because apartments
4 are included in the project, and that is the bottom
5 line.

6 Actually, there are two factors that would
7 negate our even being present this evening. One, had
8 the applicant desired to construct apartments across
9 the street from my home at Marbury Plaza on Good Hope
10 Road, we would not have to have come through you,
11 because presently the zoning allows for density there,
12 dense development of apartments.

13 Another highrise could be put there. Low
14 income, cheap apartments could be put there, and I
15 would be picketing this building as my neighbors behind
16 me, because I don't want those apartments in that area.

17
18 I represent Advisory Neighborhood
19 Commission 6C, and my neighbors, myself included, would
20 be -- and my single member district -- would be the
21 single member district most impacted by the development
22 of dense apartments directly across the street, and
23 that is not to be.

24 Directly across the street from Marbury
25 Plaza are to be single family homes, and I am

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1 supporting this, because I want homes across from me
2 and the luxury apartments further up the street on that
3 desolate landfill which has been there for years.

4 Also, I'd like to say that, had the
5 applicant listened to my council when the applicant
6 first came before the Advisory Neighborhood Commission
7 late last winter, we probably would not be here today.

8 You probably would have approved the application. I
9 can't say how you would have voted, but I would venture
10 to say the BZA perhaps would have approved the
11 application sometime ago when it was first presented to
12 you, because had the applicant waited until all of the
13 studies and assessments had been submitted, then the
14 ANC could have taken a position then.

15 I told Dick Knapp, Vice President of KSI,
16 Inc., that under no circumstances would the Advisory
17 Neighborhood Commission support his application at that
18 earlier time, because from my days as a staff member of
19 the City Council and the first elected Council last
20 century, elected in '74, I knew that impact statements
21 had to accompany any major development proposals;
22 because I had to prepare them as a staffer for the
23 Council.

24 Loving my community as I do -- this is my
25 hometown. I agree up on the hillsides of southeast.

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1 My family settled here two centuries ago. The area at
2 6th and D Streets -- or 2nd and D Streets, Southeast,
3 used to belong to my family where we sold coal to the
4 city. My mother still lives in one of the family homes
5 on Capitol Hill. I lost my father just a few years
6 ago.

7 So I love this community, and I love where
8 I live. I could live anywhere in the metropolitan area
9 I wanted, from Spring Valley to McLean to Potomac. I
10 live in Anacostia, because I have the best view of
11 anyone in this whole metropolitan area, and I like
12 living around my neighbors. So I am there. I did not
13 flee to Ward 9 or anywhere else. I am there, as my
14 neighbors are there, because we love it. I love this
15 city, and I love my neighborhood.

16 CHAIRPERSON REID: Thank you, Mr. King, but
17 -- and we appreciate your testimony, but given the
18 lateness of the hour, please, put on the record the
19 summary of the position of the ANC in regard to this
20 application.

21 MR. KING: Fine. Thank you. ANC-6C
22 unanimously and enthusiastically supports the
23 development, the complete development. Actually, this
24 is a lesson in civics. We refused to be railroaded
25 earlier, because we demanded for the benefit of our

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1 neighbors, those who support this as well as those who
2 oppose this, that we have the impact statements.

3 After the initial hearing when we did not
4 offer our support and you did not approve the request,
5 the studies I had requested began to arrive. As we
6 reviewed those studies, we held deliberate meetings
7 throughout the community. At the ANC we recommended
8 that other organizations have meetings such as the
9 Anacostia Coordinating Council, other associations.

10 We even hosted a popularly attended summit
11 where the Mayor, His Honor Anthony Williams, the
12 Council Member, Sharon Ambrose, a host of developers,
13 not just KSI, everybody wanting to do any kind of
14 construction in that area came before the assembled
15 neighborhood to tell us what they wanted to do. KSI at
16 that point had an opportunity to again present to the
17 community.

18 After this deliberate consideration and
19 exhaustive consideration, the ANC voted unanimously on
20 October 4, as I state here, to approve the entire
21 application. Our resolution to you was in triplicate,
22 three parts. One, we supported our sister ANC-8B,
23 because that is where the luxury apartments lie, and
24 certainly enthusiastically we support the houses that
25 lie in the confines of 6C.

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1 The point is -- You mentioned a number of
2 things earlier in terms of why would folk want to come.

3 Business people don't go into business for charity's
4 sake. People go into business to make a buck. The
5 dilapidated structures at the bottom of Good Hope Road
6 had been there for the last quarter-century.

7 The ANC had been moribund before those of
8 us who were elected in November 1998 took office. We
9 lobbied the Mayor and the Executive to get those
10 dilapidated eyesores torn down at the base of Good Hope
11 Road. They were.

12 Nobody is going to build a thing there, and
13 nobody, frankly, should build anything there unless we
14 get additional residents who can help us with the tax
15 base. If we had the mass of residents with the
16 disposable income to support businesses, some of the
17 existing businesses who are trying to hold on would
18 have already been able to improve and expand, and new
19 businesses would have come to the community.

20 We look forward to this so that we can get
21 more neighbors like us, people who have been fleeing
22 the city, going to Prince George's and other places, to
23 come to give us some company; because riffraff have
24 chased good taxpaying people away.

25 Now as a native -- and I'm sure with your

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1 being natives, you remember -- we used to have 800,000
2 people here in the city, and I don't recall stumbling
3 over each other at that point. We need more people
4 like us in this room who work hard, who have disposable
5 income, so that businesses will open.

6 Many senior citizens, because of the fear
7 of crime, aren't going to come out anyway. Frankly --
8 Well, I've got gray hair, but I'm not -- Some would
9 call me senior, but others might say, well, you're not
10 a senior yet. But I'm not going to go out -- I'm not
11 going to go out to support these businesses, because I
12 can look at the monument. I can look at Lincoln and
13 the Memorial from my dining room or from my bed. So I
14 don't have to go out.

15 That's why we need new folk who are going
16 to support new businesses. So we support this.

17 Now a couple of things I need to point out
18 to you, Madam Chair, that you mentioned in your
19 questioning. You questioned the safety. I would just
20 point out that the 7th District where the homes would
21 lie last year were cited and awarded as having the best
22 crime statistics in the entire District of Columbia.

23 Our Council Member, Sharon Ambrose,
24 frequently says throughout the ward, Ward 6, that PSA,
25 Police Patrol Service Area 609 is one of the best PSAs

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1 in the entire ward. I have had some car trouble of
2 late. So sometimes in coming home I walk all the way
3 up Good Hope Road. I can walk up and down Good Hope
4 Road morning, noon or night, and I tell you, feel
5 every bit as safe as I would walking up Wisconsin
6 Avenue.

7 If I were to invite you to join me, and I
8 do this in coat and tie, there is less likelihood I
9 would be bothered on Good Hope Road than on that
10 stretch of Wisconsin Avenue in tony Georgetown. If you
11 check the crime statistics, they are far greater in
12 Georgetown and Adams Morgan than they are on Good Hope
13 Road. I just wanted to set that record straight.

14 Now in terms of development, this
15 development would be the first large scale housing
16 development in this part of Anacostia, 6C, in a
17 quarter-century, and that's what we are about,
18 revitalization of our city, getting people with money
19 back into the city to help us.

20 I would also say that the Navy Yard -- we
21 have been successful in luring Navy to come from
22 Crystal City, despite the unfair opposition of Members
23 of Congress, and we're getting 12,000 new people coming
24 to work along the stretch of M Street in Ward 6 at the
25 Navy Yard. That's a major coup.

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1 These people are going to need residences,
2 and I can tell you, neighbors of mine in Marbury Plaza
3 -- and there are 2,000 of us -- cover a wide spectrum
4 of demographics. We have some people trying to make
5 ends meet, saving up their money so they can one day
6 buy homes, and many of these people have approached me
7 about how soon these houses are going to be built.

8 We have other people quite wealthy. We
9 have everything from people on assistance to
10 millionaires. We have people with extensive property
11 holdings elsewhere in the city and in the metropolitan
12 area and in the country who live in Marbury Plaza,
13 because they choose to do so.

14 I've had to put off two meetings today, be
15 away from my office. I'm going to pull an all-nighter,
16 because it was important that I be here for my
17 residents today. I've got two meetings coming up this
18 evening at the same time, one with my board and one
19 with the Council Member in a hearing that I've got to
20 juggle, because they are in different parts of town.
21 But the point is someone like myself who, as I said
22 earlier, could afford to live any number of places does
23 not have time to cut grass.

24 I have not had time to put away some
25 laundry I did two weeks ago, and I'm hoping that one of

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1 my neighbors -- Well, I won't get into that, but
2 someone may help me fold and put them away this week.
3 But the point is I don't have time to cut grass, and a
4 lot of folk -- We have empty nesters. We have people
5 who simply like the ambience of living in our dwelling
6 and looking out over the capitol.

7 I see everything from Springfield-Franconia
8 to the Baltimore Washington Parkway. So people in
9 many instances choose to live in apartments, because
10 they like to do that.

11 One of the undercurrents here,
12 unfortunately, is a type of understated, pseudo-
13 elitism, a NIMB-ism, "Not in My Backyard." I have gone
14 to community meetings, and one of the reasons I ran for
15 this position is because it is important that some of
16 us who choose to live in apartments have an opportunity
17 to be represented.

18 There is a tendency on the part of some
19 homeowners to think that, you know, once you buy a
20 home, despite the size or despite the cost, that you
21 have arrived and that anyone in an apartment is somehow
22 a second class citizen or somehow is not as good. And
23 trust me, I just had a neighbor build a mansion, but
24 has maintained his residence in Marbury Plaza.

25 I had another friend buy a half a million

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1 dollar penthouse, but has lived in the Plaza. So the
2 point is it's not about riffraff. Now at these
3 community meetings we get many people in homes
4 complaining about some of their children and neighbors'
5 children out selling drugs and prostituting themselves.

6 So you can be low life, be you in a house,
7 a crack house, or in an apartment. So let's just, you
8 know, put that out there and get rid of that. We who
9 live in the city don't need to, for whatever reason,
10 turn on ourselves and take on this self-destructive
11 NIMB-ism.

12 In Ward 6, in Anacostia, we want to enjoy
13 the fruits of this revitalization, and we want to join
14 our other wards across this city in attracting good,
15 law abiding, taxpaying citizens to help the coffers,
16 because that lessens the burden on all of us.

17 So in summation, those are the remarks I
18 would like to put forward. I think my colleague who
19 joins me this evening, Drake Wilson, would have some
20 remarks, and we certainly are happy to respond to any
21 questions that you might have, and I thank you for your
22 rapt attention.

23 MR. WILSON: I'd like to thank the Board
24 for allowing us to speak today. We have meeting -- I'm
25 sorry. My name is Drake Wilson. I live at 1673 W

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1 Street. I'm ANC Commissioner for 6-C09, and I am the
2 Treasurer of that ANC.

3 We have been in this process with KSI for
4 almost a year now, and we have come to the full
5 conclusion that we fully support and welcome this
6 effort to our community.

7 I ditto the items that were mentioned by
8 the Chair, and I would like to suggest that we are
9 trying to make our community attractive, and we want to
10 position ourselves, and we believe that this
11 development will position us to attract the right kind
12 of people to help move our community in the right
13 direction.

14 I think that it supports the redevelopment
15 that's taking place and the revitalization that's
16 taking place, and it's timely, and it's in sync with
17 what's taking place in our community. We provide this
18 ANC full support of this effort. Thank you.

19 CHAIRPERSON REID: Thank you. Are there
20 any questions of the ANC members? Do Board members
21 have questions for the ANC members? All right. Any
22 cross-examination for the ANC members? Ms. Jones.

23 MS. JONES: I wrote my questions down, but
24 I don't know what I did with it.

25 CHAIRPERSON REID: You'll just have to go

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1 from memory, Ms. Jones.

2 MS. JONES: Okay. I'm going to pose my
3 question to Ronald King. Ronald King, how long have
4 you lived in Marbury Plaza?

5 MR. KING: I have lived in Marbury Plaza
6 for four years. I have visited Marbury Plaza since
7 1968 when the front building was constructed when my
8 sister and brother-in-law married.

9 CHAIRPERSON REID: Just answer the
10 question. Just, please, I appreciate the fact that you
11 want to embellish your answers, but just answer the
12 question so we can keep moving. Thank you.

13 MR. KING: Certainly, Madam Chair.

14 CHAIRPERSON REID: As quickly as you can.
15 Thank you.

16 MR. KING: Yes, Madam Chair.

17 CHAIRPERSON REID: We're all tired by this
18 time.

19 MR. KING: Yes.

20 MS. JONES: I noticed you were talking
21 about the development would be the first new
22 development that's come to Anacostia. What about the
23 houses that Habitat just built on the fill land. They
24 just built, and they're in the last stage of
25 completion. Have you forgotten about those?

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1 MR. KING: I have not.

2 MS. JONES: Well, you didn't mention those,
3 which is built right behind --

4 CHAIRPERSON REID: You're testifying.

5 MS. JONES: Oh, excuse me.

6 MR. KING: Let me just say, Madam Chair, I
7 do represent Ward 6, and those places are not in Ward
8 6. My statement in the record is the first large scale
9 housing in Ward 6.

10 CHAIRPERSON REID: Okay.

11 MR. KING: Thank you.

12 MS. JONES: Okay.

13 MR. KING: Thank you, Ms. Jones. Do you
14 stand corrected?

15 MS. JONES: Yes, I will. You and I get
16 along fine.

17 MR. KING: Yes, we do, but I represent Ward
18 6, not Ward 8. My statement was factual.

19 MS. JONES: Okay.

20 CHAIRPERSON REID: We got that.

21 MR. KING: Thank you.

22 MS. JONES: And I notice in your statement
23 and in your testimony you stated you -- How many SMD
24 meetings have you had? Single member district meetings
25 have you had?

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1 CHAIRPERSON REID: But, Ms. Jones, it has
2 to be germane to the --

3 MS. JONES: To the project?

4 CHAIRPERSON REID: -- to the testimony.

5 MS. JONES: It is, and maybe I need to put
6 it in a two-part question.

7 MR. KING: It was a fair question. I can
8 respond to it.

9 CHAIRPERSON REID: How is it relevant?

10 MS. JONES: Because I'm in his SMD, and
11 I've never been invited to one of his SMD meetings,
12 because we have never had a notice for the entire --

13 CHAIRPERSON REID: Okay. All right, answer
14 that.

15 MR. KING: I will respond, and I think you
16 have in the record that notice. I called a single
17 member district special meeting of residents in Marbury
18 Plaza, because Marbury Plaza, which lies in the
19 confines of Fairlawn Citizens Association. Residents
20 don't attend.

21 Fairlawn residents, and I'm a member of
22 Fairlawn and do attend, voted against the Homes at
23 Woodmont project. Therefore, I called a special single
24 member district, as a responsible Commissioner would
25 do, to get additional comment from residents who

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1 historically do not attend those meetings at the
2 library, and for their convenience I had this meeting
3 on a Sunday afternoon in the common room at Marbury
4 Plaza, and I stand behind that. I think it was good to
5 do, because that allowed me to gauge that there was
6 widespread support of people who don't bother to go to
7 the meetings at Fairlawn.

8 CHAIRPERSON REID: Okay, thank you. Next
9 question, Ms. Jones.

10 MS. JONES: That's all, because I am in his
11 SMD, and I am --

12 CHAIRPERSON REID: You're testifying. Did
13 you get the answer that you wanted? Did you get an
14 answer to your question?

15 MS. JONES: No. The only thing I wanted to
16 know, why I have never received a notice from my
17 commissioner about a SMD meeting, regardless of what
18 the meeting is about.

19 CHAIRPERSON REID: Okay, but you asked a
20 question, and he gave you an answer.

21 MS. JONES: Okay. All right.

22 CHAIRPERSON REID: Thank you.

23 MS. JONES: Okay.

24 BOARD MEMBER RENSHAW: Madam Chair, if I
25 may -- If I may, before our ANC representative, Mr.

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1 King, is --

2 CHAIRPERSON REID: This is cross-
3 examination.

4 BOARD MEMBER RENSHAW: I just wanted to
5 know about this document that we've just been given,
6 agreement between KSI --

7 MR. KING: Thank you. Since that was
8 admitted into the record, and the Chair had asked that
9 I move along quickly, I didn't mention that. But that
10 document, and Commissioner Renshaw, that -- Board
11 Member Renshaw, that document is at the crux of this.

12 When I mentioned that this experience these
13 past months provide an excellent civic lesson when we
14 didn't approve this before but got the submission of
15 the impact studies and worked along with KSI ad
16 nauseam, we came up with an agreement between ANC-6C,
17 KSI, and the ANC in the other ward, 8B, came up with
18 its own agreement.

19 This agreement allows us to have KSI give
20 priority to residents in our neighborhood for jobs for
21 building this, because we have a lot of skill levels --
22 skills levels, rather. So it gives us people who can
23 actually lay the mortar and bricks.

24 It gives us an opportunity for more skilled
25 contractors, and it gives us an opportunity to, under

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1 signature and in a legal document, have KSI commit to
2 reinvestment programs.

3 So that's why it was great that KSI didn't
4 listen to me at first and ran ahead and got rejected by
5 you in the first round, because it gave us an
6 opportunity to get them to agree to help revitalize
7 some of the old dilapidated apartment buildings that
8 many of my neighbors -- all of us, quite frankly --
9 would like to see.

10 So this document really is something that,
11 if other communities in town would like to bring to
12 their neighborhoods, it would be great for them to copy
13 with developers who would want to do things there.

14 What KSI has shown us is exemplary, and
15 they have set a new standard for developers wanting to
16 build in this city that we all love so much.

17 BOARD MEMBER RENSHAW: Mr. King, was this
18 passed at a public meeting?

19 MR. KING: Yes. We voted on this. Yes.

20 BOARD MEMBER RENSHAW: It doesn't say when
21 you voted on this.

22 MR. KING: Yes. The ANC voted on this at
23 our meeting this month, which would have been the first
24 Monday. The date of the first Monday in this month --
25 I've got a little calendar here.

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1 BOARD MEMBER RENSHAW: But it should be on
2 this document, that this was advanced at a public
3 meeting and that a quorum was present and who voted for
4 this.

5 MR. KING: Yes. For that we did not submit
6 to you. I think KSI did. So I assume that they had
7 entered into the record that.

8 BOARD MEMBER RENSHAW: But this agreement
9 between KSI and ANC 6-C -- I take it that this was not
10 brought before your ANC in a public meeting?

11 MR. KING: Oh, it was. It was.

12 BOARD MEMBER RENSHAW: It was?

13 MR. KING: It was, at the meeting February
14 7th.

15 BOARD MEMBER RENSHAW: February 7th? That
16 should be --

17 MR. KING: It was also brought to the
18 Commission prior to that at the January meeting. What
19 happened at the -- It's just been mentioned to me by
20 Ms. Dobbins, Attorney Dobbins, that perhaps a
21 transmittal letter accompanying that was misplaced. I
22 don't know.

23 BOARD MEMBER RENSHAW: All right.

24 MR. KING: But we did vote at our January
25 meeting to approve the agreement. At our January

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1 meeting it was pointed out that there were a couple of
2 typographical errors and an omitted line, and we
3 approved that with the understanding that those
4 corrections would be made.

5 In the ensuing days one of our
6 commissioners thought, well, if they are going to turn
7 this over and agree to maintenance costs that perhaps
8 we should build in inflation. So in the document you
9 have there is a line that says a three percent
10 increase.

11 On that particular one the Commission at
12 the February meeting did vote, but other than that
13 modification the document is essentially the same that
14 was passed -- the two typographical corrections. That
15 was passed in January.

16 So in essence the body in January and then
17 with the corrections in February.

18 CHAIRPERSON REID: All right. I think that
19 what Ms. Renshaw is saying, that since we don't have
20 the transmittal letter that reflected that there was a
21 quorum and a vote taken that would accompany the
22 agreement, could you please make sure that we receive
23 it?

24 MR. KING: Oh, sure. Yes.

25 CHAIRPERSON REID: Thank you. Are there

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1 any other questions, cross-examination for Mr. King?

2 All right, thank you very much.

3 MR. KING: Thank you very much.

4 CHAIRPERSON REID: All right. Ms. Dobbins,
5 there were some organizations here in support. Did
6 they leave already?

7 MS. DOBBINS: No, Madam Chair.

8 CHAIRPERSON REID: All right. Come
9 forward, please, and give us your name.

10 MS. DOBBINS: There was one other
11 organization in the community that wanted to testify,
12 Frederick Douglass.

13 CHAIRPERSON REID: Now that is -- Is this
14 the last one? Are there two or one? I see two people
15 getting up.

16 MS. DOBBINS: Yes, there are two.

17 CHAIRPERSON REID: All right, two. Okay.
18 Then these will be the last testimony, two persons in
19 support, and then the remainder of the people in
20 support and the people in opposition and closing
21 remarks will be when we convene on the 23rd. Is that
22 right? 23rd in the afternoon. Okay, thank you.

23 MS. THOMAS: Good evening, Madam Chair and
24 fellow Board members. I am Toni Thomas, initial I.
25 Toni Thomas. I am a Ward 8 business person, and we

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1 have an office at 2307 Skyland Place.

2 I support this. I came today to give my
3 support for the development, because it does provide an
4 opportunity for decent, safe and affordable housing
5 east of the river.

6 You've heard a lot of the testimony about
7 the need for quality housing, and the development
8 team's commitment to the community deserves recognition
9 by the Board. There are a number of activities and
10 programs that were discussed that need to be fully
11 examined, not only examined but carried out, and I know
12 through the community participation process that it
13 will occur.

14 I think what has been demonstrated today is
15 the need to continue to work with the resident
16 community, and I feel very committed to this developer
17 and the team to bring that to fruition.

18 Diversity in the community is critical, and
19 we see that that's a part of this development, as well
20 as mixed income housing. There's nothing wrong with
21 low income people, moderate income people living in the
22 same neighborhoods.

23 I was appalled at some of the discussion
24 about people's incomes and where they should and should
25 not live. We can all live in harmony within one

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1 community, and the divisions that are being created are
2 unnecessary.

3 I see this development team as an
4 opportunity of bridging those divisions. People who
5 have very low incomes can live next to moderate and
6 middle income people, and that's something that we are
7 doing more of in the metropolitan area.

8 Very briefly, I support it because I firmly
9 believe that, as this development goes forward, it
10 provides not only the opportunity for mixed income
11 housing, but also for the residents who live in the
12 community who want to move up. Whether they move up in
13 housing, single family housing and/or apartment living,
14 that provides a resource that is not currently
15 existing.

16 I would be more than glad to answer any
17 questions that you have. My background has been in
18 housing. I spent more than 37 years in the area of
19 housing. That was involved with community
20 participation as well as the manager of the Washington
21 Office of HUD.

22 We know full well that comprehensive
23 community development makes a major difference in the
24 lives of our residents in the District of Columbia. I
25 thank all of you for the opportunity to speak, and

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1 would welcome comments and questions from you and also
2 from the residents of the community.

3 CHAIRPERSON REID: Thank you very much.
4 Questions, Board Members? Any cross-examination from
5 parties? Ms. Jones?

6 MS. JONES: I have one question.

7 CHAIRPERSON REID: All right, quickly.

8 MS. JONES: Did you give your address?
9 Where do you live, Ms. Thomas?

10 MS. THOMAS: I live in Maryland, and I have
11 a business in the District of Columbia and in Maryland.
12 If you don't mind me elaborating a little bit?

13 MS. JONES: No, I just asked you where you
14 live. I'm okay.

15 MS. THOMAS: I grew up --

16 CHAIRPERSON REID: No, no, no. You have to
17 just answer the questions. Did you give your address
18 when you first started testifying?

19 MS. THOMAS: I did.

20 CHAIRPERSON REID: Which was?

21 MS. THOMAS: It's 2307 Skyland, Suite A.
22 When I established my business east of the river, I
23 decided to do it here.

24 CHAIRPERSON REID: So your business --
25 That's where your business is located?

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1 MS. THOMAS: Yes, it is.

2 CHAIRPERSON REID: Okay, that's your
3 business. All right. That's the only question you
4 have? All right, thank you.

5 This is the last person to testify for the
6 evening. Sir? We asked that beepers be turned off.

7 MR. GRAY: It wasn't mine. Hi. My name is
8 Bernard Gray. I was born and raised in the city. I've
9 lived in my present address of 2090 18th Street, which
10 is directly across from the new homes development,
11 since 1975. I lived in the further part of Southeast
12 up between '59 and '75.

13 Since my moving to the community of
14 Anacostia -- and keep in mind that when we're talking
15 about Anacostia officially, it doesn't go to where the
16 apartments are located at all, and it doesn't go past
17 Marsh Road. So it's a very small area that we're
18 talking about.

19 Since I've been a member of the Frederick
20 Douglass Community Improvement Council, since '78, I
21 have served as their legal counsel, and we have always
22 tried to get development that was community orientated
23 and residents involved in it.

24 This is the first time that we have had a
25 developer willing to commit himself to being sued

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1 legally if he does not carry out whatever he's made in
2 his commitment to you as well as the commitment that
3 he's made to this community.

4 Believe me, that will be enforced. I've
5 sued the city over failure of the Board of Education to
6 do what they were supposed to do. I have sued the city
7 on the 600 home business that they were making. So I
8 do not expect that this developer will get away with
9 anything that he's made a commitment to do.

10 That's why I drafted that agreement between
11 the developer and the Frederick Douglass Community
12 Improvement Council. Once that was drafted and the
13 developer decided that he would do that, then they then
14 did it for ANC-6C and ANC-8B, but neither one of them
15 have the power to enforce it. I do, as counsel for the
16 Frederick Douglass Community Improvement Council, and I
17 will.

18 So there's a lot of things that were said
19 that may not be accomplished, but I will be there to
20 make sure that it does through my organization. We
21 were initially -- The Frederick Douglass Community
22 Improvement Council was initially opposed to this
23 development, because we supported our community sister
24 organizations, including the Fairlawn Civic
25 Association.

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1 Once we discovered that the Ward 8 -- ANC-
2 8B decided that they would support the project, we
3 withdrew our support for the -- we withdrew our
4 opposition to the apartment units based on the fact
5 that I think their community ought to decide what it is
6 that their community ought to have, and our community
7 should support what our community is most affected by.

8
9 Everybody agrees that the Ward 6 homes
10 ought to be built. It is that aspect of the apartment
11 development that the opposition comes in, and I think
12 it was clearly stated that everyone has a right to live
13 in the city someplace, and we cannot judge one
14 development project by a mismanaged development project
15 that may be across the street from it.

16 Now negatively, I was going to get
17 everything off, because the reports that we received --
18 Once the President, who happens to be my wife, for
19 Frederick Douglass Community Improvement Council
20 requested and received the reports that she had asked
21 for, we went over them, and I personally went over
22 them, and I disagree fully with the traffic report.
23 It's just not going to happen.

24 Now I do agree that -- I counted nine out
25 of ten cars being Maryland or Virginia residents, as

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1 I'm waiting for the bus on Good Hope Road to come into
2 work. She said eight. So we're pretty close. But
3 there is no way that I would take DPW's traffic count
4 and give it a whole lot of status.

5 Sometimes that traffic going across that
6 bridge backs up to 18th Street, and it is snarled from
7 there all the way across the bridge, all the way
8 downtown. So it's going to have an impact. If you add
9 100 cars more, it's going to have an impact.

10 The point is, is that sufficient to stop
11 what needs to be done in my community? I say no.
12 There are going to be some advantages, and there are
13 going to be some disadvantages, and I think the project
14 overruled those disadvantages that we have, and we
15 ought to go forward on it.

16 My negative aspect on this person called
17 Mr. Bonham as the ward representative. I'm going to
18 ask that I be at least allowed to say this, because I
19 think it's important to both you and to the community,
20 actually to say this last statement I'm going to make.

21 CHAIRPERSON REID: Sure, go ahead.

22 MR. GRAY: Mr. Bonham replaced me as a
23 member of the Board of Education, but don't hold that
24 against me for what I'm about to tell you. But he's
25 absolutely wrong.

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1 First, he does not live in my
2 neighborhood. He lives on Capitol Hill. Secondly, the
3 children who are elementary age children will not be
4 going to Ketchum. They will be going to Stanton, which
5 is at the top of the hill.

6 Thirdly, all of those schools that he
7 mentioned are underutilized. They are under-enrolled,
8 and we had a big long discussion about closing schools,
9 because the schools were under-enrolled. They are not
10 overcrowded now, and I don't think the addition -- Not
11 knowing how many children are going to be of school
12 age, how are we going to predict they're going to
13 overcrowd the school systems?

14 Now the best that I can figure out is that,
15 if you take the car ratio, it would be less than one
16 car per unit. So we're not going to have the 212 cars
17 that we would have had if everyone had a car.

18 Secondly, unless we know the number of
19 children and their ages, we can't make a prediction
20 that they are going to overcrowd the school system.
21 Most of the kids who are -- what should I say? --
22 significant enough that the parents want them to go
23 someplace else, they send them to Jefferson. They send
24 them to Hines. They send them to Deale. So they don't
25 even go to Kramer.

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1 Those children who are senior high school,
2 I don't think it's going to be a traffic problem or a
3 safety problem for them to be able to walk down to
4 Anacostia, if they walk at all. So I think he was
5 totally wrong, and he's definitely wrong when he said
6 he attended my community meeting and we didn't have a
7 quorum.

8 He's been to one of our community meetings
9 passing out campaign literature, and he came to the ANC
10 to do the same thing. That's the only time I've ever
11 seen him in my community, and it galls me for him to be
12 a member of the Board of Education and an elected
13 official and come here and tell you misinformation.
14 That is absolutely absurd.

15 Thank you.

16 CHAIRPERSON REID: Thank you very much.
17 Are there any questions of this witness? Is there any
18 cross-examination questions, Mr. Feola and Ms.
19 Dobbins, Ms. Jump? Okay. Thank you.

20 Then that will conclude the hearing for
21 today finally. Thank you very much for your
22 indulgence, and I know that everyone is probably tired
23 by now and hungry.

24 We did have items that we had requested
25 and, hopefully, we'll be able to get them by the next

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1 hearing date, which is the 23rd. Do you have a list of
2 them, Ms. Bailey?

3 MS. BAILEY: Yes, Madam Chair. A traffic
4 management study -- I think the applicant --

5 CHAIRPERSON REID: From the applicant?

6 MS. BAILEY: From the applicant; also from
7 the applicant, a count of traffic accidents within the
8 two intersections; an outline of the National Park
9 Service concerns. I think you had asked for that.

10 CHAIRPERSON REID: An outline of what?

11 MS. BAILEY: The National Park Service.

12 CHAIRPERSON REID: Asked for their
13 conditions that they wanted to include in the order,
14 yes, the conditions.

15 MS. BAILEY: And then the final thing would
16 be a statement or a letter from the ANC indicating when
17 the agreement was developed or was discussed in a
18 meeting, a quorum was present, what the vote was, and
19 all of the details that led up to the final agreement.

20 CHAIRPERSON REID: Okay. Before I close,
21 though -- Thank you very much. I think we are all in
22 synch with that. Just one other thing. There was
23 another letter from the ANC-8B. They did not appear
24 here today, but I want for the record to put it on our
25 record that they had submitted a letter in support of

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1 the application.

2 They had a public meeting September 22, and
3 there was a quorum present. Now this letter, however -
4 - Now this is what I have to get some clarification.
5 This letter was for support for reconsideration of the
6 application.

7 Now is that the same as support for the
8 application, because this hearing -- This is a
9 rehearing of this application. Do you follow me? I
10 just wanted to make sure that there's no
11 misunderstanding, because when we had the meeting in
12 which we determined whether or not there would be a
13 rehearing, then I don't know if this letter was in
14 support of that or in support of the actual application
15 that we have before us.

16 MS. DOBBINS: They specifically wrote the
17 letter for reconsideration request, for support of
18 that, and they specifically indicated "and for
19 subsequent granting of special exceptions under
20 Sections 410 and --

21 CHAIRPERSON REID: Oh, thank you. Where is
22 that, Ms. Dobbins?

23 MS. DOBBINS; It's in the same paragraph,
24 that first paragraph of the letter. You're looking at
25 the October 13th letter?

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1 CHAIRPERSON REID: Yes.

2 MS. DOBBINS: Okay. It says --

3 CHAIRPERSON REID: Okay. I'm sorry. I did
4 not see that.

5 MS. DOBBINS: And I brought that to your
6 attention, because some of the other letters that were
7 presented at the same time also say that as well, some
8 of the Council members' letters as well.

9 CHAIRPERSON REID: All right. This is a
10 little confusing, but nonetheless, they did have a
11 quorum present, and they did take a vote, and their
12 position is in support of the application as well as
13 they submitted to us a series of resolutions that
14 reflect the same thing.

15 They also had some conditions, and the
16 conditions were that the apartment component and the
17 single family detached component of this project shall
18 be built simultaneously, and that the applicant shall
19 enter into a binding agreement with ANC-8B that
20 outlines its long term commitment to this project and
21 the community in general.

22 I think that wraps it. Mr. Hart?

23 MR. HART: Madam Chair, I'd like to say one
24 thing again, just reiterate. The meeting is on the
25 23rd at 1:00 p.m. However, be aware that this case

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1 would be the second case on the agenda. So though the
2 session starts at one, you will be the second case on
3 the 23rd, afternoon.

4 MS. DOBBINS: And then, Mr. Hart, there
5 will be no additional announcements or --

6 MR. HART: No. That is correct, Ms.
7 Dobbins.

8 CHAIRPERSON REID: Thank you.

9 (Whereupon, the foregoing matter went off
10 the record at 7:44 p.m.)
11
12
13
14