

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
MATT JESICK

The transcript constitutes the minutes from the Regular meeting held on March 8, 2006.

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A-G-E-N-D-A

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

6:44 p.m.

CHAIR MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, March 8, 2007. My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Mike Turnbull and John Parsons and we're expecting Commissioner Jeffries shortly.

The subject of this evening's hearing is Zoning Commission Case Number 06-31 and this is a request by the John Akridge Development Company for approval of a consolidated planned unit development and related map amendment for property located at 5220 Wisconsin Avenue Northwest which is known as Lots 810, 811 and 812 in Square 1657. Notice of today's hearing was published in the D.C. Register on December 15, 2006, and copies of that hearing announcement are available to

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1 you and they're in the wall bin by the door.

2 This hearing will be conducted in
3 accordance with the provisions of 11 DCMR
4 Section 3022 and the order of procedure this
5 evening will be as follows. We'll take up any
6 preliminary matters first. Then we'll have
7 the presentation of the applicant's case, the
8 report by the Office of Planning, reports by
9 any other government agencies, report by the
10 affected Advisory Neighborhood Commission - in
11 this case it's 3E - organizations, parties and
12 persons in support and organizations, parties
13 and persons in opposition.

14 The following time constraints
15 will be maintained in the hearing. The
16 applicant will have 60 minutes, organizations
17 will have 5 minutes and individuals will have
18 3 minutes. We'll deal with how much time the
19 parties get later. The commission intends to
20 adhere to the time limits as strictly as
21 possible in order to hear the case in a
22 reasonable period of time. The commission

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1 reserves the right to change the time limits
2 for presentations if necessary and notes that
3 no time shall be ceded. All persons appearing
4 before the commission are to fill out two
5 witness cards. They look like this and
6 they're on the table by the door. Upon coming
7 forward to speak to the commission please give
8 both cards to the reporter who is sitting to
9 our right before you take a seat at the table.

10 Please be advised that this
11 proceeding is being recorded by the court
12 reporter and is also being webcast live.
13 Accordingly we ask you to refrain from making
14 any disruptive noises in the hearing room.
15 When presenting information to the commission
16 we ask you to have a seat at the table and
17 then turn on and speak into the microphone,
18 first stating your name and address, and when
19 you're finished speaking please turn the
20 microphones off because they tend to pick up
21 background noise.

22 The decision of the commission in

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1 this case must be based exclusively on the
2 public record and to avoid any appearance to
3 the contrary the commission requests that
4 persons present not engage the members of the
5 commission in conversation during a recess or
6 at any other time, and Mrs. Schellin and Ms.
7 Hanousek will be available throughout the
8 hearing to answer any procedural questions
9 that you might have.

10 I'd ask you to turn off all
11 beepers and cell phones at this time so as not
12 to disrupt the hearing and I'd ask anyone
13 who's planning on testifying this evening to
14 stand now to take the oath. And if you would
15 stand, raise your right hand and direct your
16 attention to Mrs. Schellin who's also standing
17 on the dais and she'll administer the oath.

18 MS. SCHELLIN: Do you solemnly
19 swear or affirm that the testimony you'll give
20 in this evening's proceeding will be the
21 truth, the whole truth and nothing but the
22 truth?

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1 (Whereupon, the witnesses were
2 sworn.)

3 MS. SCHELLIN: Thank you.

4 CHAIR MITTEN: Thank you very
5 much. So the first order of business is
6 preliminary matters and we have requests for
7 party status from two groups. I just want to
8 clarify that the request from Allie Hajian is
9 on behalf of Ward 3 Vision. Is that correct?
10 Is Allie Hajian here? Is that correct? Okay.
11 I just wanted to be clear about that. So
12 first we'll take up the party status request
13 from Ward 3 Vision and that was timely
14 received and they represent a similar group of
15 individuals as I think the next party that's
16 in opposition and I would move that we approve
17 Ward 3 Vision as a party in support in this
18 case.

19 VICE CHAIR HOOD: Second.

20 CHAIR MITTEN: Any discussion?

21 (No response.)

22 CHAIR MITTEN: All those in favor

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1 please say "aye."

2 (Chorus of aye's.)

3 CHAIR MITTEN: Those opposed

4 please say "no."

5 (No response.)

6 CHAIR MITTEN: Mrs. Schellin.

7 MS. SCHELLIN: Yes, staff will
8 record the vote 4-0-1 to approve party status
9 as a proponent to Ward 3 Vision, Commissioner
10 Mitten moving, Commissioner Hood seconding,
11 Commissioners Turnbull and Parsons in favor.
12 Commissioner Jeffries not present, not voting.

13 CHAIR MITTEN: Thank you. And now
14 we have a party status request from Friendship
15 Neighborhood Association represented by Mr.
16 Hitchcock. That was also timely received
17 although the supplemental was not and I think
18 what I'll do is unless Mr. Collins has a
19 strong objection that we'll, as part of this -
20 well, let me move them as a party and then
21 we'll deal with their late submission on their
22 experts and so on. I would move that

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1 Friendship Neighborhood Association be
2 accepted as a party in opposition in this
3 case.

4 COMMISSIONER TURNBULL: Second.

5 CHAIR MITTEN: Any discussion?

6 (No response.)

7 CHAIR MITTEN: All those in favor
8 please say "aye."

9 (Chorus of aye's.)

10 CHAIR MITTEN: Those opposed
11 please say "no."

12 (No response.)

13 CHAIR MITTEN: Mrs. Schellin.

14 MS. SCHELLIN: Staff will record
15 the vote 4-0-1 to approve party status in
16 opposition to Friendship Neighborhood
17 Association, Commissioner Mitten moving,
18 Commissioner Turnbull seconding, Commissioners
19 Parsons and Hood in favor, Commissioner
20 Jeffries not present, not voting.

21 CHAIR MITTEN: Okay. Then we
22 received, let's see, on the fifth which I

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1 think is not - is that in sufficient time or
2 not? No, it's late. Okay, we have a late
3 filing from the Friendship Neighborhood
4 Association of their - the substance of their
5 opposition as well as I guess, I haven't read
6 it because I just got it tonight, but this was
7 supposed to have been filed earlier and I have
8 a serious doubt that we'll get to this case
9 tonight so I don't know that there would be
10 any prejudice to the applicant Mr. Collins.
11 Do you have any objection to accepting the
12 late filing?

13 MR. COLLINS: Madam Chair, Chris
14 Collins with Holland & Knight. Just to
15 clarify you're speaking of the witness list,
16 the substance of the submission or?

17 CHAIR MITTEN: Yes.

18 MR. COLLINS: Both of them?

19 CHAIR MITTEN: Well, it was filed
20 late. It was supposed to have been filed I
21 don't know 10 days or 14 days back.

22 MR. COLLINS: Right, 14 days in

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1 advance. No, we have no objection. Mr.
2 Hitchcock actually did email those to me.

3 CHAIR MITTEN: Okay.

4 MR. COLLINS: So I did get them
5 while not timely I got them in advance.

6 CHAIR MITTEN: Okay.

7 MR. HITCHCOCK: And for the
8 record, Con Hitchcock for Friendship
9 Neighborhood Association. The response was to
10 the Office of Planning report. It was if
11 anything intended to be filed early to give
12 the parties and the commission a chance to
13 look at it before we testified and hopefully
14 to cut down on some of the time otherwise.
15 With respect to the experts, we did note in
16 the party status application that we would be
17 putting on experts in the subject areas of
18 question. We just did not have the actual
19 parties retained until shortly thereafter, so.

20 CHAIR MITTEN: Okay and -

21 MR. HITCHCOCK: And we served
22 copies of their expert reports on Mr. Collins

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1 and on the ANC so they have them.

2 CHAIR MITTEN: And do we have
3 those yet or not? I don't think so. If we
4 got them, we just got them tonight.

5 MS. SCHELLIN: Yes. The witness
6 list, is that what you're referring to?

7 CHAIR MITTEN: Well and copies of
8 the reports evidently.

9 MR. HITCHCOCK: The reports by Mr.
10 Overlander and -

11 MS. SCHELLIN: That was attached
12 to your supplemental filing.

13 MR. HITCHCOCK: No, the resumes
14 were attached to the supplemental filing. The
15 reports themselves, the expert reports
16 themselves we didn't bring up.

17 CHAIR MITTEN: Okay. Let's just
18 make sure we get those into the record so that
19 we have a chance to look at them.

20 MR. HITCHCOCK: Absolutely.

21 CHAIR MITTEN: And as I said, I
22 don't think we're going to get through all of

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1 this tonight so while you're there and perhaps
2 we could have the party in support at the
3 table too. I want to talk - and we'll do a
4 time check around 9 o'clock, but I'd like to
5 get a date nailed down in case people need to
6 leave before we get the date nailed down. I
7 just want to note for the record we've been
8 joined by Commissioner Jeffries now too. A
9 couple of dates for continuation. I wanted to
10 take the earliest one first in case we need a
11 third, but I'm hoping not. March 19.

12 MR. HITCHCOCK: I have a BZA
13 matter that evening.

14 CHAIR MITTEN: You mean in the
15 community?

16 MR. HITCHCOCK: I have it down -

17 CHAIR MITTEN: The BZA doesn't
18 work at night.

19 MR. HITCHCOCK: I have the case
20 number down. You're right. Well, I have a
21 conflict with a meeting that night.

22 CHAIR MITTEN: Okay. Okay. How

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1 about the 29th of March?

2 MR. HITCHCOCK: Let me check if
3 our witnesses are available on March 29. Yes.

4 CHAIR MITTEN: Mr. Collins?

5 MR. COLLINS: So the date we're
6 looking at is the 29th?

7 CHAIR MITTEN: Of March.

8 MR. COLLINS: I'm out of town.

9 CHAIR MITTEN: You're out of town.
10 Okay.

11 MR. HITCHCOCK: We may have one
12 fact witness who's not available either.

13 CHAIR MITTEN: Okay. April 2.

14 MR. HITCHCOCK: That's Passover
15 I'm told.

16 CHAIR MITTEN: Oh yes. Sorry.

17 MS. SCHELLIN: April 12.

18 MR. COLLINS: The applicant's
19 people are okay.

20 MR. HITCHCOCK: I think we have a
21 winner.

22 CHAIR MITTEN: Ward 3 Vision,

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1 April 12? I need you at the table on a mic.

2 MS. HAJIAN: I'm actually out of
3 town.

4 CHAIR MITTEN: State your name for
5 the record if you would.

6 MS. HAJIAN: Allie Hajian for Ward
7 3 Vision. I'm sorry, I'm going to be out of
8 the state, out of the district the first two
9 weeks of April.

10 CHAIR MITTEN: Okay, let me ask
11 you this because we have the two critical
12 pieces, and not to say that you're not
13 critical, but.

14 MS. HAJIAN: I understand.

15 CHAIR MITTEN: Okay. Could
16 someone else represent the group that night?

17 MS. HAJIAN: I'm sure we could get
18 someone else.

19 CHAIR MITTEN: Okay, great. So
20 just for - and again we'll do a time check
21 around 9 o'clock and see where we are, but the
22 carryover date will be April 12, Thursday,

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1 April 12 at 6:30. Okay. Mrs. Schellin, any
2 other preliminary matters?

3 MS. SCHELLIN: No, ma'am.

4 CHAIR MITTEN: Mr. Collins, any
5 preliminary matters?

6 MR. COLLINS: No, ma'am.

7 CHAIR MITTEN: Anybody else?

8 MR. COLLINS: Did you want to do
9 qualifications of witnesses now or wait?

10 CHAIR MITTEN: No. At the
11 beginning of each presentation. Okay, Mr.
12 Collins we're ready for the applicant's
13 presentation.

14 MR. COLLINS: Good evening, Madam
15 Chair and members of the commission. My name
16 is Christopher Collins with the Law Firm of
17 Holland & Knight. Seated behind me is my
18 partner Christy Shiker from Holland & Knight.
19 Before we begin I'd like to qualify the
20 witnesses as experts. You have the list of
21 witnesses. They've all I think appeared
22 before you previously as expert witnesses.

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1 CHAIR MITTEN: Okay. Would you
2 kindly just state who you are proffering and
3 in what field for me?

4 MR. COLLINS: Sure.

5 CHAIR MITTEN: Thanks.

6 MR. COLLINS: First is Eric
7 Colbert who's an expert in architecture. We
8 have the list of witnesses and their
9 qualifications are in the submissions, Tab D
10 of our November 13 submission. Mr. Colbert is
11 an expert in architecture and design. Osborne
12 George and Iain Banks from R. George &
13 Associates, experts in traffic engineering and
14 design. Steven Sher, Holland & Knight, expert
15 in urban planning. We also have available but
16 not testifying tonight Eric Smart who's an
17 expert with Bolan Smart Associates, an expert
18 in economic analysis who's here to answer any
19 questions that you might have. Also in our
20 more recent submission on February 15, 2007,
21 we've listed Larry Demaree from Demaree &
22 Associates. Mr. Demaree is an expert in

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1 retail and retail leasing having practiced for
2 many, many years in the District of Columbia
3 and the environments around the area.

4 CHAIR MITTEN: Okay. So Mr.
5 Colbert, Mr. George, Mr. Banks, Mr. Smart, Mr.
6 Sher, Mr. Demaree?

7 MR. COLLINS: That's correct.

8 CHAIR MITTEN: Okay. Is there any
9 objection to accepting these gentlemen as
10 experts in the proffered fields? Okay. No
11 objection, Mr. Collins.

12 MR. COLLINS: Thank you. Good
13 evening. This is an application for a PUD and
14 map amendment for a mixed use residential and
15 retail project at 5220 Wisconsin Avenue
16 Northwest. The site is currently zoned R-5-B
17 and is occupied by a used car lot and a flower
18 shop. The proposal before you tonight is for
19 a rezoning of the site to C-2-B and to
20 construct a 60- to 70-unit apartment building
21 with 13,000 square feet of gross floor area
22 for retail on the ground floor. There is C-2-

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1 B zoning to the north in the same square
2 fronting on Wisconsin and Jennifer.

3 The witnesses for the applicant
4 will demonstrate tonight through substantial
5 evidence and testimony four primary points.
6 First of all that the project is consistent
7 with the PUD regulations. Secondly, that the
8 project is as the standard says not
9 inconsistent with the Comprehensive Plan and
10 that applies to both the existing
11 Comprehensive Plan as well as the new
12 Comprehensive Plan which is projected to take
13 effect next week I understand. Third, that
14 the project furthers a number of city goals
15 and policies, for instance managing growth at
16 appropriate locations, transit-oriented
17 development, sustainability, housing,
18 affordable housing and increasing the tax
19 base. And finally we will demonstrate that
20 the applicant has met its burden of proof in
21 this case.

22 We are pleased to have the support

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1 of a number of organizations and groups.
2 First of all from the executive branch the
3 Office of Planning which has concluded in
4 their report that the project is consistent
5 with the Comprehensive Plan and furthers many
6 city policies and objectives. Also from the
7 executive branch the D.C. Department of
8 Transportation which has done an analysis and
9 concurs with the applicant's conclusions.
10 From the council we are pleased to have the
11 support of former Ward 3 Council member Kathy
12 Patterson whose letter appears in Exhibit 28
13 of the record, the current Ward 3 Council
14 member Mary Cheh whose letter appears at
15 Exhibit 30 of the record. Also several
16 organizations: Ward 3 Vision which is now a
17 party in support; the Coalition for Smarter
18 Growth which has a letter at Exhibit 48; the
19 Smart Growth Alliance, at Exhibit 87 there's
20 a letter from them; and the Sierra Club has a
21 submission at Exhibit 113. In addition, we
22 have numerous - and you've seen the record is

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1 fairly thick - numerous, numerous letters of
2 support from individual residents in the area.

3 The project includes a number of
4 amenities which will benefit area institutions
5 which will be described by our witnesses as
6 well as other amenities that are specific to
7 the project. This project has had significant
8 community involvement dating back to last
9 January. There is broad support for this
10 project. There is also opposition. There is
11 a genuine split in the community. The plan
12 meets and conforms with numerous specific
13 adopted city goals and objectives for future
14 growth and development along Wisconsin Avenue
15 including the adopted Comprehensive Plan and
16 others.

17 A principal concern that's been
18 addressed or expressed by many opponents as
19 you'll see in the letters and the testimony
20 tonight is the precedential effect of this
21 case. However, the Zoning Commission has
22 found and concluded on numerous occasions that

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1 each case stands on its own merits. The
2 applicant has met numerous times with many
3 individuals and groups and has held public
4 forums in the community on this project. The
5 applicant has made changes to the plan. The
6 applicant has reached agreement on some issues
7 with some groups and some individuals, but
8 there is not complete agreement on every issue
9 with everyone. Therefore it is up to the
10 Zoning Commission to determine if the
11 applicant has met its burden of proof in this
12 case. We believe that this is the only
13 conclusion that you can reach.

14 Unless you have any questions of
15 me I'd like to go to our first witness, two
16 witnesses from the Akridge Company, Matthew
17 Klein to my left, the president of Akridge
18 Real Estate Services and to my right David
19 Tuchmann, a development manager with Akridge
20 and the project manager of 5220 Wisconsin
21 Avenue Northwest and they will then introduce
22 the other witnesses in our case.

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1 CHAIR MITTEN: We'll hold our
2 questions till the end so you can just keep
3 proceeding through.

4 MR. COLLINS: Thank you.

5 MR. KLEIN: Good evening Madam
6 Chair and members of the commission. My name
7 is Matthew Klein. I'm president of the
8 Akridge Company. Akridge is a full-service
9 commercial real estate development company.
10 It's been headquartered here in Washington,
11 D.C., for 32 years since its founding in 1974.
12 I guess it's 33 years now. We are a local,
13 capable and very engaged real estate firm.
14 Over the last 30 years Akridge has developed
15 more than 10 million square feet including
16 projects like Gallery Place, the Victor
17 Building, the Homer Building and Carroll
18 Square. And we have an active portfolio of
19 future projects including Burnham Place which
20 is the air rights above the Union Station
21 train tracks, 700 6th Street and 5220
22 Wisconsin to name just a few.

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1 Our projects tend to be transit-
2 oriented and are often more complicated than
3 normal. We did the first housing linkage PUD
4 with 1215 I Street and the first project with
5 tax increment financing in Gallery Place. And
6 no one has more projects that have been
7 recognized by the Smart Growth Alliance than
8 Akridge. While we are not the biggest
9 development firm in Washington, we are very
10 proud of the quality of what we do and have
11 been fortunate to have been recognized by many
12 organizations both for being engaged in our
13 community and for the quality of our projects.

14 We are very proud of the project
15 we've put before you this evening. We've
16 listened, designed, listened some more and
17 gone through countless iterations to arrive at
18 the final product we are presenting this
19 evening. We are very proud of the complete
20 package, the design, the massing, the
21 amenities, the street presence. We believe
22 it's a project that fits the context of the

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1 neighborhood and we believe it will have a
2 lasting positive impact on the neighborhood.

3 I'd like to introduce our project
4 team. We take great pride in assembling a
5 group of local seasoned experts that have
6 worked on this project. First is Eric Colbert
7 & Associates. Eric has more than 30 years of
8 doing neighborhood-based residential projects
9 in the District of Columbia. He also has the
10 unique characteristic of being a neighborhood
11 resident in close walking distance to this
12 particular site. It gives him a unique
13 perspective on the urban context for 5220.
14 Next is O.R. George & Associates. I believe
15 you're well familiar with Osborne and his
16 capabilities from traffic analysis. Larry
17 Demaree & Associates has been our retail
18 consultant. Larry has more than 30 years of
19 retail consulting expertise with special focus
20 on mixed use projects. Eric Smart from Bolan
21 Smart also well known to you all. Sustainable
22 Design Consultants has been our lead

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1 consultant and Holland & Knight obviously has
2 been our land use and urban planning
3 consultant as well.

4 Akridge along with our project
5 team is local, we're capable and we're very
6 engaged and we believe we've put forth the
7 best project possible for 5220 Wisconsin.
8 With that I'd like to turn it over to David
9 Tuchmann to walk you through our community
10 outreach efforts.

11 MR. TUCHMANN: Thank you, Matt.
12 The community outreach for this project has
13 been extremely broad and has spanned the
14 process of over a year. It's included many
15 different formats of interaction. First we've
16 had large-format public meetings. We've had
17 four such meetings, some attended by as many
18 as 75 to 100 people. One of those meetings in
19 particular was specifically designed to allow
20 organizations to present amenity proposal
21 requests in front of neighbors and then we
22 received reactions from those neighbors and

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1 that helped us determine parts of our amenity
2 package. We also first received written
3 proposals from those groups to understand them
4 further. In addition we have held numerous
5 small group meetings with some of the groups
6 that are listed on the slide above. Beyond
7 that we have had hundreds of in-person
8 discussions. These ranges from being on
9 people's doorsteps to being over the phone and
10 hundreds of email exchanges as well.

11 We've worked with the agencies who
12 are the expected usual agencies you'd see like
13 the Office of Planning and the District
14 Department of Transportation. We've also had
15 the opportunity to work with PEPCO as well as
16 the D.C. Commission on Arts and Humanities
17 which relates to one of our amenities which
18 we'll describe in further detail. We also
19 established a project website,
20 5220wisconsin.com, and encouraged people to
21 view that website where we posted all of our
22 public submissions including all of the plans

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1 and drawings as well as other information
2 about the project. All of these forms of
3 interaction have critically fit into the
4 project that you're going to see tonight and
5 has made it a better project.

6 I'd like to briefly go through the
7 highlights of the benefits and amenities which
8 will be part of this project. First,
9 affordable housing and this will have two
10 components. Onsite we are proposing six to
11 seven units out of a 60- to 70-unit project to
12 be affordable at the 80 percent area median
13 income level. In addition, we're proposing a
14 half million dollar contribution to the
15 Lisner-Louise-Dickson-Hurt Home located around
16 the corner from our site. This contribution
17 will support four additional units for the
18 city's poorest of the poor, individuals who
19 are elderly and who have incomes approximately
20 at \$11,000 per year, clearly well below the 30
21 percent area median income range. As you can
22 see in total the project would support

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1 approximately 10 units of affordable housing.

2 A second essential component of
3 our package is LEED certification. We are
4 particularly proud of this amenity given that
5 we are specifically proffering full
6 certification of the project and are providing
7 a guarantee of that through the posting of a
8 financial security prior to certificate of
9 occupancy of the building. I'd also like to
10 point out that while there are certainly
11 several buildings of commercial nature which
12 have recently either become LEED-certified in
13 the district or are planning to, we would be
14 among the first buildings to do so for a
15 residential project.

16 Another component of our package
17 is a contribution to the Janney Elementary
18 School, the local elementary school which
19 serves the project site location. While there
20 you can see on the list are several aspects
21 that these funds will contribute to, I'd like
22 to point out one in particular which is the

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1 soccer field upgrades. It's a field that's
2 used by hundreds of children of all ages and
3 also adults and receives a whole lot of wear
4 and tear. It's badly in need of upgrading,
5 recrowning for drainage and part of these
6 monies would go towards the enhancement of
7 that field to ensure that it could be used and
8 enjoyed by more people. Additionally we have
9 support of \$30,000 to IONA Senior Services
10 which will help a senior ride service program
11 which provides rides for critical things such
12 as grocery shopping and doctor's appointments
13 for seniors who might otherwise be shut-ins
14 and allows them to age in place. This service
15 operates along the Wisconsin Avenue corridor.

16 In addition, neighborhood-serving
17 retail has been a critical component of this
18 project. We have talked with many neighbors,
19 many residents who have particular concerns
20 and interests in what type of retail they
21 would see. To that end we have worked with
22 one group in particular, Ward 3 Vision, who

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1 had very specific constraints and commitments
2 that they wanted us to enter into. You have
3 in front of you which was delivered today to
4 the other parties that set of commitments and
5 we're happy to take your questions at a later
6 time about how those commitments will work.
7 In addition we were asked within the Office of
8 Planning's report if we would consider the
9 inclusion in addition to the amenities we had
10 already put forth of LSDBE and first source
11 commitments and tonight we are affirmatively
12 responding to say that we will indeed have
13 those commitments as part of this project.

14 Well, you can see we have many
15 features within this project which are
16 designed to encourage people to use
17 alternative forms of transportation as
18 compared with automobiles. There's one
19 specific amenity that I'd like to point out.
20 You may recall that at the set-down hearing
21 for this case the former director of planning
22 described the idea of a transportation

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1 management association and some of the
2 commissioners at the time responded favorably
3 to that idea. In response we have worked
4 diligently with the District Department of
5 Transportation as well as transportation
6 demand management experts to determine the
7 best way that we could bring this amenity
8 forth. The result of those conversations was
9 a provision of \$40,000 which the applicant
10 would put forward in order to support a new
11 DDOT contractor. This person would be termed
12 the Friendship Heights Transportation
13 Management Coordinator. They would
14 exclusively be tasked with working on
15 Friendship Heights-related transportation and
16 parking challenges. There are many solutions
17 in prior district studies that have already
18 been put forth and this person's first task
19 would be to start trying to figure out how to
20 implement some of those solutions that are
21 already out there. They would clearly also be
22 working on future opportunities as well.

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1 Another element that makes this
2 amenity important is there currently is a
3 transportation management district functioning
4 on the Montgomery County side of Friendship
5 Heights that enjoys many benefits. The
6 district doesn't have a counterpart. This
7 position would offer the opportunity to begin
8 collaborations to enjoy some of those same
9 benefits that the Friendship Heights
10 Montgomery County side TMD has right now. We
11 will also be proposing streetscape
12 improvements and I want to point out those are
13 both in front of the 5220 site as well as in
14 front of the PEPCO substation. Mr. Colbert
15 will describe later and show you visual images
16 of what that would entail.

17 Before I turn it over to Eric
18 Colbert I would like to cover a couple of
19 specific matters in regards to agency reports.
20 We are agreeing to all conditions that have
21 been raised by the district agency reports
22 that are currently on file and have come in in

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1 the last few weeks. Specifically the District
2 Department of Transportation asked that we
3 work with them on the Harrison Street and
4 Wisconsin improvements which Osborne George
5 will talk about and we affirmatively agreed to
6 do so. They've also asked us to work with
7 them to determine a final streetscape design
8 and we will absolutely coordinate with them on
9 that design. Secondly, the Office of Planning
10 has asked that we put forth a financial
11 security to secure ties to the LEED
12 commitment. As I mentioned we will absolutely
13 do that. Secondly, in response to OP's
14 request and ANC 3E's request we will maintain
15 a pedestrian walkway adjacent to the site
16 during construction. And finally in response
17 to the Metropolitan Police Department's
18 question regarding curb lane travel during
19 construction we are agreeing to maintain that
20 curb lane during the AM rush hour time which
21 is how it currently is to allow traffic flow
22 to continue through. And with that I'd like

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1 to turn it over to Eric Colbert.

2 MR. COLBERT: Can we get the
3 lights?

4 CHAIR MITTEN: Yes.

5 MR. COLBERT: Good evening Madam
6 Chairperson, members of the commission. My
7 name is Eric Colbert with Eric Colbert &
8 Associates Architects. And I'm really looking
9 forward to doing this project because it's in
10 my neighborhood and I'm really looking forward
11 to working with my neighbors. And one reason
12 the Akridge Company chose me to do this is
13 that my company is a neighborhood architect.
14 We're a residential architect. Some of the
15 buildings we do have mixed use on the ground
16 floor, but if you go into the neighborhoods
17 where construction is being done for
18 residences, for apartments and condos, it's a
19 good chance a lot of those are done by my
20 firm.

21 There are three points that I'd
22 like to discuss tonight. One is I have spent

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1 a lot of time working with the client to craft
2 a very specific project to you know evolve the
3 height, density and form of the building in a
4 way that fits perfectly into the site. The
5 second point is that not only will this
6 building be an incredible improvement to the
7 actual site that it's on, but also it will
8 make an incredible difference to that side of
9 the block on Wisconsin Avenue and the
10 neighborhood. Thirdly, I'd like to point out
11 how we will be using an extremely high quality
12 of materials and incorporating the principles
13 of LEED design.

14 To get an orientation, let me
15 first talk a little bit about this aerial
16 photograph. If you start on Jenifer Street
17 there are some improvements to this building
18 that's on the corner of Jenifer and Wisconsin
19 Avenue, but after you turn around the corner
20 it's kind of a bleak scenario there. And then
21 you have the Metro entrance set back from the
22 street. But then as you go further south this

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1 is a blank wall, but behind it are these
2 idling buses that are just there coming in and
3 out all day, you know belching smoke out.
4 Then you have our site which is the car
5 dealership. After that is the PEPCO
6 substation which I'll talk about these windows
7 that have been bricked up. And then the
8 transformers on the side, certainly an eyesore
9 that you can see now that we're going to take
10 care of that. On the corner there's a 2-story
11 bank that is kind of Brutalist style. Now, as
12 you come around the corner on Harrison Street,
13 that's how the majority of people would gain
14 access to our building, coming down this 20-
15 foot alley which is actually a dead end alley
16 and then coming into our site.

17 This is a photograph of the
18 existing property and you can see it's not
19 very attractive. And this is the PEPCO
20 substation. And this is where you can see the
21 ugly transformers on the site. Okay. Now,
22 this is the same view but actually looking a

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1 little bit north. So this is the south end of
2 our site along Harrison and then this is the
3 north end of our site on Jenifer. This is
4 Mazza Gallerie and there's an 11-story
5 building under construction right now right
6 here and then you can see the taller buildings
7 in Chevy Chase a little bit beyond that,
8 Friendship Heights. Across the street, this
9 is a 6-story building. It's an office
10 building, has commercial on the ground floor
11 and fits nicely in and we have some 2-story
12 commercial there. And then you go to the next
13 intersection of Jenifer Street and there's a
14 90-foot office building with commercial on the
15 ground floor. Keep going up. This is Chevy
16 Chase Pavilion. That's at least 100 feet and
17 then beyond that is across Western Avenue
18 there's an air rights building that's about
19 120.

20 This is the PEPCO substation that
21 we've been talking about. You can see that
22 this is just one of the series of events that

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1 you go by when you're going from the Metro to
2 the neighborhoods which is extremely
3 unfriendly and that we hope to fix some of
4 that. What we're going to do is we're going
5 to take out these brick panels and we're going
6 to put in a beautiful show windows, put some
7 nice canopies when - clean the stone and
8 restore the terra cotta on the base and make
9 it a very attractive building once again.

10 This is the rendering of our
11 proposed building. It's divided into two
12 building components that's facing Wisconsin
13 Avenue. You have this 5-story brick piece
14 with a metal cornice and then there's a 7-
15 story component which you only see really a
16 sliver of when you're standing on the sidewalk
17 across the street on Wisconsin Avenue. And we
18 have the residential lobby on the north. As
19 I'll show you later we wanted to put that on
20 the north for two reasons. One is we want the
21 residents to be close to the Metro and the
22 shopping, but also this is the taller portion

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1 of the building so in order to get to the
2 residential elevators the core would have to
3 be where those are located. We also wanted
4 the potential to have as free a commercial
5 space as possible for flexibility in order to
6 subleasing. And you can see we're going to
7 have a very nice situation along the street
8 here with possible sidewalk cafes and
9 commercial entrances. And then this is our
10 drawing of the PEPCO substation where we're
11 putting in the new display windows with art
12 exhibits, cleaning up the stone, reappointing
13 it and then putting up the canopies.

14 This is a model shot that shows
15 the heights of our buildings. And you can see
16 how we've sculpted the design of our building
17 so that we have the 79-foot portion here and
18 then the 5-story piece along Wisconsin Avenue
19 and then the 3-story piece in the rear. We
20 have duplex units there that are closest to
21 the apartment buildings that front on Harrison
22 Street. One thing that's really good about

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1 our site is we have this enormous buffer zone
2 between our site and the nearest single-family
3 residential detached house, almost 330 feet,
4 as opposed to some of these other buildings
5 like the office across the street where they
6 have houses right across 43rd Street, and
7 again this building where the single-family
8 detached houses are right adjacent to it. So
9 we don't have any of that adjacency to our
10 site. We have an incredible buffer. Also
11 you'll see that we have the 5-story mostly
12 buildings here and then you go up 6th, this is
13 I think 8 stories and then higher. So the
14 heights that we have, really there is a
15 hierarchy of building sizes as you go north
16 toward Western Avenue.

17 This is one of my favorite
18 photographs of the model because it really
19 shows how well our building, the way it's been
20 crafted fits in with the heights of the
21 buildings up and down Wisconsin Avenue. This
22 is a good shot. One of the things that was a

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1 component of our design, you see these
2 different angles and part of the genesis of
3 that had to do with the fact that Washington
4 has a street grid running north and south and
5 then there are these streets named after
6 states that run at diagonals. And so the
7 angles on the facade are actually an
8 expression of the north-south grid the way it
9 interacts with the angles of the streets that
10 are named after states.

11 This is a very important slide
12 because we're probably looking maybe 100 feet
13 above the south end of the parking lot behind
14 the funeral home. This is Harrison Street and
15 then you see the apartment buildings along
16 Harrison. And one of the things that's
17 important about these apartment buildings is
18 that the party walls run north and south and
19 because of that it's not like we have a
20 condition where we're right across the alley
21 from residences. No. This is a perpendicular
22 condition so most of the views actually face

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1 north and south here would not be obstructed.
2 And as a matter of fact quite a number of the
3 owners of the nearest affected residences have
4 letters in the file supporting our project.
5 Another thing about this slide too is here you
6 can also see the hierarchy of heights as you
7 go up Wisconsin Avenue. This is very in
8 keeping with what's there.

9 One thing, as with many of the
10 projects that we do there are always neighbors
11 that are very concerned and it's difficult for
12 people to understand sometimes what the real
13 impact of this project is going to be. So
14 what we did here is I'm going to show you a
15 series of slides starting at 44th and
16 Harrison, then going over to Garrison and
17 turning left as we go east toward Wisconsin
18 Avenue, showing in yellow we outlined the
19 building and this is the first one. So that
20 when I'm standing on the intersection this is
21 actually the outline of the building as it
22 exists beyond those apartment buildings. And

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1 as you can see, only a very minute corner of
2 the building would actually be visible at that
3 point. Then moving further south on 44th
4 Street, taken from this perspective halfway
5 between Garrison and Harrison, okay. You can
6 see that again the building from that
7 perspective probably about 550 feet away from
8 our site is really going to have a - you know
9 it will not be overwhelming at all. It will
10 not tower over the adjacent community. It
11 will have a very pleasant scale. Here's the
12 next one at 44th and Garrison, and again you
13 can see that the building will not even be
14 visible from this short distance from our
15 site. And again, going a little further
16 toward you know the middle of Garrison you can
17 see the three-dimensional construct of that
18 and that very little of it will be visible
19 from the adjacent blocks.

20 This is a south elevation of our
21 building and one of the things I was talking
22 about is scale is obviously a big issue. And

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1 so what we've done here is we have the 5-story
2 component facing Wisconsin Avenue and then
3 there's a 7-story piece that's over the PEPCO
4 substation and then this piece is carved out
5 so we can move as much of the mass as far
6 north as possible. And then we have these
7 duplex apartments here facing the alley. This
8 is the alley elevation. One thing I'd like to
9 point out is the fact that the Wisconsin
10 Avenue is about 8 and a half feet above the
11 alley and so as you come down the alley it
12 makes it very convenient that our first floor
13 can be on grade at Wisconsin Avenue, but then
14 the alley, we can go directly into the garage
15 because it is almost a story lower at that
16 point. We have the trucks here in this
17 location. We have two car-share spaces here
18 that the community will have 24-hour access
19 to. This is our commercial parking and we
20 also have some visitor spaces located here.
21 And then this door is for the parking for the
22 residences.

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1 This is the north elevation. One
2 thing I wanted to say about this is this is
3 facing the buses and we know that at some
4 point in time there probably will be some
5 construction at this location. There's a
6 tendency if we were doing a matter-of-right
7 project to probably just have a blank facade
8 facing this area. However, we wanted to spend
9 extra money so that we could enliven that so
10 that people would have something more than
11 just a blank face to look at until the
12 building is built at that location.

13 This is a more detailed statement
14 about our materials. Here there's a metal
15 cornice as you see, cast stone lower cornice,
16 the double-hung windows that will go in the
17 brick part, and then you can see the kind of
18 brick that we're proposing itself. One of the
19 reasons for doing this is that we had a first
20 design when we were starting out that was
21 really just very contemporary, very
22 streamlined, but we got feedback from the

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1 community that the building didn't relate
2 enough to the residences. So that's another
3 reason that we've incorporated this brick
4 component into the overall facade is so that
5 the building will not only represent the
6 sixties and seventies modernity that exists in
7 Wisconsin Avenue but also pick up on the brick
8 that's the construction used for most of the
9 houses in the neighborhoods on either side.
10 And then these are some more materials that
11 we're using. We have this split block that
12 we're using in the base to give it strength,
13 corrugated metal and this is the balcony
14 detail.

15 This is a site plan and the
16 importance of this is to talk about the
17 improvements that we're making in the 27-foot
18 sidewalk. That's an unusually wide area.
19 Only about half of it is really needed for the
20 tree box and for the public circulation. And
21 then we're showing the possibility of having
22 planters here and then sidewalk cafes. Most

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1 of these trees are in really bad condition so
2 we're going to prune, fix up the ones that we
3 can save and then the other ones we're going
4 to put new trees in the tree boxes. And as
5 you'll hear later we're getting rid of curb
6 cuts here which will incredibly increase the
7 safety of the neighborhood for kids and
8 pedestrians that are going by on the street.
9 Okay.

10 This is our garage plan and one
11 reason I wanted to show this to you is these
12 are where three trucks could be located in the
13 loading bays. We located that at that
14 position on the back because it's directly
15 opposite a perpendicular public alley that'll
16 help us maneuver trucks and get them into that
17 area. We're also showing a bike storage area
18 which is part of our green building
19 improvements. This is the commercial parking.
20 We also have three visitor parking in this
21 area and those have their separate elevator to
22 go up to the commercial first floor. And then

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1 this is the residential parking that continues
2 to ramp down and it goes underneath and
3 there's a lower level of residential parking.

4 This is our first floor and as I
5 mentioned we have the residential elevators on
6 the north side where the highest density is
7 and then we've shown three entrances along the
8 commercial area, but also we could add two
9 more depending on leasing. And then we have
10 a couple apartments in the back. Typically an
11 apartment building would not have 100 percent
12 lot occupancy, but in this area most of it's
13 retail and then we have community services for
14 the apartment building with an exercise room
15 so we do have three apartments that we're
16 showing at that level because it is one level
17 above ground at that point. Okay.

18 This is our second floor plan and
19 as you see once we get up there we start to
20 open the building up more. We have this
21 wonderful courtyard in the middle here.
22 Apartment buildings cannot get any more deep

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1 than about 60 feet because they need light and
2 air to the rooms that they have. And so since
3 the site is 150 feet deep we've created this
4 courtyard, and as I mentioned we have these
5 duplex units on the back, the very more
6 lighter, gentle scale to the apartment
7 buildings facing Harrison Street.

8 Here you see we've made some
9 incredible improvements to the roof of the
10 part where we have the duplex apartments and
11 I'll show you a rendering of that. This is -
12 what we're going to do there since we kind of
13 look down into that we want it to be lively,
14 but we've also created these stairs coming up
15 from those duplex units that can have their
16 own private roof decks with a trellis. So
17 it'll not only create a nice atmosphere for
18 the residences but also for the people looking
19 down on it from the higher floors.

20 And then this is our roof plan.
21 These green areas, we have committed to green
22 building so we have a number of green roof

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1 plantings that we're proposing and also
2 there's a number of green elements in the
3 building. For instance we're using energy-
4 efficient heating and air conditioning way
5 beyond normal and then also energy-conserving
6 light fixtures and plumbing fixtures will be
7 low-water requirements.

8 And then I'd just like to
9 summarize by saying you know thank you very
10 much for coming here tonight and listening to
11 my presentation. And I hope you agree that
12 we've really crafted the building to have the
13 form that's really appropriate for the site,
14 the height and density and the massing, and
15 that you've seen that we have quality building
16 materials and that we're going to do green
17 design to really help the environment. Thank
18 you.

19 MR. GEORGE: Good evening Madam
20 Chair and members of the commission. For the
21 record, Osborne George. I'm assisted by Iain
22 Banks our senior engineer and associate who

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1 has done a lot of the heavy lifting on this
2 project and will be my tag team partner in the
3 presentation. Next slide please.

4 Madam Chair, as part of our
5 analysis which is documented in Tab F of your
6 - the applicant's submission we conducted a
7 traffic impact analysis which addressed all of
8 the requirements of the city's regulation
9 which include access and circulation, loading,
10 vehicle trip generation, before and after
11 capacity analysis and relationship to mass
12 transit. Next slide, please. As we went
13 through our process we went through the DDOT
14 Design and Engineering Manual, established a
15 scoping with DDOT staff, had discussions and
16 site visits with the staff and of course
17 reviewed background studies which were germane
18 to this site and this proposal. Next slide,
19 please.

20 There are several key study permit
21 parameters which I'd like to run through with
22 you of which location and transit-oriented

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1 development and smart growth character you've
2 heard from Mr. Tuchmann and Mr. Smart so I
3 won't dwell on these. I think the most
4 important factors that I would like to discuss
5 with you this evening is the net trip
6 generation impacts of the site and trip
7 generation we're referring to vehicular trip
8 generation because this is a transit-oriented
9 development where we expect to generate a
10 significant percentage of non-vehicle trips.
11 So the net trip generation impacts will
12 present some information or traffic analysis
13 and then look at transportation-related public
14 benefits that are associated with this
15 proposal.

16 I'd like to discuss vehicle trip
17 generation very briefly. As you know and as
18 you've heard the site is currently occupied by
19 an auto dealership, a used car dealership. We
20 have observed the trip generation and these
21 are the numbers. Currently approximately six
22 trips in the morning, 12 in the afternoon,

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1 total in and out. I'd also like to point out
2 that while I understand that there's some sort
3 of special format or management associated
4 with the site where a lot of the activity are
5 generated through appointments and so it's not
6 a classical used car dealership, if you look
7 at what IT recommends, the site under its
8 current use could actually generate 23 trips
9 in the morning and 29 in the afternoon.

10 I'd just like to touch briefly.
11 You've heard and you know that the site is
12 zoned residential. Assuming that 40 apartment
13 units were developed on the site and assuming
14 that you have a healthy level of transit trip
15 usage you'd have between six and eight vehicle
16 trips were it developed per the current use.
17 As per the applicant's proposal they're
18 calling for between 60 and 70 apartment units
19 and 13,000 square feet of retail. Applying a
20 significant percentage of retail which we have
21 documented in our study we assumed 65 percent
22 transit usage. This would yield a net of 15

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1 AM peak hour trips and 32 trips in the
2 afternoon. An important consideration then is
3 the net impact of the site relative to what is
4 on the site today. If you consider the six
5 trips generated today versus the nine
6 potentially, a difference of - I'm sorry, six
7 versus 15, a potential increase of nine
8 vehicle trips. The 12 versus 32, a potential
9 increase of 20 vehicle trips. Again that's
10 the total in and out, and again we stress that
11 given that the site is right next to transit
12 we assume that significant percentage of
13 transit use.

14 I'd like to highlight that DDOT
15 took a worst case look, if we can go back to
16 that slide, and go back. Right. If we can go
17 back, DDOT took a more worst case scenario and
18 they said what if we didn't get 65 percent?
19 What if we got 50 percent? They did that
20 analysis and found that it didn't change the
21 conclusion, the findings of our study in any
22 significant way. Next slide, please.

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1 As far as our traffic analysis, of
2 course there were some factors which were
3 important. The site is located along a major
4 corridor which serves as a commuter route.
5 There are parking restrictions along the
6 roadway during the morning and afternoon peak
7 hours and of course the - most of the signals
8 are - most of the intersections are signalized
9 and they are timed to prioritize through
10 movements along Wisconsin Avenue. I would
11 just mention that our traffic counts and also
12 the studies that were done by DDOT show that
13 at any one of these intersections if you look
14 at the total traffic utilizing an
15 intersection, between 80 and 85 percent of the
16 traffic during any critical peak period is
17 along the main street which is Wisconsin
18 Avenue versus approximately 15 to 20 percent
19 along the side street approaches.

20 We looked at the levels of service
21 at the local intersections and compared the
22 situation current or existing and future.

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1 Next slide, please. We must let you know
2 Madam Chair that we conducted the study over -
3 in excess perhaps 15 months and inadvertently
4 one of our earlier analyses got retained into
5 the report as far as the capacity analysis
6 that were presented. And I'd like to clarify
7 that. The capacity analysis process which we
8 utilize requires that we consider the heavy
9 vehicles which use the roadway, trucks, buses
10 and the like. It also requires that we
11 consider pedestrian traffic at the various
12 intersections and it also requires that we
13 consider the lane widths. We did a very
14 preliminary analysis and inadvertently that
15 got carried over. As we prepared for this
16 hearing we recognized that, we revised the
17 analysis and submitted the results to DDOT,
18 had discussions with them and the analysis
19 confirms that it does not change anything. We
20 have a copy of our revised analysis which I
21 understand has already been submitted into the
22 record. So we regret that, but again it was

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1 just an inadvertent error in the factors which
2 were input into the report. As part of the
3 general background for the study we also
4 looked at Saturday, weekend traffic
5 conditions. Again we did not revise that
6 since that was just for background
7 information. So we'd like to apologize and
8 ask that you take note of that. Next slide,
9 please.

10 And so we show - this may be a
11 little bit hard to read, but you have that in
12 your package. What it shows that at the three
13 intersections which we analyzed, the
14 intersection of Wisconsin at Jenifer,
15 Wisconsin at Ingomar Street which is right
16 opposite to the site and Wisconsin Avenue at
17 Harrison Street. We'll talk a little bit more
18 of that location. All of the levels of
19 service remain the same. And so it did not
20 necessitate any change in the findings and
21 conclusion. Mr. Banks and I regret that very
22 much. All right.

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1 I'd like to just talk very briefly
2 about the immediate or direct access,
3 Wisconsin Avenue. An important consideration
4 is that at the present time you've got three
5 curb cuts here through which the existing uses
6 are accessed. As Mr. Colbert pointed out,
7 these curb cuts would be eliminated which is
8 a positive in terms of the access management,
9 removing the points of access of course
10 enhances safety and efficiency of traffic
11 flow. Into the site here there would be a 20-
12 foot alley running north from Harrison Street
13 and Mr. Colbert pointed out that the point of
14 access into the garage would be approximately
15 this point and with an east-west alley
16 connecting to 44th Street. I don't think I
17 need to say more of that. These are two
18 public alleyways designed to serve the uses
19 within that lot. Next slide, please.

20 Getting trucks into and out of the
21 site was an important consideration which the
22 applicant wanted us to look at and so I just

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1 orient you. This is the alleyway, a 20-foot
2 alleyway which dead-ends into the site. I
3 think this is roughly perhaps toward the
4 northern extremity of the site. This is a 16-
5 foot alley which heads west so toward 44th
6 street. Harrison Street is to the south.
7 Trucks accessing the site, we believe that
8 they would come primarily off Wisconsin
9 Avenue, make a left turn into the site and
10 we've used a standard methodology for
11 determining whether the tracking works,
12 whether trucks would be able to do it. The
13 applicant proposed three truck bays, one 20-
14 foot bay and two 30-foot trucks. We assume
15 the worst case scenario. It's unlikely that
16 you have three trucks parked at an apartment
17 building, the loading docks at the same time,
18 but for each one of those docks we assumed
19 that the other two were occupied and these are
20 the movements again using a standard
21 methodology, the auto turn software. This is
22 the accessing the first, this is the middle

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1 loading berth and the third loading berth. So
2 we are able to confirm that it works. Again,
3 it's important to point out that given the
4 uses along the side with this being a dead end
5 use, that not much other uses would share this
6 alleyway to conflict with the truck movements
7 into the site. Next slide, please. Three
8 minutes, yes. All right.

9 One of the things that we noted
10 from the DDOT Friendship Heights area study,
11 they pointed out that Harrison Street as well
12 as Garrison, Jenifer, most of the other
13 streets, the side streets experience delay
14 because of parking and because of tight
15 constraints. They recommended that the city
16 should look at means of expanding,
17 facilitating flow on the approaches to the
18 site for this distance of about 40 feet. We
19 worked with DDOT, visited the site with many
20 of their staff and came up with a proposal
21 that would eliminate some parking here,
22 provide for two lanes on the eastbound

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1 Harrison Street approach, replace some of the
2 parking that would be lost here with parking
3 along the frontage of the site. This is the
4 entrance to the new building. This is the
5 retail. There would be some area here which
6 would be worked out with the Curbside
7 Management Division of DDOT to provide for
8 some sort of entrance or accessing facility.
9 Next slide, please.

10 As far as public benefits, we
11 think that the Harrison Street improvements,
12 they're consistent with what DDOT has found
13 for the entire Friendship Heights area. Mr.
14 Tuchmann pointed out what has a lot of
15 potential in terms of the transportation
16 management coordinator. I don't think I need
17 to say anything more of that. And of course
18 the improved access management along the
19 frontage of the site.

20 So based on that I don't think I
21 need to reiterate the location is favorable,
22 the trip generation is minimal because of

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1 transit usage. I've demonstrated that the
2 level of service is not going to change due to
3 that use. It's favorable now, it will be
4 favorable in future. The parking, unloading
5 can be accommodated and of course as for the
6 field process there are several public
7 benefits which accrue to the project. Thank
8 you Madam Chair.

9 CHAIR MITTEN: I'm afraid of Mr.
10 Sher having 16 minutes.

11 (Laughter)

12 CHAIR MITTEN: Would you like the
13 lights back on?

14 MR. SHER: Sure. Rather than keep
15 everybody in the dark. Madam Chair and
16 members of the commission, for the record my
17 name is Steven E. Sher, the Director of Zoning
18 and Land Use Services with the Law Firm of
19 Holland & Knight. And I don't know what I'm
20 going to do. Well, I guess. You have a 45-
21 page outline of my testimony. Even in 16 and
22 a half minutes I couldn't cover 45 pages so

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1 let me point you to what I think are the four
2 critical points from a planning and zoning
3 point of view about this case. I'll talk one
4 about the difference between the existing and
5 the proposed zoning, the flexibility that the
6 applicant requests as part of the PUD, the
7 balancing that the commission is required to
8 do under the PUD regulations which means the
9 development centers and the flexibility that
10 the applicant requests on the one hand and the
11 benefits and amenities that are provided on
12 the other, and third - sorry, fourth, the comp
13 plan. All right. Let me go back to the
14 beginning then.

15 Putting aside this PUD, this
16 subject property right now is zoned R-5-B. R-
17 5-B is not consistent on the other hand, it's
18 inconsistent with the Comprehensive Plan,
19 whether you look at the 1998 plan which is the
20 plan that has been in effect and is still in
21 effect today, or the 2006 plan which has been
22 adopted by the council, signed by the mayor,

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1 on congressional layover and is projected to
2 become effective next week, March 12.
3 Whichever one of those you look at, R-5-B is
4 inconsistent with that plan. Any analysis of
5 the PUD therefore and the development proposal
6 that you have in front of you should not be
7 against the benchmark of R-5-B. It should be
8 against a benchmark of some commercial zone
9 and I would submit C-2-B is the right zone
10 that you ought to be looking at for this
11 property. The basis for adopting the R-5-B
12 zone in 1974 has been overtaken both on the
13 facts as they existed in 1974 and on the
14 policies, and Office of Planning dealt with
15 that and I'm going to go back and deal with
16 that a little bit later.

17 With respect to the flexibility
18 requested, the applicant has asked for
19 flexibility from the C-2-B districts in four
20 respects: on lot occupancy, rear yard loading
21 and residential rec space. I'll deal with the
22 residential rec space first because it's the

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1 easiest to dispose of. The commission has
2 voted to repeal the requirement for
3 residential rec space. When you issue an
4 order which I assume will be shortly
5 forthcoming that requirement won't apply
6 anymore and there's no reason to spend any
7 more time with that.

8 On lot occupancy, lot occupancy is
9 basically a requirement of the regulations as
10 it relates to the development on this property
11 for the benefit of this property. It's not
12 for the benefit of an adjoining property.
13 It's not for the benefit of somebody else
14 across the street looking at this property.
15 Lot occupancy is intended to suggest that
16 there be some I'll loosely call it breathing
17 space around the building that's created on
18 this property, and that's reinforced by the
19 fact that lot occupancy applies only to
20 residential uses and not commercial uses.
21 Don't need to breathe if you're in a
22 commercial building I guess, but the

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1 assumption was there would be mechanical means
2 of ventilation and so forth so you've got lot
3 occupancy for residential buildings, not for
4 commercial.

5 We have 100 percent lot occupancy,
6 but only at the first floor as Mr. Colbert
7 indicated when he went through the plans.
8 When you get up to the top of the building
9 we're at 59.4 percent lot occupancy. If you
10 average each of the floors across the whole
11 building we average out at 75.5 percent lot
12 occupancy. C-2-B establishes a maximum of 80
13 percent lot occupancy. What we've done is in
14 effect created a tradeoff for reducing the
15 height of the building at the front of the
16 buildings where we have a 5-story element
17 along Wisconsin Avenue instead of a 7-story
18 element that's behind it and for dropping the
19 height down and carving out that piece of the
20 building at the southwest corner of the
21 property where we have only three stories as
22 it relates to the residential which is in

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1 closest proximity at that point. Beyond that
2 the particular facts and circumstances of this
3 case, the conditions of the lot and the
4 adjacent conditions suggest that this building
5 should be built to the lot line in the front.
6 You want to hold the street line on Wisconsin
7 Avenue. You want to build to the property
8 line on the north where you have that
9 fantastic bus garage, on the south where you
10 have a PEPCO substation which then suggests
11 that the only place that you're beginning to
12 sculpt out of that where you truly get some
13 open space on the lot is either in the middle
14 or the rear.

15 Let me transition quickly into
16 rear yard because it suggests why I think we
17 put the open space where we have. The rear
18 yard too is for the benefit of the development
19 on this lot. You don't provide rear yard so
20 that your neighbor's got extra space between
21 his building and yours. You provide rear yard
22 because your building requires some setback.

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1 Given the presence of the 20-foot alley at the
2 rear of this site, given the nature of what's
3 across that alley where in fact for about
4 three-quarters of that site you've got the
5 Metrobus garage and that 16-foot alley that
6 runs out to 44th Street, you only have a very
7 small piece of that alley that confronts or
8 faces the adjoining residential development.
9 What Mr. Colbert has done is move the open
10 space that would ordinarily be required at the
11 back of that property and put it in the
12 middle. So what happens is more of this
13 building gets to face that space which is
14 technically a court and not a rear yard than
15 would be the case if the building were at the
16 back. If this were an interior lot without an
17 alley frontage, with other kinds of conditions
18 around it, I don't think I'd be suggesting
19 that this would be something we should do.
20 But in this particular context, in this
21 particular set of circumstances we think we
22 have located the open space in the place that

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1 is the most practical and offers the most
2 benefit for this project and for the residents
3 of this building.

4 With respect to loading we have
5 provided the required number of loading
6 berths, but instead of having a 55-foot berth
7 for the residential we have a 30-foot berth.
8 That is a situation and a practice which this
9 commission has seen in many projects lately.
10 Basically the apartment units don't need a 55-
11 foot truck, but as you've seen from the site
12 plan the parking and loading access is off the
13 alley, not off Wisconsin Avenue. You don't -
14 it's appropriate for it to be off the alley.
15 You'd rather not have parking and loading
16 access crossing Wisconsin Avenue sidewalk
17 which ought to be a primarily pedestrian
18 thoroughfare, so when you look at what can
19 actually get in and out of the alley a 30-foot
20 truck is the best solution there. A 55-foot
21 truck frankly couldn't make it. So we're not
22 proposing to put one in there. The

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1 residential owners and the retail tenants will
2 know of the restriction in advance, that 55-
3 foot trucks are not going to be able to access
4 that loading dock and we think that that's
5 something that can be dealt with and is being
6 dealt with and has been dealt with in other
7 projects and can be dealt with here.

8 Point number three. Under the
9 zoning regulations, under the PUD regulations
10 the commission is required to judge, balance
11 and reconcile and consider on the one hand the
12 development incentives and the flexibility
13 requested by the applicant and on the other
14 hand the benefits and amenities provided. The
15 last two pages of the outline that you have in
16 front of you is a chart which lists those
17 features, in one column the incentives and the
18 flexibility that we've requested and in the
19 other column the benefits and amenities we've
20 provided.

21 The increase in density that we
22 have requested here is almost exclusively

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1 residential. The amount of commercial density
2 that's increasing here is about 1,000, 1,200,
3 1,500 square feet. The existing building
4 already has that much commercial in it. We're
5 going to 13,200. So the major increase here
6 is residential. The PUD regulations provide
7 that housing and affordable housing in and of
8 itself is a benefit, so what we are seeking
9 here is to increase the density to provide
10 more of a benefit that the regulations suggest
11 we ought to be doing.

12 The second major piece of our
13 benefits and amenities package is the
14 sustainable design commitment which Mr.
15 Tuchmann referred to before. The commitment
16 that this would be a LEED-certified building
17 and that we would post a financial security
18 that we would forfeit which gives us the
19 incentive to actually commit to make that
20 happen. As the commission is aware from
21 discussion in other cases you can't actually
22 get the certification until the building is

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1 operated and systems have been tested and so
2 forth and you have said to us and to other
3 applicants well what's our handle if that
4 doesn't happen. We're giving you a handle to
5 hit us over the head with. We have an
6 incentive to make sure that this is going to
7 happen and it will happen as far as the
8 applicant is concerned.

9 The other benefits and amenities
10 that we've listed and that we've already
11 discussed have been specifically tailored to
12 this site and this area. The upgrade to the
13 PEPCO facade and the streetscape upgrades in
14 front of our property and the adjoining
15 property, the contribution to the Lisner home
16 which is an immediately - a facility located
17 in the immediate neighborhood. The
18 transportation coordinator that Mr. Tuchmann
19 talked about before is for Friendship Heights
20 and not for some other part of the District of
21 Columbia. The Janney School is the school
22 which children who reside in this development

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1 would attend. So we have focused our benefits
2 and amenities on the immediate neighborhood,
3 on the site and then in the larger area of
4 this neighborhood where the project is
5 located.

6 Comprehensive Plan. As I alluded
7 to earlier and I think the commission is
8 aware, the current Comprehensive Plan was
9 adopted by the Comprehensive Plan Amendments
10 Act of 1998. The mayor and the council
11 determined to defer revisions to that which
12 were otherwise required by law. In 2006 the
13 council adopted a new Comprehensive Plan which
14 the mayor signed just before the end of the
15 year which is completing its congressional
16 layover. It's been reviewed by NCPC which had
17 some issues related to certain federal
18 interests, but they are relatively minor
19 issues in the context of the plan as a whole.
20 And as we said, my understanding of the
21 layover period is that it will end next week.

22 So we are looking now at a new

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1 plan and part of the reasons for some of the
2 length of this compared to what I usually
3 deliver to is that I had to analyze two plans,
4 the 1998 plan and the 2006 plan, but I also
5 spent a lot of time for myself and for your
6 benefit going through the 2006 plan because I
7 don't know if anybody's done that yet, and
8 there are some significant differences between
9 the 2006 plan and the 1998 plan. The 2006
10 plan has a map which it instead of calling the
11 Generalized Land Use Map now calls the Future
12 Land Use Map. So the GLUMP has become a
13 FLUMP. I don't know, whatever. The Future
14 Land Use Map designates this particular
15 property for mixed use, medium-density
16 residential, low-density commercial and local
17 public facilities. If you look at the
18 definitions of those categories, medium-
19 density residential is defined as areas where
20 mid-rise and mid-rises specifically noted as
21 4- to 7-story apartment buildings are the
22 predominant use and low-density commercial is

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1 pretty much self-explanatory.

2 In addition to the Future Land Use
3 Map there is also a Generalized Policy Map and
4 I have attached excerpts of those maps in the
5 outline which you have in front of you. The
6 Generalized Policy Map designates this section
7 of Wisconsin Avenue as a main street, mixed
8 use corridor and a mixed use corridor is
9 defined as the traditional commercial business
10 corridors in the city, and there are different
11 characteristics of them in different
12 neighborhoods. The common feature is that
13 they have a pedestrian-oriented environment
14 with traditional storefronts and have upper-
15 story residential or retail. Well, we don't
16 have any - I'm sorry, upper-story residential
17 office. We don't have any office, but we've
18 got upper-story residential and I think we are
19 completely consistent with the map
20 designations of both the Future Land Use Map
21 and the Generalized Policy Map.

22 When you examine in more detail

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1 the specifics of the 2006 plan, one of the
2 major themes that comes out of that plan is
3 the notion of transit-oriented development.
4 That is, the city's going to grow. The places
5 that it should grow are those that are near
6 Metro stations or along major transit
7 corridors. This site is probably not as close
8 to a Metro station as you could possibly get,
9 but it's only 300 feet away. Straight up the
10 same side of Wisconsin Avenue to the entrance
11 to the Metrorail station. When you look at
12 the specific policies and actions and thought
13 processes that are set forth in the plan, and
14 in addition to all of the various sections
15 that I've quoted - I've highlighted some of
16 them for your review at your convenience -
17 there are a lot of policies that talk about
18 things like fully capitalizing on the
19 investment made in Metro requires better use
20 of land around transit stations. Another
21 important objective is to accommodate the
22 growth of the city in a way that minimizes the

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1 number and length of automobile trips. A
2 preference for diverse housing types including
3 both market rate and affordable units. A
4 preference for attractive, pedestrian-friendly
5 design and a de-emphasis on auto-oriented uses
6 and so forth. On and on and on. Transit-
7 oriented development is one of the keystones
8 of the 2006 plan and we believe and I believe
9 that this project is completely consistent
10 with that keystone.

11 The last point I want to make is
12 that the Comprehensive Plan goes on to also
13 talk about the fact that development needs to
14 be sensitive to the neighborhoods that it
15 locates in. As the commission is aware, the
16 District of Columbia has evolved over the
17 years as a city of what some other
18 jurisdiction has called wedges and corridors.
19 We have high-rise, high-intensity more active
20 development along the major corridors that
21 sort of radiate out from downtown, whether
22 that's Connecticut Avenue, or 14th Street, or

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1 Georgia Avenue and 7th Street, or Pennsylvania
2 Avenue Southeast. And then adjacent to those
3 neighborhoods you have lower-density
4 neighborhoods that spread out from them. They
5 could be single-family detached neighborhoods.
6 They could be rowhouse neighborhoods.
7 Frequently they are cheek by jowl against the
8 higher density that's right along the major
9 arterials, sometimes as little as across a 15-
10 or 20-foot alley. In this case as Mr. Colbert
11 indicated before we have some specific
12 circumstances of the site where we are not in
13 that kind of proximity to any single-family
14 neighborhood. The plan has been sculpted and
15 designed in a way that we believe recognizes
16 its need to be sensitive to the neighborhood
17 and we think that we have presented a solution
18 for development on this site which is as
19 consistent with the Comprehensive Plan as it
20 can be.

21 So for all those reasons and for
22 all those thoughts it is my conclusion that

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1 this project meets the requirements of Chapter
2 24 of the zoning regulations, that C-2-B is
3 the appropriate zone to be applied to this
4 property, that the development we have
5 presented to you is not inconsistent with the
6 Comprehensive Plan focusing primarily on the
7 2006 plan, but also I didn't go through the
8 analysis orally but it's in here on the 1998
9 plan, that the level of benefits and amenities
10 that the project provides are consistent with
11 the development incentives and the flexibility
12 that we request. And we therefore suggest
13 that you ought to approve this application and
14 I've got six seconds to spare. Thank you very
15 much.

16 CHAIR MITTEN: Thank you, Mr.
17 Sher. Okay.

18 MR. COLLINS: That concludes our
19 presentation.

20 CHAIR MITTEN: All right. Great.
21 Just because I said I would touch on how much
22 time the parties would have, then Mr.

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1 Hitchcock you'll have 60 minutes when it comes
2 time to make your presentation. And the party
3 in support will have 15 because you're
4 basically buttressing the applicant's case.
5 So you'll have 15 when the time comes. Okay.
6 Questions from the commission for the
7 applicant? Mr. Hood.

8 VICE CHAIR HOOD: Madam Chair, I
9 guess I'll get us started. I guess this goes
10 to Mr. George. Or Mr. Collins, whoever can
11 answer this. How is the transportation
12 management coordinator going to work? How is
13 that going to work? It was mentioned you
14 accepted all the conditions, you accepted
15 everything that was in the record I guess even
16 up to what was submitted tonight. So there
17 was a recommendation by DDOT to have the
18 transportation management coordinator. I
19 think the amount is like \$40,000 for 10 hours
20 per week for a period of one to two years.
21 How is that going to work?

22 MR. TUCHMANN: Commissioner Hood,

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1 the idea for that proposal and working with
2 DDOT was that originally we talked about a
3 transportation management association and
4 those associations as we learned are fairly
5 complex to set up. They work in some places.
6 Sometimes a business improvement district
7 might be a better solution to accomplish
8 similar objectives. And in working with TMD
9 experts what we learned was that the TMA was
10 not probably the correct first step, but
11 instead at least having a dedicated staff
12 person whose full-time thinking whenever they
13 were working with DDOT on these issues was all
14 about Friendship Heights-related
15 transportation challenges, that person could
16 in turn determine as part of their scope is a
17 TMA the appropriate opportunity or is there
18 some other organization that we can form in
19 order to work with the Maryland side TMD.

20 So the way that it would work
21 would be that the District Department of
22 Transportation would contract with a

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1 consultant. That consultant would spend time
2 both in the community as well as at DDOT's
3 office and they would be tasked with
4 specifically examining prior studies that have
5 occurred in Friendship Heights, determining
6 which solutions can be easily implemented,
7 which ones need to be studied further and have
8 more community input and thought, getting all
9 the correct stakeholders into the right
10 conversations to implement. Some of these
11 solutions are not complicated and they're
12 already out there. This person would be the
13 person who would be saying this is my complete
14 job to work on that.

15 VICE CHAIR HOOD: And when they
16 make recommendations, there's a point in time
17 where who's going to pay for it. Has that
18 been discussed?

19 MR. TUCHMANN: I think part of
20 this person's position as we've discussed it
21 with DDOT has been is to determine what the
22 long-range needs and feasibility for a

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1 position like that would be. Is such a
2 position warranted in the long term? That
3 would be part of what they would discuss. If
4 so, how would it be funded. In some cases a
5 TMA works off of assessments that come from
6 property owners in the area, or similar to how
7 a bid works. That could be one thing which
8 would be discussed. Would it be part of
9 regular DDOT appropriations? That could be
10 another possibility. But in the beginning
11 this would be kind of the seed possibility to
12 get this idea flowing.

13 VICE CHAIR HOOD: My issue with
14 that is it sounds good, I'm not knocking it,
15 but I believe this area has been studied
16 before. Studied to be studied to be studied.
17 We should have some recommendations, but I'm
18 not knocking this. I just want to make sure
19 that if it's going to be down here in front of
20 us when we do our final order that it's going
21 to be something tangible that the neighbors
22 can feel and those adjustments will be made.

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1 Okay, enough on that.

2 Mr. George, traffic. I'm just not
3 going to get it. I'm just not going to get
4 the level of service. Wisconsin Avenue - and
5 I saw you had in parentheses where, and I
6 forgot what your statement was, but you
7 mentioned that I guess you analyzed the wrong
8 data and you revised it, revisited and revised
9 it in parentheses. It looked like it had
10 improved. What caused that? What happened?

11 MR. GEORGE: Precisely that. I
12 didn't want to rely on that, but again as I
13 said the highway capacity analysis process
14 requires us to look at the entire
15 intersection. It looks at the approaches
16 along Wisconsin Avenue, the approaches along
17 the minor streets and it computes an average
18 delay for the entire intersection. Now in so
19 doing you input factors such as the number of
20 heavy vehicles through counts. You classify
21 vehicles and so you know the percentage of
22 heavy vehicles along Wisconsin Avenue is

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1 generally in the range of 2 to 2.5 percent.
2 The number of bus stops and the number of bus
3 movements as they stop and offload and take on
4 new passengers. And again, a preliminary
5 analysis was done and as we went through the
6 process this was inadvertently kept into the
7 study and the refined analysis which we did,
8 which included all of those factors was
9 omitted. And it was to our chagrin we found -
10 we determined that and we took immediate steps
11 to notify DDOT and we've submitted the refined
12 analysis.

13 Yes, I think one of the factors
14 that allowed the minor improvements in some of
15 the levels of service and it might be a
16 reduction of delay by two seconds or three
17 seconds - we're not talking about 15 or 20
18 seconds - is the fact that the intersections
19 along the corridor are interconnected.
20 They're synchronized. So particularly during
21 the morning peak hour the lights are timed so
22 that you get what is generally referred to as

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1 a green wave of traffic. Then the main street
2 traffic stops and the side street traffic
3 moves. So again by inputting that factor,
4 that tuning factor we did find that in a
5 couple of cases we got some minor reduction in
6 the delay that was experienced.

7 VICE CHAIR HOOD: I would have to
8 frankly be honest. I'm not trying to make
9 light of it or be funny, but I never thought
10 that I would see a level of service of A, B
11 and C on Wisconsin Avenue. I just don't know
12 how we get there.

13 MR. GEORGE: Yes. And it's not a
14 direct question, but I would love to just say
15 briefly that when you look at level of service
16 and if you remember that we're measuring is
17 the average delay per vehicle, in my
18 presentation I pointed to the fact that let's
19 say out of 3,000 vehicles that utilize the
20 intersection of Wisconsin and Harrison, 80
21 percent of that is along that main street
22 corridor. They flow quite quickly. So if one

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1 drives through there, if you use the main
2 street and we indeed conducted travel time
3 runs and found that starting at Western Avenue
4 or a little bit further you get a light and
5 you are able to flow because the lights are
6 synchronized for that very purpose.

7 There's a broader reason for it.
8 Jurisdictions such as this city, our city and
9 I would say nationally, they prioritize the
10 main street movements because of the
11 environmental consequences, the economic
12 consequences. In other words they give
13 priority to the larger volumes of traffic. So
14 yes there is a penalty if we were to call it
15 to some movements for the benefit of the
16 greater volumes of traffic.

17 CHAIR MITTEN: Can I just jump in
18 here? Because I had this similar question.
19 We have letters in the record and I'm sure
20 we'll hear from folks testifying that
21 Wisconsin Avenue is gridlocked and to my mind
22 unless there's something that I don't

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1 understand about levels of service, A, B and
2 C levels of service are inconsistent with
3 gridlock. Is that correct?

4 MR. GEORGE: Yes. I would not use
5 the term "gridlock" for a corridor. I would
6 say that it is heavily utilized.

7 CHAIR MITTEN: So there's high
8 volume, but the volume moves. Is that what
9 you're saying?

10 MR. GEORGE: Precisely.

11 CHAIR MITTEN: Okay.

12 MR. GEORGE: Precisely. And I
13 would point out Madam Chair that we did our
14 study based on the data collected early last
15 year. We had the previous studies that were
16 done by the city independently during 2003-
17 2004 based on even more comprehensive data
18 collection that showed the same things.

19 CHAIR MITTEN: Okay, thank you.
20 Sorry, Mr. Hood.

21 VICE CHAIR HOOD: No problem. Mr.
22 George, every time I'm in traffic I'll think

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1 about that, how it moves.

2 (Laughter)

3 MR. GEORGE: The side streets.

4 VICE CHAIR HOOD: The aerial
5 photo. I want to go back to how - two
6 questions and maybe we can expedite my
7 questions right quick. Show me how that alley
8 access is going to work and also show me how
9 the 30-foot loading berth is going to work,
10 the one that's closest to the wall. I guess
11 it's east-west, I don't know which. The one
12 that's closest to the building, to the wall.
13 There were two slides. This is the first one.
14 Show me how the alley is going to work, the
15 alley entrance. And then if we can also find
16 the slide that had the loading berth. That'll
17 work.

18 MR. GEORGE: Now, what's your
19 question?

20 VICE CHAIR HOOD: I want to know
21 how that's - how is that going to work?

22 CHAIR MITTEN: Could you pull that

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1 mic up closer? Okay.

2 VICE CHAIR HOOD: I know you did,
3 you showed us - how is that going to work?
4 How am I going to get into the building?

5 MR. GEORGE: Okay.

6 VICE CHAIR HOOD: Off of Harrison
7 Street.

8 MR. GEORGE: Yes, this is Harrison
9 Street. There's a 20-foot alley running
10 north-south. It dead ends here pretty much at
11 the northern extremity of the property.
12 Coming from Harrison Street making a right
13 turn you would turn in here. The garage
14 entrance to the general residential parking is
15 approximately at this point.

16 VICE CHAIR HOOD: Now what
17 happens. Let's take this step by step. I'm
18 slow on this. I don't get up there much so
19 I'm not too familiar.

20 MR. GEORGE: All right, so -

21 VICE CHAIR HOOD: If I come off
22 Harrison Street and I'm making a right and I'm

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1 going to enter into the building, meanwhile
2 somebody is getting ready to move in.

3 MR. GEORGE: All right.

4 VICE CHAIR HOOD: What happens.
5 And the other two - two of the bays are
6 already taken and I'm going to the one that's
7 closest to the wall the way I saw it. Now how
8 is all that going to work?

9 MR. GEORGE: Okay. Well, I was
10 treating you as a resident who bought one of
11 those apartments, telling you how you got into
12 the garage.

13 VICE CHAIR HOOD: But I'm on my
14 way into the garage and somebody's backing up
15 and you know, what's going on? How is that
16 going to be coordinated?

17 MR. GEORGE: Mr. Hood, that's what
18 you have in every alley. Alleys are intended
19 to serve the uses on the property. They're
20 low-volume roads typically. The speeds are
21 generally 10 miles an hour. Generally the
22 speeds are not posted, but they operate at low

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1 speeds. I think you have the advantage that
2 you're dealing with good site distance, so
3 perhaps someone turning in here, you're
4 talking about 20 feet here and two vehicles,
5 that's wide enough for two vehicles to pass.
6 The lanes along Wisconsin Avenue are 10 feet
7 wide and you've got a 20-foot alley going
8 north-south. So yes, if you're going - is
9 there the chance that two trucks, two people
10 moving in would be there at the very same
11 time? I would say the chances are slim, but
12 it could happen. Then what happens is what
13 happens in every alley, that you see each
14 other and you negotiate the right of way.

15 VICE CHAIR HOOD: Because Mr.
16 George, let me say this. I know it happens,
17 it exists now, but we also know we have a
18 problem. So if we can try to work those
19 problems out now then maybe it won't be a
20 problem then.

21 MR. GEORGE: Yes.

22 VICE CHAIR HOOD: I mean some of

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1 this stuff has been going on for awhile. Now
2 I agree with you, it goes on now, but I'm
3 trying to see - make sure we have looked at
4 this and put all the mitigation factors in
5 place to where we may - it may be even less
6 than what you - you said slim and none. It
7 may be none. So I'm trying to see if we can
8 maybe get to that point.

9 MR. GEORGE: Yes. All right. I
10 can't guarantee none. I'll be frank with you
11 that you'll never run into a vehicle. That's
12 not life.

13 VICE CHAIR HOOD: Okay. Okay.
14 You know what, we'll be here another 30
15 minutes talking about that and I don't want to
16 do that. But again, tell me how those three -
17 I think it was three places for unloading I
18 guess furniture if you're going to move in.
19 And I forgot what slide it was. I don't have
20 it in my - yes, there it is. Now if I'm on
21 the - looking at the screen, if I'm far to the
22 right, both of those other two, the 20-foot

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1 and the 30-foot are being used and I'm the
2 third person coming in. Go to your next
3 slide. I think it's the one right behind it.
4 I think it's the one behind it, I'm sorry.
5 Well maybe it's the one after that. Okay, go
6 back. Okay, this is it then. Now, you see
7 how far we're pulling up in there? And you
8 see that blind spot? Or is that a blind spot?
9 I don't know, maybe I'm looking at it wrong.
10 You see the truck, the way it's all the way up
11 in there? And now I'm coming home, Mr.
12 George? What do we do? You're the expert,
13 I'm just asking.

14 MR. GEORGE: Well -

15 CHAIR MITTEN: Mr. George, put the
16 mic -

17 MR. GEORGE: Yes, I'm sorry, I'm
18 very sorry. What we show is the turns that
19 would take place with one truck moving in.
20 Again if you're coming in, are you saying
21 you're one of these trucks moving in and out?

22 VICE CHAIR HOOD: No, all those

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1 trucks are there. I'm coming in. Maybe I
2 have some -

3 CHAIR MITTEN: Mr. George, this is
4 what he's asking. As this truck is making
5 these movements it goes into the other alley,
6 into the stem that is perpendicular more or
7 less. And so as that truck is getting ready
8 to now go into reverse Mr. Hood is coming home
9 and he's coming in and the truck can't see him
10 and he, you know so he's worried about how
11 this all gets managed when - as that truck is
12 backing up.

13 MR. GEORGE: I think practically
14 it would be done slowly. There's probably
15 someone - if someone is moving in there's
16 probably management operations where you have
17 somebody assisting. Typically that's what
18 happens. You have a truck driver and someone
19 perhaps directing them from the rear so in
20 most cases - or it could be someone who is
21 part of the building management. I think this
22 is what happens practically. Yes if someone

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1 is backing up - I mean the same thing would
2 happen with somebody driving a passenger car,
3 turning into this alley and looking to turn
4 around. So you could have that happen in any
5 situation and one takes the - exercises due
6 care and caution. I think in this case moving
7 into a building, if I were moving in and I
8 think you would typically find that you have
9 some sort of traffic control support to ensure
10 that this can be done safely.

11 VICE CHAIR HOOD: Okay.

12 MR. TUCHMANN: Commissioner Hood,
13 I would add one more element which is that
14 especially during the beginning move-in when
15 there would be several move-ins at the
16 building as it was first occupied, the
17 management of the building would certainly
18 coordinate those move times to optimize so
19 that the situation would not occur. And then
20 once residents were in place it really would
21 be very minimal time when you'd have out of a
22 60- to 70-unit building multiple moves

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1 happening at once. And that could be
2 something easily controlled by the condo
3 association for everybody's benefit.

4 VICE CHAIR HOOD: Okay. Is there
5 residential parking in the surrounding
6 neighborhood? Like 2-hour, what is it 2-hour
7 parking, zone parking?

8 MR. GEORGE: Yes, there is.

9 VICE CHAIR HOOD: What is it?
10 Okay, RPP.

11 MR. GEORGE: Yes.

12 VICE CHAIR HOOD: Okay. I have an
13 architectural question, but I'm going to yield
14 and let my colleagues ask. They'll probably
15 ask it and they'll probably ask it better than
16 I would. Thank you, Madam Chair.

17 CHAIR MITTEN: Thank you, Mr.
18 Hood. Who'd like to go next? Commissioner
19 Turnbull.

20 COMMISSIONER TURNBULL: Madam
21 Chair, thank you. Getting - just maybe
22 continuing on with what Commissioner Hood had

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1 started to ask about the loading dock, were
2 there any studies done looking at angling that
3 loading dock? We've often seen that in a lot
4 of development that has come before us in
5 tight places where the applicant's actually
6 done a design where they've angled the parking
7 - angled the loading dock to ease the egress
8 in and out of that space. And I don't know if
9 that would help, but did you look at any
10 studies that would - you'd be going into your
11 parking garage, but I'm just - it just seems
12 that that might facilitate pulling in and out
13 better.

14 MR. COLBERT: I think the problem
15 is that if you angled it one way or the other
16 it might help getting in, but then getting out
17 might be more difficult. So that's why we
18 limited it to 30-foot trucks because that's
19 what could go in the most easily given the
20 alley situation. And also I'd like to point
21 out that having designed many numerous
22 apartment buildings in D.C. that it's more

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1 common to have a 10-foot alley and - or maybe
2 a little bit more than that, but it's very
3 uncommon to have actually a 20-foot wide alley
4 behind the building.

5 The other thing is a lot of these,
6 you know just expanding on what Mr. George was
7 saying that most of the buildings we've done
8 you actually have to make an appointment to
9 move in to make sure that there aren't more
10 than one truck there at a time.

11 COMMISSIONER TURNBULL: Okay,
12 thank you. Well, Mr. Colbert since you - let
13 me just continue on. In the latest book that
14 we've got on Page 29 there's the - it's a site
15 landscape circulation plan and you didn't
16 touch upon it on your show, but it looks like
17 there's a PEPCO vault plan.

18 MR. COLBERT: What we're doing is
19 part of the PUD requirements state that we
20 need to show the possibility of certain
21 utility connections and so we're just showing
22 that a PEPCO vault could be located in that

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1 area. But it's going to take awhile for us to
2 do the engineering required and then
3 interacting with PEPCO to determine the final
4 location of the PEPCO vault. So that's just
5 kind of a placeholder.

6 COMMISSIONER TURNBULL: It just
7 seems like it's in a very detrimental or
8 awkward place to your entrance into the retail
9 and I don't know if I'd want to have a table
10 sitting over a PEPCO vault.

11 MR. COLBERT: Right. We haven't
12 had a full-fledged civil engineer working with
13 us yet and you know we're going to have to
14 look at all the utilities that are underground
15 to see where the best location is. If we did
16 locate it in a similar to that, they do have
17 vaults where you can actually put pavers over
18 the top of the vault. It's more expensive.
19 You have to air condition the vault, but we're
20 prepared to do that.

21 COMMISSIONER TURNBULL: Okay.
22 When you began earlier in your presentation,

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1 you had talked about the transformers for the
2 site, but I don't think you really came back
3 and actually touched upon what was happening.

4 MR. COLBERT: Well, I'm glad you
5 asked me that question because somebody may
6 ask why does the building have to be seven
7 stories. And part of that has to do with
8 what's next to our building. And on the south
9 side you've got these enormous transformers
10 with the giant fans running, making a lot of
11 noise. It's things like that that really, the
12 lower levels of the apartments are going to be
13 marginally marketable. It's not really till
14 you get to the upper floors and you get away
15 from some of that that you're really going to
16 have - the occupancies are going to be able to
17 kind of carry the building in a sense.

18 And the same with the north side.
19 You've got all those buses there idling
20 continuously. It's kind of - and then on the
21 west side you've got you know a maintenance
22 facility. So when you get lower it makes it

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1 really difficult to do a residential matter-
2 of-right building because of what's around the
3 site.

4 COMMISSIONER TURNBULL: Okay. If
5 you - could you go back to the elevation, the
6 rendering on Wisconsin Avenue? Yes. What's
7 interesting and you didn't get into that much,
8 but the PEPCO building and in your drawings it
9 looks like you're making these sort of
10 artificial storefronts in the existing
11 building.

12 MR. COLBERT: Actually what
13 happened was a long time ago PEPCO used to
14 sell appliances. So historically in this kind
15 of deco-style building there actually were
16 store windows there, so what we're doing is
17 actually restoring historically. And as a
18 matter of fact I've even given documents to
19 David Maloney who's the acting head of the
20 historic division who lives around the corner
21 in Fessenden and he has said he's happy with
22 the effort because he actually walks by there

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1 to go to the Metro. So from a historic
2 preservation perspective we're really
3 recreating a condition that used to be there.

4 COMMISSIONER TURNBULL: Who will
5 control what goes in the storefronts, or how
6 is that worked out?

7 MR. TUCHMANN: We have worked with
8 the Commission on Arts and Humanities through
9 one of their programs that they advised us of.
10 They would conduct a full commissioning of an
11 artwork which would be installed in the space
12 similar to those around the city which remain
13 for some time, likely for a long period of
14 time. And they have committed, and this has
15 been submitted in your file from them, a
16 minimum of \$100,000 to go throughout both the
17 scoping process to determine what type of
18 artwork would be appropriate, to then put out
19 a call to artists to determine artists that
20 would be qualified to submit something, and
21 then they would judge the artwork and
22 determine what should be installed. And they

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1 would administer the full installation
2 process. After the installation the
3 management of the commercial portion of the
4 5220 Wisconsin building would be responsible
5 for basic things such as upkeep, cleaning the
6 windows, making sure if there were repairs
7 that had to be done. That would fall within
8 the commercial portion of the building.

9 COMMISSIONER TURNBULL: But then
10 the changing exhibits they would get back?

11 MR. TUCHMANN: The exhibits are
12 intended to be more of a permanent
13 installation similar to those that are around
14 the city.

15 COMMISSIONER TURNBULL: Okay. I
16 guess - Mr. Colbert could you talk a little
17 bit - we didn't get into the metal panels on
18 the building. That really predominates most
19 of the facades on the back and the sides and
20 the brick is primarily on Wisconsin.

21 MR. COLBERT: Yes. What I'd like
22 to do is show you some examples of buildings

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1 that have been designed and constructed by my
2 firm and others in D.C. recently that have
3 incorporated metal panels. This is one, this
4 is called Loft 14. It's on Church Street
5 between 14th and 15th and it's a nice
6 condominium. This one is a part of a building
7 that we designed called Rainbow Lofts which is
8 also on the 1400 block of Church Street. And
9 it incorporates - it's interesting because
10 here you see the old building on the right-
11 hand side and then the new building with the
12 metal panels on the left-hand side. It's a
13 very durable material and a lot of people that
14 live in apartments really seem to like it. It
15 gives a fresh, clean look. Here's a building
16 that's gotten quite a lot of favorable review
17 and respect. It's on - actually on
18 Connecticut Avenue just above Tilden and here
19 you can see a sizeable portion of that
20 building also is using the metal panels.

21 COMMISSIONER TURNBULL: I noticed
22 that on the west elevation you've gone away

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1 from brick and you're going to the textured,
2 the block. Any reason why you didn't want to
3 go back to brick on that elevation?

4 MR. COLBERT: Well, the west
5 elevation -

6 COMMISSIONER TURNBULL: The alley.

7 MR. COLBERT: Being on the alley,
8 exactly. We wanted something that not only
9 felt solid on the base, but also you know
10 truck drivers have a tendency to damage
11 buildings and so this is a very strong
12 material that we felt would be durable and
13 hold up over a period of time.

14 COMMISSIONER TURNBULL: I guess I
15 was just thinking the other side of your
16 building looks so colorful and rich and this
17 kind of gets a little bland. You are going to
18 be able to see this. I mean if things change
19 over a period of time. I'm just looking at
20 this becomes like the back and not as rich as
21 the other side.

22 MR. COLBERT: I have a materials

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1 board here, but you know one thing that we
2 would normally do is you know erect a sample
3 panel on the site and look at the exact
4 materials and how they fit together before we
5 actually proceeded with ordering those. But.

6 COMMISSIONER TURNBULL: Okay.

7 CHAIR MITTEN: I think another
8 thing that might help is in this elevation in
9 particular is we got a - I guess we got a
10 photograph of the samples and the metal panel
11 on that side is a lot darker on the photograph
12 than it is there. I don't know if that would
13 change your view about it, but I don't think
14 that's an even close approximation of the
15 color.

16 MR. COLBERT: Would you mind
17 raising the lights, please? Thank you. I
18 actually have the sample panel here where I
19 show on the top, on the upper right-hand
20 corner I've got -

21 CHAIR MITTEN: I think the mic is
22 no longer on. Are you getting him?

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1 MR. COLBERT: On the upper right-
2 hand corner we've got the darker blueish green
3 which we're proposing for the cornice and then
4 the panel below it, which is what we're
5 recommending for the actual metal panels on
6 the majority of the building. One of the
7 buildings that we looked at was the Spy Museum
8 and what we're suggesting here is slightly
9 darker than that, but that was kind of the
10 effect that we're looking at in terms of the
11 color of the metal that we would propose using
12 for this project. And then on the bottom
13 there is the proposal for the split block
14 which does have some warmth to it. And you
15 know I personally, I think that at one time we
16 had shown some brick at the base along this
17 elevation and I think that's something we
18 could probably still consider.

19 COMMISSIONER TURNBULL: Okay,
20 thank you. And I guess my final question is
21 on the units as they're sold, are the parking
22 spaces included?

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1 MR. TUCHMANN: That's not a
2 decision that we have determined yet.

3 COMMISSIONER TURNBULL: Okay.
4 Okay. Well thank you. Madam Chair, that's it
5 for me. I'm just going to dream of hitting a
6 green wave on the way home.

7 CHAIR MITTEN: Thank you, Mr.
8 Turnbull. Anyone else have questions? Mr.
9 Jeffries.

10 COMMISSIONER JEFFRIES: Yes.
11 Madam Chair, actually I don't really have any
12 questions. I think the application is - I
13 think the development program is pretty
14 straightforward to me and I think the
15 submission has been fairly full. I'm looking
16 forward to hearing from the residents, those
17 who oppose and those who support it. But I
18 have no questions.

19 CHAIR MITTEN: Thank you, Mr.
20 Jeffries. Mr. Parsons?

21 COMMISSIONER PARSONS: Just a
22 couple. Many of them have already been asked.

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1 Mr. Tuchmann, getting back to the PEPCO issue,
2 who is going to maintain the facade of the
3 PEPCO building as well as the exhibits inside
4 the windows?

5 MR. TUCHMANN: Commissioner
6 Parsons as we've put into our proposal the
7 retail ownership, the commercial ownership
8 portion would be responsible for the exact
9 types of maintenance that you described and I
10 think in that commitment we put in a
11 commitment for a period of 15 years would be
12 covered for that ownership.

13 COMMISSIONER PARSONS: And as I
14 think I understand it this is not going to be
15 a rotating exhibit. I mean, these are going
16 to be commissioned works for this place.

17 MR. TUCHMANN: That's correct.

18 COMMISSIONER PARSONS: Okay. And
19 I've been in many public art controversies so
20 I can imagine that somebody won't like what
21 ends up there. You're committed to maintain
22 it for 15 years.

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1 MR. TUCHMANN: To be honest, that
2 was actually part of the specific reason why
3 we were advised by some experts who administer
4 this type of display that a permanent
5 installation would actually probably be
6 preferable. Because the type of design review
7 which is preferable in a situation like this
8 can be pretty comprehensive if you're doing it
9 one time. And so you can try and really put
10 a lot of thought into it that one time around.
11 If you are rotating exhibits there's a greater
12 chance for the situation as you've described.

13 COMMISSIONER PARSONS: Good point.
14 Right. Mr. Colbert, I wanted to go to the
15 second floor plan which is on Page 33 and walk
16 around a little bit. I wanted to talk about
17 the north side where you're trying to
18 articulate the wall until something happens to
19 the Metrobus garage site. And what I gather
20 you've done here is put some windows in there
21 in the units themselves, but would the windows
22 in those units be blocked up as a party wall

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1 might evolve in the future?

2 MR. COLBERT: Yes, the common
3 documents would have to indicate that there is
4 a possibility that at some point in the future
5 those windows could be closed. And as we lay
6 out the units we have to make sure that there
7 are no bedrooms or rooms that require light
8 and air that are dependent on those windows.

9 COMMISSIONER PARSONS: And that
10 would be true on the lower right corner as
11 well?

12 MR. COLBERT: That's correct.
13 They're called at-risk windows.

14 COMMISSIONER PARSONS: The Juliet
15 balconies.

16 MR. COLBERT: The Juliet balcony
17 would not extend over the property line.

18 COMMISSIONER PARSONS: Right,
19 they're just bars.

20 MR. COLBERT: Yes.

21 COMMISSIONER PARSONS: So then we
22 move to the other side and you made a comment

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1 earlier that these are going to be very
2 difficult units to market because of PEPCO's
3 noisiness.

4 MR. COLBERT: That's correct.

5 COMMISSIONER PARSONS: How noisy
6 is noisy? I mean.

7 MR. COLBERT: Those fans get
8 pretty loud, plus visually most people
9 wouldn't really want to be looking, you know.
10 It's one thing when you're sitting on a sofa,
11 but then you kind of walk up to the window and
12 you see these things down there. It's a
13 significant impediment in terms of the lower
14 level units. And what we've tried to do is put
15 corridors in those locations on the north and
16 south side.

17 COMMISSIONER PARSONS: Yes, I see.
18 So Mr. Tuchmann, is it possible you'll be back
19 here in the future to convert this to office
20 or some other purpose on the second floor
21 because they're unmarketable? What do you
22 feel about it?

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1 MR. TUCHMANN: While I agree with
2 Mr. Colbert that these will be more difficult
3 to market than some of the other units in the
4 building, I don't think that we will have
5 problems. It would be an issue of price. We
6 don't anticipate at all changing the use of
7 this floor.

8 COMMISSIONER PARSONS: Okay. I
9 want to go to Page 9 because same issue.
10 Because you really didn't describe in too much
11 detail what you're going to do over these
12 PEPCO fans or transformers or whatever they
13 are. This model image helps a little bit.

14 MR. COLBERT: One thing that helps
15 us is that the first floor being commercial,
16 we're going to have a 16-foot from the first
17 floor to the second floor, so that kind of
18 puts the building on a podium that elevates us
19 somewhat over that.

20 COMMISSIONER PARSONS: Okay, so
21 that large horizontal window which goes along
22 that south facade is?

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1 MR. COLBERT: That's just in a
2 corridor. That's only - that could be obscure
3 glass or something. That's not required.
4 That's not in a residence.

5 COMMISSIONER PARSONS: Okay.
6 That's the corridor we were just looking at.

7 MR. COLBERT: Actually it's one
8 floor down. That's on the commercial level.

9 COMMISSIONER PARSONS: Oh, that's
10 in the commercial level.

11 MR. COLBERT: Yes.

12 COMMISSIONER PARSONS: Oh, okay.
13 So then you're apparently putting a scrim or
14 some device over the top of the PEPCO? Is
15 that what the model shows?

16 MR. COLBERT: No, there's an
17 existing kind of chain link enclosure around
18 it. We don't really have any permission to
19 construct anything because they need so much
20 air in there because in the middle of the
21 summer when they have a high demand for air
22 conditioning they really need a high level of

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1 air to be able to circulate around the
2 equipment.

3 COMMISSIONER PARSONS: Did the
4 model maker use a little artistic license here
5 or what are we looking at?

6 MR. COLBERT: No, I think that
7 what they actually have there it's kind of
8 like a cage. So those are metal supports that
9 support this structure. It's really like an
10 open chain link fence and I think it's more
11 for the human safety to keep people from
12 getting in there. But that's something that's
13 existing.

14 COMMISSIONER PARSONS: I see.
15 Okay. That's all I have.

16 CHAIR MITTEN: Thank you, Mr.
17 Parsons. I just want to follow up on a couple
18 of things. The work that would be done on the
19 PEPCO facade, if we could just see what that
20 would look like absent the Arts Commission
21 installation since you don't control the Arts
22 Commission and we know that they're going to

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1 make a good faith effort, but just if we could
2 have a rendering of that, what it would like
3 absent that.

4 MR. TUCHMANN: I'm sorry Madam
5 Chair, a rendering or a plan? Because we've
6 submitted a plan which came as part of a
7 document from PEPCO which shows an
8 architectural potential representation. But
9 are you asking for a rendering or for?

10 CHAIR MITTEN: What would people
11 see as they walked by if there were no art
12 installed.

13 MR. TUCHMANN: I think we have in
14 the submission. Okay, it's in the modified
15 pre-hearing submission under Tab 1.

16 CHAIR MITTEN: Okay. Okay. Thank
17 you. Can you describe, and you don't need to
18 do this right now, but I don't believe we have
19 in the record yet, you mentioned that you put
20 up a bond or something to ensure that you'd
21 achieve your LEED certification or you
22 wouldn't be released. If we could just have

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1 more information about what that would entail.

2 MR. TUCHMANN: Sure, we're happy
3 to do that.

4 CHAIR MITTEN: And the only - oh,
5 are you proposing to have limitations on the
6 operating hours for the loading dock?

7 MR. TUCHMANN: That's not
8 something that we considered, no.

9 CHAIR MITTEN: Okay. The reason I
10 ask is because we do have some - some folks
11 wrote in and they were concerned about the
12 fact that trucks would be backing up and you
13 know in hours that would be a disturbance to
14 neighboring residents, so I just put that out
15 there for you to consider.

16 And the last thing is I have a
17 pretty strong recollection of at least a
18 couple of commissioners mentioning the fact
19 that we thought that there was too much
20 parking when we set this down. And we've had
21 the benefit of quite a bit of testimony in
22 other cases from other developers who are

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1 similarly located in proximity to Metro
2 station entrances and we have found that they
3 don't need to park at this rate. And so what
4 is it about this property that causes you to
5 have a parking ratio that's so high?

6 MR. TUCHMANN: So I'd start with a
7 couple of answers and if my colleagues want to
8 join, can do so as well. The first thing is
9 this is a particular product in a particular
10 submarket. The product type will be marketed
11 towards predominantly empty-nesters and this
12 is a product that if you compare it with other
13 developments which have happened, Chase Point
14 Project most recently, other projects which
15 are in Bethesda also very close to the Metro,
16 those types of projects specifically cater
17 towards people who let's say are living in
18 2,500, 3,000 square foot homes and often have
19 usually two vehicles, sometimes a third, but
20 at a minimum they will have one vehicle as
21 they have gone throughout their lives living
22 generally in a home which has a garage,

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1 sometimes a 2- or 3-car garage. The
2 transition for that buyer, we recognize the
3 type of buyer who says I want to go live at a
4 Metro-located site is someone who's likely
5 willing most of the time if they have a third
6 car to go down to two cars. If they have two
7 cars we have found that from buyers sometimes
8 they may be willing to say okay, we've lived
9 for 30 years with two cars, but now I'm going
10 to take the Metro to work and my partner is
11 going to have the car during that time, but
12 for others, perhaps those who don't have a job
13 which is on Metro, maybe one does or there's
14 things that someone does in the evenings,
15 it'll be in our experience a potential deal-
16 breaker if there cannot be a second parking
17 space provided. So what we've found is that
18 this ratio is quite appropriate for this
19 product type.

20 And the second thing I would say
21 is if you look at the net impact from actual
22 automobile use there may be highly likely many

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1 vehicles which go in the garage and stay in
2 the garage and people take the 12-minute ride
3 to Metro to get downtown and perhaps they use
4 the vehicle for weekend excursions or during
5 limited other hours. But the mental block of
6 giving up that vehicle is very challenging.
7 So those are two things that I would start
8 with.

9 MR. KLEIN: I guess I'd add we
10 originally had put in that there would be not
11 less than 1.2. I think we're now at not more
12 than 1.2. The other thing that I think is
13 relevant is that this is one of the things
14 that we heard loud and clear from the
15 neighbors during the community meetings that
16 we had was that they're very sensitive to the
17 amount of parking that we have onsite to make
18 sure that we contain the demand from the
19 project onsite which is one of the reasons why
20 we have two spaces of the 1.2 that are
21 dedicated towards ride-sharing spaces and we
22 have dedicated separate access retail parking.

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1 We've really kind of given the mix and the
2 balance and the access to all of those parking
3 uses a great deal of thought and feel like
4 this balance works.

5 CHAIR MITTEN: Thank you.
6 Question for Mr. Sher since I haven't had a
7 chance to read the Comprehensive Plan in
8 detail myself. Do the designations that exist
9 in the existing Comprehensive Plan about
10 housing opportunity area and the regional
11 center or whatever it was at Friendship
12 Heights, do those designations still exist?

13 MR. SHER: The development
14 opportunity areas, the housing opportunity
15 areas, the special treatment centers, gone.

16 CHAIR MITTEN: All gone.

17 MR. SHER: The regional center
18 designations continue. They have become more
19 precise in terms of the areas bounded if you
20 look at the policies map, not the Future Land
21 Use Map. And the regional center designation
22 which before was just a square on the old

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1 policies map is now defined in a more precise
2 way and the regional center designation does
3 not extend to this property. It goes to the
4 Metrobus garage to the north, but does not
5 come south to include this property. This is
6 the property that's designated as the main
7 street mixed use corridor versus the other
8 being the regional center. And I think if you
9 look at the map following Page 24, the legend
10 follows that, but the darker color brown is
11 the regional center designation and the - my
12 wife kills me when it comes to colors - the
13 orange-ish, the burnt sienna or I don't know
14 what it is in nail polish colors, but that,
15 the color that -

16 CHAIR MITTEN: I don't know that
17 nail polish comes in that color.

18 MR. SHER: Well, it comes in just
19 about every color I think, or at least that's
20 what I've seen, but the lighter orange color
21 is the mixed use main street - main street
22 mixed use corridor.

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1 CHAIR MITTEN: Okay.

2 MR. SHER: Sorry.

3 CHAIR MITTEN: Thank you. All
4 right.

5 COMMISSIONER JEFFRIES: Excuse me
6 Madam Chair, I do have a question for the
7 applicant. Just quickly I do have a question
8 in terms of the parking you only have one
9 level of below-ground parking effectively or
10 two. I know that the one level, it's fairly
11 steep, but you really have two levels of
12 parking, but really only one that's fully
13 below?

14 MR. COLBERT: Just recounting,
15 Wisconsin Avenue is about 8 and a half feet
16 above the alley. So that's put us in the
17 situation where the side of the parking garage
18 that faces the alley is actually partially
19 above - I mean it's pretty much above grade.
20 So on the north side we have kind of an
21 express area ramp that goes down to the lower
22 level.

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1 Another thing I'd like to say
2 about the previous question that Chairperson
3 Mitten had is that we have - one thing that's
4 very unusual that we're doing here is we're
5 vowing to restrict the ability of residents to
6 be able to get a residential parking sticker
7 for that neighborhood so that it puts more
8 pressure on us to have a little bit more in
9 the building because they won't have the
10 ability to park on the street.

11 COMMISSIONER JEFFRIES: I guess
12 what I was trying to get to, if you look at
13 the alley level garage plan P1, if you looked
14 at that and decided that that's the only place
15 where you can do parking, you would clearly
16 fall way below. I mean given that you have
17 the recycling room, you have the loading dock
18 and you know service rooms for water and
19 electric. I mean I guess my point is either
20 you're going to have 15 to 20 parking spaces,
21 or you're going to have 89 parking spaces.

22 MR. COLBERT: That's correct.

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1 COMMISSIONER JEFFRIES: I mean
2 there's a huge delta here.

3 MR. TUCHMANN: But we would
4 absolutely have to excavate these second level
5 below. Are you saying that if we were to not
6 we would have the opportunity to excavate
7 partially? I'm not understanding.

8 COMMISSIONER JEFFRIES: Yes, I
9 guess this goes to sort of over-parking the
10 site. I guess my question really is that
11 you're really forced to either have you know
12 15 to 20 parking spaces on this level or you
13 have to go down to the second level and then
14 you move into 89 parking spaces.

15 MR. TUCHMANN: Right, for the
16 efficiency you're absolutely correct.

17 COMMISSIONER JEFFRIES: Right. So
18 it's not like it could be sort of an
19 incremental change. This thing's either going
20 to go from 10 or 15 spaces to 89. Okay.

21 CHAIR MITTEN: I just want to add
22 one little fine point on it which is there's

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1 a very high number of compact parking spaces.
2 So it's not that there's a fixed number that
3 comes with the next level. Okay.

4 COMMISSIONER JEFFRIES: Yes, I was
5 just dealing with the fact that there's so
6 many other uses that are happening on this
7 level garage plan P1 that take up some of the
8 parking spaces that - yes. So.

9 CHAIR MITTEN: Yes. Okay.

10 VICE CHAIR HOOD: Madam Chair,
11 I've just got another question. Mr. Colbert,
12 I thank you for bringing that up because that
13 was one of my questions about restricting the
14 residents from being able to obtain a pass.
15 How are you going to do that?

16 MR. COLLINS: The commission has
17 done that on several other occasions, on the
18 Stone Bridge PUD 5401 as well as the
19 Brandywine 4600 Wisconsin.

20 VICE CHAIR HOOD: We have
21 precluded people from being able to get a zone
22 parking sticker. The Zoning Commission has.

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1 MR. COLLINS: Yes. In your
2 conditioning approval on that.

3 CHAIR MITTEN: We've accepted that
4 as a proffer.

5 VICE CHAIR HOOD: We've accepted
6 it, but how actually is it administered? How
7 does it happen? I mean it sounds good down
8 here, but does it really happen? I'm being
9 assured that it really happens. I just needed
10 a nod.

11 MS. SHIKER: Good evening, my
12 name's Christy Shiker with Holland & Knight
13 and this does happen by putting a condition in
14 the approval of the PUD that the applicant
15 would put those in the purchase documents.
16 The Zoning Commission doesn't restrict the
17 issuance, but the applicant restricts the
18 purchaser from seeking it through their
19 contractual documents. And that's been the
20 condition that was used in both the 5401
21 Western Avenue as well as the 4600 Brandywine
22 PUDs recently.

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1 VICE CHAIR HOOD: So. Okay so in
2 other words it's working and 10 years later
3 that still happens.

4 MS. SHIKER: Those are both
5 relatively recent PUDs in the last three or
6 four years.

7 VICE CHAIR HOOD: Oh, okay. So we
8 don't have any track record of it? Okay,
9 that's the question I asked of Mr. Laden.
10 Okay, thank you.

11 CHAIR MITTEN: Thank you. Any
12 other commission questions? All right. The
13 ANC? Who's going to ask the questions for the
14 ANC? Okay. Can we make some room? Yes,
15 please. We need one chair free. Turn on the
16 mic if you would and identify yourself for the
17 record.

18 MS. ELDRIDGE: Good evening Madam
19 Chair. My name is Lucy Eldridge and I'm the
20 vice chair of ANC 3E, single-member district
21 04. Good evening representatives of OP and
22 members of the applicant's team here. Thank

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1 you for the opportunity to ask some questions.

2 First I'd just like to start with
3 Mr. Collins. You did mention in your
4 introduction that you have garnered the
5 support of OP, DDOT, Kathy Patterson, Mary
6 Cheh, Ward 3 Vision, Coalition for Smart
7 Growth, the Smart Growth Alliance and numerous
8 letters of support from area residents. I
9 wonder whether you asked any of those
10 institutions or those folks whether they would
11 also support a project that comported with the
12 restrictions of a C-2-A zoning.

13 MR. COLLINS: Madam Chair, I
14 didn't testify. Am I subject to cross
15 examination?

16 CHAIR MITTEN: No. Perhaps Mr.
17 Tuchmann can answer that question.

18 MR. TUCHMANN: No, we did not ask
19 them that question.

20 MS. ELDRIDGE: Okay. Mr. Colbert
21 said that one of the great things about this
22 site is that we have a huge buffer zone to the

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1 south. And I believe what he's talking about
2 is the Lord & Taylor site. But if the Lord &
3 Taylor and the WMATA seek the same up-zoning
4 that you've requested that buffer zone would
5 be eliminated completely.

6 MR. COLBERT: What I was stating
7 is that when you go to the south on our side
8 of Wisconsin Avenue it's 330 feet to the
9 closest single-family house, detached house
10 and that's much further. For instance, Tenley
11 Hill, it's only 70 feet. City line at Tenley
12 it's about 240, so there is a built-in buffer
13 zone already there that will be there forever.

14 MS. ELDRIDGE: I thought you were
15 referring to the area to the west and I
16 believe that's where you were pointing to from
17 your illustration that there is a natural
18 buffer zone to the west because that is right
19 now Lord & Taylor's parking lot.

20 MR. COLBERT: Well, the area to
21 the west, you know you've got the bus garage
22 and then there - the buildings on the other

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1 side of 44th Street are commercial so I was
2 really concerned about the neighborhood, about
3 the people that live there, not the commercial
4 buildings when I made that statement.

5 MS. ELDRIDGE: Okay. I'd like to
6 turn to some of the amenities and follow up on
7 some of the discussion from the commissioners.
8 There's been a lot of discussion about the
9 PEPCO site. The substation - you proffer as
10 an amenity improvements to the PEPCO
11 substation. Now the funding for that art
12 display would be coming from the D.C.
13 Commission on the Arts and Humanities, not
14 from Akridge, is that correct?

15 MR. TUCHMANN: That portion of the
16 amenity would be funded by the commission,
17 yes.

18 MS. ELDRIDGE: Okay. And the
19 maintenance of the art display. It's unclear
20 when you say it would be the responsibility of
21 the commercial component. Does that mean it
22 would be the responsibility of the retail

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1 tenants?

2 MR. TUCHMANN: No. Well, one
3 thing I will say going back to the prior
4 question is that while the artwork will be
5 paid for by the Commission on Arts and
6 Humanities, the construction to create
7 storefront windows and restore the facade
8 including the limestone, the terra cotta, a
9 new door, improvements to the clock and those
10 would be on Akridge's - part of Akridge's
11 contribution. And then your second question
12 was it would be towards the owners, not the -
13 the ownership entity, not the tenants of the
14 space.

15 MS. ELDRIDGE: The tenants will
16 not - you plan to rent the retail space or to
17 sell the retail space? It was unclear to me
18 from the submission.

19 MR. TUCHMANN: Either could
20 happen, but the ownership, whatever ownership
21 entity that was, one of the conditions of that
22 ownership would be that they fulfill those

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1 maintenance obligations.

2 MS. ELDRIDGE: I'd like to turn to
3 the affordable housing and who was it who
4 talked about that. Was that you? Okay. You
5 say there will be six or seven units dedicated
6 to affordable housing. Where in 5220 are
7 those units going to be? And I ask because we
8 have discussed the fact that -

9 CHAIR MITTEN: That's okay. You
10 can testify later.

11 MR. TUCHMANN: What we're finding
12 now is we have I think it's a 3- or 4-page
13 description of exactly - which handles some of
14 those which is in the application. I just
15 want to cite it for you. It's in the November
16 13 submission which was the pre-hearing
17 submission. It's located under Tab A. In
18 that section we detail how the cost of those
19 units would be determined as well as the
20 distribution of those units and they're in
21 keeping with prior PUD affordable housing
22 commitments regarding the issues you've

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1 described.

2 MS. ELDRIDGE: My question is just
3 which units have been designated for
4 affordable housing.

5 MR. TUCHMANN: Right. Units have
6 not specifically - have not been dedicated for
7 that. As you can see we have 60 to 70 units.
8 That range already means we haven't determined
9 the final - I have an answer for the question
10 I think that you're -

11 CHAIR MITTEN: Could you just say
12 what you have committed to so far?

13 MR. TUCHMANN: Yes. I'm finding
14 that. Sorry.

15 CHAIR MITTEN: It's under unit
16 distribution. It's the third thing down.

17 MR. TUCHMANN: Thank you. All
18 right. We have here says that under unit
19 distribution affordable apartment units shall
20 be evenly distributed throughout the building
21 except for the top two floors.

22 MS. ELDRIDGE: How likely is it

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1 that the affordable housing units will be the
2 ones that are on the south wall overlooking
3 the very noisy PEPCO substation or on the
4 north wall overlooking the very smelly bus
5 garage as you've described it?

6 MR. TUCHMANN: Well in regards to
7 the north wall, because of the positioning of
8 the core of the building almost no units will
9 have that as their - in fact no units will
10 have that as their primary area window because
11 since those windows are at risk they will have
12 to have windows to the other sides. Some of
13 the units may be in the location that you've
14 described, but per the commitment that we've
15 made here they could not all be clustered in
16 that location.

17 MS. ELDRIDGE: So there will be no
18 ghetto?

19 MR. TUCHMANN: Correct.

20 MS. ELDRIDGE: You also say that
21 you have made a major - a significant
22 contribution to Lisner to provide four

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1 additional units. I wonder if there was -
2 whether your cash contribution to Lisner is
3 contingent upon them actually creating
4 additional housing.

5 MR. TUCHMANN: Per the request
6 that they made to us at the public meeting
7 where they presented, they made a request
8 based on an operating shortfall that they
9 have. They're spending into their endowment
10 and according to the CEO of their organization
11 do not have a sustainable budget. Therefore
12 he presented us with a budget which provided
13 for a per-unit housing cost subsidy which
14 would continue for 15 years to support that
15 particular unit.

16 MS. ELDRIDGE: So that might be to
17 support current housing costs?

18 MR. TUCHMANN: That's correct.
19 They're not for the creation, they're for the
20 preservation over a period of 15 years of
21 extremely low-income units.

22 MS. ELDRIDGE: So the way I read

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1 the proposal, the way I understand your
2 presentation here tonight that you were
3 counting those four units at Lisner to add
4 them to the six or seven units of affordable
5 housing for a total of 11 units.

6 MR. TUCHMANN: I think that the
7 district has mentioned as a priority through
8 numerous venues that the preservation of
9 affordable units is extremely important and
10 often as important as the creation of new
11 units. So we put those in the same category.

12 MS. ELDRIDGE: So the total number
13 of units that you are pledging to provide to -
14 you're pledging to increase the affordable
15 housing only by an actual number of six or
16 seven. And what percentage of that - that
17 would be less than 10 percent of the total
18 units in 5220, is that correct?

19 MR. TUCHMANN: I think based on
20 what you said, I think I already answered
21 that.

22 MS. ELDRIDGE: Okay, well your

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1 submission says you're providing 12 percent
2 and the 12 percent is misleading because it
3 includes four units from Lisner. So I think
4 that that needs to be corrected.

5 MR. TUCHMANN: The 12 percent
6 refers to 12 percent of bonus residential
7 density and it refers to the units based on
8 gross floor area. And so the 12 percent did
9 not include - it is separate from the half
10 million dollar contribution to Lisner Home.

11 MS. ELDRIDGE: You're saying that
12 the six or seven units constitutes 12 percent
13 of the number of units in 5220?

14 MR. TUCHMANN: Twelve percent of
15 the bonus residential density which means the
16 difference in the matter-of-right residential
17 density and the amount of density -
18 residential which we would achieve through the
19 project that we're requesting.

20 MS. ELDRIDGE: Let's stay on my
21 simpler level. What you're really going to
22 provide though is an additional six or seven

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1 units of affordable housing not 11, is that
2 correct?

3 MR. TUCHMANN: That's not what I
4 just said. What I said was -

5 MS. ELDRIDGE: No, I'm asking -

6 CHAIR MITTEN: I don't want to get
7 into just arguing back and forth. Do you have
8 an actual question that you want to ask Mr.
9 Tuchmann about something that you don't
10 understand? Because if you just want to try
11 and get him to say something that you can
12 testify to later we should move on.

13 MS. ELDRIDGE: Well, we'll move
14 on.

15 CHAIR MITTEN: Thank you.

16 MS. ELDRIDGE: Sorry, I will do
17 that. We'll move on to the LEED
18 certification. There are different levels of
19 LEED certification, is that right?

20 MR. TUCHMANN: That's correct.

21 MS. ELDRIDGE: The highest one is
22 what?

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1 MR. TUCHMANN: LEED platinum.

2 MS. ELDRIDGE: Below that is?

3 MR. TUCHMANN: Gold.

4 MS. ELDRIDGE: And then silver.

5 MR. TUCHMANN: Silver.

6 MS. ELDRIDGE: And the level that
7 you are seeking is?

8 MR. TUCHMANN: Certified.

9 MS. ELDRIDGE: Which is the lowest
10 of those levels, is that - the lowest possible
11 level you can attain, is that right?

12 MR. TUCHMANN: It is a level which
13 has not yet been attained to our knowledge by
14 any residential building in Washington, D.C.

15 MS. ELDRIDGE: That's not my
16 question. It is the lowest LEED certification
17 you can achieve.

18 MR. TUCHMANN: That is correct.

19 MS. ELDRIDGE: Many of these LEED
20 elements inure to the benefit of the owner, is
21 that right? As they're energy efficiency-
22 related, for example, with low-flow showers

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1 you talked about.

2 MR. TUCHMANN: What I can tell you
3 is that, and this partially explains why
4 residential buildings have not been as quick
5 to become LEED-certified especially in this
6 area here. For commercial buildings,
7 particularly office buildings, a lot of the
8 LEED features do accrue measurable energy
9 operational efficiencies which can generally
10 be passed on as savings to the tenants in
11 those office buildings. More and more those
12 tenants are starting to realize and recognize
13 in advance that there is a benefit, a
14 quantifiable benefit to being a tenant in a
15 building which is LEED-certified. Residential
16 buildings do not yet benefit from that same
17 public awareness and so instead owners,
18 developers who build LEED-certified
19 residential buildings actually currently in
20 this market do not stand to I think your words
21 were the benefit accruing to the owner. There
22 are very few studies and in our experience

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1 nothing that shows that buyers are willing to
2 pay more which would accrue them back to the
3 owner to live in a LEED-certified building, at
4 least not yet in this local market.

5 MS. ELDRIDGE: Let's move on to
6 the issue that several commissioners had
7 questioned you about regarding the bond, I
8 believe that's the term? Posting in the event
9 that you do not attain the LEED certification.
10 Because I think your question Commissioner, or
11 perhaps it was Commissioner Turnbull, what's
12 going to make you get the certification? So
13 you're going to post a bond. How much money
14 will you lose if you fail to get your LEED
15 certification?

16 MR. TUCHMANN: Well, we have
17 provided this - Commissioner Mitten asked us
18 for this information and we're going to
19 provide the specifics of how that will work.
20 We already have some information in our
21 application.

22 MS. ELDRIDGE: But you don't know

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1 right now how much money you would stand to
2 lose if you failed to satisfy these criteria?

3 MR. TUCHMANN: We've proposed an
4 amount which is based upon the green building
5 legislation which has been discussed at length
6 to try and determine what the approximate cost
7 of green building is. It's a certain
8 percentage, generally I think between 2 and 5
9 percent although I'm not sure of those
10 numbers. And we would propose a percentage
11 which matched the approximate up-charge of
12 doing LEED certification such that the amount
13 of the financial instrument would be
14 equivalent to the amount that we would have to
15 pay to provide LEED certification in the
16 building.

17 CHAIR MITTEN: Do you have a sense
18 of an order of magnitude of that amount?

19 MR. TUCHMANN: Well, I think in
20 our application we stated 2 percent.

21 CHAIR MITTEN: So, but to
22 translate that into a dollar amount.

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1 MR. TUCHMANN: Oh. It would be
2 somewhere in the range of \$600,000 or \$700,000
3 would be my first estimate given that
4 construction costs are far from being
5 finalized. But that would be a preliminary
6 estimate.

7 MS. ELDRIDGE: I'd like to go to
8 another one of the amenities that was
9 discussed as well, the DDOT contractor or the
10 consultant, the assistant, the traffic
11 management advisor? Is that what you call it?

12 MR. TUCHMANN: It's the Friendship
13 Heights transportation management coordinator.

14 MS. ELDRIDGE: Okay, thank you.
15 You have offered to pay the DDOT contractor
16 \$40,000 to help address some of the Friendship
17 Heights traffic problems. Before this money
18 was offered as an amenity Akridge had already
19 offered to pay DDOT \$100,000 for this same
20 purpose, isn't that right?

21 MR. TUCHMANN: That's not true.

22 MS. ELDRIDGE: I have an email

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1 from Jeff Jennings from DDOT and I have it
2 right behind me where he said that this money
3 -

4 CHAIR MITTEN: Okay, just ask him
5 specifically about the email instead of.

6 MS. ELDRIDGE: All right.

7 CHAIR MITTEN: It may be a
8 question that's better put to Mr. Laden. Mr.
9 Tuchmann may not be aware of this.

10 MS. ELDRIDGE: All right. You
11 know what, I - this is a message from Jeff
12 Jennings. This says Akridge approached DDOT
13 with a concept of creating a TMA or TMD for
14 the Friendship Heights area. The \$100,000
15 would come from Akridge's pocket. It is not,
16 all caps, a request for a grant having to do
17 with the 5220 Wisconsin project. DDOT has met
18 with the president of Akridge who is
19 experienced with the TMA concept. So was this
20 not offered to DDOT prior to it being included
21 wrapped under the heading of an amenity?

22 MR. TUCHMANN: When we were

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1 discussing amenities and I believe - I don't
2 know when that email was written, but I'm
3 guessing it was written many months ago. We
4 had had discussions as the amenities package
5 was being formed for a great number of
6 potential amenities, and one of them under
7 discussion had been a proposal which was made
8 at that amenities meeting which was public
9 that I described and the amenities package is
10 a fluid thing which has to work as a whole.
11 So at that time that could have been one
12 potential amenity, then half a million dollars
13 was pledged to the Lisner Home. So and IONA
14 Senior Services and Janney Elementary School.
15 In other words there were amenities that we
16 were exploring at all different times. At
17 that time that was one possible. It turned
18 out that amenity was not possible.

19 MS. ELDRIDGE: But this is the
20 same amenity.

21 MR. TUCHMANN: It's not the same
22 amenity. It's an amenity that addresses - I

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1 think I just described earlier to the
2 commission what the difference was between the
3 transportation management association which
4 had been described earlier and the solution
5 which we've come to now which was agreed upon
6 by many of the stakeholders that that would be
7 - including DDOT - that that would be the
8 appropriate use of this amenity.

9 MS. ELDRIDGE: Well to me it seems
10 like it is the same offer being repackaged now
11 as an amenity. So it seems to me that you
12 previously offered -

13 CHAIR MITTEN: Do you have a
14 question for Mr. Tuchmann?

15 MS. ELDRIDGE: Sorry. Have you
16 secured an opinion from the D.C. Attorney
17 General as to whether you can legally pay for
18 a D.C. contractor?

19 MR. TUCHMANN: We haven't done
20 that, but there have been other cases not just
21 related to DDOT where there have been
22 amenities which have been offered to specific

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1 district agencies and the monies have been
2 collected and used in that fashion.

3 MS. ELDRIDGE: You also testified
4 about working with the community. Did you
5 refuse to meet with groups who were opposed to
6 the project?

7 MR. TUCHMANN: We met with many
8 groups that were opposed to the project,
9 including the Coalition to Stop Tenleytown
10 Over-Development, including leaders of the
11 Friendship Neighborhood Association, and all
12 those people were also at the four public
13 meetings, representatives from them were at
14 those meetings. And we also offered to set up
15 a working group which would include
16 specifically members from those groups.

17 MS. ELDRIDGE: Did you refuse to
18 meet with ANC commissioner who had expressed
19 opposition to the project even just for
20 administrative matters like scheduling?

21 MR. TUCHMANN: There was a - it
22 was not an administrative matter. I think

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1 what Ms. Eldridge is referring to is there was
2 a time when we were interacting with the ANC
3 chair regarding the timing of when we would
4 hold a meeting for - the discussion of the
5 amenities and benefits. And it was important
6 that we be able to describe our reasons for
7 the timing of such a meeting. Right around
8 that time one of the commissioners wrote a
9 very specific public opinion piece which
10 appeared in a local newspaper which stated her
11 opinions very clearly about many aspects of
12 our project and we felt that she had just gone
13 publicly on the record very aggressively
14 arguing against many aspects of our
15 development. And we felt that she would not
16 be the best liaison at that time and we wanted
17 to meet with the chair as the chair was the
18 person who had - who we'd been in discussions
19 with. We had asked to meet with the chair
20 three times and she was each time unable to
21 meet with us. And so that was - I think
22 that's what she's referring to.

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1 CHAIR MITTEN: Okay, so just to
2 cut to the chase, so the only times that
3 you've refused to meet with folks have been
4 with this particular commissioner as sort of
5 the lead person for the ANC or have there been
6 other occasions?

7 MR. TUCHMANN: When you say folks,
8 as far as ANC commissioners yes, that's the
9 best of my recollection. And there have been
10 times when we have been asked after we have
11 already met with specific groups or after we
12 have already held public meetings or had one-
13 on-one conversations with members of specific
14 groups who have told us specific views about
15 the project which we knew would not be
16 compatible with the proposal we were going to
17 put forth. We had heard their views, we
18 discussed them with them, they had given us
19 their opinions, we had given them our opinions
20 and at that time we expressed to the ANC chair
21 that we did not think it would be productive
22 to after already having gone through that

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1 process meet with them again.

2 CHAIR MITTEN: Okay.

3 MS. ELDRIDGE: And you also
4 refused to conduct a discussion regarding the
5 amenities through the ANC as the ANC chair
6 specifically requested of you more than once?

7 MR. TUCHMANN: We met originally
8 way back when the project started with the ANC
9 commissioner from the single-member district.
10 He specifically at that time said, he told us
11 that in the past there had been PUDs where the
12 amenities package had been formed in a way
13 which he described as kind of back-room deals
14 where basically the developer met with some
15 community organization, it wasn't out in the
16 open and that's how the package was formed.
17 And he expressed that he wanted there to be a
18 public forum where we could have those
19 amenities heard and everyone would have a
20 chance to talk about them. And we agreed with
21 him and said that was a good idea.

22 After holding two public meetings

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1 we then went to the ANC chair and said we
2 would now like to hold such a meeting and
3 there was a difference of opinion as to when
4 that meeting should be and where it should be.
5 And we felt that we were being delayed in
6 having such a meeting unnecessarily because we
7 could hold such a meeting, we invited the ANC
8 commissioners to come. It's my recollection
9 that I think one commissioner, or actually at
10 that meeting I don't think any commissioners
11 came to that amenities and benefits meeting
12 where we had about 40 to 50 people.

13 CHAIR MITTEN: And you guys
14 managed that meeting yourself?

15 MR. TUCHMANN: That's correct.

16 CHAIR MITTEN: Okay.

17 MR. TUCHMANN: And it was a public
18 meeting, well-noticed and the commissioners
19 were invited.

20 CHAIR MITTEN: Okay.

21 MS. ELDRIDGE: Can you tell us
22 please what the value of the amenities package

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1 is?

2 MR. TUCHMANN: We haven't
3 quantified into one dollar number. I think as
4 my earlier testimony described in all the
5 pieces of it that is the value of the
6 amenities package.

7 MS. ELDRIDGE: So you haven't made
8 any effort to estimate the percentage of your
9 overall - of your total projected sales
10 revenue as made up by the amenities package?

11 MR. TUCHMANN: No.

12 MS. ELDRIDGE: I'd like to look at
13 - talk about the retail for a second. Mr.
14 Colbert showed some very nice drawings of
15 cafes out front. Can you guarantee that the
16 retail space will be occupied by a nice café
17 that will put a table and umbrella outside?

18 MR. TUCHMANN: I think first we're
19 just going to ask to have our retail
20 consultant come in for these questions, come
21 and sit with us. I'm sorry, can you ask the
22 question one more time?

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1 MS. ELDRIDGE: Sure. We saw some
2 nice drawings of cafes outside the building
3 and I wonder if you can guarantee that the
4 retail space will be occupied by a nice café.

5 MR. DEMAREE: At this point in
6 time -

7 CHAIR MITTEN: Would you just
8 identify yourself for the record, please?

9 MR. DEMAREE: Oh, I'm sorry. My
10 name is Larry Demaree, D-E-M-A-R-E-E. At this
11 point in time I really don't want to guarantee
12 any specific tenant or any particular use.

13 CHAIR MITTEN: That's a good
14 enough answer. Thanks.

15 MS. ELDRIDGE: So conceivably it
16 could be a service business like a dentist or
17 an attorney?

18 MR. DEMAREE: No.

19 MS. ELDRIDGE: You can guarantee
20 there will not be a service business in that
21 space?

22 MR. TUCHMANN: I think I'd like to

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1 clarify that when I mentioned at the beginning
2 of the process there have been commitments
3 that we had put forth and worked on with Ward
4 3 Vision, one of those commitments in response
5 to a concern that they had that there would be
6 a diversity of retail and service uses was
7 that we have committed, and I'll read the
8 language from the submission that we just put
9 in today. It says that as a result, as a
10 condition to the PUD approval the applicant
11 commits to have at least three distinct retail
12 service uses on the ground floor of the
13 building. And later on one of our conditions
14 that says commercial uses which are not
15 classified as retail service, for example real
16 estate offices, tax repairs, insurance
17 companies, office uses, are not considered
18 retail services and will not count towards
19 those three uses. So there could be that use
20 in the building, but there will also be
21 additional uses at a minimum of three per this
22 commitment.

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1 MS. ELDRIDGE: How many retail
2 spaces do you offer?

3 MR. TUCHMANN: The space is
4 flexible to allow anywhere between three and
5 five spaces given the commercial entrances
6 that we have.

7 MS. ELDRIDGE: Mr. Demaree, as
8 long as you're sitting next to me I'm going to
9 ask you a question. The LLC mailing address
10 for this property is your home address. Why
11 is that?

12 CHAIR MITTEN: That's not relevant
13 for our purposes. You can ask that offline.

14 MS. ELDRIDGE: He's testifying as
15 an expert and he has an ownership interest in
16 the property is not relevant?

17 CHAIR MITTEN: Not to us, no.

18 MS. ELDRIDGE: It's not.

19 CHAIR MITTEN: His expertise
20 stands on its own. I mean, if you want -

21 MS. ELDRIDGE: He's not subject to
22 impeachment?

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1 CHAIR MITTEN: If you want to make
2 an argument in the presentation of your case
3 that we should weigh Mr. Demaree's testimony
4 differently you're free to do that.

5 MS. ELDRIDGE: But I don't know
6 the answer to the question as to whether he
7 actually owns the property.

8 CHAIR MITTEN: Okay, Mr. Demaree
9 do you have an ownership -

10 MS. ELDRIDGE: Do you own the
11 property or did you previously own it?

12 MR. COLLINS: Madam Chair, this is
13 going way outside the scope of the
14 presentation in this case.

15 CHAIR MITTEN: It's in the
16 submittals, so can we just get - can we just
17 get an answer?

18 MR. DEMAREE: What's the question?

19 CHAIR MITTEN: The question is do
20 you have an ownership interest in the
21 property.

22 MS. ELDRIDGE: Or did you ever.

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1 MR. DEMAREE: Yes.

2 CHAIR MITTEN: You did. Do you
3 now?

4 MR. DEMAREE: Yes.

5 CHAIR MITTEN: Okay. Thank you.

6 MR. DEMAREE: Not personally.

7 CHAIR MITTEN: Okay.

8 MS. ELDRIDGE: I'd like to ask a
9 question about the traffic. Can I? Akridge
10 requested that certain spots be removed from
11 Harrison, is that correct? Parking spots.

12 CHAIR MITTEN: You two are going
13 to need to share that microphone.

14 MS. ELDRIDGE: Oh, I'm sorry.
15 Okay. Akridge did not request that the
16 parking spaces - Akridge did not request that
17 certain parking spaces along Harrison should
18 be removed to facilitate the flow of traffic
19 on that street?

20 MR. GEORGE: No, they didn't. We
21 looked at the operations as part of our
22 examination. We recommended that they be

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1 removed.

2 MS. ELDRIDGE: Okay. So you
3 didn't request they be removed. You
4 recommended that they be removed.

5 MR. GEORGE: The recommendation
6 developed from our evaluation.

7 MS. ELDRIDGE: Okay. So you
8 recommended after your evaluation that certain
9 parking spaces along Harrison be removed, is
10 that correct?

11 MR. GEORGE: That's correct.

12 MS. ELDRIDGE: Okay. You said
13 that - I think in your document it says seven
14 spaces will be removed from Harrison and that
15 five will be replaced on Wisconsin, is that
16 correct?

17 MR. GEORGE: A total of six.
18 There is a net difference of one space. In
19 other words -

20 MS. ELDRIDGE: But there are
21 parking restrictions along Wisconsin that are
22 greater than the parking restrictions that

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1 exist - previously existed on Harrison, is
2 that correct?

3 MR. GEORGE: Yes, particularly
4 when you consider that seven of those spaces
5 have no restriction at all so that that is
6 correct.

7 MS. ELDRIDGE: So there will be a
8 greater net loss of parking to the
9 neighborhood?

10 MR. GEORGE: That is correct.

11 MR. TUCHMANN: I would add that
12 DDOT has concurred with this plan and in the
13 balancing test of determining what the net
14 benefit to the community would be regarding
15 the traffic flow along Wisconsin, they decided
16 that it was in the benefit of the neighborhood
17 as it was recommended in the Friendship
18 Heights transportation study that the parking
19 be removed, some of it being replaced in front
20 of the building.

21 MS. ELDRIDGE: Did the Friendship
22 Heights transportation study recommend that

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1 parking spaces along Harrison be removed?

2 MR. TUCHMANN: It spoke in general
3 to specific removal and freeing up of the
4 nodes of the minor streets as it related to
5 the arterials and this would be a perfect
6 example of that. And within our
7 transportation study, the traffic impact
8 analysis, the relevant pieces of that study
9 have been included and highlighted in yellow.

10 MS. ELDRIDGE: I'd like to turn to
11 the issue of these windows that are at risk.
12 There's been some discussion about losing
13 windows and could someone walk us through
14 exactly what windows are at risk of being
15 bricked over?

16 MR. COLBERT: The windows -
17 essentially everything on the north and south
18 facades are considered to be at-risk windows.
19 However, since the PEPCO substation will
20 probably be there forever those windows, the
21 likelihood is that those will never be taken
22 out of use. On the north side of the building

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1 there is no indication that there's going to
2 be anything happening there anytime soon and
3 if it does there's always the possibility that
4 the building that's built there could be set
5 back from the property line in which case we
6 wouldn't have to do anything.

7 CHAIR MITTEN: Okay. She's just
8 asking where are they, so I think it's clear,
9 north and south facades.

10 MR. COLBERT: Okay.

11 MS. ELDRIDGE: How many units are
12 on the north facade?

13 MR. COLBERT: There are no units
14 on the north or south facade that are
15 specifically just on those facades. All units
16 either have an exposure looking east or west.

17 MS. ELDRIDGE: So the windows -
18 I'm trying to really get a handle on whose
19 apartment is likely to lose a window. I
20 certainly wouldn't want to buy an expensive
21 apartment where I know the windows are going
22 to be bricked over, so I'm trying to get a

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1 sense of how many units and what windows they
2 will actually lose. Maybe we could - the
3 floor plan?

4 MR. COLBERT: On the north facade
5 of the building the - you have the elevator
6 core and then there's a corridor there. So
7 most of the windows that we're showing that
8 could potentially be eliminated are actually
9 in a corridor, not in a unit itself.

10 MS. ELDRIDGE: Are there any
11 windows in a unit that are at risk?

12 MR. COLBERT: Yes.

13 MS. ELDRIDGE: Can you tell me
14 which units?

15 MR. TUCHMANN: Is it possible that
16 I can ask that we understand the nature of the
17 question so we can understand what the end
18 conclusion is. Because we can identify them
19 one by one, but I'm trying to understand - we
20 have to sell these units and we have to put in
21 the contract, the documents that the purchaser
22 signs that these windows are at risk. So

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1 we've carefully designed them such that they
2 will still be very attractive units if those
3 windows were to be lost and we are at risk if
4 we have not calculated that properly.

5 MS. ELDRIDGE: The nature of the
6 question is I am trying to ascertain which
7 windows are at risk. I asked Mr. Colbert how
8 many units have windows that are at risk and
9 he said that was a difficult question to
10 answer. So then I asked it differently to ask
11 how many windows -

12 CHAIR MITTEN: I guess the point
13 is, to put it simply is why do you care.
14 Because what Mr. Tuchmann is saying is it's
15 their responsibility to create marketable
16 units that will not be impaired from an
17 occupiability perspective if the windows get
18 blocked. So getting that that's being handled
19 by the developer, what's the issue for the
20 community?

21 MS. ELDRIDGE: If I may respond,
22 they are seeking to occupy 100 percent of the

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1 lot and are bumping up to the very edge of the
2 property at the north side because they want
3 to occupy the full lot, but is it necessary to
4 do so if they are then not going to be able to
5 sell the units on the north side. Wouldn't
6 they solve their problem of having
7 unmarketable units if they just pulled back a
8 little bit and then they occupied -

9 CHAIR MITTEN: Okay. I don't
10 think we need to do this in cross examination.
11 That's something that you want to argue that
12 the developer has said that that's not an
13 issue for them so I don't know that we need to
14 spend any more time on that.

15 MS. ELDRIDGE: Thank you. I have
16 a question regarding the map amendment. If
17 you requested - today you're requesting a map
18 amendment with the PUD. If - do you have to
19 follow through with the PUD if your request is
20 granted, or can you abandon the PUD aspect of
21 it and just build on a C-2-B and dispense with
22 your obligations under the amenities promises?

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1 MR. SHER: The fast answer is no.
2 The zoning map amendment will not take effect
3 until a covenant is recorded which binds the
4 applicant and any successors in title to build
5 on and use the property only in accordance
6 with the order of the Zoning Commission.

7 MS. ELDRIDGE: That would be to
8 this particular project?

9 MR. SHER: Yes.

10 MS. ELDRIDGE: Okay.

11 MR. SHER: It's project-specific.

12 MS. ELDRIDGE: Okay. Thank you.
13 Why can you not build a similar project under
14 C-2-A?

15 MR. TUCHMANN: That's not the
16 project that we're putting forward.

17 MS. ELDRIDGE: But why can't you
18 do a similar project under C-2-A?

19 MR. TUCHMANN: The project to be
20 put forward at C-2-B PUD is one that has gone
21 through an extensive amount of analysis for
22 over a year. And we have taken the approach

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1 as I think most developers and land use
2 planning experts take which is to look at a
3 site and determine how you can maximize the
4 use of that site and the benefits for the city
5 as well as for the use and efficiency of the
6 land while at the same time respecting the
7 neighborhood and the context that it's in.
8 And after we took a look at that analysis and
9 we looked at it from all the 200 different
10 assumptions that we have to throw into that
11 box to figure out how the project works, this
12 is the project that's before you and that's
13 what we've been presenting and defending.

14 CHAIR MITTEN: Let me ask just a
15 slightly different question which - and maybe
16 Mr. Sher would answer. If the PUD-related map
17 amendment were C-2-A as opposed to C-2-B could
18 this project be built under the PUD
19 guidelines?

20 MR. SHER: No.

21 CHAIR MITTEN: Okay.

22 MS. ELDRIDGE: Thanks.

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1 CHAIR MITTEN: Okay.

2 MS. ELDRIDGE: Can I just confer
3 with my colleagues if there are any other
4 questions?

5 CHAIR MITTEN: Quickly.

6 MS. ELDRIDGE: All right. I have
7 no further questions. Oh, you know what? I'm
8 sorry. I have some questions of OP, DDOT. Do
9 I do that later -

10 CHAIR MITTEN: After they testify.
11 You'll come up repeatedly.

12 MS. ELDRIDGE: Thank you so much.

13 CHAIR MITTEN: Thank you. Ms.
14 Hajian, did you have any cross examination
15 questions for the applicant? I understand Ms.
16 Cort's going to be there to advise you, but
17 only you are asking questions. We like to
18 have one representative per party.

19 MS. HAJIAN: Right, I understand
20 that. My name is Allie Hajian. I'm a
21 representative of Ward 3 Vision. Do you need
22 to know my address?

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1 CHAIR MITTEN: Not right now, it's
2 okay. And I'll eventually pronounce your name
3 correctly, I'm sorry.

4 MS. HAJIAN: It's Armenian, it's
5 okay. I'm used to it. My first question is
6 a simple one. Would a by-right development at
7 this location be able to provide retail
8 visible from the street with a street
9 entrance?

10 MR. TUCHMANN: No.

11 MS. HAJIAN: On a similar vein,
12 what kind of retail do you plan to pursue on
13 the ground floor of this development? Or
14 another similar question, do you have any
15 sense of the retail interest in this area and
16 given for this particular project?

17 MR. DEMAREE: I have not really
18 started marketing the property, but I have
19 made some inquiries among several brokers who
20 are well known to the commission that
21 represent retailers, like Lynn Harris. And I
22 have received 20 or 30 letters of interest

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1 from a lot of cafes and local operations. But
2 we're really way too early to be answering
3 that question. I'm going to do the best I can
4 to make it retailers that serve the
5 neighborhood for one very simple reason, we
6 want them to succeed. If they don't serve the
7 neighborhood they're not going to succeed.

8 MS. HAJIAN: Thank you. Can you
9 give us any more - you touched a little bit on
10 this. Can you give us a little more detail on
11 your streetscape design and how specifically
12 this will improve and encourage the
13 walkability and the vibrancy of this block?

14 MR. COLBERT: One component of my
15 testimony had to do with the fact that it's a
16 very unfortunate urban situation that you have
17 currently where when you get out of the Metro
18 stop and go south you have blank wall for
19 almost half of the block, you've got this
20 nasty car dealership. In terms of you know
21 it's okay like maybe out in the middle of
22 nowhere. It doesn't belong where it is. You

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1 know it's a vestige of what Wisconsin Avenue
2 was at one time that it shouldn't be anymore.
3 Then you've got the blanked up PEPCO facade.
4 And so by taking the PEPCO frontage and ours
5 combined we can make a biopsy dent in what is
6 now a very unfriendly situation.

7 There's an incredible amount of
8 foot traffic there so we have to put a lot of
9 hard paving in there, but what we're trying to
10 do is take the existing trees and spruce those
11 up as much as possible and add new ones. As
12 we testified before we're taking out the curb
13 cuts which will make an incredible increase in
14 safety on the block. We're putting in the
15 benches, the bike racks and then creating
16 sidewalk cafes as appropriate based on
17 leasing.

18 MS. HAJIAN: Thank you. In
19 addition to the bicycle parking, the car-
20 sharing vehicles that you've described, can
21 you describe a little bit the other measures
22 that Akridge is taking to help the community

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1 address concerns about traffic congestion and
2 parking?

3 MR. TUCHMANN: I think the one
4 that comes to mind which I think is fairly
5 comprehensive is the Friendship Heights
6 transportation management coordinator as we
7 talked about before. Throughout the community
8 outreach that we've done, we've heard from
9 many residents who have concerns about current
10 situations, current conditions in the
11 neighborhood. They regard things like parking
12 uses in front of their homes, dealing with RPP
13 hour restrictions, dealing with the use of the
14 alleys and these are all issues that currently
15 exist. And part of the idea of this new
16 position is to take ideas that are already out
17 there, solutions for some of these are not
18 complicated, they just require a little bit of
19 persistence in working within DDOT. I think
20 the challenge has been without having - and
21 Ward 3 is a big ward, and having someone
22 specifically focused on Friendship Heights I

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1 think is going to substantially help those
2 current situations.

3 MR. COLBERT: One thing I'd like
4 to point out is that my firm has designed many
5 R-5-B apartment buildings and the way the
6 equation works out with the 1.2 and FAR is
7 that - and the 1-2 parking ratio is that it's
8 very difficult economically to build an
9 underground garage, and that's particularly
10 true in this site because we've got Metro
11 underground, so the foundations for our
12 building in going - the closer we go to it,
13 the more expensive it gets. The R-5-B
14 building generally speaking would not provide
15 any more than one parking space per two
16 dwelling units. Say there was like 40 to 45
17 dwellings. That means that we would - a
18 matter-of-right building would be putting
19 probably more than 20 cars on the street and
20 our project will not do that so that's a huge
21 benefit we're making in terms of parking.

22 MS. HAJIAN: Thank you. Can you

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1 clarify two points of your commitment to
2 affordable housing at this location?
3 Specifically you've addressed how many units.
4 Can you state explicitly at what income level
5 and for how long they will remain affordable
6 and not revert to market rate?

7 MR. TUCHMANN: They would be at
8 the 80 percent area median income level and
9 they would remain affordable in perpetuity.

10 MS. HAJIAN: Thank you. And last
11 question. Do you have a sense of how many
12 school-age children you project to live at or
13 move into this location and a sense of where
14 this projection came from?

15 MR. TUCHMANN: We were asked this
16 question at some of the public meetings that
17 we had and so we spoke with other developers,
18 specifically those who had built projects
19 which are in the Wisconsin Avenue corridor and
20 similar buildings like this. And even we were
21 surprised at just how low the generation was.
22 I think even being conservative we're

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1 projecting fewer than five within this
2 building, but I actually think it'll be lower
3 than that.

4 MS. HAJIAN: Thank you. That's
5 all.

6 CHAIR MITTEN: Okay. Those car-
7 driving empty nesters don't have kids. Okay.
8 And now Mr. Hitchcock.

9 MR. HITCHCOCK: Thank you Madam
10 Chair, members of the commission. A couple of
11 questions to start with, Mr. Tuchmann. Could
12 we go back to the slide with the amenities
13 where you listed the Janney features? And I
14 want to make sure I understand one aspect of
15 what you were saying.

16 CHAIR MITTEN: I didn't ask this
17 earlier, but you will be submitting copies of
18 the PowerPoint to us? Okay. All right.

19 MR. HITCHCOCK: That's the one.
20 Just to clarify, the \$100,000 figure, that's
21 the total value of the amenities?

22 MR. TUCHMANN: That's correct.

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1 MR. HITCHCOCK: Okay. It includes
2 - so the soccer field upgrade, the security
3 enhancement, the playground equipment, all -
4 that all will come to \$100,000?

5 MR. TUCHMANN: That's correct.

6 MR. HITCHCOCK: Okay. Is it not
7 true that the PTA requested \$200,000 and
8 requested a focusing on upgrading the
9 electrical service?

10 MR. TUCHMANN: There had been a
11 number of different requests that came in at
12 different times.

13 MR. HITCHCOCK: From the PTA?

14 MR. TUCHMANN: I know this is a
15 complicated issue because I know that there
16 were several different versions of who
17 requested what at what time.

18 MR. HITCHCOCK: Okay. Let's stick
19 with the PTA.

20 MR. TUCHMANN: What I'm telling
21 you is even that became complicated from the
22 applicant's standpoint because who was

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1 representing themselves as the PTA at one time
2 or another and who was the PTA became
3 challenging for the developer to understand.
4 What I can tell you is that we worked
5 individually with the principal who told us
6 that he was consulting with the executive
7 committee I think he called it of the PTA in
8 developing specifically these amenities, and
9 we have a letter on the record from the
10 principal which describes these amenities and
11 says they'd be important amenities for the
12 school.

13 MR. HITCHCOCK: So it's your
14 testimony that the principal of the school
15 requested a total package of \$100,000 and did
16 not request an electrical upgrade?

17 MR. TUCHMANN: That's not what I
18 just said.

19 MR. HITCHCOCK: Well why don't you
20 clarify your answer.

21 MR. TUCHMANN: As I said, there
22 have been different requests that came at

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1 different times.

2 MR. HITCHCOCK: And you referred
3 to a very specific communication from the
4 principal and I'm asking the content of that
5 very simple communication.

6 CHAIR MITTEN: Okay Mr. Hitchcock,
7 just so that I understand the importance of
8 your continued probing on this matter, Mr.
9 Tuchmann had testified earlier about the fact
10 that this - there were a lot of requests and
11 they balanced them out and so not everybody
12 got everything that they were asking for. So
13 in that context what's the - why is this an
14 important item to explore?

15 MR. HITCHCOCK: The reason for the
16 significance is just to value the extent of
17 the amenities to the community. Our
18 information indicates the PTA wanted a higher
19 figure and they wanted a specific amenity,
20 i.e. an electrical upgrade, so -

21 CHAIR MITTEN: Okay, let me ask
22 Mr. Tuchmann a question. Did they ask you -

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1 did people from Janney ask you for more than
2 \$100,000?

3 MR. TUCHMANN: In their original
4 request members who I think identified
5 themselves as being parents or members of the
6 PTA identified two possible amenities. One
7 was electrical upgrades, one was improvements
8 to the soccer field, and I think at that time
9 the amount - if you say that that was the
10 amount, then that was the amount.

11 CHAIR MITTEN: Okay.

12 MR. HITCHCOCK: Okay, thank you.
13 Can we go tot the slide where you talked about
14 the Friendship Heights transportation
15 management coordinator.

16 MR. TUCHMANN: This one?

17 MR. HITCHCOCK: Yes. Now the very
18 - let me ask a couple questions about the
19 various - the first point. Could you identify
20 for the record the local parking and traffic
21 challenges that you have in mind? Which
22 specific items are those challenges?

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1 MR. TUCHMANN: Some of these
2 challenges I think I just testified a moment
3 ago to when I mentioned that neighbors have
4 expressed concerns regarding residential
5 parking permit enforcement, the hours, that
6 the hours should perhaps be extended to
7 different times or to include the weekends.
8 I talked about alleys, perhaps dealing with
9 alley cut-through, speeding, traffic-calming
10 measures, dealing with current conditions.
11 And these came up, these are just a few that
12 I recall and those would be some of the
13 existing elements that I'm describing.

14 MR. HITCHCOCK: Some of the
15 existing conditions. What others did you have
16 in mind?

17 CHAIR MITTEN: Have these been
18 articulated in some study that?

19 MR. TUCHMANN: I think the
20 Friendship Heights transportation study has an
21 extremely large number of recommendations many
22 of which have not been implemented and the

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1 idea would be, if you could look at that
2 study, this person would specifically start
3 looking at those solutions which have not yet
4 been implemented and would start working on
5 those.

6 MR. HITCHCOCK: May I cut to the
7 chase?

8 CHAIR MITTEN: Yes, please.

9 MR. HITCHCOCK: The proffer is a
10 little different I believe from what we saw
11 previously. They've said there are previously
12 - previously identified solutions to
13 challenges. I think it would be helpful from
14 our perspective at least if we could get a
15 list of what the challenges are and what the
16 previously identified solutions to these
17 challenges are. The concern that we have is
18 this -

19 CHAIR MITTEN: It's not unlike
20 what Mr. Hood was expressing.

21 MR. HITCHCOCK: Exactly. What
22 we're trying to find is this really smoke, or

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1 is this something that somebody can do
2 something about?

3 MR. TUCHMANN: Can I provide you
4 with one example? Would that help?

5 CHAIR MITTEN: Mr. Tuchmann, I
6 think he's asking for something that's a
7 little bit more robust and I think it would
8 actually help the commission so that we
9 understand are these things that are just
10 awaiting implementation that you don't need
11 somebody to coordinate to do it, or. So if
12 you can give us something.

13 MR. HITCHCOCK: Yes. If I could
14 add a couple of other points that might be
15 helpful because I think a written submission
16 would be helpful. Are these things that
17 require the use of appropriated funds, for
18 example? Are these items that - I mean how
19 much are they going to cost? I mean if you
20 have on-the-shelf solutions that could be
21 implemented tomorrow, could not the commission
22 attach those as conditions rather than hire

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1 somebody to look at it and maybe do something
2 or maybe not do something. I think that would
3 help.

4 CHAIR MITTEN: I agree. And just
5 to keep it in the proper context however, it
6 is - unless there are adverse impacts that are
7 identified related to this PUD, this is a
8 proffer so we have to keep it in that context.
9 But perhaps you -

10 MR. TUCHMANN: We will provide a
11 submission to that effect.

12 MR. HITCHCOCK: I mean they have
13 said there are challenges, they've said there
14 are solutions, so it's on there. All right.

15 CHAIR MITTEN: Sure.

16 MR. HITCHCOCK: Let me ask you
17 this, Mr. Tuchmann. You used periodically the
18 phrase `transit-oriented development.' Is
19 there an agreed-upon definition by a
20 professional group such as the American
21 Planning Association or another organization
22 as to what `transit-oriented development'

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1 means?

2 MR. TUCHMANN: I don't know.

3 MR. HITCHCOCK: So it's just a
4 slogan?

5 MR. TUCHMANN: I don't know that
6 either.

7 MR. HITCHCOCK: Well, what do you
8 know? What do you understand 'transit-
9 oriented development' to mean?

10 MR. TUCHMANN: I don't think I
11 testified to what -

12 MR. COLLINS: I'm not he's the
13 right witness to talk about -

14 MR. HITCHCOCK: He engaged in
15 colloquy with the chair. Let me ask this
16 question this way. How is this commission or
17 any other body - well, actually two questions
18 - to tell the difference between transit-
19 oriented development near a Metro site and
20 non-transit oriented development? Let me put
21 it a different way. Is there some metric for
22 telling how many parking spaces near a Metro

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1 site constitute transit-oriented development
2 as opposed to non-transit oriented
3 development?

4 CHAIR MITTEN: I don't know that
5 trying to parse this language right now is
6 going to be particularly productive, but maybe
7 you could just say what prompts you to use
8 that phraseology for whatever it means to you.

9 MR. KLEIN: In many respects we
10 believe this is transit-oriented because of
11 the design, because of the balance of the
12 parking that we have at 1.2 spaces per unit.
13 It's certainly not auto-dependent and so
14 therefore by default it becomes a little bit
15 more transit-dependent.

16 MR. HITCHCOCK: Suppose the ratio
17 were three spaces per unit, would it still be
18 transit-oriented?

19 MR. KLEIN: I'm not sure that
20 there's a bright line, but I would in my
21 personal opinion say no.

22 MR. HITCHCOCK: Okay.

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1 MR. TUCHMANN: I do want to add to
2 that that the organization you are
3 representing has requested more parking. So
4 I just want to understand -

5 CHAIR MITTEN: It's okay, he's
6 asking - this is not -

7 MR. HITCHCOCK: I'm asking the
8 questions.

9 CHAIR MITTEN: - a conversation,
10 it's answering his questions.

11 MR. HITCHCOCK: There's a phrase
12 that has been tossed around rather loosely.
13 I'm just trying to understand the content.
14 One other question I guess, Mr. Tuchmann I
15 guess. You talked about the affordable
16 housing units. When do you plan to designate
17 which units will be the affordable housing
18 units?

19 MR. TUCHMANN: I think that would
20 happen as we enter our full design of the
21 building and we try and determine whether
22 we'll be having 60 units, 70 units, the mix of

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1 two-bedrooms, one-bedrooms. It'll happen
2 during that time.

3 MR. HITCHCOCK: So it would happen
4 after the commission approved your application
5 if it does grant approval?

6 MR. TUCHMANN: Yes.

7 MR. HITCHCOCK: Okay. Mr.
8 Colbert, I have one or two questions for you.
9 Could we go to the slides where you were
10 looking at the perspectives from nearby
11 streets? Okay. Now we are - okay. Just for
12 the record we are looking at the view from the
13 intersection at 44th and Harrison Street,
14 correct?

15 MR. COLBERT: Yes.

16 MR. HITCHCOCK: Could we go back
17 one slide where you showed - you were going to
18 do the two angles. Now is it not true that
19 there is a row of garden apartments just to
20 the east of that spot along Harrison Street?

21 MR. COLBERT: Yes.

22 MR. HITCHCOCK: And you did not

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1 include a slide to show the perspective of
2 people who live in those garden apartments, is
3 that correct?

4 MR. COLBERT: That's correct.

5 MR. HITCHCOCK: Would not that
6 slide have been helpful to the commission to
7 determine the impact of a building this tall
8 on nearby residents?

9 MR. COLBERT: One thing I talked
10 about that's very important is the fact that
11 the party walls between the units run north-
12 south. Therefore the orientation of the view
13 from these apartments actually look mostly
14 north, so you only have a few units here that
15 would even be impacted at all. And as I
16 mentioned, we have several letters from people
17 that live in those buildings supporting our
18 project.

19 MR. HITCHCOCK: Well can you
20 identify which particular buildings?

21 CHAIR MITTEN: You mean where the
22 letters have come from?

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1 MR. HITCHCOCK: Yes, where it is
2 from.

3 CHAIR MITTEN: That can be done
4 later. I don't know that we need to -

5 MR. HITCHCOCK: Okay. Have you
6 thought of doing a perspective from the
7 backyards?

8 MR. COLBERT: The people that came
9 to the meetings that expressed concern about
10 the size and height of the development were
11 not people that live in those buildings. So
12 the Office of Planning asked us to do these
13 particular studies based on feedback they had
14 gotten from the community.

15 CHAIR MITTEN: Okay.

16 MR. HITCHCOCK: Thank you. I have
17 some questions for Mr. George. Mr. George,
18 you testified earlier tonight that there was
19 an error in your analysis by not including
20 assumptions about heavy duty trucks on
21 Wisconsin Avenue, correct?

22 MR. GEORGE: Not heavy duty, just

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1 heavy vehicles as a whole which included
2 trucks.

3 MR. HITCHCOCK: Does it include
4 buses?

5 MR. GEORGE: Yes.

6 MR. HITCHCOCK: Okay. And did you
7 realize that error before or after we called
8 it to your attention this afternoon?

9 MR. GEORGE: Oh, long before you
10 called it.

11 MR. HITCHCOCK: Long before.

12 MR. GEORGE: Yes.

13 MR. HITCHCOCK: And you didn't
14 seek to correct that testimony prior to
15 tonight?

16 MR. GEORGE: Yes, we did. As I
17 indicated we - during the preparation for this
18 hearing we discovered that and we immediately
19 revised the analysis, contacted DDOT, provided
20 them a copy with our revised results and again
21 prepared a memorandum which submits that
22 information in the record tonight.

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1 MR. HITCHCOCK: But you didn't
2 provide it to any of the community ahead of
3 time?

4 MR. GEORGE: No, I did not.

5 MR. HITCHCOCK: Okay. And even
6 though we gave you our analysis? All right.
7 What is your current assumption with respect
8 to the level of heavy vehicles, trucks and
9 buses on Wisconsin Avenue?

10 MR. GEORGE: It's not an
11 assumption Mr. Hitchcock, it's actually based
12 on classification studies that were done and
13 it's approximately 2 percent.

14 MR. HITCHCOCK: But 2 percent is
15 the default assumption, isn't it?

16 MR. GEORGE: No. Again my
17 associate Mr. Banks looked at the data, the
18 data that we had collected, the data that DDOT
19 had collected back in 2003-2004, and we used
20 that data.

21 MR. HITCHCOCK: But I'm confused.
22 Did you go out and actually count the number

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1 of buses and trucks after you realized the
2 error?

3 MR. GEORGE: No. As I said, we
4 had the information.

5 MR. HITCHCOCK: So you - as you
6 sit here tonight your discussion of buses and
7 trucks is not based on any independent
8 research that you did on this point?

9 MR. GEORGE: I'm saying that it
10 is.

11 MR. HITCHCOCK: Excuse me, any
12 independent observations or counts?

13 MR. GEORGE: I'm saying it's based
14 on our own observations and it's based on data
15 contained in the DDOT studies.

16 CHAIR MITTEN: Mr. Hitchcock asked
17 you if you went out and counted trucks and
18 buses. So if you didn't count trucks and
19 buses, because I understood you to say no to
20 his question, then what was the independent
21 data that you developed?

22 MR. GEORGE: I see.

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1 CHAIR MITTEN: That's where the
2 disconnect is.

3 MR. GEORGE: Yes. Okay. No, we
4 used the data from the DDOT studies.

5 MR. HITCHCOCK: From a 2003 study?

6 MR. GEORGE: 2003 yes, that's
7 correct.

8 MR. HITCHCOCK: Are you aware that
9 there are a number of bus lines along
10 Wisconsin Avenue in this area, correct?

11 MR. GEORGE: Yes.

12 MR. HITCHCOCK: The 30 series, 30,
13 32, 34, 36, 38?

14 MR. GEORGE: I think there are
15 nine routes.

16 MR. HITCHCOCK: Nine routes, okay.
17 Thank you. And they all connect, many with
18 the Friendship Heights Metro station?

19 MR. GEORGE: That's correct.

20 MR. HITCHCOCK: And is it your
21 testimony that all those and the truck traffic
22 is still 2 percent or less?

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1 MR. GEORGE: Yes. And when you
2 consider that the volume of traffic along
3 Wisconsin Avenue, 2 percent is still quite a
4 large number. Particularly also we considered
5 that percentage that occurs during the peak
6 period.

7 MR. HITCHCOCK: Okay, well let's
8 talk about peak period. I have a question
9 about the report that we only got a couple of
10 hours ago. You've assumed that the traffic
11 flow during weekday peak hours and I'm using
12 your words flows smoothly from one
13 intersection to the next. What days did you
14 observe traffic during the peak hour of 5:30
15 to 6:30?

16 MR. GEORGE: All of the
17 observations based on -

18 MR. HITCHCOCK: I'm sorry, I asked
19 you what days. What days did you make these
20 observations?

21 MR. GEORGE: The exact dates of
22 the study, if you could Mr. Banks. I will

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1 tell you generically that -

2 MR. HITCHCOCK: I'm not asking
3 generically, I'm asking what days did you make
4 the observations.

5 CHAIR MITTEN: Okay, he's getting
6 that.

7 MR. HITCHCOCK: Okay.

8 MR. TUCHMANN: Are you asking the
9 day of the week or the dates?

10 MR. HITCHCOCK: I'll take both.
11 Is that your testimony, Mr. George?

12 CHAIR MITTEN: Actually somebody's
13 got to put that into a microphone. So Mr.
14 George I know you're going to do that.

15 MR. GEORGE: Yes. Based on the
16 information just provided, checking on our
17 report which is in your record it was on a
18 Thursday.

19 CHAIR MITTEN: And the date of
20 that Thursday?

21 MR. GEORGE: March 2.

22 CHAIR MITTEN: Of 2000 and?

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1 MR. GEORGE: 2006.

2 CHAIR MITTEN: Okay.

3 MR. HITCHCOCK: Now when the
4 observations were made on March 2, 2006, a
5 year ago, correct? Not 2007? Okay. Did the
6 northbound traffic have to slow down or stop
7 as it approached Harrison or Jenifer?

8 MR. GEORGE: It depends. There's
9 a traffic control at that intersection.
10 There's a traffic light and it's on red or
11 yellow, they would have to -

12 MR. HITCHCOCK: Well, what did
13 your observations disclose?

14 MR. GEORGE: Well, the data was
15 collected over the entire peak period which is
16 from 6:30 to 9:30.

17 MR. HITCHCOCK: Let's talk about
18 5:30 to 6:30 which you identified as the peak
19 hour.

20 MR. GEORGE: Yes.

21 MR. HITCHCOCK: Okay. I mean, did
22 traffic have to sit there for more than one

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1 cycle?

2 MR. GEORGE: We did not do an
3 actual observation of queuing or an
4 operational analysis.

5 CHAIR MITTEN: So to this
6 question, are you asking about a specific
7 intersection?

8 MR. HITCHCOCK: Yes, Wisconsin at
9 Harrison, Wisconsin at Jenifer.

10 CHAIR MITTEN: Okay. So you did
11 level of service at those intersections, did
12 you not?

13 MR. GEORGE: Yes.

14 CHAIR MITTEN: Okay, so what does
15 the level of service tell you about Mr.
16 Hitchcock's question which is did people have
17 to sit through more than one cycle. That's
18 what level of service is about, right?

19 MR. GEORGE: Not really. What the
20 level of service is is that during the course
21 of an hour it looks at the average situation.
22 There are some vehicles who would go through

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1 the light in one cycle. There may be some
2 which sit through -

3 CHAIR MITTEN: No, but it's an
4 average, right? It's an average. The level
5 of service is an average.

6 MR. GEORGE: Exactly.

7 CHAIR MITTEN: Okay, so on average
8 did people have to sit through more than one
9 cycle?

10 MR. GEORGE: Well, the analysis
11 does not and cannot compute that. What it
12 says is that of the vehicles going through the
13 intersection, the average delay that was
14 experienced per vehicle was such and such.
15 And based on that there's a standard table
16 where if it's less than 10 seconds it would be
17 an A, 10 to 15 seconds a B, and so on. So the
18 analysis computes the situation over an entire
19 hour, not looking at one particular cycle or
20 one particular vehicle and what happens to
21 that vehicle.

22 CHAIR MITTEN: But you cannot

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1 state on average whether or not based on the
2 level of service that you calculated, whether
3 or not people were sitting through more than
4 one cycle. You can't opine about that?

5 MR. GEORGE: No, I'm saying that
6 the analysis tells us and I'm looking at the
7 results for Wisconsin and Jenifer, that for
8 the northbound traffic on average they
9 experienced a delay of 13 seconds.

10 CHAIR MITTEN: Okay.

11 MR. GEORGE: Thirteen seconds
12 could involve waiting through a light, it
13 could involve not waiting through a light.

14 CHAIR MITTEN: Well, isn't the
15 cycle on the light longer than 13 seconds if
16 they're stopped?

17 MR. GEORGE: Yes.

18 CHAIR MITTEN: That's the part
19 that I'm not getting as a layperson.

20 MR. GEORGE: Okay. There are some
21 vehicles who would wait no time. There are
22 some vehicles that may wait 30 seconds.

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1 CHAIR MITTEN: I get it. I got
2 that part, but I'm saying on average it
3 suggests if they're waiting 13 seconds then on
4 average they're not waiting more than one
5 cycle. Is that a fair -

6 MR. GEORGE: That's a fair
7 assumption, yes.

8 CHAIR MITTEN: Okay. Okay.

9 MR. HITCHCOCK: While we're
10 talking about levels of service, let me ask
11 some questions on that. The text of your
12 report talked about levels of service at A and
13 B, but it's correct is it not that in the
14 appendices you identified levels of service at
15 E and F on Harrison and Jenifer Street at
16 Wisconsin, correct?

17 MR. GEORGE: Yes because - yes.

18 MR. HITCHCOCK: You did, okay. So
19 and then, well and just for the record east -
20 Wisconsin at Harrison, eastbound level of
21 service E in the PM peak, correct? I'm
22 looking at Page C-2 of your appendix. Page C-

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1 3, Wisconsin at Jenifer, level of service E
2 both eastbound and westbound at the AM peak,
3 correct?

4 MR. GEORGE: But I think -

5 MR. HITCHCOCK: Excuse me, is that
6 correct? Okay. Page C-4, Wisconsin and
7 Jenifer, PM peak, level of service F
8 eastbound. Page C-7 -

9 CHAIR MITTEN: Are those accurate?
10 What he's reading, is that accurate Mr.
11 George? That's what he's asking you at the
12 moment.

13 MR. GEORGE: If there's a level of
14 service F for applying to one approach, yes.

15 MR. HITCHCOCK: Okay. Wisconsin
16 at Harrison eastbound, Saturday peak, level of
17 service E, correct?

18 MR. GEORGE: If you're reading
19 from the report, it's there.

20 CHAIR MITTEN: Okay. Now what?

21 MR. HITCHCOCK: Okay. I guess the
22 question is why - well, despite all that you

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1 are saying that levels of service are not
2 unacceptable, is that correct?

3 MR. GEORGE: Okay. Well on each
4 one of those pages that you read it showed the
5 levels of service for individual approaches as
6 well as the levels of service for the entire
7 intersection.

8 MR. HITCHCOCK: That's correct.
9 And if you are trying to get from Harrison
10 Street onto Wisconsin you are consistently
11 dealing with levels of service E and F,
12 correct?

13 MR. GEORGE: Well, I think I
14 stated in my testimony that the levels of
15 service that we reported applied to the entire
16 intersection.

17 MR. HITCHCOCK: Okay, I'm just
18 talking about the eastbound that we're talking
19 about here on Harrison Street.

20 MR. GEORGE: The information is in
21 the report and it shows what is there.

22 CHAIR MITTEN: I think what we're

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1 missing here Mr. George is that earlier you -
2 Mr. Hitchcock is pointing out that there are
3 intersections, and these are as I understand
4 it people sitting on the side streets waiting
5 to go into the traffic on Wisconsin Avenue.

6 MR. GEORGE: Yes.

7 CHAIR MITTEN: And you had
8 testified especially as it relates to the peak
9 hour that the traffic is given over to the,
10 you know the principal thoroughfare where
11 people commute.

12 MR. GEORGE: Yes.

13 CHAIR MITTEN: So in that
14 environment is it - Mr. Hitchcock is taking
15 issue with the fact that you find it
16 acceptable that these people on the side
17 streets have to wait an extended period of
18 time. So in this context that you describe to
19 us is that typical, appropriate, acceptable?
20 That's all.

21 MR. GEORGE: That's the standard.
22 You look at the overall level of service, not

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1 on an individual approach. That's why we
2 presented the data that the minor streets do
3 experience delay because the main street is
4 prioritized. That's the policy of the city.
5 It moves the greater amount of traffic. It
6 takes care of environmental concerns. And the
7 procedure which DDOT stipulates is that you
8 examine the level of service for the overall
9 intersection. So if you have greater volumes
10 of traffic along the major street, the average
11 is weighted toward the greater number and
12 that's why we come out with the overall level
13 of service being acceptable.

14 CHAIR MITTEN: Okay. I don't know
15 if you found that helpful, but if we could
16 kind of move the conversation.

17 MR. HITCHCOCK: Well, I understand
18 his position. Well, let me ask a follow-up
19 question then on that. Page 25 of your report
20 you cited as one of the neighborhood concerns,
21 and this directly relates to the backups on
22 Harrison Street, excessive cut-through usage.

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1 Do you have it, sir? This is your original
2 report from I guess a couple of -

3 MR. GEORGE: Yes.

4 MR. HITCHCOCK: Yes, okay. Page
5 25, Paragraph B, excessive cut-through usage
6 of alleyway between Garrison Street and
7 Harrison Street. And your statement is this
8 is unrelated to the subject project. Isn't it
9 highly germane if you have levels of service
10 at E and F that are not going to improve that
11 people are cutting through that alley so they
12 can get off Harrison Street?

13 MR. GEORGE: Well, I think we are
14 examining a situation that exists today and
15 that existed in 2003 when the DDOT studies
16 were done. And if you look at the title of
17 that page it's entitled Neighborhood Traffic
18 Issues. As I stated earlier, it was not a
19 requirement that we address these issues as
20 part of the PUD process.

21 MR. HITCHCOCK: Well wait, it was
22 not a requirement by - who did not require you

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1 to do it?

2 MR. GEORGE: Well, at the back of
3 our study in Appendix A is a scoping letter
4 which we sent to DDOT. In other words we
5 looked at the likely trip generation from the
6 site and I addressed that in my testimony and
7 based on that DDOT suggested or accepted that
8 we address the traffic situation at the three
9 intersections along Wisconsin Avenue.

10 MR. HITCHCOCK: And my question
11 goes tot the collateral effects. I mean your
12 study found levels of service at E and F.
13 Neighbors have complained yes, service is
14 terrible, they're cutting through our alleys
15 and posing a hazard and you say we're not
16 going to look at that. It's unrelated.

17 MR. GEORGE: Well -

18 MR. HITCHCOCK: You have no
19 opinion on that.

20 MR. GEORGE: Well, I think we go
21 ahead to say that a memorandum presenting the
22 data on the observed usage of this alley is

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1 forthcoming.

2 MR. HITCHCOCK: And do you have a
3 copy of that with you tonight?

4 MR. GEORGE: No.

5 MR. HITCHCOCK: Has it been
6 prepared?

7 MR. GEORGE: We followed up with
8 discussions with DDOT.

9 MR. HITCHCOCK: Do you have a copy
10 for the record?

11 MR. GEORGE: We have no copy.

12 MR. HITCHCOCK: So there's no
13 piece of paper forthcoming, is that not
14 correct?

15 MR. GEORGE: That is correct.

16 MR. HITCHCOCK: Okay, thank you.
17 Let me ask you another question. Page 12 of
18 your report. Do you have that? You state on
19 Paragraph 2.

20 MR. GEORGE: I'm with you.

21 MR. HITCHCOCK: You made an
22 assumption - this is about Friendship Place

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1 Development, the old - the recently demolished
2 Hecht Company building. You project 150
3 units.

4 MR. GEORGE: Yes.

5 MR. HITCHCOCK: Are you familiar -
6 you've cited the November 2003 Friendship
7 Heights transportation study that DDOT had
8 commissioned.

9 MR. GEORGE: Yes.

10 MR. HITCHCOCK: Are you aware that
11 that study assumed 433 units?

12 MR. GEORGE: Yes, I am aware that
13 to be the case.

14 MR. HITCHCOCK: And are you aware
15 also that the developer's website
16 wisconsinplace.com assumes 432 units?

17 MR. GEORGE: I am not aware about
18 the developer's website.

19 MR. HITCHCOCK: Okay. Well
20 notwithstanding the fact that for three years
21 the assumption has been that this would have
22 432 units, is it not correct you decided to

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1 assume only 150?

2 MR. GEORGE: That's not correct.

3 MR. HITCHCOCK: Well, where are
4 the assumptions based on 433?

5 MR. GEORGE: The normal process -

6 MR. HITCHCOCK: Excuse me, I asked
7 where in the record are your assumptions based
8 on 433.

9 CHAIR MITTEN: Maybe ask - I'd
10 prefer you ask it differently which is why did
11 you assume 150, in light of -

12 MR. GEORGE: It is not an
13 assumption.

14 CHAIR MITTEN: Okay.

15 MR. GEORGE: We obtain information
16 regarding background development from the city
17 agencies responsible. In the case of the
18 district we use the Office of Planning. In
19 the case of Montgomery County, since the
20 development you're referring to is in
21 Montgomery County we referred to the -

22 MR. HITCHCOCK: Where do you refer

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1 to that in -

2 CHAIR MITTEN: Just let him finish
3 his answer.

4 MR. GEORGE: In the case of
5 Montgomery County we refer to the Maryland
6 National Capital Park and Planning Commission
7 and if you look at Appendix A-3 we have an
8 email from that division where they gave us
9 the number of units that we incorporated.

10 MR. HITCHCOCK: Okay. And you
11 assumed that was correct rather than checking
12 with the source?

13 MR. GEORGE: That is the agency
14 that approved the development and it's not
15 appropriate for me to check -

16 MR. HITCHCOCK: All right. But
17 you didn't cite that source in the footnote on
18 Page 12. You cited in fact the DDOT November
19 2003 study, correct?

20 MR. GEORGE: I think what the
21 footnote says is agencies and studies.

22 MR. HITCHCOCK: I'm sorry, where

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1 are you reading from on Page 12?

2 MR. GEORGE: At the bottom of
3 Table 3 it says source: agencies. Government
4 agencies perhaps would have been a little bit
5 clearer.

6 CHAIR MITTEN: Mr. George, if it
7 were determined that the information you got
8 from Maryland National Capital Park and
9 Planning was incorrect and that the number is
10 more like 400 is that an analysis that you
11 could make and factor in if it were determined
12 that was incorrect?

13 MR. GEORGE: Yes, we could do
14 that.

15 CHAIR MITTEN: Okay.

16 MR. HITCHCOCK: That would be very
17 helpful. I have just -

18 CHAIR MITTEN: I think we still
19 have to establish that it's incorrect, but.

20 MR. HITCHCOCK: Well, it's what
21 the developer says. It's on the website,
22 wisconsinplace.com.

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1 CHAIR MITTEN: Okay, so you can
2 testify about - or your party can testify
3 about that.

4 MR. HITCHCOCK: We will.
5 Absolutely.

6 CHAIR MITTEN: Okay.

7 MR. HITCHCOCK: A couple of other
8 questions. In the submission you gave us a
9 couple of hours ago you used the phrase
10 "vehicle arrival type 5."

11 MR. GEORGE: Yes.

12 MR. HITCHCOCK: In describing
13 levels of service. What do you mean by that?

14 MR. GEORGE: The highway - the
15 analysis procedure defines six arrival types
16 ranging from 1 to 6. 1 refers to a very
17 random arrival that you would find let's say
18 at a suburban isolated intersection. In
19 locations such as within a built-up area or
20 central business district where intersections
21 are signalized and synchronized you expect
22 platoons to go in. In other words as you go

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1 from one intersection to another you expect to
2 proceed. The lights are timed so you go from
3 one green to another green or they turned red
4 at one particular time. And there are six,
5 like I said 1 being very random, 6 being a
6 perfect platoon. We use the 5.

7 MR. HITCHCOCK: And who
8 established the six benchmarks?

9 MR. GEORGE: That is the procedure
10 defined in the highway capacity manual.

11 MR. HITCHCOCK: The highway
12 capacity manual, okay.

13 MR. GEORGE: Yes.

14 MR. HITCHCOCK: A couple of other
15 questions. Could we go to the slide that I
16 think Commissioner Hood and others had
17 questions on dealing with the alleys. Well,
18 maybe there's - I think actually there was one
19 that showed the two alleys in blue outlined.
20 Okay yes, that's the one. First of all a
21 factual question. The north-south alley
22 behind the building appears to be narrower

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1 where it meets the east-west alley running
2 parallel to Harrison Street, is that correct?

3 MR. GEORGE: It may appear so
4 because of the way the lines were put. And
5 again this is not a design drawing, it's
6 simply a representation. The official records
7 on the surveillance office show this to be a
8 20-foot alley.

9 MR. HITCHCOCK: It shows it to be
10 a uniform 20-foot alley in width?

11 MR. GEORGE: It shows the alley to
12 be 20 foot wide.

13 MR. HITCHCOCK: Okay. Now let me
14 ask you this. When we were talking before,
15 when you were talking with the commission
16 about the traffic coming into and out of the
17 alley, did you assess traffic in the parking
18 lot at the bank and any interaction it might -
19 bank parking lot and any interaction that
20 parking lot traffic might have?

21 MR. GEORGE: No.

22 MR. HITCHCOCK: No. Do you know

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1 how many vehicles there are a day or with the
2 traffic flows?

3 MR. GEORGE: It's not an analysis
4 that we would be required to do. Based on our
5 observations the volumes are very low during
6 the peak periods and they come sporadically.

7 MR. HITCHCOCK: Okay. One other
8 question. I apologize for jumping around.
9 This goes back to the traffic issues. Your
10 current assumptions in the report assume an I
11 correct zero percent heavy vehicle traffic on
12 Harrison Street?

13 MR. GEORGE: That was what was - I
14 dealt with, yes.

15 MR. HITCHCOCK: Okay.

16 MR. GEORGE: Initially that's what
17 it assumed.

18 MR. HITCHCOCK: Initially. When
19 do you mean initially?

20 MR. GEORGE: The actual date of
21 the analysis was March of 2006.

22 MR. HITCHCOCK: March 2006. So

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1 you don't - do you have any more - and that's
2 based on actual observations? You didn't see
3 a single truck?

4 MR. GEORGE: No, that's what I
5 said. It was a preliminary analysis that
6 inadvertently was carried over into the
7 submitted report.

8 MR. HITCHCOCK: Okay. But did you
9 at any point in time go and count the
10 vehicles? Count heavy buses or heavy duty
11 trucks on Harrison Street?

12 MR. GEORGE: We did two things.
13 Number one, one would expect that the volume
14 of the percentage - the mix of traffic to be
15 pretty typical. In other words you do not
16 expect it to change from month to month or
17 year to year, at least change significantly.
18 We were advised of course that and in fact we
19 had extensive discussions with the consultants
20 to DDOT who performed the 2003-2004 studies.
21 They did detailed vehicle classification
22 counts. It's a standard practice that you

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1 would accept data very often that could be
2 very several years old regarding vehicle
3 classification. So it was not necessary.
4 During the course of our analysis and Mr.
5 Banks can perhaps testify to that further we
6 made generalized observations of those - that
7 mix of vehicles.

8 MR. HITCHCOCK: Well let's stick
9 with Harrison Street just one more moment.

10 MR. GEORGE: Okay.

11 MR. HITCHCOCK: In your
12 observations did you take into - are you aware
13 that there is a - the bank has a drive-through
14 window off the Harrison Street alley?

15 MR. GEORGE: Yes.

16 MR. HITCHCOCK: And that didn't
17 prompt you to do any analysis of the potential
18 impact?

19 MR. GEORGE: No. The volume of
20 traffic using that driveway, it's an onsite
21 situation that they would share - they're both
22 entitled to use of the alley and they would

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1 share the use of the alley. That's a minor
2 approach coming from the drive-through and
3 they would stop at the alley.

4 MR. HITCHCOCK: So everyone's
5 taking their chances. Okay. I don't think I
6 have anything further. Thank you Mr. George.
7 Mr. Sher, one quick question to you. You
8 talked about the 100 percent lot occupancy and
9 talked about it benefitting the property in
10 question. Doesn't a lot occupancy limitation
11 also benefit surrounding properties? Isn't
12 that the intent?

13 MR. SHER: I don't believe it's
14 the intent, no.

15 MR. HITCHCOCK: Why not?

16 MR. SHER: Well, each property has
17 to meet the regulations on its own. If
18 Property A has a certain amount of lot
19 occupancy permitted to it then that's what
20 it's allowed to do. That openness if there is
21 any is of not - doesn't go to satisfying any
22 lot occupancy requirement that may exist for

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1 the adjoining Property B on one side or the
2 adjoining Property C on the other. They have
3 to satisfy the lot occupancy requirements on
4 their own.

5 MR. HITCHCOCK: But I'm not
6 talking about strict technical compliance.
7 I'm talking about the policy implications
8 behind why lot occupancy limitations exist.

9 MR. SHER: Again it exists for the
10 benefit - let me restate that. It's
11 applicable to the property for which - to
12 which it applies.

13 MR. HITCHCOCK: Correct.

14 MR. SHER: It is not - in my view
15 it is not one which says because there's a
16 property next door I should be limited to the
17 lot occupancy that might somehow apply to
18 them. That's not what I think the regulations
19 are about.

20 MR. HITCHCOCK: Well, that wasn't
21 my question. I mean my question is if you
22 have a lot occupancy requirement, doesn't the

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1 open space that results inure to the benefit
2 generally of next-door neighbors?

3 MR. SHER: It might and it might
4 not.

5 MR. HITCHCOCK: Okay.

6 CHAIR MITTEN: I want to ask a
7 question about this. Mr. Sher, when the BZA
8 considers special exceptions in the case of
9 additions to single-family dwellings or
10 variances in other cases and the variances are
11 to lot occupancy or side yard or rear yard
12 there are adverse impacts that are meant to be
13 addressed regarding the loss of light and air
14 for neighboring properties. So just to follow
15 up on Mr. Hitchcock's question, how if in fact
16 lot occupancy and other setbacks are intended
17 to really be for the benefit of the property
18 owner you know within the property that's in
19 question, why would the BZA have to examine
20 those potential adverse impacts?

21 MR. SHER: I think that the -
22 certainly in the case of a variance the board

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1 is required to apply the 3-part test and Part
2 3 of the test says that it has to look at
3 whether granting the variance would impair the
4 intent, purpose and integrity of the zone
5 plan. I'm paraphrasing, but I think that's
6 pretty close.

7 CHAIR MITTEN: That's very close.

8 MR. SHER: Sometimes that gets
9 interpreted to mean will it have an adverse
10 effect on adjoining properties, but again my
11 belief on the standard on the area and bulk
12 standards of the regulations generally across
13 the board, the minimum width of a court, the
14 minimum width of a side yard, the maximum
15 amount of lot occupancy are all frames with
16 respect to the building that's on the lot.
17 And what we're asking for here is some
18 deviation from what would normally be the
19 standard, no question about that.

20 CHAIR MITTEN: Right.

21 MR. SHER: But the effect of that
22 I believe is to be examined with respect to

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1 how that affects this property rather than
2 some other property. If I had a piece of
3 commercially zoned property and I was not
4 going to build any residential and I was
5 allowed to occupy 100 percent of the lot which
6 is allowed for an office building or a retail
7 facility or what have you, the fact that next
8 door was a piece of property that was being
9 developed residentially, I wouldn't be
10 entitled to - and I have the residential piece
11 - I wouldn't be entitled to assume that I
12 could get any benefit or lose any benefit
13 because the guy next door to me didn't have to
14 provide me any lot occupancy, any open space.

15 CHAIR MITTEN: Okay.

16 MR. HITCHCOCK: I have nothing
17 further for Mr. Sher. I have a couple of
18 brief questions for Mr. Smart who submitted
19 the economic testimony.

20 CHAIR MITTEN: Okay, let's get him
21 up here then.

22 MR. HITCHCOCK: And then I will be

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1 done.

2 CHAIR MITTEN: Thank you. If you
3 would just identify yourself for the record
4 Mr. Smart.

5 MR. SMART: Eric Smart with Bolan
6 Smart.

7 CHAIR MITTEN: Thank you. Go
8 ahead.

9 MR. HITCHCOCK: Thank you Madam
10 Chair. Mr. Smart, your study focused on
11 economic gains from this particular proposal.
12 Just for the record would not there also be
13 economic gains if the property were developed
14 from its current state to matter-of-right
15 zoning?

16 MR. SMART: We didn't evaluate
17 that.

18 MR. HITCHCOCK: But would there
19 not be -

20 MR. SMART: But presumably I would
21 say that there would be a gain over the
22 limited use that's in place now.

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1 MR. HITCHCOCK: Okay. Okay. I
2 note that your report focused only on
3 perceived economic gains. As part of your
4 research were you asked to consider possible
5 costs that might be associated with this
6 project?

7 MR. SMART: No.

8 MR. HITCHCOCK: Okay. So you
9 didn't consider for example the costs of you
10 know additional children who might live there
11 who might have to be educated?

12 MR. SMART: No, we did not.

13 MR. HITCHCOCK: Or the cost in
14 terms of lost time from people who are stuck
15 in any increased congestion?

16 MR. SMART: No.

17 MR. HITCHCOCK: Okay. Thank you.
18 I have nothing further, Madam Chair.

19 CHAIR MITTEN: Great, thank you.
20 All right. I sort of have lost track of what
21 I said earlier which is that we'd check in at
22 9:00 and I'm hearing grumblings from my

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1 colleagues that I didn't do this earlier. Now
2 it's 10 o'clock. I think realistically
3 speaking that I don't know how far we will
4 get. We'll get to the Office of Planning
5 certainly and hopefully Mr. Laden as well and
6 we'll have to see whether or not we'll have
7 time for the ANC tonight. We clearly will not
8 get to organizations, parties and persons in
9 support or organizations, parties and persons
10 in opposition tonight so just want to put that
11 out there right now in case anybody would like
12 to leave and just remind you that we're going
13 to reconvene on what night? The 12th? April
14 12. So I think what might serve us for the
15 moment is just to take about a 3-minute break
16 so that the commissioners can stretch their
17 legs and then we'll have the presentation by
18 the Office of Planning. Thank you.

19 (Whereupon, the foregoing matter
20 went off the record at 10:04 p.m. and went
21 back on the record at 10:10 p.m.)

22 CHAIR MITTEN: We are back on the

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1 record. If you'd like to continue talking
2 please go into the hall. Thank you. Now
3 we're ready for the report by the Office of
4 Planning. Mr. Jesick?

5 MR. JESICK: Thank you Madam Chair
6 and members of the commission. My name is
7 Matt Jesick. The applicant in this case as
8 we've heard has submitted a consolidated PUD
9 and a PUD-related map amendment in order to
10 develop a 7-story mixed use building on
11 Wisconsin Avenue in Friendship Heights. In
12 order to develop as proposed the applicant is
13 seeking to change the zoning from R-5-B to C-
14 2-B and is also seeking zoning relief from lot
15 occupancy, rear yard loading space and
16 residential recreation space requirements.
17 The Office of Planning has no outstanding
18 issues and recommends approval of the
19 application.

20 Now I would like to begin by
21 speaking about the context and the
22 Comprehensive Plan. Then I will go into the

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1 zoning and then speak about the amenities of
2 the project. Again the site is on the western
3 side of Wisconsin Avenue between Harrison and
4 Jenifer Streets. To the north and the west is
5 bounded by the WMATA bus garage and in fact 80
6 percent of the site backs up to the WMATA bus
7 garage across the rear alley. To the
8 southwest there are small apartment buildings.
9 To the south is the PEPCO substation and
10 beyond that a bank. To the east across
11 Wisconsin Avenue are 1- and 2-story commercial
12 buildings and the building is less than 300
13 feet from the Metro entrance to Friendship
14 Heights Metro Station.

15 But backing up a little bit and
16 looking at Wisconsin Avenue in general, of
17 course we know this is one of the city's major
18 commercial corridors. It's 120 feet wide and
19 its commercial nature is largely reflected in
20 the zoning. In fact from Tenley Circle north
21 to the Maryland line both sides of the
22 Wisconsin Avenue corridor are zoned

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1 commercial, mixed use commercial except for
2 one small area and that happens to be the area
3 that this property falls in. And that zoning
4 which is as I said R-5-B is not consistent
5 with the Comprehensive Plan.

6 This site - we definitely support
7 commercial zoning on the site because it would
8 be consistent with the Comprehensive Plan it
9 is different from the rest of the corridor in
10 that it is very close to the Friendship
11 Heights Metro. As I said it's less than 300
12 feet from the southern entrance and even when
13 you're looking at the northern entrance it's
14 about 1,000 feet from the northern entrance or
15 less than one-fifth of a mile. And
16 Comprehensive Plan plan policies recognize
17 that sites near Metro stations should take
18 advantage of that infrastructure. They should
19 be used for mixed use developments and for
20 increased densities and this project is
21 compatible with those policies.

22 Now Friendship Heights even in the

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1 old Comprehensive Plan was designated as a
2 housing opportunity area and in both the old
3 Comprehensive Plan and the new Comprehensive
4 Plan it is shown as a regional commercial
5 center and this site is just outside that
6 regional center. And regional centers are
7 defined as being the largest concentration of
8 commercial uses outside of the central
9 business district. And again plan policies
10 recognize these unique locations and call for
11 increased commercial and residential densities
12 in and near residential centers. And this
13 development is not inconsistent with those
14 policies.

15 Now the new Comprehensive Plan
16 also has other land use designations for the
17 site. The Generalized Policy Map shows the
18 site to be appropriate for a main street mixed
19 use corridor and those corridors are to
20 encourage pedestrian-oriented development with
21 traditional storefronts and residential on
22 upper floors and any new development in a main

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1 street mixed use corridor should also support
2 transit use. And this development will
3 certainly support transit use because of its
4 location and meets the other criteria of that
5 designation as well.

6 The other map associated is the
7 Future Land Use Map and it shows the site is
8 suitable for medium-density residential, low-
9 density commercial and local public
10 facilities. And medium-density residential is
11 defined as being between four and seven
12 stories and this development is also
13 consistent with that designation.

14 There are also other policies from
15 the new Comp Plan which apply to this site and
16 this development will meet many of the guiding
17 principles of the new Comp Plan. It is an
18 example of in-fill developments with a large
19 residential component and it will provide
20 affordable housing and a contribution to
21 offsite affordable units. It represents a
22 development near a Metro station and adjacent

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1 to a residential center and will provide
2 environmental protections with the LEED
3 certification.

4 Also the Rock Creek West area
5 element which if you're not familiar with the
6 new Comp Plan is sort of the successor to the
7 Ward 3 element, also has policies which
8 address in-fill development. And it
9 acknowledges that residents may have concerns
10 about traffic or parking as new development
11 comes online, but goes on to state that
12 different types of residential development can
13 exist side by side successfully. The Rock
14 Creek West area element also emphasizes
15 traffic demand management and as has been
16 testified this development will have aspects
17 such as car-sharing and bike parking which go
18 towards traffic demand management. And the
19 new Comp Plan also places a strong emphasis on
20 transitioning to adjacent neighborhoods and
21 this project does make a successful transition
22 in building form to adjacent apartment and

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1 industrial development.

2 Now moving on to the zoning, again
3 the existing zoning is R-5-B and the applicant
4 has requested a change to C-2-B and OP has no
5 objection to this PUD-related map amendment
6 for many of the reasons I have just stated.
7 The site is on a major avenue, a major
8 commercial corridor. It's next to a Metro
9 station and adjacent to residential commercial
10 - excuse me, a regional commercial center.
11 And importantly the existing zoning is not
12 consistent with the Comprehensive Plan.
13 Through the PUD process the applicant as I
14 mentioned is seeking zoning relief to certain
15 areas like lot occupancy, rear yard loading
16 space and recreation space. And as described
17 in the OP report we have no objection to the
18 requested relief.

19 Now speaking of amenities, the
20 amenity package evaluation as you know is
21 based on an assessment of the additional
22 development gained through the application

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1 process. In this instance the applicant is
2 gaining 77,625 square feet and 29 feet in
3 height above the R-5-B matter-of-right levels
4 and the applicant is proposing a number of
5 amenities which have already been described.
6 I will say that we did discuss LSDBE and first
7 source agreements with the applicant as those
8 are typical and anticipated proffers with a
9 PUD and as has been noted the applicant has
10 agreed to include those as amenity items. On
11 other amenity items the applicant has
12 increased the level of detail that they've
13 provided since the set-down meeting including
14 further detail on the elementary school
15 contribution, a letter of support from PEPCO
16 indicating their approval of the improvements
17 to their property and the applicant has also
18 submitted a detailed list of the LEED criteria
19 that they plan to meet and as well as an
20 estimated score for the LEED. And the Office
21 of Planning believes that the amenity package
22 is commensurate with the amount of relief

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1 requested for the application.

2 Since the set-down meeting OP has
3 also sought to refine the architecture of the
4 structure in working with the applicant and
5 the applicant has provided more details in
6 terms of materials, color, articulation as
7 well as refinements to the design of the
8 garage and balconies and streetscapes.
9 Overall OP finds the architecture acceptable.
10 And OP also supports the masking of the
11 building with the greatest heights along
12 Wisconsin Avenue and the WMATA property and
13 then stepping down to the southwest where the
14 building is closest as I mentioned to the
15 apartment buildings on Harrison Street.

16 So again the Office of Planning
17 has no remaining outstanding issues. The
18 application is not inconsistent with the goals
19 of the Comprehensive Plan. The requested
20 zoning relief will have minimal impacts on
21 adjacent properties and the amenity package is
22 commensurate with the amount of relief

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1 requested. And I'd be happy to take any
2 questions.

3 CHAIR MITTEN: Thank you Mr.
4 Jesick. Any questions? Mr. Hood.

5 VICE CHAIR HOOD: Yes, thank you
6 Madam Chair. Mr. Jesick, first of all let me
7 thank you for the effort of getting the
8 different responses by email from MPD, Fire
9 Department and the Department of Parks and
10 Recreation. Let's look at MPD. They
11 mentioned - you may have responded, I may have
12 missed it, but you mentioned the only police-
13 related concern about the increased traffic
14 disruption during construction of such a large
15 project and the problematic traffic issues
16 upon completion of the project. Apparently
17 they seem to believe that possibly, and I'm
18 not sure if this came up in the testimony, one
19 lane may be occupied from time to time due to
20 the construction. Do you think that's a
21 possibility? Are you concerned about it as
22 the Metropolitan Police Department is?

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1 MR. JESICK: Yes, we did mention
2 that in our report. In fact on Page 1 we
3 listed that as one of the changes we would
4 like to see going forward and the applicant
5 has committed to leave that travel lane open
6 during rush hour. They have not explicitly
7 said that they will leave that open 24 hours
8 a day, but it would effectively prohibit any
9 sort of permanent storage or permanent loss of
10 use of that lane during travel times.

11 VICE CHAIR HOOD: Okay. Also I
12 guess I got excited about seeing these
13 different reports from other agencies. The
14 Fire Department mentioned that they would get
15 back to us, or back to you, not to us. I'll
16 review the traffic study and get back to you.
17 Was that done?

18 MR. JESICK: I have not heard back
19 subsequent to this email.

20 VICE CHAIR HOOD: Okay. That's
21 all I had. Thank you. Thank you Madam Chair.

22 CHAIR MITTEN: Thank you Mr. Hood.

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1 Anyone else? Questions for - Mr. Parsons.

2 COMMISSIONER PARSONS: On Page 2
3 you mentioned that in the past WMATA has
4 requested proposals for the redevelopment of
5 their site but at present their timeframe is
6 indeterminate. What does that mean?

7 MS. STEINGASSER: It's a pretty
8 straightforward sentence. We don't know what
9 their timeframe is. They have not gone
10 forward with any decision on their RFPs. When
11 we've talked to them by telephone they have no
12 timeframe in mind. So we really don't know.

13 COMMISSIONER PARSONS: But their
14 intent in the past has been apparently to move
15 bus garages somewhere else and redevelop -

16 MS. STEINGASSER: To develop the
17 bus garage site. Either to move the bus
18 garage or incorporate the bus garage into any
19 new development of that site.

20 COMMISSIONER PARSONS: Oh, so the
21 bus garage would remain.

22 MS. STEINGASSER: I think they've

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1 investigated both.

2 COMMISSIONER PARSONS: I see.
3 Well, did you analyze or have a thought about
4 what zoning you would apply or recommend given
5 the Comprehensive Plan for that site?

6 MS. STEINGASSER: We've not looked
7 at exactly what zone district we would put on
8 the site. We would not probably want to go
9 forward with a flat-out map amendment without
10 a PUD. And as we did talk about the RFPs in
11 the past we had looked at keeping the heights
12 and densities more towards the Friendship
13 Heights Jenifer Street and phasing them back,
14 recognizing the residential character. But as
15 far as having a zoning plan in mind right now,
16 no, we have not.

17 COMMISSIONER PARSONS: The
18 Comprehensive Plan seems to indicate moderate
19 density residential.

20 MS. STEINGASSER: It does.

21 COMMISSIONER PARSONS: With
22 institutional use because of the garage I

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1 guess.

2 MS. STEINGASSER: The new Comp
3 Plan actually anticipates a mixed medium-
4 density residential and a low-density
5 commercial with public.

6 COMMISSIONER PARSONS: Oh I'm
7 sorry, I said moderate.

8 MS. STEINGASSER: Yes. No,
9 medium.

10 COMMISSIONER PARSONS: In your
11 examination of the R-5-B and how it came to be
12 did you find any rationale for why a Metro bus
13 garage is - and a car sales and PEPCO
14 substation is zoned R-5-B? If you're going to
15 blame the Zoning Commission, make sure you did
16 it you know in the `60s.

17 (Laughter)

18 MS. STEINGASSER: I think we can
19 blame it back to `74? Is that good?

20 COMMISSIONER PARSONS: That's too
21 close.

22 MS. STEINGASSER: Too close?

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1 Early `74?

2 COMMISSIONER PARSONS: It's just
3 illogical. I mean it's an anomaly along all
4 of Wisconsin Avenue.

5 MS. STEINGASSER: I'm speaking out
6 of turn and subjecting myself to cross
7 examination that I'm not going to be able to
8 back up. We haven't done that much research
9 into that R-5-B. It came out of the
10 Friendship Heights plan that was never adopted
11 by the city council.

12 COMMISSIONER PARSONS: Oh yes.
13 Yes.

14 MS. STEINGASSER: And the plan I
15 believe was adopted by NCPC but not the city
16 council. There was some zoning action taken
17 at that time, but subsequent to that that plan
18 has not been incorporated into any of the Comp
19 Plan or the Comp Plan amendments to
20 incorporate that. So the zoning has stood
21 there inconsistent with the land use
22 designations.

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1 COMMISSIONER PARSONS: Okay, thank
2 you.

3 CHAIR MITTEN: Anyone else?
4 Anyone else? Mr. Collins, did you have any
5 cross examination questions?

6 MR. COLLINS: No, I don't.

7 CHAIR MITTEN: Okay. Commissioner
8 Eldridge, did you have any?

9 MS. ELDRIDGE: I do.

10 CHAIR MITTEN: Okay.

11 MS. ELDRIDGE: Good evening. I
12 just want to touch on the amenities for a
13 second. You talk about in your report the
14 LEED certification and the inclusionary
15 zoning. Are you aware that the city council
16 has passed legislation which would mandate
17 LEED certification and inclusionary zoning in
18 the future?

19 MR. JESICK: Yes.

20 MS. ELDRIDGE: So in the future
21 the offer of a LEED certification and
22 inclusionary zoning can no longer be

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1 considered exceptional.

2 MR. JESICK: If any future
3 applicant exceeds what the council requires we
4 would count that as an amenity.

5 MS. ELDRIDGE: I understand that.
6 Looking at your report on Page 14 where you
7 discuss community comments. Your first
8 paragraph talks about the ANC vote of 4 to 1
9 opposing the project and then you referenced
10 different comments you received from
11 residents. You fail to state in there that
12 you also received a petition of 500 signatures
13 of people who live within three blocks of the
14 project opposing that project.

15 CHAIR MITTEN: What's the
16 question?

17 MS. ELDRIDGE: Are you not aware
18 that there was a petition containing 500
19 signatures of residents who live within three
20 blocks of the project who oppose it?

21 MS. STEINGASSER: We did not get a
22 copy of that petition until we got a copy of

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1 this record file last week.

2 MS. ELDRIDGE: Were you not aware
3 of that petition prior to last week?

4 MS. STEINGASSER: We had heard of
5 it, but we had not seen it. This represents
6 comments that we had direct contact with.

7 MS. ELDRIDGE: But you were aware
8 of it.

9 MS. STEINGASSER: We had heard of
10 it.

11 MS. ELDRIDGE: You had heard of
12 it, okay. I can agree with that. And had you
13 heard that the 500 signatures represented 91
14 percent of the people who had been contacted?

15 MS. STEINGASSER: No.

16 MS. ELDRIDGE: Do you know how
17 many parks there are between Friendship
18 Heights and Tenleytown?

19 MR. JESICK: I believe in reading
20 some of the submitted testimony that there is
21 one small park along Wisconsin Avenue between
22 those two places.

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1 MS. ELDRIDGE: Which park is that?

2 MR. JESICK: I'm not familiar with
3 the name of it.

4 MS. ELDRIDGE: Do you know where
5 it is?

6 MR. JESICK: No. One of the
7 pieces of written testimony indicated that
8 there was one small green space along
9 Wisconsin Avenue in that stretch.

10 MS. ELDRIDGE: Are you familiar
11 with what I will refer to as the
12 Bloomingdale's development currently taking
13 place on Wisconsin Avenue north of Western in
14 Montgomery County?

15 MR. JESICK: No.

16 MS. ELDRIDGE: Do you ever drive
17 up Wisconsin Avenue?

18 MR. JESICK: I've visited the site
19 a number of times and drove there once
20 recently.

21 MS. ELDRIDGE: Do you remember
22 where Hecht's used to be?

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1 MS. STEINGASSER: I'm sorry, was
2 this in our testimony? The Montgomery County
3 side? I don't think it was.

4 MS. ELDRIDGE: No, I'm asking - it
5 relates to the amenities. So you're probably
6 aware of the site and I just want to talk
7 about the amenities that they have and ask
8 about our amenities. Just north of Wisconsin
9 where the Hecht's used to be across the street
10 from the Mazza Gallerie they have taken down
11 Hecht's in building a Bloomingdale's. And on
12 that -

13 MS. STEINGASSER: That's in
14 Montgomery County?

15 MS. ELDRIDGE: Yes.

16 MS. STEINGASSER: Right.

17 CHAIR MITTEN: Okay. So they've
18 testified they're not aware of that project.

19 MS. ELDRIDGE: Okay. Well I will
20 tell you there is a project going on where the
21 amenities include a 1-acre park, another
22 smaller park, a community center, a public

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1 gym, a community court -

2 CHAIR MITTEN: Now is not the time
3 for you to testify, so what's the question?

4 MS. ELDRIDGE: My question is why
5 do you not seek greater concessions from the
6 developer to balance the great private gain
7 that they're getting in this case.

8 MS. STEINGASSER: First of all
9 it's not up to the Office of Planning to seek
10 concessions. We weigh the proposal against
11 the proffered amenities and benefits,
12 flexibilities and the Comprehensive Plan. In
13 this case as our report states we felt that it
14 was balanced.

15 MS. ELDRIDGE: Well I guess my
16 question is why do you think that this amenity
17 package is sufficient to compensate for the
18 enormous private benefit that the developer is
19 receiving here.

20 MS. STEINGASSER: We think the
21 amenity package is sufficient. We think the
22 location of this site being less than

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1 approximately 300 feet from a Metro station.
2 It's a transitional site from the regional
3 center down into the neighborhood. We think
4 all those things merit supporting this
5 project.

6 MS. ELDRIDGE: Do you think that
7 its physical location to the Metro provides
8 something that is of greater quality and
9 quantity than a typical development at that
10 site would be?

11 MS. STEINGASSER: I think this
12 project is a superior quality than we would
13 normally see as a matter-of-right.

14 MS. ELDRIDGE: My question is
15 whether its proximity to the Metro is any
16 greater than any other developer's proximity
17 would be on the same site.

18 MS. STEINGASSER: Because they've
19 gone from a matter-of-right to a PUD, yes.

20 MS. ELDRIDGE: The jump from a
21 matter-of-right to a PUD makes them closer to
22 Metro?

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1 MS. STEINGASSER: No, but their
2 proximity to Metro has encouraged them to look
3 at greater density to maximize that Metro
4 station opportunities. Getting into that PUD
5 process has resulted in a project that we
6 believe is superior to a matter-of-right.

7 MS. ELDRIDGE: In your report
8 under the section regarding transportation
9 amenities you state that it's the single most
10 important - well I should quote it exactly so
11 I don't confuse anybody. I'm looking at Page
12 12, Paragraph Number 7, Transportation
13 Features. You discuss some parking issues and
14 you say but it is the project's proximity to
15 Metro that will do the most to reduce the
16 number of trips generated by the Metro. My
17 question is whether any other development at
18 the site would be any closer to the Metro.
19 You know what, I will withdraw the question.

20 MS. STEINGASSER: No actually I
21 think this is the closest site to the Metro.

22 CHAIR MITTEN: No, you guys are

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1 talking past each other. It's okay, let's go.

2 MS. ELDRIDGE: I'll move on.

3 CHAIR MITTEN: Move on.

4 MS. ELDRIDGE: In your report you
5 also discussed the fact that the commission
6 had expressed concern about the - and I'm
7 sorry, I'm looking at Page 4, the top
8 paragraph. The commission had expressed
9 concern about the windows on the north and
10 south facades and what would happen if
11 adjacent properties redevelop. My question is
12 do you take issue with the fact that the
13 windows are at risk of being lost. Does that
14 concern you?

15 MR. JESICK: The fact that the
16 windows may in the future be covered does not
17 concern us.

18 MS. ELDRIDGE: Does it concern you
19 that these windows may include windows in
20 particular units? That doesn't concern you?

21 MR. JESICK: No.

22 MS. ELDRIDGE: Has OP ever

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1 recommended for a residential project in Ward
2 3 100 percent lot occupancy prior to this
3 project?

4 CHAIR MITTEN: If you don't know
5 you can just say you don't know.

6 MR. JESICK: We don't know.

7 MS. ELDRIDGE: Okay. I don't have
8 any further questions. Thank you.

9 CHAIR MITTEN: Thank you. I just
10 wanted to have one follow-up. Mr. Jesick, do
11 you happen to know the applicability of the
12 green building legislation to residential
13 building?

14 MR. LAWSON: I'll take a bit of a
15 crack at this and - sorry, for the record my
16 name is Joel Lawson with the Office of
17 Planning. We can get certainly that
18 information for you. I think generally the
19 intent is that the regulations will apply
20 first to district buildings and will be phased
21 in over time for non-district buildings
22 including residential buildings. So it'll be

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1 some time before they would apply to
2 residential buildings which is one of the
3 reasons that we feel that the green building
4 initiatives associated with this project rise
5 to the level of a benefit for this project.

6 CHAIR MITTEN: I think if you
7 could provide for the commission's benefit
8 just a real brief summary of the applicability
9 of it to a project of this type it would be
10 helpful. Okay. Ms. Hajian, she's gone. Ms.
11 Cort, do you have any questions? Okay. Mr.
12 Hitchcock.

13 MR. HITCHCOCK: Thank you Madam
14 Chair. I would note for the record earlier
15 this week we submitted a brief memorandum that
16 was a critique of the OP report so my
17 questioning will be limited. It was designed
18 to help the commission and I just have a few
19 questions.

20 CHAIR MITTEN: Thank you.

21 MR. HITCHCOCK: Try to move us
22 along. Question. The testimony indicates

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1 that there's only a 20-foot alley between this
2 79-foot building and 26-foot garden apartments
3 right on Harrison Street. Is OP not concerned
4 about the need for a buffer between Wisconsin
5 Avenue development and the nearby
6 neighborhood?

7 MR. JESICK: OP is not concerned
8 about the buffer in this instance because the
9 form of the building steps down towards those
10 apartments.

11 MR. HITCHCOCK: Okay, just because
12 of the step-down. What about the 100 percent
13 lot occupancy? That is not a source of
14 concern either?

15 MR. JESICK: As we stated in our
16 report we feel that the 100 percent lot
17 occupancy on the ground floor will not have
18 undue impacts on adjacent residential
19 properties.

20 MR. HITCHCOCK: How did you reach
21 that conclusion? I mean, just as a general
22 matter. I mean about 100 percent lot

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1 occupancy. What criteria do you use to decide
2 100 percent lot occupancy is acceptable in one
3 setting but not another?

4 MR. JESICK: Well, 100 percent lot
5 occupancy in this case is acceptable because
6 it will not have any impacts on light, air, on
7 adjacent properties. It is not immediately
8 adjacent to other lower-density residential
9 and it is typical actually in PUDs that the
10 ground floor if it's mostly commercial will
11 have 100 percent lot occupancy.

12 MR. HITCHCOCK: Well I thought a
13 moment ago you testified you couldn't think of
14 any such developments within Ward 3.

15 CHAIR MITTEN: I think the
16 question that was put was in what other
17 instance in Ward 3 has the Office of Planning
18 supported 100 percent lot occupancy and they
19 said they didn't know.

20 MR. HITCHCOCK: Right, but I
21 thought his answer just indicated that he
22 could think of situations where they had

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1 supported 100 percent lot occupancy. I guess
2 were those in areas other than Ward 3?

3 MR. LAWSON: I think what Mr.
4 Jesick is getting at is that actually in the
5 proposed zone 100 percent lot occupancy for
6 commercial is a permitted lot occupancy. So
7 it's not a question whether or not we support
8 it or not, it's a permitted lot occupancy.

9 MR. HITCHCOCK: I guess what I'm
10 driving at is is it not something more
11 consistent say with a downtown or central
12 business district area than this area?

13 MR. LAWSON: Actually the 100
14 percent lot occupancy applies to the
15 commercial zones no matter where they are and
16 that includes the properties along Wisconsin
17 Avenue.

18 MR. HITCHCOCK: All right. So OP
19 is not concerned by the fact that there's no
20 setback from the street? Wisconsin Avenue
21 being the street.

22 MR. JESICK: There is no setback

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1 required from Wisconsin Avenue.

2 MR. HITCHCOCK: Well I understand
3 that, but that doesn't - I mean setbacks do
4 occur sometimes in PUD cases.

5 MR. JESICK: We actually - in
6 addition to it not being required we encourage
7 the continuous street wall to encourage a
8 retail environment and a pedestrian-friendly
9 environment.

10 MR. HITCHCOCK: Okay. And
11 similarly the lack of green space is not a
12 concern either? For the same reason?

13 MR. JESICK: Can you repeat the
14 question, please?

15 MR. HITCHCOCK: The lack of green
16 space is not a concern, question mark.

17 MR. JESICK: No.

18 MR. HITCHCOCK: Okay. Why is
19 that? For the same reasons?

20 MR. JESICK: The applicant is
21 providing some recreation space onsite
22 including an interior courtyard and some

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1 outdoor terraces and that is again typical for
2 PUDs in these sorts of situations.

3 MR. HITCHCOCK: But not ground
4 level.

5 MR. JESICK: Correct.

6 MR. HITCHCOCK: Okay. A question
7 - let's talk briefly about parking and
8 traffic. Your report dated February 26
9 indicates that you requested, quote,
10 "clarification," unquote, on the parking and
11 traffic impacts for these developments. Have
12 you received such clarification?

13 MR. JESICK: Sorry, what page are
14 you referring to?

15 MR. HITCHCOCK: I don't have it
16 handy. It's in the discussion of parking.
17 Well let me pursue another question.

18 CHAIR MITTEN: I can tell you.
19 It's on Page 15.

20 MR. HITCHCOCK: Fifteen, thank
21 you.

22 CHAIR MITTEN: It's the last

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1 sentence. Do you see it?

2 MR. HITCHCOCK: My 15 just has the
3 last page.

4 CHAIR MITTEN: The Office of
5 Planning report? Fifteen of 25? The Office
6 of Planning therefore recommends approval of
7 the application -

8 MR. HITCHCOCK: Yes, yes, I'm
9 sorry. No, that's the construction management
10 plan.

11 CHAIR MITTEN: Subject to the - oh
12 yes, I'm sorry. I led you astray Mr.
13 Hitchcock, I'm sorry.

14 MR. HITCHCOCK: Well let me ask
15 the question generically. Do you know
16 anything, have you learned anything since the
17 filing of your February 26 report on parking
18 and traffic impacts?

19 MR. JESICK: Since we filed our
20 report DDOT has since submitted a memo
21 indicating their support of the application.

22 MR. HITCHCOCK: Nothing else?

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1 MR. JESICK: Tonight the applicant
2 indicated that their traffic study has been
3 revised to incorporate additional heavy
4 vehicles in their analysis.

5 MR. HITCHCOCK: Okay. Did you
6 examine the fact that there are intersections
7 with levels of service E and F?

8 MR. JESICK: The Office of
9 Planning did not do that analysis.

10 MR. HITCHCOCK: Okay, fair enough.
11 Let me ask you this. You support hiring a
12 contractor to address the community concerns.
13 I'm curious. This is a consolidated PUD case.
14 I mean should not negative impacts be
15 mitigated before the commission grants
16 approval rather than hiring a consultant to
17 look at them afterwards?

18 MR. JESICK: IT's our
19 understanding that the proffer by the
20 applicant is intended to address existing
21 conditions in the neighborhood, not any
22 potential conditions which would be caused by

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1 this development.

2 MR. HITCHCOCK: Exactly. And
3 shouldn't existing conditions be addressed?

4 MS. STEINGASSER: If what you're
5 getting at is shouldn't we consider this
6 mitigation, is that the question? We would
7 not consider it mitigation because it's not
8 being caused by this project.

9 MR. HITCHCOCK: How can you
10 isolate this project from others? Current
11 from future, I guess that's the question. I
12 mean there will be additional cars.

13 MS. STEINGASSER: In terms of
14 mitigation it's the impacts that are generated
15 by the project in question. This project is
16 not creating an adverse effect relative to
17 that proffer that it's mitigating. That's why
18 it's a proffer.

19 MR. HITCHCOCK: So your assumption
20 is that it's totally benign and therefore that
21 it doesn't have to be considered?

22 MS. STEINGASSER: I don't think I

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1 went there, but.

2 MR. HITCHCOCK: Okay. Let's see.
3 One of the issues raised by the community is
4 the concern about this project on school
5 overcrowding which I see you did not address
6 in your analysis. Why is that?

7 MR. JESICK: You're referring to a
8 study on school overcrowding?

9 MR. HITCHCOCK: No, I mean you've
10 stated in your testimony that you, you know
11 tried to listen to community concerns. One of
12 the concerns was adding school-age population
13 at a time when the local schools are
14 overcrowded. Is that something you looked at?

15 MR. JESICK: We did refer the
16 application to the D.C. public schools and
17 they did not respond to our request for
18 comments.

19 MR. HITCHCOCK: Okay. I mean is
20 this - are overcrowding issues something that
21 should be considered in the planning process
22 generally?

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1 MR. JESICK: Yes.

2 MR. HITCHCOCK: Okay. All right.
3 Last set of questions, the phrase `transit-
4 oriented development.' Does OP have a precise
5 definition of what is transit-oriented
6 development?

7 MR. LAWSON: I'm sorry, can you
8 repeat the question please?

9 MR. HITCHCOCK: Does OP have a
10 precise standard or set of guidelines for
11 determining what is transit-oriented
12 development?

13 MR. LAWSON: Well the Comp Plan
14 certainly discussed transit-oriented
15 development. I'm talking the new 2006
16 Comprehensive Plan talks about transit-
17 oriented development in terms of proximity to
18 Metro stations as well as proximity to major
19 corridors such as Wisconsin Avenue. It does
20 discuss that generally a TOD is -

21 MR. HITCHCOCK: I'm sorry, just
22 for the record TOD?

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1 MR. LAWSON: Transit-oriented
2 development.

3 MR. HITCHCOCK: Okay. So it has
4 an acronym but no definition.

5 MR. LAWSON: Pardon me?

6 MR. HITCHCOCK: So it has an
7 acronym but no definition.

8 MR. LAWSON: I think I was trying
9 to answer your question.

10 MR. HITCHCOCK: Okay, please. I'm
11 sorry.

12 MR. LAWSON: Okay, that's fine.

13 MR. HITCHCOCK: Please continue.
14 I'm sorry. I didn't mean to interrupt.

15 MR. LAWSON: Okay. Now I lost
16 where I was.

17 MR. HITCHCOCK: Okay, you were
18 saying there are references to transit-
19 oriented development in the new Comprehensive
20 Plan.

21 MR. LAWSON: Yes, there are.

22 MR. HITCHCOCK: And I'm trying to

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1 find out if there are precise limitations such
2 as I asked before on number of parking spaces
3 close to a Metro station, that sort of thing.

4 MR. LAWSON: The only reference
5 that I know of - oh, I remember where I was
6 going. The Comprehensive Plan does make
7 reference to as I said proximity to Metro
8 stations and it says that generally an
9 accepted amount or accepted proximity is
10 somewhere in the nature of a quarter mile to
11 a half mile, but doesn't that define that for
12 specific Metro stations.

13 MR. HITCHCOCK: Okay.

14 MR. LAWSON: In response to your
15 specific question related to parking I didn't
16 find anything in the Comprehensive Plan. We
17 can certainly go through it in more detail and
18 see if we find anything specific to parking
19 levels. We did find something in the zoning
20 regulations which state that - and the zoning
21 regulations doesn't really refer to the term
22 "transit-oriented development" but it does

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1 refer to a permission to reduce the parking
2 requirement if you're within - for commercial
3 properties I believe if you're within 800 feet
4 of a Metro station.

5 MR. HITCHCOCK: I mean correct me
6 if I'm wrong, but it sounds like you're saying
7 that anything within X number of feet of a
8 Metro station is by definition transit-
9 oriented development.

10 MR. LAWSON: We're saying that
11 we'd have to look at the entire project, but
12 that's one of the things that we would look at
13 when we're evaluating the project. And not
14 just a Metro station. As I said it's also
15 major corridors which are well-served by Metro
16 and other.

17 MR. HITCHCOCK: But you can't
18 provide any other metrics as we sit here
19 tonight?

20 MR. LAWSON: I think by anything
21 that we've seen so far certainly this site
22 being less than 300 feet from a Metro station

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1 certainly falls within any definition that
2 exists or any kind of criteria that exists in
3 the Comprehensive Plan.

4 MR. HITCHCOCK: Right, but that's
5 a reference to the site based on its proximity
6 to Metro. I guess I'm looking for guidance as
7 to specific types of developments. How do you
8 determine one building as opposed to another
9 building is transit-oriented development other
10 than both are -

11 MR. LAWSON: I'm sorry, I see what
12 you're saying. The Comprehensive Plan also
13 does have language about encouraging housing
14 adjacent to Metro stations. There's a section
15 referring to particularly encouraging housing
16 for for example seniors so that they can be
17 close to Metro stations. You know language
18 such as that as well as you know denser forms
19 of commercial and housing development.

20 MR. HITCHCOCK: But nothing you
21 can think of on parking?

22 MR. LAWSON: I guess I don't

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1 understand the question.

2 MR. HITCHCOCK: Nothing you can -

3 CHAIR MITTEN: Let me try.

4 MR. HITCHCOCK: Please, yes.

5 CHAIR MITTEN: Is it fair to say
6 that it's an expression, what's in the
7 Comprehensive Plan is an expression of general
8 principles as opposed to prescribing certain
9 standards for something to qualify as transit-
10 oriented development? Because -

11 MR. LAWSON: Yes. Normally a
12 parking and a reduction in parking is one of
13 the things that we would look at associated
14 with transit-oriented development.

15 CHAIR MITTEN: Without a specific
16 standard being expressed.

17 MR. LAWSON: There wouldn't be a
18 specific standard.

19 CHAIR MITTEN: Okay.

20 COMMISSIONER JEFFRIES: But there
21 are no other metrics. There's no other sort
22 of identifiable things that would say this is

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1 a transit-oriented development?

2 MR. LAWSON: Other than the ones
3 I've just said, kind of a more general
4 criteria. Nothing that I've found so far.
5 But as I say we can take another look through
6 the Comprehensive Plan, it's a pretty thick
7 document, and see if there's anything in
8 there.

9 MR. HITCHCOCK: Yes, I guess this
10 follows up on the commissioner's question. I
11 mean what I'm looking for is how one
12 determines what is not transit-oriented
13 development. I mean you could build matter-
14 of-right apartment building on this site and
15 because there's proximity and because it's
16 residential it would meet the criteria you've
17 identified as transit-oriented development,
18 correct?

19 MR. LAWSON: It would meet some of
20 those criteria, that's correct.

21 MR. HITCHCOCK: Which ones other
22 than the two you've mentioned? You've

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1 mentioned proximity and you've mentioned
2 housing, correct?

3 MR. LAWSON: That's what I just
4 said.

5 MR. HITCHCOCK: Okay, so it would
6 be a smaller residential-only building subject
7 to matter-of-right zoning would be transit-
8 oriented development.

9 MR. LAWSON: I think I said that
10 those were among the criteria that we would
11 look at.

12 MR. HITCHCOCK: But you haven't
13 identified any others. I mean I've heard
14 proximity, I've heard housing.

15 MS. STEINGASSER: I think an
16 adequate - it's true there are no metrics.

17 MR. HITCHCOCK: Okay.

18 MS. STEINGASSER: But I don't
19 think we would find a 3-story apartment
20 building to be transit-oriented when it's 300
21 feet from a Metro station. There is a level
22 of density that I can't put my finger on

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1 because I know that's going to be your next
2 question it's also not definable, but there is
3 - TOD, transit-oriented development needs to
4 be a level of development that provides the
5 opportunity to maximize the use of public
6 transportation and minimize the reliance on
7 automobiles. And I think that's very
8 important and there is a density level. So a
9 single-family house here, we would not
10 consider that transit-oriented development.

11 MR. HITCHCOCK: But if I
12 understand your testimony Ms. Steingasser,
13 you're saying there's no - there is no
14 guidance you can identify as we sit here
15 tonight in the new Comprehensive Plan on what
16 the appropriate level of density is.

17 MS. STEINGASSER: I think there is
18 guidance on what the appropriate level of
19 density is. I think absolutely. And I think
20 it comes from the 4 to 7, the medium-density
21 residential, the low-density commercial that
22 translates into a certain form that's set out

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1 in the Generalized Land Use Map of a 4- to 7-
2 story building. The area is also identified,
3 though not as a housing opportunity area there
4 is a policy on opportunity for housing and
5 this particular part of the Wisconsin Avenue
6 corridor is included in that. I think this
7 particular structure going from a 3 to a 5 to
8 a 7 fits very nicely inside that glove. And
9 yes, we're proud to support it.

10 MR. HITCHCOCK: Okay. One other
11 question and Commissioner Hood brought this
12 up. This is the reference to communications
13 from other agencies. The Fire Department
14 email mentioned fire trucks. I note that it
15 did not mention ambulances. Did you ask about
16 that?

17 MR. JESICK: No, we did not.

18 MR. HITCHCOCK: Okay. I will
19 state Madam Chair we will have testimony on
20 that.

21 CHAIR MITTEN: Great, that's fine.

22 MR. HITCHCOCK: That there -

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1 issues on the side streets. I don't know if
2 the commission wants to inquire further.

3 CHAIR MITTEN: I think what we
4 understand is that the Office of Planning
5 makes the general referral and doesn't pose
6 specific questions which you're free to do to
7 the Fire Department.

8 MR. HITCHCOCK: Okay. Thank you,
9 I have nothing further.

10 CHAIR MITTEN: Okay, thank you.

11 MR. COLLINS: Madam Chair, may I
12 ask a few questions?

13 CHAIR MITTEN: Of?

14 MR. COLLINS: Of Office of
15 Planning.

16 CHAIR MITTEN: You had your -
17 didn't I give you your turn?

18 MR. COLLINS: You did and I did
19 not exercise it at that point. I have some
20 questions.

21 CHAIR MITTEN: Okay. I'd prefer
22 that you take your turn when it's offered,

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1 okay?

2 MR. COLLINS: Can I - but can I do
3 it or not?

4 CHAIR MITTEN: No. I was trying
5 to be nice and not say no, but I'll say no now
6 because we're also getting - it's getting very
7 late and I'd like to get to Mr. Laden if we
8 could. Please go ahead.

9 MR. LADEN: Thank you. Good
10 evening. My name is Ken Laden. For the
11 record I'm the Associate Director for
12 Transportation for Policy and Planning in the
13 D.C. Department of Transportation. With me
14 this evening are Jeff Jennings our Ward 3
15 transportation planner and Anna McLaughlin our
16 transportation planner who assists with
17 transportation demand management issues.
18 They're here to provide moral support if I
19 need them.

20 CHAIR MITTEN: I hope you guys car
21 pooled.

22 MR. LADEN: We're taking transit I

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1 hope. We're transit-oriented, at least I am
2 tonight. DDOT filed two sets of comments on
3 this particular zoning case, one February 7
4 dealing with the transit demand management
5 proffer offered by the developer, the other
6 February 27 which provided information on the
7 general transportation impacts resulting from
8 this particular application. I'll take these
9 in reverse order and I'll try to be as quick
10 as I can.

11 The department did assess the
12 applicant's transportation report. We looked
13 at the transit share that they calculated and
14 in our testimony suggested that instead of a
15 65 percent transit share which they were
16 proposing we wanted to take a more
17 conservative transit share of 50 percent,
18 looked at how that would affect traffic
19 conditions and level of service and found that
20 they were fairly minimal. Here again the peak
21 hour estimates provided by the consultants for
22 the applicant were 15 AM trips and 32 PM trips

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1 during the peak hours respectively and even
2 with a 50 percent transit share instead of
3 their 65 we found that the actual traffic
4 levels were fairly low and did not affect
5 level of service at the key intersections.

6 We also took a look at their
7 parking that they were offering and felt that
8 that was adequate for both the residential and
9 the retail uses. We noticed that they also
10 were providing some visitor parking and a
11 couple of car-sharing spaces which we've been
12 encouraging developers to do as a way of
13 trying to dampen the demand for additional
14 automobiles, or even in some instances it
15 might reduce the need for automobiles in
16 general.

17 We did take a look at the level of
18 service issues for which there's been quite a
19 bit of discussion. Our report reflected the
20 analyses of the traffic consultants hired by
21 the applicant, found that generally we were in
22 agreement with their findings. And again I

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1 think what we're seeing here is the discussion
2 about the general level of service at
3 particular intersections being at levels A or
4 B and yes, that may be generally right unless
5 you're at that one leg of the intersection
6 that's at a level of service E at which point
7 things don't look so A and D like, or A and B
8 like I should say. And we acknowledge that
9 the Wisconsin Avenue corridor and this
10 particular area of the Wisconsin Avenue
11 corridor is heavily traveled and at certain
12 times of the day going in certain directions
13 you're going to have to wait a certain amount
14 of time. And that's true in a lot of
15 locations throughout the city. And again we
16 sort of acknowledge that you know based upon
17 our studies of the area, Friendship Heights
18 studies 2003 and 2004 we did acknowledge that
19 there were some traffic conditions there that
20 could perhaps be improved by various types of
21 activities in the area dealing with either
22 traffic signals or by in effect adding

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1 additional turning lanes by adjusting parking
2 which is one of the suggestions that has been
3 considered at Harrison Street eastbound. With
4 respect to the amenities we do think that the
5 developer has offered a reasonable package.
6 With respect to the streetscape improvements
7 we would continue to work with the developer
8 to prepare you know a specific streetscape
9 plan that we thought was consistent with the
10 rest of the area there.

11 And now I'll shift gears a little
12 bit and talk about our February 7 testimony
13 which deals with the Friendship Heights
14 transportation management coordination. I did
15 have some discussions with my staff as this
16 was being considered. There is a suggestion
17 of some \$40,000 that would be developed to
18 implement various kinds of traffic
19 improvements that have been suggested by a
20 number of studies that the department has
21 conducted. I just found out tonight that at
22 one time there was a \$100,000 offer perhaps on

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1 the table as part of various negotiations back
2 and forth so I think I'm going to send Jeff
3 Jennings to negotiation school and see if we
4 can do better in the future. But again I'll
5 take whatever we can get. And sort of how I
6 view this is the district has conducted a lot
7 of transportation studies and have identified
8 a lot of short-term improvements and long-term
9 improvements that we're now trying to queue up
10 and implement. And there's a lot more
11 activities we would like to do than there are
12 available funds in any given year. So as I
13 see it this is sort of a supplemental funding
14 proffer that the applicant is offering to the
15 city to help expedite or move forward in the
16 queue some of the recommendations falling out
17 the Friendship Heights study or falling out of
18 the addendum that was prepared to that study.
19 So again we think that's a reasonable offer
20 although you know if they want to offer more
21 today or the Zoning Commission decides to
22 offer more at a later point in time we

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1 wouldn't turn it down.

2 The other suggestions that they're
3 providing in terms of transportation demand
4 management assistance includes a couple of
5 car-sharing parking spaces which we think are
6 a benefit. Also they're providing some
7 visitor parking which has been a concern in
8 some other developments. I think this would
9 be helpful. There was also a discussion
10 earlier about the restrictions on residential
11 permit parking and how that works, if that
12 works. Again that's a question of how it gets
13 worded or structured within the zoning order,
14 but I believe there have been other instances
15 where this has been placed as part of the
16 requirements. And it recently did occur with
17 respect to the property I believe at 5401
18 Western Avenue where someone mentioned hey,
19 you know we thought this property was not
20 supposed to be eligible for RPP, could you
21 check into that. And so what happens is we
22 send emails to the Department of Motor

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1 Vehicles and they have the ability to put a
2 particular address in a Do Not Issue RPP file.
3 And so if anyone living at that address were
4 to apply for RPP they would not be granted,
5 they would not be eligible. So basically the
6 address goes on a blacklist and that's how
7 that's enforced.

8 We also appreciate the bicycle
9 storage opportunities that are being provided
10 and also I think again the retail parking
11 validation process that they're planning to
12 implement would be beneficial as well. And
13 again overall there's been questions of
14 whether this is a transit-oriented development
15 or not, is this the right density or not. I
16 think our position in DDOT is you know we want
17 to make sure that we have appropriate
18 transportation facilities available to deal
19 with the demands created by new development.
20 It doesn't necessarily mean you need to widen
21 roads or build additional roadway capacity,
22 but is there adequate transit capacity, is

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1 there adequate sidewalks, are there adequate
2 bicycle facilities. And our feeling in
3 looking at this project is that there are
4 adequate facilities there for all methods of
5 transportation. I think we would like to go
6 ahead and make those adjustments to the
7 parking conditions on Harrison Street to
8 reduce the congestion that we would anticipate
9 at that one location eastbound. It's a
10 balancing act. You're going to lost a little
11 bit of parking space there but we think the
12 overall benefits of mobility and safety
13 perhaps trump the parking in this condition,
14 although it's a close call. So with that I'll
15 end my testimony and take any questions from
16 the commission or anyone else who has a
17 question.

18 CHAIR MITTEN: Thank you, Mr.
19 Laden. Questions from the commission? Mr.
20 Hood.

21 VICE CHAIR HOOD: Thank you, Mr.
22 Laden. You've answered my questions so I'm

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1 going to save time and I won't ask those that
2 you answered and I appreciate that. But let's
3 talk again about this transportation
4 management coordinator. Do you think that's
5 a feasible - with all the studying that went
6 on in 2003 is that feasible for us to even
7 consider that?

8 MR. LADEN: I think it's feasible
9 and I wouldn't use the money to do any more
10 studies. I think you're right or whoever
11 earlier said we've done enough studies, it's
12 time to start doing some stuff. So I would
13 propose to use the money to implement a
14 priority listing of actual improvements,
15 physical improvements, tangible improvements.
16 And I think there was a suggestion earlier
17 also that we might want to sit down and
18 actually put that shopping list together and
19 put a price tag on them. And I think we would
20 be willing to work with the applicant or the
21 community or the commission or the Office of
22 Planning or whoever else has suggestions to

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1 actually maybe put together that shopping list
2 over the next week or two.

3 VICE CHAIR HOOD: Okay, thank you.
4 I'm glad to hear you say that. Thank you
5 Madam Chair.

6 CHAIR MITTEN: Thank you. Just
7 real quick. Have you seen the expert's
8 report, the traffic expert's report from the
9 opposition party?

10 MR. LADEN: I think we received a
11 couple of emails this afternoon and I've taken
12 a quick look at them, yes.

13 CHAIR MITTEN: Okay. So you
14 haven't had - we were told I think that there
15 was a report. Did Mr. Mera do a report?

16 MR. HITCHCOCK: He did Madam Chair
17 and consistent with questions the chair has
18 asked previously we did provide a copy.
19 Unfortunately we didn't have it done till
20 about noontime today so.

21 CHAIR MITTEN: Oh, okay. Okay.

22 MR. HITCHCOCK: Which we gave to

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1 the applicant as well.

2 CHAIR MITTEN: Okay. Okay. I
3 just wanted to know if you had everything. So
4 you're not prepared to - are you prepared to
5 address any of that tonight?

6 MR. LADEN: Not if I don't have
7 to. I've got a 3-page report that I looked
8 at, but I haven't had a chance to check any of
9 the facts or talk to my staff about it.

10 CHAIR MITTEN: Okay. Well maybe
11 we could get that in a written submission
12 because we haven't had a chance to review it
13 ourselves. Is there any legal impediment to
14 DDOT accepting the \$40,000 proffer?

15 MR. LADEN: I don't think so.
16 I've checked with our legal staff and I was
17 supposed to get something from them. I
18 checked my emails before coming and didn't see
19 a written response, but I know that there have
20 been other cases where a financial proffer has
21 been offered to other district agencies for
22 implementation of improvements. We've been

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1 dealing with one from the IMF where they've
2 provided a substantial amount of money for
3 trees and other benefits associated with a
4 zoning case. So I know there's a tradition or
5 a history of that occurring in other cases, I
6 just don't think we've benefitted from them.
7 As earlier discussed often there is specific
8 mitigation measures offered instead, but this
9 is slightly different in that this development
10 isn't really generating these impacts that are
11 being offset.

12 CHAIR MITTEN: Okay. If you could
13 just for the record at some point because you
14 know this will be kept open for some period of
15 time, just submit to the commission the
16 opinion of your general counsel on whether or
17 not there's any legal impediment.

18 MR. LADEN: Certainly.

19 CHAIR MITTEN: And then the
20 shopping list I think would be helpful as
21 well. As you heard we're going to reconvene
22 on April 12 so if you could just submit that

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1 in the next couple of weeks and with price
2 tags then we'd have a better understanding of
3 what it is that needs to be implemented and
4 what kind of commitments would need to be
5 forthcoming from the city. Okay. Mr.
6 Collins, any questions for Mr. Laden? It's
7 your only chance.

8 MR. COLLINS: No, thank you.

9 CHAIR MITTEN: You're sure?

10 MR. COLLINS: Positive.

11 CHAIR MITTEN: Commissioner
12 Eldridge, did you have any questions for Mr.
13 Laden?

14 MS. ELDRIDGE: Thank you. Can you
15 tell us back on the topic of the
16 transportation management coordinator what is
17 the difference between this coordinator and
18 Jeff Jennings who is our Ward 3 coordinator?

19 MR. LADEN: Yes. Jeff Jennings is
20 responsible for covering the entire ward
21 dealing with a whole host of transportation
22 issues. He also works with our construction

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1 management group on scoping projects, managing
2 consultants, doing transportation studies,
3 attending community meetings to get ideas as
4 to what kinds of traffic needs to be addressed
5 from the Palisades area north to upper
6 Wisconsin Avenue. This individual or
7 consulting firm would as I understand it under
8 this proffer would be used specifically to
9 address implementation of already existing
10 recommendations in this specific neighborhood.
11 So it's much more targeted and it's much more
12 implementation-oriented than Jeff's
13 responsibilities.

14 MS. ELDRIDGE: You said that you
15 don't want to use the money to do more
16 studies, that you would start shopping. Are
17 you saying that the \$40,000 is going to fund
18 the changes?

19 MR. LADEN: What I would suggest
20 is that we actually use that money to help
21 implement some of the changes. In some cases
22 it may be adjustments of traffic signal

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1 timings, or it may be related to signage
2 improvements, or striping, or other
3 improvements. And again we would put together
4 a list of actions that relate from the
5 Friendship Heights feasibility study and the
6 addendum and figure out which of those were
7 the highest priority and could be addressed
8 most quickly from the additional funding.

9 MS. ELDRIDGE: If you use this
10 \$40,000 to pay for your shopping list, what
11 happens to this person's salary? This is -
12 the proffer is to provide a consultant who
13 will be paid the sum of \$40,000 over the
14 course of one or two years.

15 MR. LADEN: Well again I think
16 that was the original suggestion that was
17 offered and it was thought that we would hire
18 a consultant to perhaps prepare the work
19 orders or do other work or do other studies,
20 but the more I'm hearing about it and thinking
21 about it I'd rather use that \$40,000 to
22 actually implement things in the neighborhood

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1 that are in the queue waiting for budgetary
2 resources to be available.

3 MS. ELDRIDGE: But if the proffer
4 from Akridge is to pay for a consultant do you
5 have the right to then use that money for
6 something else specifically for implementing
7 traffic changes?

8 MR. LADEN: Well again we'll be
9 working with the applicant to find out what
10 the best uses of that money is. I think it
11 was the concept that was put on the table.
12 It's been adjusting as we've been discussing
13 it over the last couple of months.

14 CHAIR MITTEN: I think what you're
15 hearing is a desire on Mr. Laden's part to
16 have tangible results for the neighborhood and
17 we heard from the applicant that that's what
18 they're interested in as well. How that
19 happens I think will be the subject of further
20 discussion in the next couple of weeks and so
21 I would guess that we'll see an additional
22 submission on that.

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1 MR. LADEN: Well that would be the
2 shopping list.

3 CHAIR MITTEN: Right. And perhaps
4 the proffer will take a different form but not
5 necessarily a different value.

6 MS. ELDRIDGE: DDOT recently
7 concluded that the queuing on Harrison west of
8 Wisconsin trying to get into Wisconsin, going
9 eastbound traffic on Harrison had reached
10 unacceptable levels and decided to remove
11 parking spaces from Harrison in order to
12 facilitate that. Is that right?

13 MR. LADEN: I think there was some
14 suggestions within the Friendship Heights
15 transportation study and the addendum that one
16 way of reducing congestion on the
17 perpendicular streets to Wisconsin might be to
18 remove parking on some of these selected
19 roadways to reduce congestion. Again that has
20 a - in making that decision one needs to
21 balance on which streets it's more
22 advantageous to improve traffic flow versus

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1 provide or to retain parking which is already
2 there. So again it's a balancing act. There
3 were recommendations in that study. Those
4 recommendations I think were picked up and
5 considered again as a result of this
6 particular proposed development and our
7 traffic people went out, took a look at the
8 site and suggested that yes, this might be an
9 - or this might be a modification that would
10 be overall beneficial.

11 MS. ELDRIDGE: This is not
12 appropriate for cross, but we can perhaps
13 submit something to the commission saying that
14 that recommendation actually was not included
15 in the Friendship Heights transportation
16 study.

17 CHAIR MITTEN: That's fine.

18 MS. ELDRIDGE: Okay. Thank you.
19 Turning to the visitor spaces you said that
20 three spaces would be helpful. I'd like to
21 know if you think it's adequate in addition to
22 just being helpful.

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1 MR. LADEN: I'd stick with
2 helpful.

3 MS. ELDRIDGE: So it's not
4 adequate.

5 MR. LADEN: Well again I think on
6 the standard weekday that might be an
7 appropriate number for 70 units. Depending on
8 the nature of the weekend or the day of the
9 week there maybe times where three parking
10 spaces will not be adequate.

11 MS. ELDRIDGE: And when those
12 three parking spaces are full where are those
13 visitors going to park?

14 MR. LADEN: Well they have several
15 alternatives. They can either look for legal
16 parking on the street. If they're going to
17 stay more than two hours there probably would
18 not be RPP. They could go to a commercial lot
19 and park.

20 MS. ELDRIDGE: I want to turn to
21 the RPP and the question came up earlier about
22 how you enforce this. How do we enforce such

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1 a provision where you're going to say that the
2 residents will not be entitled to get
3 residential parking permits. Can you tell us
4 specifically what language needs to be
5 included in the Zoning Commission order to
6 make sure the residents of 5220 cannot receive
7 -

8 CHAIR MITTEN: We can figure that
9 out.

10 MS. ELDRIDGE: You can do that
11 one? All right. Great. That's all I have.
12 Thank you.

13 CHAIR MITTEN: Okay, thank you.
14 Ms. Cort, any questions for the Ward 3 Vision
15 for Mr. Laden? I need to just ask you for the
16 sense of how many so I can also ask Mr.
17 Hitchcock because we're just - okay one. And
18 then you have?

19 MR. HITCHCOCK: Less than five
20 minutes.

21 CHAIR MITTEN: Excellent.

22 MS. CORT: Mr. Laden, I am aware

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1 that you have hired an expert on
2 transportation demand management in the last
3 six months I believe. And how would the
4 proffer of providing something sort of beyond
5 - we've established it's not mitigation, but
6 it's sort of a proffer to contribute to
7 overall neighborhood benefits, specifically
8 looking at transportation management program
9 staffing or consulting support. How would
10 that be coordinated with the development of a
11 transportation demand management program at
12 DDOT? I mean how is this to be coordinated?
13 What's the contribution and the synergy of
14 that?

15 MR. LADEN: Well again I think
16 what we are talking about is an infusion of
17 additional monies that could be used in
18 conjunction with or to implement efforts
19 either that our traffic operations people have
20 found would be beneficial or could be used by
21 our transportation demand management staff
22 person to also implement programs and policies

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1 to reduce peak travel demand. So again the
2 proffer in this case or other cases could be
3 used to accomplish a variety of goals related
4 to improving traffic circulation, traffic
5 safety.

6 MS. CORT: Let me just ask one
7 follow-up. Does the department have
8 transportation demand management policies in
9 place, or would they be - is the department
10 going to implement it based on the guidance of
11 the Comprehensive Plan and specifically as
12 it's mentioned in the Rock Creek West area
13 element?

14 MR. LADEN: I think we're in the
15 process of developing transportation demand
16 management policies and programs. We have
17 some in place already. We've been for years
18 financing region-wide TDM programs through the
19 metropolitan Washington council governments.
20 We have a number of other programs that we
21 have been sponsoring recently providing on-
22 street parking for car-sharing. So right now

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1 we're in the process of expanding those and
2 sort of adding more tools to the toolkit.

3 MS. CORT: So does this proffer
4 for transportation management coordinator
5 bring those TDM benefits specifically to the
6 Friendship Heights neighborhood?

7 MR. LADEN: It could be used to
8 target those kinds of benefits specifically to
9 the neighborhood, yes. That's something that
10 I would want to consider as part of the
11 shopping list.

12 MS. CORT: Okay. Thank you.

13 CHAIR MITTEN: Thank you. Mr.
14 Hitchcock?

15 MR. HITCHCOCK: Just a couple of
16 questions. Mr. Laden, you were here earlier
17 tonight when Mr. George testified as to the
18 errors that were made in the original traffic
19 report?

20 MR. LADEN: Correct.

21 MR. HITCHCOCK: About the buses.
22 And I'm trying to be diplomatic. Your initial

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1 analysis found there was no error in that,
2 correct?

3 MR. LADEN: Well again our traffic
4 engineers and staff from my office took a look
5 at it and generally found that the analysis
6 and the results of the study were acceptable.

7 MR. HITCHCOCK: Even though it
8 assumed no buses or trucks?

9 MR. LADEN: Yes. I think there
10 was an oversight on their part in not picking
11 that up.

12 MR. HITCHCOCK: When did you learn
13 of this error?

14 MR. LADEN: I think we learned of
15 it a day or two ago.

16 MR. HITCHCOCK: A day or two ago.
17 Okay. Let me ask a couple of questions. You
18 talked about removing parking on Harrison
19 Street as a possibility. Wouldn't that just
20 effectively shift parking elsewhere in the
21 neighborhood?

22 MR. LADEN: Well, the parking -

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1 there's two types of parking as I understand
2 it. There's - on the north side of Harrison
3 Street there's some metered parking spaces.
4 On the south side of Harrison Street there is
5 unregulated parking, come one, come all for as
6 long as you want. They both serve different
7 needs. The free range parking could be used
8 by residents or employers or employees or
9 again whoever gets there first. The meter
10 parking is more directed towards turnover for
11 the local businesses. The free range parking
12 provides some relief capacity for the
13 residents in the area perhaps, but it's more
14 likely being used by employees of the area for
15 day-long parking. The meter parking would be
16 strictly for use at least during the hours the
17 meters are available for again persons who are
18 only planning to park for shorter periods of
19 time. As I understand it that's going to be
20 replaced with additional meter spaces on
21 Wisconsin Avenue.

22 MR. HITCHCOCK: Let me ask this.

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1 Again in terms of shifting traffic and parking
2 or reducing, did you do any analysis of the
3 availability of commercial parking in this
4 neighborhood?

5 MR. LADEN: No, I did not.

6 MR. HITCHCOCK: Such as - so
7 you're not aware for example of the spaces
8 that are sold at Rodman's near Harrison
9 Street?

10 MR. LADEN: Correct. We did not.

11 MR. HITCHCOCK: Or any of the
12 others where commercial parking is available?

13 MR. LADEN: No, we did not do a
14 commercial parking inventory or assessment.

15 MR. HITCHCOCK: Would not the
16 availability of such commercial parking
17 possibly be one way to get around the
18 limitations on residential parking permits?
19 In other words that people could bring their
20 two cars and park one at Rodman's?

21 MR. LADEN: Well again the
22 property owner who controls that private

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1 parking would need to make a decision as to
2 whether they wanted to enter into lease
3 agreements with residents to provide that kind
4 of parking.

5 MR. HITCHCOCK: And let's assume
6 they do that now. They do that now. You can
7 buy a spot for say a hundred a month. I mean
8 if people find out about the availability of
9 these alternatives and put their second or
10 third cars there, doesn't that cut down on the
11 perceived advantage?

12 MR. LADEN: Again I think that
13 provides a different outlet for parking.
14 People would make an individual decision as to
15 whether they - let me back up for a second.
16 The residents for this building if the Zoning
17 Commission accepts the various offers of the
18 applicant, residents of this building would
19 not be able to use or get a residential
20 parking permit. So they would I think
21 probably find curbside parking to be a bit
22 difficult to locate or they'd have to be

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1 moving their car quite a bit to try to avoid
2 the regulations. So they would probably need
3 to go to some sort of another alternative
4 commercial lot in order to store automobiles.

5 MR. HITCHCOCK: Okay. Thank you.
6 That's all I have. Thank you.

7 CHAIR MITTEN: Thank you Mr.
8 Hitchcock. I think it's a little too late to
9 start the ANC report so when we reconvene on
10 the 12th we'll start with the ANC and then
11 we'll take organizations, parties and persons
12 in support and then we'll have organizations,
13 parties and persons in opposition on the 12th.
14 So I thank you all for staying with us till
15 this late hour and we will see you on April 12
16 at 6:30.

17 (Whereupon, the foregoing matter
18 went off the record at 11:18 p.m.)

19
20
21
22