

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----x
IN THE MATTER OF: :
 :
The John Akridge Development : Case No. 06-31
Company - Consolidated PUD :
and Related Map Amendment at :
5220 Wisconsin Avenue, N.W. :
-----x

Thursday,
April 12, 2007

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

The Public Hearing of Case No. 06-31 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

- CAROL J. MITTEN Chairperson
- ANTHONY J. HOOD Vice-Chairperson
- GREGORY JEFFRIES Commissioner
- JOHN PARSONS Commissioner (NPS)
- MICHAEL G. TURNBULL Commissioner (AOC)

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
JOEL LAWSON
MATT JESICK

The transcript constitutes the minutes
from the Public Hearing held on April 12,
2007.

C O N T E N T S

<u>Agenda Item</u>	<u>Page</u>
<u>APPLICATION OF THE JOHN AKRIDGE</u>	
<u>DEVELOPMENT COMPANY</u>	
06-31, ANC-3C	5
 <u>WITNESSES:</u>	
CAROLYN SHERMAN, ANC-3C	8
LUCY ELDRIDGE, ANC-3C	42
TOM QUINN, Ward 3 Vision	93
JIM McCARTHY	127
CHERYL CORT	131
REED FAWELL	138
JOHN WHEELER	141
WARD OREM	146
MARK DAVIDSON	150
ALLISON BARNARD FEENEY	153
SUSAN KIMMEL	157
TAD BALDWIN	160
ELLEN BASS	164
ELLEN McCARTHY	165
STEPHANIE HELLERMAN	170
JIM SEFCIK	177
LESLIE DEBINSKY	181
ELLEN JONES	184
DAVID FRANKEL	192, 245
MARILYN SIMON	199, 246
GEORGE OBERLANDER	200
JOE MEHRA	221
ALTA MAINER	234
WILLIAM VIGDOR	236
MICHAEL ENDERS	253
ANDRA TAMBURRO	255
VERA SKY	257
LOUIS WOLF	261
JANET BACHMAN	266
FREDERIC BURK	270
BRUCE LOWREY	274
JOHN RITCHOTTE	276
BARRY BERMAN	282
JOE CARLSON	284

NEAL R. GROSS
 COURT REPORTERS AND TRANSCRIBERS
 1323 RHODE ISLAND AVE., N.W.
 WASHINGTON, D.C. 20005-3701

C O N T E N T S (Continued)

<u>Agenda Item</u>	<u>Page</u>
 <u>WITNESSES:</u>	
GREG PICKENS	287
NOAM STOPAK	291
LYLE BRENNEMAN	294
GINA MIRIGLIANO	297
KATHLEEN DELL	301
ROBERT SCHWARTZGBERG	305
BARBARA ZARTMAN	309
PAUL FEKETE	315
LISA NEWMAN	319
HAZEL REBOLD	324
ALMA GATES	326
ROBERT ELLIOTT	330

P R O C E E D I N G S

(6:35 p.m.)

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a public hearing of the Zoning Commission of the District of Columbia for Thursday, April 12th, 2007.

My name is Carol Mitten, and joining me this evening are Vice Chairman Anthony Hood and Commissioners Mike Turnbull, John Parsons, and Greg Jeffries.

The subject of this evening's hearing is a continuation of hearing in Zoning Commission Case No. 06-31, and this is a proposal from the John Akridge Development Company for approval of a consolidated planned unit development and related map amendment for property located at 5220 Wisconsin Avenue, N.W., which is known as Lots 810, 811, and 812 in Square 1657, and since I think we have a lot of folks who are returning, I'll give an abbreviated opening statement.

1 Just to remind you what the order
2 of procedure will be this evening, we left off
3 with a presentation by ANC-3E, and then we'll
4 have the party in support, which is Ward 3
5 Vision, who will have 15 minutes to make their
6 presentation, and then we'll have other
7 organizations and persons in support.

8 Then we'll have the presentation
9 by the party in opposition, the Friendship
10 Heights Neighborhood Association. They'll
11 have 60 minutes to make their presentation,
12 and then we'll take organizations and persons
13 in opposition.

14 I just remind you if you plan on
15 testifying that you'll need to fill out two
16 witness cards, and they're on the table by the
17 door, and when you're on your way up to take
18 a seat at the table, just give both cards to
19 the reporter.

20 Because we are being recorded by
21 the court reporter and being Webcast live, we
22 ask you to refrain from making any disruptive

1 noises during the hearing and also ask you to
2 turn off your beepers and cell phones for the
3 same reason.

4 And just if questions arise as the
5 hearing proceeds, you can direct your
6 questions to Ms. Schellin or Ms. Hanousek
7 during the hearing.

8 If there is anybody who is
9 planning on testifying this evening, but was
10 not sworn in at the prior session, would you
11 stand now to take the oath? Ms. Schellin is
12 walking back to her place and is going to
13 administer the oath. So if you would raise
14 your right hand and give your attention to Ms.
15 Schellin.

16 (The witnesses were duly sworn.)

17 MS. SCHELLIN: Thank you.

18 CHAIRPERSON MITTEN: Thank you.

19 All right. If there are no
20 preliminary matters, then I think we're ready
21 for the ANC presentation.

22 That's a light. You need to pull

1 over one of those microphones. We have too
2 many little gadgets up there.

3 MS. SHERMAN: Is this good?

4 CHAIRPERSON MITTEN: That's good.

5 MS. SHERMAN: Great. Good
6 evening. My name is Carolyn Sherman. I'm the
7 Commissioner for ANC-3C-03.

8 The Akridge project is in my SMD.
9 With me is Lucy Eldridge, ANC Vice Chairman.
10 Lucy's SMD is across Wisconsin from the
11 Akridge project.

12 CHAIRPERSON MITTEN: Do me a favor
13 and pull the mic a little closer to you. I
14 think we're just --

15 MS. SHERMAN: You're not getting
16 it? How's that?

17 CHAIRPERSON MITTEN: If that's as
18 close as you can get it.

19 MS. SHERMAN: How's that?

20 CHAIRPERSON MITTEN: That's
21 perfect.

22 MS. SHERMAN: Okay. Thank you.

1 In ANC-3E, we're excited about the
2 possibilities for 5220 Wisconsin. It's a
3 great piece of real estate, and it deserves a
4 great building, a mixed use building that will
5 be a delight to walk by and to visit, a
6 building that complements and enhances our
7 already great neighborhood.

8 We wish this project were that
9 building, but unfortunately, it isn't. We're
10 not alone in believing that. We speak tonight
11 for the over 500 nearby residents who live in
12 a three-block radius of the site who signed
13 this petition opposing the project. This is
14 the -- and there are a lot of names on here.

15 Ninety-two percent of those
16 contacted within the three-block radius signed
17 the petition opposing it.

18 We speak for the countless other
19 residents who live farther away and who
20 believe that rational development encourages
21 growth and also protects stable neighborhoods.

22 Council Members Kwame Brown and

1 Phil Mendelson have written letters opposing
2 this project in its present form. Our ANC has
3 opposed it twice, at set-down and now. Other
4 neighborhood organizations, such as the
5 Tenleytown Neighbors Association, are also
6 opposed, as are the many speakers here tonight
7 who will voice their opposition.

8 For people not familiar with the
9 area, simply driving along Wisconsin Avenue
10 doesn't really tell the story. Just half a
11 block from the stores on Wisconsin lies a
12 historic, stable, family friendly neighborhood
13 that goes on for blocks and blocks on either
14 side. We're already stretched thin with the
15 explosion in traffic and congestion over the
16 last few years. We believe our neighborhood,
17 like great neighborhoods all over this city,
18 is a treasure for us and for the entire
19 District. The whole city has a stake in
20 protecting and preserving it.

21 As you can see from the cover of
22 our presentation, "A Better Vision," there is

1 a dilemma. We have streets where kids can
2 walk barefoot, skateboard, and ride their
3 bikes, where people of all ages sit out on
4 their porches, and we have just half a block
5 away the congestion along Wisconsin that
6 threatens to engulf those small, leafy
7 streets.

8 You can see our worst nightmare in
9 the middle of the page below. Our
10 neighborhood is at a crossroads. Your
11 decision on the Akridge project may very well
12 be the tipping point.

13 Now, you all have packages that
14 include a number of things, including this
15 Vision that we're going to talk about. ANC-3E
16 urges the Zoning Commission to oppose the
17 Akridge project for three major reasons.

18 Number one, the leap from R-5-B to
19 C-2-B with a PUD is incompatible with the
20 current zoning, the revised Comp. Plan, and
21 the future land use map. It's also
22 inappropriate for that site. The project will

1 have serious adverse impacts. The amenities
2 do not mitigate those impacts.

3 Why not go from CR-5-B to C-2-B in
4 a PUD? Well, it's too much; it's too close.
5 As you can see, the Akridge site is zoned for
6 moderate and low density uses and surrounded
7 by acres of low rise single family houses. If
8 you take a look here, you can see it's very,
9 very low density at low rise. This little
10 sliver of commercial is around lots and lots
11 of zoning R-2 and C-2-A.

12 Why not? Well, it's really not
13 right for the site either. This is a picture
14 of a drawing of the building next to the
15 buildings that it adjoins. There's a 20 foot
16 alley between these two. You've got these
17 apartments on Harrison Street facing this
18 enormous building. This is going to be 87 and
19 a half feet high as Harrison Street and the
20 other street kind of slant down. So that's
21 not really a great view for the people who
22 live there.

1 These apartments, by the way, were
2 built in the '30s by noted Washington
3 architect Appleton Clark. They're very nice,
4 and they're a pocket of affordable housing in
5 our neighborhood.

6 The commercial strip along
7 Wisconsin, as I said, bisects acres of single
8 family neighborhoods. If you take a look, you
9 can see these are single family neighborhoods.
10 Here is the commercial strip. There are these
11 few garden apartments, -- thank you -- but
12 notice that there aren't --

13 CHAIRPERSON MITTEN: Can you see
14 okay now that we shut the lights off?

15 MS. SHERMAN: Oh, yeah, I can see
16 great.

17 CHAIRPERSON MITTEN: Okay. That's
18 fine.

19 MS. SHERMAN: Can you all see?
20 Thank you. Actually there's pretty much light
21 from here.

22 CHAIRPERSON MITTEN: Okay.

1 MS. SHERMAN: Thank you.

2 Notice that there really aren't
3 any four to seven-story apartment buildings
4 such as you would have with medium density
5 residential. They aren't here.

6 Farther down Wisconsin there are.
7 Certainly there are on Connecticut, but here
8 in this area is really single family houses,
9 except for those garden apartments.

10 The revised Comp. Plan makes
11 preserving neighborhoods a priority, and I'll
12 just read this. The residential character of
13 neighborhoods must be protected, maintained,
14 and improved. Many District neighborhoods
15 possess social, economic, historic, and
16 physical qualities that make them unique and
17 desirable places in which to live. These
18 qualities can lead to development and
19 redevelopment pressures that threaten the very
20 qualities that make the neighborhoods
21 attractive.

22 These pressures must be controlled

1 through zoning and other means to insure that
2 neighborhood character is preserved and
3 enhanced.

4 The Comp. Plan also endorses
5 Friendship Heights as a neighborhood.
6 Friendship Heights and Tenleytown are stable,
7 transit oriented neighborhoods, and their
8 conservation should be insured during the
9 coming years. Any redevelopment along the
10 corridor should respect the scale of existing
11 neighborhoods. This means an emphasis on low
12 to mid-rise mixed use buildings. This is from
13 the revised Comp. Plan.

14 What is the current Comp. Plan say
15 about the Akridge site? Well, it's zoned R-5-
16 B, as you can see, moderate density
17 residential and low density commercial along
18 the south.

19 I think everybody would agree R-5-
20 B is not the right designation for that. It's
21 nonconforming, but it's in the middle of a lot
22 of C-2-A, a lot of C-2-A- building.

1 What does the revised Comp. Plan
2 say? Well, it says the Akridge site will be
3 low density commercial/medium density
4 residential/local public facility. So you're
5 looking at a number of possibilities for this.

6 Again, note the definition for
7 medium density residential. This designation
8 is used to define neighborhoods or areas where
9 mid-rise, four to seven-story apartment
10 buildings are the predominant use. Notice
11 that they are absolutely not the predominant
12 use. There aren't any.

13 Which category makes sense? The
14 revised Comp. Plan says the designation of an
15 area with a particular land use category does
16 not necessarily mean that the most intense
17 zoning district prescribed in the land use
18 definition is automatically permitted. A
19 range of densities and intensities applies
20 within each category.

21 Some zoned districts may be
22 compatible with more than one Comprehensive

1 Plan future land use map designation -- oh,
2 that's a mouthful -- depending on the
3 prevailing character of the area and the
4 adjacent uses.

5 And I think if we look at the
6 prevailing character and the adjacent uses,
7 it's clear that C-2-A is the right designation
8 for this. It gives you commercial. It gives
9 you residential, and it fits in with the rest
10 of the neighborhood.

11 If you take a look at what's there
12 now, this is directly across the street on
13 Wisconsin. You've got these little stores
14 that are great. Sur la Table is great.
15 There's Paul's Liquor is great if you like it.

16 (Laughter.)

17 MS. SHERMAN: Dance Land is
18 wonderful. You know, some of these things
19 that people walk by and kind of pooh-pooh are
20 really terrific.

21 There was an article in the Post
22 recently about Joy of Motion and how that is

1 such a gift to the city to have a dance studio
2 for these kids. So these places may not look
3 like, you know, Tonkatown Land, but they're
4 really wonderful neighborhood institutions.

5 Directly next to the site is the
6 bank. Then you've got these apartments.
7 Again, they're historic. They're nice, little
8 buildings. Then you've got Gawler's Funeral
9 Home.

10 Nowhere do you see these major
11 four to seven story apartment buildings or
12 anything higher than that.

13 You do see some C-2-A buildings
14 along Wisconsin, other mid-rise buildings, low
15 rise retail and service buildings. There's
16 Rodman's, a favorite of all of us, and so
17 there you have it. It's a lovely little
18 street.

19 The other thing that's there half
20 a block away begins a vibrant, walkable,
21 family friendly community of neighborhoods,
22 and I believe this is one of the greatest

1 assets the city has, neighborhoods like this.
2 Ours certainly isn't the only one, but it's a
3 terrific neighborhood, and if we can't protect
4 this neighborhood, what can we protect?

5 You can see that it's pretty
6 densely populated. They're not great big
7 houses. It's economically diverse. They're
8 kind of small. They're put together. People
9 walk. They walk their dogs. They walk their
10 baby strollers. Their cats play out on the
11 street or on the sidewalk, anyway.

12 So, you know, the vision of having
13 acres and acres of cars spewing things doesn't
14 sound smart to me. C-2-A zoning is compatible
15 with the existing height, scale, and massing.

16 Here are the design guidelines on
17 height. Relate the overall height of new
18 construction to that of adjacent structures.
19 As a general rule, construct new buildings to
20 a height roughly equal to the average height
21 of existing buildings. Avoid new construction
22 which greatly varies in height, too high or

1 too low, from older buildings in the vicinity.

2 The same thing with scale. Relate
3 the size and proportions of new construction
4 to the scale of adjacent buildings. New
5 construction should maintain the scale of
6 existing buildings regardless of size, avoid
7 new construction which in height our massing
8 violates the existing scale of the area.

9 Now, the proposed building is not
10 in scale with the adjacent structures, as you
11 can see. I showed you that before. There you
12 have it. Now, that's certainly not in scale.
13 It just sticks out like a sore thumb. It's
14 not in scale with the buildings around it.

15 It's inside the buffer zone. I
16 want to mention that as well. The buffer
17 zone, this R-5-B area, up here the R-5-B area
18 is buffered by four-story townhouses. Down
19 here we have yet to buffer it, but obviously
20 you want to step down.

21 We're not in the Regional Center.
22 We're inside the buffer zone. The building

1 breaks the continuity of that buffer.

2 Here's what the revised Comp. Plan
3 says on the buffer zone. Insure that
4 development adjacent to Metrorail stations is
5 planned and designed to respect the character,
6 scale, and integrity of adjacent
7 neighborhoods. For stations that are located
8 within or close to low density areas, building
9 heights should step down as needed to avoid
10 dramatic contrast in height and scale between
11 the stationary and nearby residential streets
12 and yards.

13 They also say maintain heights and
14 densities and establish proposed Regional
15 Centers which are appropriate to the scale and
16 functional development, which step down to
17 adjacent residential areas and maintain and
18 develop buffer areas for neighborhoods exposed
19 to increased commercial densities.

20 That certainly is our
21 neighborhood. I sent everyone, and I hope you
22 have it, nine pages of quotes from the Comp.

1 Plan on preserving neighborhoods. There is so
2 much in there that stands behind what we
3 really believe is important.

4 Here's the buffer at Friendship
5 Heights. These are the four story townhouses,
6 also R-5-B, and they, as you see, are a buffer
7 from these taller buildings to the
8 neighborhood beside it, which obviously the
9 Akridge building would not be like that.

10 And just to reiterate, the Akridge
11 site is not within the Regional Center. The
12 revised Comp. Plan specifically places it
13 outside. They could have put it in if they
14 wanted to. They didn't. There it is. It's
15 right outside in the buffer zone.

16 But Akridge exceeds the heights of
17 most buildings even in the regional center.
18 It's higher than all but two buildings in the
19 whole Regional Center. Akridge project would
20 be almost 20 feet higher than Mazza Gallerie.
21 That's not exactly a step-down.

22 Akridge is the wrong fit not only

1 for the zoning. It's the wrong fit for the
2 site. Take a look at this. These are the
3 heights. The Akridge building at C-2-B with
4 applied breaks off the buffer designed to step
5 down from the Regional Center. So here you've
6 got Mazza at 60. You've got the Chevy Chase
7 Pavilion is here. You've got Stone chase
8 Point at 78. You've got one at 90. Then it
9 goes down, 59, 64, back up to 79, 87 here with
10 the street sloping down. Then you go to 24,
11 to 27. These are all short, little buildings.
12 You can see how the heights go.

13 This is not a step down. It's a
14 step up. It steps up, again, stands up like
15 a sore thumb. It doesn't maintain the scale
16 or height of existing buildings.

17 And if you think about a zoning
18 guideline, as a general rule, construct new
19 buildings to a height roughly equal to the
20 average height of existing buildings. That
21 would be 37 feet if you averaged the ten
22 buildings surrounding the project.

1 Now, nobody is asking for 37 feet,
2 but I think it's pretty clear that 79 feet is
3 not what we're looking for.

4 Akridge is the wrong fit for the
5 site in terms of its FAR as well. The Akridge
6 building would have the highest FAR of any
7 building on all of Wisconsin Avenue from K
8 Street to Maryland.

9 The 100 percent lot occupancy
10 leaves no room for green space, which our area
11 badly lacks. One hundred percent lot
12 occupancy in an area that has no parks;
13 Friendship Heights is one of the only parts of
14 the city that does not have even a park. So
15 I think 100 percent lot occupancy doesn't make
16 a lot of sense.

17 Does this follow the design
18 guidelines? This is what it will look like
19 across the street looking at the Akridge
20 project. This is the east side of Wisconsin.
21 This is the west side of Wisconsin, and again,
22 you can see that unless you're expecting to

1 fill the rest of this with, you know, huge
2 buildings, this is totally out of character
3 and out of scale with the rest of the
4 buildings.

5 C-2-A is the right zoning. It's
6 the right scale for the current zoning, the
7 future land use map, prevailing low rise
8 commercial character, the adjacent uses of
9 families and neighborhoods, the needed buffer
10 from the Regional Center. C-2-A allows mixed
11 use with ample allowance for residential use.

12 How about something like this?
13 Now, this is a C-2-A alternative, and you
14 know, a lot of people say, "Gee, your
15 neighborhood doesn't want anything built."
16 That's absolutely not true. This is an
17 example of something that one of our
18 neighborhood organizations, CSTL, had a yard
19 sale and paid a graphics designer to draw what
20 might be a nice C-2-A building on that spot,
21 and if you look at it, there's room here so
22 that you don't have to have any at risk

1 windows because you have enough buffer from
2 the PEPCO site to put some trees. You could
3 possibly put a wall. There's enough space
4 here so that you don't have the infringement.
5 You don't have it right up to here with all of
6 that noise. It's terrible.

7 You also have setback here so that
8 you could have a restaurant; you could have
9 green space; you could have a lot of stuff.

10 Once you get into C-2-A, you get
11 into a much more inviting and interesting kind
12 of pedestrian experience for everybody who
13 lives there. This is, of course, the outline
14 of the proposal, and this is what it would
15 look like as C-2-As.

16 It's just one idea. I mean, there
17 are a lot of other things you could do, but I
18 think the neighborhood is really excited about
19 the possibilities for that site, and we don't
20 believe it's a choice between a used car lot
21 and the Akridge project. There are a lot of
22 possibilities. It's great real estate. We

1 love it.

2 Here's an aerial view of that
3 possibility, and notice that the loading zone
4 is huge. Trucks can come in; trucks can come
5 out. Not a problem. You could put a wall
6 here. Again, it's buffered from the PEPCO
7 site.

8 Over here it leaves the
9 possibility open of possibly opening up
10 something like Ingomar Street for the WMATA
11 site. There are all sorts of things that
12 could happen there.

13 And so it's --

14 COMMISSIONER JEFFRIES: Excuse me,
15 ma'am. I'm sorry. Right here.

16 MS. SHERMAN: Yes, I'm sorry.

17 COMMISSIONER JEFFRIES: Are we
18 missing some of the slides?

19 MS. SHERMAN: Yes.

20 COMMISSIONER JEFFRIES: Okay,
21 great.

22 MS. SHERMAN: I'm sorry. That's a

1 good question. I'm sorry. They're in there,
2 but they're in the other pocket, the other
3 folder.

4 VICE CHAIRPERSON HOOD: It's in
5 the back on the left-hand side.

6 COMMISSIONER JEFFRIES: It's in
7 the back? Okay.

8 MS. SHERMAN: You know what
9 happened? When we -- we had a month to refit
10 this. So that's what happened. So that's
11 what happened. I'm sorry. It was all
12 stapled, and then we couldn't get them in
13 there.

14 Thank you very much for asking
15 that question.

16 But anyway, you can see this is
17 another aerial view of it, and you can see
18 that it's a very attractive building. It's
19 very pretty. This is the Akridge site, which
20 we might consider, some of us might consider,
21 kind of brutal architecture. It's 100 percent
22 lot occupancy, not a tree, not a -- well,

1 there are some trees that are already there
2 that may not be long for this world because
3 the boxes are small, but there's no really
4 room for greenery, benches, the kind of
5 pedestrian experience that we really need up
6 there because we don't have parks really.

7 Anyway, what they're asking for is
8 really quite a jump, if you look at it. This
9 is the current zoning. This is what they're
10 asking for. I mean, it's off the map.

11 And so C-2-A would make sense,
12 would make sense. You know, maybe there are
13 other possibilities, but this is just way,
14 way, way too high.

15 It's not a good fit for the
16 neighborhood in a number of other ways as
17 well. Putting the entrance in the alley means
18 problems for everyone. This is the 15 foot
19 alley, which will become a thoroughfare for
20 trucks rolling through residential
21 neighborhoods.

22 There are the garden apartments

1 behind here, which again they're affordable
2 housing. They're sweet buildings, and they
3 deserve to have peace and quiet like everybody
4 else.

5 This is the alley width at
6 Harrison. Brick to brick, it's 20 feet. Now,
7 let's take a look at what we think is going to
8 really be a choke point. Here's where the
9 building is going to be. You've got this
10 sharp edge here.

11 Now, in the Applicant's things
12 from the last hearing, they had this sharp
13 edge kind of cut off. You'll notice it was
14 softened, but in fact, if you look at it if
15 you go out there, this is a fence, and so
16 there's a sharp angle there. These cars are
17 going to be backing down, and the only way
18 they're going to be able to do it is either to
19 back up or back down this alley. There's
20 going to be beeping and making a lot of noise
21 for the people who live here because if you
22 try to come out this way, it's going to be

1 pretty, pretty hard because it's just very
2 hard to do it because you've got the trucks
3 here.

4 And remember the requirement is a
5 55 foot berth. When you have a building that
6 big, there's a reason for that requirement,
7 just waiting that because, you know, that's
8 what they want doesn't make a lot of sense.
9 There's a reason that it's that much.

10 I think the fact that they can't
11 fit one that follows the requirements is a
12 good sign it's too big.

13 Anyway, you've got the trucks
14 here. Then you've got the Zip Cars here, and
15 then you've got the retail here. Then you've
16 got the residents here. So if you've got any
17 trucks here blocking it, people are going to
18 tend to take, the residents are going to tend
19 to take Harrison Street. It's going to be, I
20 think absolute gridlock. Anybody who tries to
21 get out this way is going to have trouble.

22 Trucks are already blocking the

1 alley. This picture was taken on March 8th,
2 and it's a 40 foot PEPCO truck. It's
3 virtually blocking both alleys.

4 Now, I know in the application
5 they say it's only going to be 30 foot trucks.
6 Well, you know, gee, I wish I had lost ten
7 pounds, too, but you know, there are going to
8 be other trucks that are there.

9 This is your basic 42 foot truck.
10 It blocked both alleys, and it was there for
11 a couple of hours, this PEPCO. Well, there
12 you have it. Imagine a moving van, a trash
13 truck, a delivery truck, and several residents
14 and Zip Cars trying to access and leave the
15 building. Imagine you live in one of these
16 houses.

17 There's not enough room. There's
18 just not enough room. This is another shot of
19 it, and you can see this is their alley and
20 they've got their trash cans. I don't know
21 what is going to happen when these -- here's
22 the truck -- when the trucks go through here,

1 and this is people's backyards where they are
2 having barbecues.

3 The revised Comp. Plan has some
4 thoughts on the impacts of infill on
5 neighborhoods. Work with ANCs, residents, and
6 community organizations. Heights and density
7 for such development should be appropriate to
8 the scale and character of adjoining
9 communities. Buffers should be adequate to
10 protect existing residential areas from noise,
11 odors, shadows and other impacts. The noise
12 of those trucks backing down is going to be
13 terrible.

14 This is kind of interesting. We
15 got this off the Web. These are the
16 parameters that you would need in New Jersey,
17 and these are pretty universal around the
18 country, if you had 30 foot trucks moving in
19 and out of here.

20 This is the Akridge from the
21 Akridge application. These are the real
22 corners and these are the corners you would

1 need if you're going to, with any efficiency,
2 back up and maneuver 30 foot trucks in that
3 alley, and you can see those parameters are
4 not met. There you have it.

5 It's going to be gridlock in the
6 alleys, and here's a single 30 foot truck
7 leaving the middle bay. These are the motions
8 he or she would have to make to get out.

9 Now, here are the residents' cars.
10 Here are the Zip cars. Here are the retail.
11 What's going to happen here? Who knows? It's
12 going to be a mess and all of these people
13 here, and they're going to be backing up and
14 down.

15 So, you know, there's not enough
16 room. It's not going to work, and this is our
17 neighborhood.

18 The trees are in danger as well.
19 Now, the alley behind the project has several
20 nice trees. They're beautiful in the summer.
21 What's going to happen to them in this little,
22 narrow alley? You know, they're going to be

1 damaged. I mean, I don't think the alley
2 paved much. In some parts it is; in some
3 parts it isn't.

4 Anyway, Earl Usaleer (phonetic)
5 was going to get back to me with his thoughts
6 on these trees, but they seem pretty healthy
7 at the moment. Here you can see where the
8 trees are now. If we're talking about a green
9 building, how do we have a green building
10 that's going to be the demise of some of these
11 old trees that are wonderful habitat for birds
12 and everything else?

13 Another problem is this. Once
14 Bloomingdale's opens, Harrison is going to be
15 the street of choice. Let's be realistic.
16 All of these people, those few who are not
17 taking the Metro, whatever, are going to be
18 driving up. They can go left on Jennifer, but
19 there's a light there, and it's kind of
20 congested. So the easy thing for them would
21 be to go on Harrison up 44th right into
22 Bloomingdale's or they could go this way, or

1 if they just want to go to Mazza, there they
2 are right there.

3 So as this gets more and more
4 congested, more and more people are going to
5 be going there. There's a barrier here. So
6 this is another reason people will take
7 Harrison rather than Garrison possibly,
8 although if they go to Garrison they could go
9 up there.

10 But Harrison is going to be
11 getting a huge amount of traffic in any case.
12 So adding a building that's going to add that
13 much more traffic I don't think makes a lot of
14 sense.

15 So the project will have serious
16 adverse impacts on the community. Loss of the
17 buffer zones in the step-down along Wisconsin,
18 the incompatibility of scale and character
19 with adjoining buildings, increased congestion
20 at congested intersections soon to be more
21 congested. Remember some of these are already
22 at Level F.

1 Loading dock and turn-around
2 problem, alleys turned into streets, loss of
3 already scarce neighborhood parking; we
4 haven't even gone into that about how the lack
5 of parking, three spaces for visitors for 70
6 units, 60 to 70 units. They're going to be
7 all over the neighborhood. What if you have
8 a party? Where is everybody going to park?

9 And they're taking away what, five
10 or six spaces on the south end of Harrison.
11 I mean, it's a major impact on the
12 neighborhood.

13 Overflow of traffic flooding onto
14 neighborhood streets, increased emergency
15 response times. You can't tell me that's not
16 going to happen. It's happening already.
17 Stress on the infrastructure.

18 Also, of course, is the need to
19 factor in growth in Friendship Heights,
20 Maryland. I think to be realistic we have to
21 do that. Bloomingdale's, all of those things
22 are coming.

1 One of the handouts that you all
2 have in your packet is a picture of what's
3 coming to Friendship Heights, Maryland, and
4 you will see huge numbers of things, including
5 they're getting a one acre park, a smaller
6 park, a plaza with a fountain, a community
7 center, a gym, and an outdoor basketball
8 court.

9 What are we likely to get with the
10 WMATA site? I don't know, but I think we have
11 to really think carefully. What are we giving
12 ourselves? What is the city giving people?

13 I mean, this is a great
14 opportunity that's vacant land there, anyway,
15 almost vacant.

16 Anyway, the other problem is the
17 precedent that's set by approving an out of
18 scale project that's incompatible with the
19 Comp. Plan and the future land use map. You
20 know, the Comp. Plan, as we all know has just
21 come into kind of being. If all of a sudden
22 from the get-go the zoning doesn't matter,

1 it's just thrown out, you know, I think it's
2 bad.

3 We're already the face of transit
4 oriented development. I want to talk about
5 that a little bit. We're transit oriented.
6 We're the poster children for it. We should
7 be replicated, not kind of marginalized.

8 Ridership figures for Friendship
9 Heights and Tenleytown are already among the
10 highest on the Red Line, and I'll show you
11 that. Our family housing is a vital part of
12 the city's housing mix. There are all kinds
13 of articles about how you need more family
14 housing. Why drive families out of the city
15 because of the traffic and the air pollution
16 and the danger to kids with all of these cars?
17 How are kids going to ride their trikes on the
18 sidewalk?

19 Thirty-five hundred apartments or
20 condos are already in friendship heights.
21 That's the Irene. That's all of those things
22 that are there. With more than 800 in the

1 pipeline, there's no scarcity of the type of
2 housing Akridge is offering. They're offering
3 condos. Duh. We have tons of condos.

4 The Red Line's capacity to absorb
5 ever more riders has limits. It's projected
6 to be at capacity by 2025. Common sense
7 requires prudent and realistic planning now.

8 This is the Metro ridership.
9 These are from 2004 statistics. You can see
10 Friendship Heights has greater ridership than
11 any of these places: Archives, Huntington,
12 Willy Park, Van Ness, King Street.

13 All right. Tenleytown is not far
14 behind. We are already, ready, ready carrying
15 a big burden of this, and we're happy to do
16 it, but enough is enough.

17 We're also wondering whether it's
18 a good idea and makes sense to give a PUD
19 based on Akridge's refusal to initiate
20 consultation with opposing neighborhood groups
21 or make any substantive changes as a result of
22 their concerns. Five hundred petition

1 signers, nothing meaningful changed in over a
2 year. They changed the facade. The height,
3 the density, the FAR, the lot occupancy have
4 not changed one-half inch in spite of, again,
5 a lot of concern from neighborhood groups.

6 Akridge's refusal to work with the
7 ANC in handling the amenities, and, again, I
8 realize there are lots of ways you can handle
9 amenities, but I think it works best when the
10 ANC has a hand in at least helping to vet some
11 of those.

12 For example, Akridge said they had
13 trouble figuring out who really represented
14 Janney School, and so was it the PTA? Was it
15 the principal? Who was it?

16 If that had gone through the ANC,
17 that wouldn't have been a problem. So, I
18 mean, there's some things at work with going
19 through the ANC, a resulting package that
20 doesn't mitigate the adverse impacts of the
21 out of scale project.

22 And I'm going to turn this over to

1 Lucy Eldridge.

2 MS. ELDRIDGE: I'm going to
3 discuss the amenities, but before I do that I
4 just want to touch on something that --

5 MR. COLLINS: May I just raise an
6 objection?

7 CHAIRPERSON MITTEN: You may.

8 MR. COLLINS: The ANC's letter
9 where they submitted, where they detailed
10 their position, they are required to identify
11 who is going to represent them before the
12 Commission.

13 CHAIRPERSON MITTEN: Yes.

14 MR. COLLINS: And they indicated
15 in their submission that Carolyn Sherman would
16 represent them in the presentation and that
17 Lucy Eldridge would represent them in cross
18 examination.

19 CHAIRPERSON MITTEN: Okay.

20 MR. COLLINS: And this is not
21 cross examination.

22 CHAIRPERSON MITTEN: Why are you

1 departing from that?

2 MS. ELDRIDGE: I didn't realize
3 that we had departed from our previous
4 representation. I thought that it was
5 appropriate for me to contribute to the
6 presentation here, and I request if we didn't
7 previously ask for it, I request that the
8 Commission grant us some exception here and
9 allow me to proceed. I'm just going to
10 discuss the amenities package, and I will
11 defer back to Carolyn Sherman to finish up.

12 CHAIRPERSON MITTEN: I think Mr.
13 Collins' point is that you're authorized by
14 your commission to fill a specific role. So
15 if you're departing from that, do you have the
16 authority to do that is, I guess, his point.

17 MS. ELDRIDGE: I don't know if
18 that authority derives --

19 CHAIRPERSON MITTEN: I'm sorry?

20 MR. COLLINS: They would need
21 written authority to do that.

22 CHAIRPERSON MITTEN: Yes.

1 MS. ELDRIDGE: Am I vested with
2 the power to convey written authority.

3 CHAIRPERSON MITTEN: No.

4 MR. COLLINS: After a vote.

5 MS. SHERMAN: Well, she is the
6 Vice Chair.

7 CHAIRPERSON MITTEN: Is it
8 something that you could just have Ms. Sherman
9 present?

10 MS. ELDRIDGE: Can I just confer
11 for a moment?

12 CHAIRPERSON MITTEN: Sure. You
13 might want to shut the mic off.

14 MS. ELDRIDGE: Okay.

15 (Pause in proceedings.)

16 MS. ELDRIDGE: Madam Chair, if I
17 may make a request, I understand that
18 technically we are departing, and although as
19 I understand his position that we would
20 require a resolution by the ANC to select me
21 to represent them, if we have already selected
22 me to represent them on cross examination, I

1 don't think it is much of a stretch to say
2 that I also have the authority to represent
3 them in this context.

4 CHAIRPERSON MITTEN: Here's how
5 we're going to proceed. This is really about
6 a question of your authority. So we're going
7 to proceed because I don't want to get bogged
8 down. Mr. Collins perhaps will challenge this
9 in another way. We're going to proceed now.
10 If it turns out that you're making
11 representations on behalf of the ANC that are
12 not appropriate, that will be dealt with
13 later.

14 MR. COLLINS: I just note my
15 objection.

16 CHAIRPERSON MITTEN: Absolutely.

17 MR. COLLINS: Continuing
18 objection. Thank you.

19 MS. ELDRIDGE: All right. Then we
20 will continue over the objection --

21 CHAIRPERSON MITTEN: Okay.

22 MS. ELDRIDGE: -- if that's okay

1 with you.

2 Okay. Ms. Sherman just made
3 reference to the fact that when Akridge sat
4 down to meet with the representatives or
5 purported representatives of Janney, it was
6 unclear who the PTA was and who actually had
7 authority to negotiate on their behalf.

8 And one issue that's just ironic
9 that's come up now is there are elements --
10 there are members of the Janney PTA who are
11 currently negotiating to convey away the
12 soccer field, which is one of the amenities
13 package. So it just highlights the point that
14 these amenities packages should be vetted
15 through the ANC.

16 Before I go through the amenities
17 though, I'd like to first have to ask the
18 question of whether the project qualifies for
19 PUD consideration. The area requirements for
20 PUDs are set forth in Section 2401 of the D.C.
21 municipal regulations. According to Section
22 2401.1(b), in order to even be considered for

1 a PUD, a lot in any R-5-B district must be at
2 least one acre. This site is not.

3 So we go to the next step. The
4 Zoning Commission can waive 50 percent of the
5 lot size requirement if and only if the
6 project is of exceptional merit and -- it's a
7 two-pronged test -- and is in the best
8 interests of the city or the country.

9 Now, is this project of
10 exceptional merit? How do we answer that
11 question? By examining each of the proffered
12 amenities under this higher standard.

13 That is not what OP did in its
14 report. I'm not sure why, but that is not
15 what OP did, and it is not what Akridge did,
16 but it is what the Zoning Commission should do
17 here. There is no question that the proffered
18 amenities fail to rise to the level of
19 exceptional merit. At a minimum, that would
20 be a lead certification of platinum, the
21 creation of real public space, like a sizable
22 park or a meeting place, or a "knock your

1 socks off" design.

2 Even though there's no reason for
3 dispensing with this higher standard, we will
4 for the sake of argument here this evening
5 analyze Akridge's proffered amenities in the
6 context of the lower standard applied by OP in
7 its report because we believe that Akridge
8 fails to meet even this lower standard.

9 Section 2403 of the D.C. municipal
10 regs. set forth the standards for evaluating
11 public benefits and project amenities. As OP
12 points out in its report on page 11, Section
13 2401.12 of the regs. requires the Applicant to
14 demonstrate that the public benefits are
15 superior, quote, superior in quality and
16 quantity to typical development of the type
17 proposed.

18 Put another way, if the amenities
19 and benefits are those that you would
20 typically see in a matter of right building at
21 this site, then you have not satisfied the PUD
22 amenities test and should not be granted the

1 requested zoning flexibility.

2 In its report, OP discussed each
3 of the 11 proffered benefits and amenities,
4 and although it concluded initially that two
5 of the 11 could not be considered amenities,
6 it moved off that position before the hearing
7 began, as Akridge finally agreed to
8 participate in the first source in local,
9 small, and disadvantaged business enterprises'
10 employment agreements.

11 The proffered retail space,
12 looking at the slide we have up here, the
13 retail space remains off of the amenities list
14 as far as OP is concerned. When OP analyzed
15 them, they said retail doesn't qualify.
16 Although OP strongly supports the change in
17 zoning to allow for retail, it determined that
18 the mere presence of retail space does not,
19 quote, rise to the level of an amenity, close
20 quote, because the Applicant is not
21 subsidizing it.

22 So I'd like to walk through the

1 remaining nine proffered amenities. With the
2 exception of the cash contributions to area
3 institutions, not one of the proffered
4 amenities can be considered benefits, as that
5 term is defined in the PUD regulations,
6 because they are neither superior in quality
7 or quantity to typical development of the type
8 proposed.

9 During their presentation, Akridge
10 referred to the affordable housing and the
11 lead certification as the highlight. So I'd
12 like to start with those.

13 In this regard, Applicant is not
14 providing anything superior in quality or
15 quantity to typical development because recent
16 council legislation provides that they will be
17 the new norms. Inclusionary zoning and lead
18 certification can no longer be considered
19 exceptional or extraordinary or out of the
20 norm as they will soon be required.

21 So while these things may not
22 presently be required, they do give us a

1 context in which to ask the question: what
2 should developers be offering the community by
3 way of affordable housing and green buildings
4 in exchange for increased density and
5 flexibility?

6 With respect to affordable
7 housing, Akridge has pledged six to seven
8 units of on site affordable housing, which
9 constitutes at most ten percent of the on site
10 units as presently projected or 12 percent of
11 the bonus density.

12 Included in both Akridge's and
13 OP's discussion of the affordable housing
14 amenity is the significant cash contribution
15 to Lisner. Now, the Applicant cannot
16 guarantee that that money will be used by
17 Lisner to create additional housing. Indeed,
18 the pledge was never conditioned upon being
19 used for that purpose.

20 So while it is a sizable
21 contribution, to a valuable neighborhood
22 institution, it should not be construed as

1 creating new affordable housing units.

2 And regarding that cash
3 contribution, I think that the Zoning
4 Commission should inquire further. I no
5 longer have the opportunity to cross examine,
6 but what exactly that \$500,000 is projected --
7 how it is projected to be paid. Is it
8 \$500,000 over the course of 15 years as it
9 appears to be from my review of the
10 submission, or is it \$500,000 up front? Those
11 are very different figures.

12 So the only number of affordable
13 housing units Applicant can guarantee are
14 those that exist on site, which is no more
15 than 12 percent of the bonus density, which is
16 woefully shy of the 50 percent figure, 50
17 percent figure that both D.C. and Maryland
18 require.

19 Regarding the lead certification,
20 the Green Building Act will require lead
21 certification for all commercial buildings
22 seeking construction permits after 2009, and

1 the new law will also require the posting of
2 a bond to guarantee compliance with the law,
3 which bond would be forfeited in the event
4 that the developer failed to get a passing
5 grade through the certification process.

6 Now, obviously this is a mixed use
7 building that will most likely break ground
8 before the effective date of the law, but the
9 statute is nevertheless useful because it
10 gives us a context in which to evaluate the
11 status of the green building and ask the
12 question just how green is it.

13 The building may ultimately
14 qualify for lead certification, but it's not
15 what any objective observer would characterize
16 as a green building.

17 The proposal seeks the minimum
18 allowable points for the lowest level of lead
19 certification. Some of the points they intend
20 to claim are iffy. For example, Akridge is
21 seeking one of the requisite 26 points for
22 protecting or restoring open space, this while

1 it plans to occupy 100 percent of the lot.

2 Other points are quite easy to
3 achieve or simply mundane in this context.
4 There are lots of points built into the site,
5 for example, Metrorail access, mixed use
6 neighborhood. Things like that will earn you
7 points. Anything built here would inevitably
8 have these attributes. If there's anything
9 built in D.C. on expensive real estate in a
10 thriving neighborhood next to Metrorail, it's
11 automatically going to confer upon you points
12 towards lead certification.

13 Optional features are pretty
14 minimalistic, and given the market they are
15 likely to be provided anyway. Low flow shower
16 heads and energy star appliances are a trivial
17 investment and what most affluent and educated
18 consumers would expect.

19 Car sharing spaces involve minimal
20 costs to the developer and no extra cost to
21 ask for hybrid. They increase the
22 marketability and they are typical of recent

1 development in this area. Chase Point and
2 Chase Tower are two examples where these have
3 been provided.

4 Other points have claimed for
5 things that are trivial in this particular
6 context even though they might be significant
7 elsewhere, in other words, for things that
8 make little or no contribution to the
9 environment in this case, illustrating the
10 triumph of form over substance here.
11 Recycling 50 percent of old building materials
12 from a site that's essentially a parking lot,
13 that is, one on which nothing is currently
14 built, is pretty meaningless and easy to
15 promise.

16 Providing a public shower in a
17 building that already has scores of them on
18 the off chance that it might induce some
19 employees to bike to work rather than take the
20 Metro, the likely alternative, isn't worth
21 much either, but, hey, it gets another point
22 towards that lead certification.

1 The notion that this is a cutting
2 edge building is nonsense. We haven't had
3 lead certification much before because, one,
4 you can build green without it. See, for
5 example, elevation 314 at Takoma Park.

6 Two, it costs money to claim it
7 and there's no benefit associated with getting
8 it.

9 And three, LEED has focused on
10 developing standards for commercial buildings.
11 LEED's residential standards are just
12 emerging.

13 At most, you're talking about a
14 building that's implementing a minimum
15 requirement a year early, and in return, is
16 asking for benefits that gross exceed what the
17 council has said acquiring such certification
18 should entitle a developer to.

19 I'd like to move on down towards
20 some other amenities. The PEPCO facade
21 enhancements that we've spent a great deal of
22 time discussing last session, and I'm sorry I

1 am not working on the exact order of this
2 slide.

3 What are they doing here? They're
4 making cosmetic enhancements to the building.
5 They're fixing a clock, painting a door,
6 cleaning the masonry, putting up fake windows,
7 and putting down sidewalk pavers. Is this
8 superior in quality or quantity to what a
9 typical developer would provide?

10 I say no. Any developer would
11 want to make that block as desirable to future
12 residents as possible, and the art work that
13 will be displayed in the windows will be
14 funded entirely by the D.C. Commission on Arts
15 and Humanities to the tune of one to \$200,000.
16 There is no net gain to the city here as the
17 money is coming from us, the taxpayers.

18 Moving down to streetscape and
19 sidewalks, Akridge proposes enhancements to
20 the sidewalk like closing curb cuts,
21 installing benches and sidewalk papers and
22 planting trees and flowers. Are these

1 enhancements superior in quality and quantity
2 to what typical development would provide? I
3 would venture to guess that any developer
4 would put in a sidewalk, and they may even
5 throw in a tulip or two. There is nothing
6 superior in quality or quantity about the
7 sidewalk improvement.

8 Is the enhanced streetscape a
9 benefit to the public, as OP says it is in its
10 report? Of course it is beneficial, but it is
11 not a public benefit as that term is defined
12 in this context, and it should not be included
13 in the amenities column as OP has done in its
14 report.

15 While OP correctly defines the
16 standards for assessing the sufficiency of
17 amenities, it misapplies that standard. Just
18 because something is beneficial and
19 aesthetically pleasing to passers-by does not
20 make it a public benefit. Akridge cannot
21 argue and OP should not have concluded that
22 these typical enhancements that you find to

1 the PEPCO facade and to the street are public
2 benefits.

3 I'd like to move on to the
4 transportation features. There are several
5 components in this category. First is
6 parking. The Applicant touts residential
7 parking as an amenity. Now, it is clear to me
8 that there are members of this Commission who
9 would like to see less parking be offered on
10 the site, but I do not believe that any
11 developer here would offer any less than what
12 Akridge is offering because they know it's
13 just not going to be marketable or desirable
14 to folks living in that neighborhood. So it
15 cannot be considered superior to typical
16 development and, thus, should not be counted
17 as amenity.

18 With respect to visitor parking,
19 Akridge has offered three spaces. You heard
20 Ken Layden (phonetic) from DDOT testify that
21 three visitor spaces were not adequate to
22 service this site. The overflow parking will

1 put more pressure on a bad situation that is
2 just getting worse.

3 Despite the addition of five
4 restricted spots along Wisconsin, and
5 restricted those spots will not be available
6 for the a.m. or the p.m. rush hours; so
7 despite the addition of those spots, the
8 neighborhood is facing a net loss of parking
9 due to the removal of seven unrestricted spots
10 along Harrison, which decision was made at the
11 request of Akridge and for the benefit of
12 Akridge.

13 Let there be no confusion about
14 that. Contrary to Mr. Tuchman's statement,
15 the decision to remove the parking spaces
16 along Harrison came from the Friendship
17 Heights transportation study. That
18 recommendation was not included in the
19 Friendship Heights transportation study.
20 Akridge's own traffic expert confirmed in his
21 testimony that it was Akridge who recommended
22 the removal of the parking spaces along

1 Harrison.

2 So can we really call three
3 visitor parking spaces here an amenity? I
4 think a burden is a more accurate description.

5 Another component of the
6 transportation feature is the Friendship
7 Heights transportation management consultant.
8 The Applicant has pledged \$40,000 to pay for
9 a DDOT contractor to address community
10 concerns about Friendship Heights
11 transportation issues.

12 During Akridge's presentation, the
13 nature of this amenity changed a bit, and it
14 now appears that the cash will be offered to
15 DDOT to actually implement some of the many
16 recommendations that already have been made by
17 DDOT.

18 When it comes to traffic remedies
19 though, \$40,000 does not go a whole long way.
20 I have heard folks from DDOT say that a single
21 traffic light can cost in excess of \$250,000.
22 So in this case I wonder whether the 40 grand

1 would even cover the cost of removing the
2 parking spaces.

3 I think it is worth reminding the
4 Commission that this offer was made to DDOT
5 before it was ever held out as an amenity, and
6 it was higher. When it was first made, it was
7 \$100,000.

8 Then when discussions evolved
9 concerning amenities, Akridge cut the offer by
10 more than half and repackaged the deal as an
11 amenity. Why should Akridge get amenity
12 credit for something that it had already
13 promised separate and apart from this project
14 to deliver?

15 With respect to the residential
16 parking permit, we welcome the Applicant's
17 pledge to remove the building address from the
18 RPP program.

19 Finally, on the topic of
20 transportation issues, it is funny. OP says
21 in its report that the best of all of these
22 transportation features offered, the best one,

1 the one that will do the most to reduce the
2 number of trips generated by this development
3 is the Applicant's proximity to the Metro.

4 Need I say that any development on
5 this site will be as close the Metro station
6 as the Akridge development would be. Again,
7 with the exception of the RPP opt-out, there
8 is nothing in this package greater than what
9 a matter of right building would provide.

10 There are just three more that I'd
11 like to briefly touch on, the building massing
12 and facade design as presented as an amenity,
13 and I think it's odd to be listed as an
14 amenity because it is the massing that is
15 perhaps the most troubling feature.

16 While the facade is attractive,
17 the stunning step up immediately behind the
18 facade outweighs any aesthetic benefit
19 provided by the facade in the southwest step-
20 down. Indeed, a building of smaller scale
21 would be a greater improvement to the
22 streetscape because it would allow for more

1 public and green space.

2 The construction management plan,
3 I understand that this was a standard amenity
4 included in almost all PUD packages. Of
5 course we welcome a construction management
6 plan, but can we do better? Shouldn't every
7 developer seek to minimize the problems
8 stemming from its construction?

9 I have no argument with this
10 amenity to Janney, but I would just reiterate
11 what Mr. Hitchcock brought out on cross
12 examination, that Janney had asked for
13 \$200,000 and is receiving only half of that,
14 and I just remind the Commission where I
15 began, that it is ironic that now the PTA of
16 Janney is bargaining away the same soccer
17 field that according to the application is so
18 vital, and it's another example of why the
19 amenities package should, and were not in this
20 case, should be vetted through the ANC.

21 And finally, the contribution of
22 \$30,000 to the IONA Senior Services, we have

1 no dispute with that one. We welcome that
2 contribution.

3 On whole, the profit amenities are
4 ones that you would expect to see in typical
5 development at this site. They certainly do
6 not tip the scale in favor of allowing the
7 increased density and flexibility that
8 Applicant has asked for in this case.

9 And I will turn back to Carolyn
10 now.

11 MS. SHERMAN: Okay. I just want
12 to talk for just a second about the challenge.
13 We've talked about it before. The issue in
14 Ward 3, and this is from the revised Comp.
15 Plan, the issue in Ward 3 is how to channel
16 the very strong momentum of economic
17 development that exists while protecting and
18 enhancing the primary residential nature of
19 the ward.

20 I realize there's a lot of
21 shopping on Wisconsin, but we are primarily a
22 residential area. We're not K Street. We're

1 not Penn Square. We are a neighborhood,
2 communities of neighborhoods that happen to
3 have a lot of retail along one piece of it, a
4 quality of life that, in turn, attracts
5 additional economic pressures for
6 redevelopment or for development.

7 Okay. We need to find the
8 balance. That's the point. We can do better.
9 There are limitless good possibilities for
10 this site. The city shouldn't sell us short.
11 We ask the Zoning Commission to reject the
12 proposals so Akridge and the community can
13 work together to build our future: a lively,
14 human scale Wisconsin Avenue where
15 neighborhoods and sensible development live
16 happily together.

17 There's one more thing. I just
18 wanted to read you this one more thing. This
19 is from the Rock Creek West Element.

20 The Rock Creek West area has
21 strong economic momentum leading to past and
22 present concerns about the effects of

1 unrestrained development on traffic, public
2 services, and quality of life. This creates
3 a different dynamic than is present in many
4 District neighborhoods and reduces the need
5 for government programs to stimulate private
6 investment, things like PUDs, if you ask me.

7 The combination of a relatively
8 affluent population, excellent transportation,
9 stable and attractive neighborhoods, high
10 quality retail, and a limited supply of vacant
11 land has led to a very strong market demand.

12 This, in turn, has led to an
13 emphasis on growth control rather than growth
14 incentives. The need to appropriately control
15 and guide growth and to protect neighborhoods
16 remains a top priority throughout the
17 community, and is a major theme of this
18 element. That's a really important piece of
19 that.

20 This is also from the Comp. Plan.

21 Residents seek to insure that
22 stability is maintained. Accordingly, no

1 significant land use changes have been
2 indicated in the first 11 elements of the
3 Comprehensive Plan. It is a major theme of
4 this ward plan to protect and maintain the low
5 density, high quality character of the ward.

6 I'll just end by, again, talking
7 about the need to find a balance. We think
8 that if the developers will work with the
9 community, we could find something that would
10 work really well.

11 There are some quotes. I'll just
12 end with some quotes from Mayor Fenty on
13 development.

14 Areas like upper Wisconsin Avenue
15 where local schools are overcrowded and where
16 for years residents have gone without a nearby
17 fire station simply do not have the
18 infrastructure to support dramatic increases
19 in density. We're already a built-in
20 environment.

21 I would not support a zoning
22 proposal to increase the maximum permitted

1 density where the concerns of the community
2 and ANC have not been adequately addressed.
3 Newly constructed buildings, even those on
4 commercial corridors where zoning typically
5 allows greater density, should respect the
6 scale and character of the surrounding area.

7 I would oppose a PUD application
8 that lacks the support of the affected ANC.
9 In my view, the purpose of the PUD process is
10 to facilitate give-and-take between the
11 desires of developers and those of the public.
12 If one side or the other is unwilling to
13 accept the terms of the PUD, then it should
14 nor proceed.

15 So, again, that kind of concludes.
16 Lucy, I think, has one more.

17 MS. ELDRIDGE: That concludes our
18 case in chief, but I did have a response I
19 wanted to make to an argument that they raised
20 last session here.

21 I think it's necessary to respond
22 to Akridge's interpretation of the lot

1 occupancy and setback requirements that we
2 discussed several weeks ago. Through counsel,
3 Akridge made the most startling argument.

4 MR. COLLINS: Madam Chair, I'm
5 going to continue my objection. This is,
6 again, not cross examination. This is now
7 rebuttal by an ANC Commissioner who is not
8 authorized by the ANC to give anything except
9 cross examination.

10 CHAIRPERSON MITTEN: Thank you.

11 If you would like to rebut those
12 points, I suggest that you with the ANC get
13 authorization to make that presentation
14 because that is well beyond what you've been
15 authorized to testify about.

16 Has the ANC taken a position on
17 what you're about to say?

18 MS. ELDRIDGE: No.

19 CHAIRPERSON MITTEN: Okay. You
20 can do that in writing.

21 MS. ELDRIDGE: I will do that in
22 writing.

1 CHAIRPERSON MITTEN: Thanks.

2 Okay. Can we have the lights back
3 up now?

4 All right. Questions from the
5 Commission for the Commissioners, the ANC
6 Commissioners.

7 COMMISSIONER JEFFRIES: I'll
8 start.

9 CHAIRPERSON MITTEN: Commissioner
10 Jeffries.

11 COMMISSIONER JEFFRIES:
12 Commissioners Eldridge and Sherman, I'm trying
13 to get my arms around sort of prioritization.
14 Can you just walk me through, you know, what
15 your most critical issue with this project and
16 then the second, third?

17 I just want to get a sense of
18 priority in terms of the one thing that's
19 really bothersome about this application and
20 then the second, and so forth. I'm just
21 trying to be able to prioritize it because it
22 seems like there's so much about it that you

1 abhorred. I'm trying to get a sense of if you
2 could just give me your top five.

3 MS. SHERMAN: The top five.

4 CHAIRPERSON MITTEN: And I'm going
5 to ask you to work with us here because you
6 took an hour for your presentation. We were
7 hoping --

8 MS. SHERMAN: I know. I'm sorry.

9 CHAIRPERSON MITTEN: -- to get
10 through tonight and so give to the point
11 answers.

12 MS. SHERMAN: Absolutely.

13 CHAIRPERSON MITTEN: Not expansive
14 answers, if you would.

15 MS. SHERMAN: Okay. Sure.

16 CHAIRPERSON MITTEN: Thank you.

17 MS. SHERMAN: I would say it's
18 the height, density and lot occupancy. Can I
19 have three in one?

20 I think it's the basic size of it.

21 COMMISSIONER JEFFRIES: Height,
22 density. Okay. So you know, the PUD package

1 and all of those things, I mean, in terms of
2 what's being proffered, all that is just sort
3 of dressing.

4 MS. SHERMAN: I think that's
5 right. I think that we feel that the map
6 amendment is inappropriate and the PUD
7 shouldn't be there either. I mean, it should
8 be C-2-A building. If they wanted to think
9 about a PUD with that, that's another issue,
10 but C-2-B is not the right designation for
11 that.

12 And so I think that, again, just
13 the sheer size of it and the impact of that
14 size on the neighborhood is my biggest
15 objection.

16 COMMISSIONER JEFFRIES: Okay.
17 Thank you.

18 CHAIRPERSON MITTEN: Anyone else
19 have questions? Mr. Hood?

20 VICE CHAIRPERSON HOOD: I have a
21 couple of questions.

22 First, Ms. Eldridge and Ms.

1 Sherman, have I got the names right? Okay.

2 I think you did a very thorough
3 presentation, and a lot of work went into it.
4 I very much appreciate that.

5 Help me to understand. First, I
6 guess it's an alternative. I don't know what
7 you want to call it.

8 MS. SHERMAN: Yeah.

9 VICE CHAIRPERSON HOOD: And I'm
10 pointing to the one when you say finding a
11 balance.

12 MS. SHERMAN: Yes, yes, yes.

13 VICE CHAIRPERSON HOOD: Is this
14 what you're saying? This is finding a
15 balance?

16 What is the height of this
17 building? Help me out.

18 MS. SHERMAN: Yeah, if you'll look
19 at the one there, that's four stories. That's
20 a C-2-A that is shorter because it has more
21 lot occupancy.

22 VICE CHAIRPERSON HOOD: So this is

1 where we are then.

2 MS. SHERMAN: Yeah, that's right.

3 VICE CHAIRPERSON HOOD: Okay.

4 MS. SHERMAN: Yeah, right, in the
5 new one. This is a C-2-A. It's five stories.
6 It's just an idea. I mean, we're not
7 architects.

8 VICE CHAIRPERSON HOOD: Right. I
9 understand.

10 MS. SHERMAN: But we did care
11 enough about putting something nice on that
12 site that, as I say, we went to a lot of
13 trouble to get enough money to pay the
14 architectural guy to do that. It's just an
15 idea, but I think it's prettier. I think if
16 you had to ask yourself which one would you
17 rather live in.

18 VICE CHAIRPERSON HOOD: Okay.

19 MS. ELDRIDGE: It is a five-story
20 building which is what you would see under a
21 C-2-A designation.

22 VICE CHAIRPERSON HOOD: Okay. Let

1 me just take one thing, traffic. You don't
2 think traffic would have the same impacts as
3 what's being proposed by the Applicant and
4 also what you have here with C-2-A, the
5 alternative?

6 MS. SHERMAN: Well, for one thing,
7 you would have a bigger space in the back.
8 You know how it is now with the Akridge
9 proposal. You can't fit anything. It's a
10 mess.

11 VICE CHAIRPERSON HOOD: With the
12 alleys and the turn-around with the loading
13 berths.

14 MS. SHERMAN: Exactly. There was
15 an aerial shot of the back of it. It would
16 have plenty of room for trucks to move in and
17 out. So the congestion in the alleys wouldn't
18 be there as much, and if the building is
19 shorter and smaller and you have fewer units,
20 I think you'd have maybe 35 units with this,
21 34, 35 units, you're going to have less
22 traffic. I mean, let's face it. You know,

1 fewer people is fewer cars and fewer trips and
2 so on.

3 And so, yeah, I mean, you're going
4 to always have something, but why have more
5 than you need to?

6 VICE CHAIRPERSON HOOD: Okay. I'm
7 going to hold this up. I'm looking at what
8 the Applicant provided us. I guess to the
9 northwest, this site is on the west. So to
10 the north of the site on the same wide of
11 Wisconsin Avenue, it looks as though -- and
12 I'm pointing to page 9 of the exhibit from the
13 Applicant -- it looks as though we're kind of
14 getting a pattern here, and I noticed when you
15 mentioned the building and everything else,
16 for example, behind the project, you mentioned
17 some single family homes.

18 MS. SHERMAN: Right. Yeah,
19 they're garden apartments.

20 VICE CHAIRPERSON HOOD: Garden
21 apartments.

22 MS. SHERMAN: But they are single

1 family, yeah.

2 VICE CHAIRPERSON HOOD: And I
3 think you may have had a picture, but if not,
4 isn't there a pattern going up Wisconsin
5 Avenue? And then going across the street,
6 would I be correct to say that there's a
7 pattern and it also looks similar to what's
8 going on across the street and what's being
9 proposed by the Applicant?

10 MS. SHERMAN: Well, I don't know.
11 You know, that drawing is a little bit
12 misleading. I think if you're looking at --

13 VICE CHAIRPERSON HOOD: Which
14 drawing? This one or --

15 MS. SHERMAN: Yeah, that one is a
16 little bit misleading.

17 VICE CHAIRPERSON HOOD: Okay. Let
18 me go back to yours.

19 MS. SHERMAN: These have the real
20 heights on them. So, for example, in the
21 drawing 79 feet looks about the same size as
22 64 feet. We've superimposed what the real

1 heights are, but if you look at the model
2 photos that they showed you, they really make
3 everything look 79 feet tall, and in fact,
4 they're not.

5 VICE CHAIRPERSON HOOD: So the
6 Boeeymonger's --

7 CHAIRPERSON MITTEN: Can I just --
8 let me just ask a clarifying point. Is that
9 a photograph of their model?

10 MS. SHERMAN: Yeah, but it has the
11 real heights on it.

12 CHAIRPERSON MITTEN: I understand
13 the point. I just want to make the point
14 that --

15 MS. SHERMAN: Yes, it is.

16 CHAIRPERSON MITTEN: -- Mr. Hood
17 was holding up something that is also a
18 photograph of their model.

19 MS. SHERMAN: Yes, exactly, and
20 ours came from theirs, but what we did was we
21 just put the heights on it.

22 CHAIRPERSON MITTEN: Okay.

1 MS. SHERMAN: But because if you
2 look at the model, again, it looks like it
3 fits right in, but if you actually look at the
4 height, it really doesn't. I mean, 79 feet is
5 obviously much higher than 59 and 64.

6 VICE CHAIRPERSON HOOD: What is
7 that that's 18 feet to the south right there?
8 You have 79 and right there to the south.

9 MS. SHERMAN: I think that's a
10 PEPCO substation.

11 VICE CHAIRPERSON HOOD: So that's
12 part of their redoing also.

13 MS. SHERMAN: There's the facade.
14 They're going to fix the windows.

15 VICE CHAIRPERSON HOOD: The front
16 of it, okay. The substation. What is the 26?
17 Oh, that's the bank.

18 MS. SHERMAN: That's the bank.

19 VICE CHAIRPERSON HOOD: That's the
20 bank. Okay. And then as we go up, the
21 Boeymonger's is almost, well, 59.5.

22 MS. SHERMAN: Yeah, but see,

1 that's almost 20 feet less.

2 VICE CHAIRPERSON HOOD: And then
3 across the street we have something that's 90
4 feet.

5 MS. SHERMAN: And that was a PUD,
6 as I recall. Yeah, that's 90, and that's
7 closer to western. I mean, this is the
8 Regional Center, and there's some reason for
9 having -- now, if you look at these, look how
10 this steps back, this 90 foot building. Look
11 how it steps back to the neighborhood.

12 MS. ELDRIDGE: The east side of
13 that 90 foot building steps down into the
14 neighborhood.

15 MS. SHERMAN: Steps down into the
16 neighborhood.

17 VICE CHAIRPERSON HOOD: Okay. I
18 notice you mentioned the Comp. Plan a few
19 times. Whether it be the one that's proposed,
20 I mean, the one that has not been -- some
21 elements haven't been approved by us yet, but
22 we mentioned the old one and the new one. We

1 went back and forth.

2 In the old one, 502.2, and help me
3 understand why this would not be relevant in
4 this case because we're doing TOD all over the
5 city, and I will say -- and maybe this will be
6 a question for Mr. Oberlander when he comes up
7 because I plan on asking him -- to my limited
8 knowledge, I have learned that there are
9 different aspects of TOD. There are places
10 where they're applicable and places where
11 they're not, or at least that's what I've seen
12 so far.

13 But it says in 501.28 support land
14 use arrangements that simplify and economize
15 transportation services, including mixed use
16 zones that permit the co-development of
17 residential and non-residential uses to
18 promote higher density residential development
19 at strategic locations.

20 And this is the part where I want
21 you to help me. It says, "Particularly near
22 appropriate Metrorail stations."

1 MS. SHERMAN: Right. Well, there
2 are a lot of quotes in there, as well, that
3 say that you have to take each Metro station
4 as an individual place, and you don't want to
5 do it at the expense of neighborhoods, and I
6 think I showed there were a couple of quotes
7 there. So I think sometimes there can be an
8 apparent conflict, you know, which way do you
9 go with it.

10 But I think the Comp. Plan is
11 pretty clear that neighborhoods trump, and it
12 says we're already transit oriented.

13 VICE CHAIRPERSON HOOD: You said
14 "neighborhoods trump"?

15 MS. SHERMAN: Neighborhoods trump
16 in a sense. I'm not sure there is a conflict.
17 I don't think there is. I think in our case,
18 as I said, we're already transit oriented.
19 Everybody we know walks, takes the Metro. We,
20 I think, again, are kind of the model for what
21 transit oriented development should be with
22 families, but if you only can have high

1 density around the Metro, does that mean you
2 don't have family neighborhoods where people
3 can take the Metro?

4 Only people who live in highrise
5 condos should be on a Metro line? I mean, I
6 think that it's a complex subject that people
7 kind of give very facile answers to, and I
8 think no.

9 VICE CHAIRPERSON HOOD: Let me ask
10 this question. I notice you have a few quotes
11 here by the mayor. These quotes, were they
12 recent quotes?

13 MS. SHERMAN: They were during the
14 campaign, yeah.

15 VICE CHAIRPERSON HOOD: Okay. All
16 right.

17 MS. SHERMAN: Yeah.

18 VICE CHAIRPERSON HOOD: The other
19 thing is I'm a tickler for this, Applicants
20 working with community groups, the ANC. I saw
21 early on and I might have asked this when the
22 Applicant was up, but did they work with the

1 ANC or the community, you know, as far as the
2 amenities go, or what happened? What was the
3 breakdown?

4 MS. SHERMAN: Well --

5 VICE CHAIRPERSON HOOD: Was it
6 because you were against or people were
7 against the project and --

8 MS. SHERMAN: Well, no.

9 VICE CHAIRPERSON HOOD: -- didn't
10 want to sit down at the table and talk?

11 MS. SHERMAN: Well, we wanted to.
12 We wanted to. Amy McVeigh, who is our chair,
13 asked Akridge a number of times for meetings.
14 Now, Akridge called at one point on a
15 Wednesday night and said they wanted to meet
16 Thursday or Friday.

17 Amy McVeigh is an accountant, and
18 it was on April 6th. I can submit the whole
19 testimony and other stuff, but anyway, she was
20 doing taxes. So she said, "I can't meet with
21 you because I'm in the middle of taxes. How
22 about if you meet with Anne Sullivan?"

1 And so they E-mailed back and
2 said, "No, we don't want to meet with Anne
3 Sullivan because she wrote an article we don't
4 like about that she doesn't like our project."

5 So Amy said, "Well, you know, I'm
6 doing my taxes. I'll meet you when I can,"
7 and then they didn't E-mail back for like
8 almost two weeks.

9 VICE CHAIRPERSON HOOD: Okay.

10 MS. SHERMAN: And so then they
11 were going to have a meeting without the ANC.
12 They said, "Don't worry. We'll have a meeting
13 on the amenities," and so on.

14 And Amy asked them several times,
15 "Would you please run it through the ANC. We
16 don't want to control it, but we want to have"
17 -- you know, we, I think, have a good sense of
18 what the community may be looking for.

19 The other issue was that Amy
20 McVeigh, Chairman McVeigh, asked Akridge three
21 times on three separate occasions in E-mails
22 to contact neighborhood organizations like FNA

1 and CSGO to try to talk about it and work
2 something out. Two or three times they E-
3 mailed back saying, "Not interested. These
4 organizations don't want the project. We
5 don't want to work with them," essentially.

6 So we felt kind of stymied by it,
7 and then they had these meetings, these open
8 meetings, and they were open. There's no
9 question about it, and then they took people's
10 application, and they decided what the package
11 ought to be, and you know, was it anything the
12 neighborhood would have chosen? I don't know.
13 We don't know.

14 So we feel that they really did
15 not work with the community on that, and to
16 reward that with a PUD, I think, really sends
17 a bad message to developers.

18 VICE CHAIRPERSON HOOD: Okay. I'm
19 going to ask you this question. I don't want
20 you to think I didn't pay attention to your --
21 what was it, an hour? -- hour long
22 presentation because I did.

1 MS. SHERMAN: I'm sorry.

2 VICE CHAIRPERSON HOOD: But I
3 can't help from noticing the buttons, well,
4 not buttons; the stickers. "I'm for rational
5 development."

6 In about 15 words, if you can just
7 tell me what is rational development the way
8 you all see it. And I know you did it in an
9 hour, but if you do it in 15 words --

10 MS. SHERMAN: I think it's
11 development that brings growth, but also
12 protects neighborhoods, and it takes a lot of
13 care, and it takes a lot of consultation and
14 creative thinking between developers and the
15 community.

16 And so we want growth. I mean,
17 again, the building that we showed you is an
18 example. I mean, it's just one possibility
19 for that site.

20 VICE CHAIRPERSON HOOD: And the
21 main reason, help me. I mean, I think you
22 answered.

1 MS. SHERMAN: That's more than 15
2 words.

3 VICE CHAIRPERSON HOOD: Yeah, but
4 that's fine. The main reason, and I think you
5 started off and you said protect
6 neighborhoods. What about this project that
7 does not protect the neighborhood?

8 And just give me ten words. It
9 does not protect the neighborhood.

10 MS. SHERMAN: It's throw traffic
11 into the streets, onto the neighborhood
12 streets.

13 VICE CHAIRPERSON HOOD: Okay.

14 MS. SHERMAN: The alleys.

15 VICE CHAIRPERSON HOOD: Traffic.

16 MS. SHERMAN: Yeah, and parking
17 and just the oppression of walking by a
18 building that is so uninspiring.

19 VICE CHAIRPERSON HOOD: Okay.

20 Thank you.

21 Thank you, Madam Chair.

22 CHAIRPERSON MITTEN: Anyone else?

1 Commissioner Turnbull.

2 COMMISSIONER TURNBULL: Thank you,
3 Madam Chair.

4 Although your presentation was
5 long, I think it was very well organized and
6 very structured.

7 MS. SHERMAN: I didn't know it was
8 so long.

9 COMMISSIONER TURNBULL: I thought
10 it was very good. It actually highlighted a
11 point. One of your items, and I was happy to
12 see a diagram on the loading dock and the
13 truck because I think in the first part of the
14 hearing the last time I asked the Applicant
15 about angling the truck dock or trying to look
16 at ways because I was concerned about it. So
17 I think you're showing this diagram clearly
18 indicated, and the one with the angles and the
19 parking by that clearly indicates that there
20 is a problem.

21 So I want to thank you for your
22 presentation. I thought it was very well

1 structured.

2 MS. SHERMAN: Thank you very much.

3 COMMISSIONER JEFFRIES: Anyone
4 else?

5 Okay. Mr. Collins, cross
6 examination.

7 MR. COLLINS: Madam Chair, I have
8 no cross examination. I would like to renew
9 my objection to the unauthorized testimony.
10 Fully 50 percent or more of the testimony of
11 the ANC was unauthorized, not in writing, and
12 it was their own choosing. It wasn't my
13 rules; it wasn't your rules. It was their own
14 choosing that they authorized one of their
15 representatives to speak in the case-in-chief
16 and one of their representatives to speak on
17 cross examination.

18 That was acceded without any
19 authorization. So I would move to strike that
20 testimony.

21 CHAIRPERSON MITTEN: Well, I think
22 this is best resolved with the ANC. So if you

1 actually want it to be disregarded by the
2 Commission, you'll have to get the ANC to
3 specifically not authorize it, and I would ask
4 you to get authorization retroactively so we
5 can just sort all of this out. Okay?

6 MS. SHERMAN: We will do that.
7 Thank you, Madam Chair.

8 COMMISSIONER JEFFRIES: Thank you,
9 Mr. Collins.

10 Okay. Let's see. Who's here for
11 Ward 3 Vision tonight? I mean the person who
12 is going to ask cross examination questions.

13 I had two hands and now I have no
14 hands.

15 (Laughter.)

16 PARTICIPANT: We have no
17 questions.

18 CHAIRPERSON MITTEN: Okay. That's
19 good. Okay.

20 Mr. Hitchcock.

21 MR. HITCHCOCK: No questions.

22 CHAIRPERSON MITTEN: Okay. Very

1 good. Thank you, ladies.

2 No, it's fine. One of the things
3 is the ANC has no time limits, and I would
4 just ask others as they come up to testify who
5 share your views that they not give the same
6 level of detail since the ANC did such a good
7 job.

8 VICE CHAIRPERSON HOOD: Was that
9 directed at me, too, Madam Chair?

10 CHAIRPERSON MITTEN: No, Mr. Hood.
11 You're fine. You're just fine.

12 (Laughter.)

13 CHAIRPERSON MITTEN: Okay. Now
14 we're ready for the party in support, Ward 3
15 Vision.

16 Whenever you're ready you can go
17 ahead and start.

18 MR. QUINN: Dear members of the
19 Commission, my name is Tom Quinn, and I'm a
20 five-year homeowner and resident of Friendship
21 Heights and a founding member of Ward 3
22 Vision, a group of Ward 3 neighbors actively

1 advocating for positive growth and
2 environmentally responsible development in our
3 area.

4 Our group, comprised of several
5 hundred residents, includes many who live
6 within blocks of 5220 Wisconsin Avenue,
7 including myself. I live at 5322 41st Street,
8 just three blocks from the site. For years I
9 was perhaps the closest neighbor to the site,
10 living at 5227 43rd Street, just across
11 Wisconsin Avenue.

12 I thank the Commission for the
13 opportunity testify in regard to this project.
14 I would like to use the opportunity to tell
15 you why Ward 3 Vision, indeed, most of my
16 neighbors, support this project and hope that
17 we can encourage you to support it as well.

18 We view the Akridge project as a
19 benefit to our community for the following
20 reasons. The project is just the type of
21 transient oriented development that our
22 neighborhood needs to fulfill its potential as

1 an attractive urban place, but also just the
2 type of TOD that the region needs to combat
3 sprawl, traffic, air pollution, and related
4 environmental problems.

5 The developers have agreed to
6 building according to principles that will
7 have garnered lead certification for the
8 project. Significant amenities will accrue to
9 the neighborhood from the projects, including
10 streetscape improvements and removal of curb
11 cuts and driveways on Wisconsin Avenue.

12 The project will have a positive
13 impact on economic development in our
14 neighborhood in upper Northwest, and the
15 community will get several units of much
16 needed affordable housing.

17 We have spent a significant amount
18 of time reviewing the project, and our
19 decision to support it comes from careful
20 analysis and consideration of the benefits
21 that it yields in each of the areas mentioned.
22 I'll take each in turn beginning with transit

1 oriented development.

2 TOD is, simply put, the creation
3 of compact, walkable communities centered
4 around transit, making it possible to live a
5 high quality life without complete dependence
6 on a car for mobility and survival.

7 By creating density around
8 transportation hubs, TOD helps reduce traffic
9 congestion by giving more people options to
10 use public transportation, walk and bicycle
11 for daily activities. This, in turn,
12 minimizes sprawl, reduces pollution, and
13 protects our environment.

14 We believe that this proposal for
15 5220 Wisconsin is a fine example of transit
16 oriented development and concentrates high
17 quality housing within yards of the Friendship
18 Heights Metro, provides ground floor retail
19 that will create a visual interest on the
20 street, and add vibrancy to the neighborhood.

21 And as a mid-rise seven story
22 project, it's of the right scale for this

1 particular location.

2 Let's talk about lead
3 certification. The global warming crisis
4 seems clear to most Americans in the move
5 toward green and sustainable buildings, is the
6 socially responsible thing to do. The U.S.
7 Green Building Council's lead or leadership in
8 energy and environmental design program is a
9 prevailing rating system for establishing a
10 standard of measurement for sustainable
11 buildings.

12 Akridge is committed to achieving
13 LEED certification for this project, and we
14 applaud their efforts to do so. We understand
15 that this will be the first LEED certified
16 residential building in the District.

17 For certification, the products
18 will be judged in the following LEED
19 categories: sustainable sites, water
20 efficiency, energy and atmosphere, materials
21 and resources, indoor environmental quality,
22 and innovation and design process.

1 Projects earn points by performing
2 degrees better than existing codes and
3 standards in all categories. In practical
4 terms, this means significant energy savings
5 for heat and electricity, saving occupants
6 money. On average a certified building is 25
7 to 30 percent more energy efficient and has
8 lower electricity peak consumption, a
9 significant reduction in water consumption
10 and, therefore, waste water treatment than a
11 traditional building; helps reduce burden on
12 municipal infrastructure; reduction
13 construction and operations waste products;
14 reduces landfill costs, and increases
15 recycling of construction materials; improved
16 indoor environment, which would include air
17 and light quality to conventional buildings;
18 lower operations and maintenance costs for
19 running the building, resulting in lower condo
20 fees and/or rents than market averages; and,
21 finally, a decreased health and mental
22 complications for residents.

1 The carbon footprint of the
2 occupants of this building will be minimized
3 and is environmentally beneficial features in
4 the building's transit location. The
5 pedestrian oriented design of the building and
6 sidewalk, spaces for car sharing, and
7 promotion of bicycling through providing
8 bicycle parking for residents and employees,
9 along with employee showers and changing
10 rooms, further reduces vehicle trips and
11 pollution associated with car use for this
12 site.

13 Now, the obvious benefits of green
14 building and LEED certification, the very idea
15 of a transit oriented development is critical
16 here. Environmental organizations and city
17 planners understand that the most sustainable
18 approach to urban development, the best way to
19 reduce traffic is to build more rather than
20 less at Metro.

21 This site, directly on top of the
22 Metro, is the perfect location for TOD, which

1 is the right way to build, and we support it
2 in spite of its modest density and height.

3 I'd like to talk now about
4 benefits to the neighborhood. As a resident
5 of this neighborhood, I can tell you that the
6 paucity of neighborhood serving retail
7 offerings on the Tenley-Friendship Heights
8 corridor is bewildering for a community with
9 our economic capacity. Basic services that
10 make a community, places to hang out for
11 coffee, variety in restaurants and bakeries to
12 grab an interesting meal or a non-industrial
13 baked good, let alone more unusual offerings
14 that provide entertainment options, movie
15 theaters, neighborhood playhouses, bowling
16 alleys, et cetera, are few and far between in
17 our neighborhood.

18 One project will not change the
19 face of the neighborhood, but a well designed
20 project that pays careful attention to the
21 first floor retail it brings can start to turn
22 the tide.

1 Akridge is just such a project.
2 Frustrated with the unwillingness of the
3 opponents to the project or the ANC to
4 participate in the constructive negotiations,
5 Ward 3 Vision engaged in discussions with
6 Akridge over a period of several months to
7 insure that first floor retail would be a
8 positive amenity for our neighborhood.

9 Understanding that many neighbors
10 would like to see a streetscape with local
11 serving retail shops, we have obtained
12 commitments from Akridge for a minimum of
13 three distinct spaces which will insure that
14 retail spaces are an appropriate size for
15 smaller neighborhood serving shops, perhaps
16 locally owned Mom and Pops.

17 Additionally, the developers
18 agreed that each retail space will have its
19 primary entrances on the Wisconsin Avenue
20 sidewalk and is committed to a design that
21 includes significant amounts of glass facing
22 the main street to insure that the retail

1 space contributes to a pedestrian oriented,
2 walkable, vital streetscape.

3 Akridge has also agreed to limit
4 the amount of space that can be leased to
5 banks and other offices with uses such as an
6 insurance company or tax preparer, which
7 should lead to more interesting and lively
8 uses.

9 And of course, they intend to
10 upgrade the area in front of the adjacent
11 PEPCO substation with a community display
12 space to help soften that stretch of urban
13 streetscape that currently serves as yet
14 another blank wall along our main street.

15 Our discussions to date have been
16 productive and we plan to continue to work
17 with the developer to tailor their retail
18 marketing efforts to the neighborhood's needs
19 as the project evolves.

20 These may seem like nuances, but
21 they are not. These issues are critical to a
22 successful mixed use street.

1 Further, it is worth noting that
2 none of the retail proposed would be allowed
3 under matter of right zoning, and that very
4 few of the qualitative restrictions would
5 apply if it were not for the PUD process.
6 Under matter of right zoning, this block which
7 sits on top of a Metro stop would be required
8 to have residential uses or blank walls on the
9 sidewalk frontage.

10 This is the death knell for an
11 urban street. Matter of right zoning does not
12 offer us a vision for our neighborhood or a
13 road map for how to achieve quality
14 development here or anywhere else. It only
15 offers arbitrary and often meaningless
16 restrictions on quantity.

17 We have found that the PUD process
18 allows the community to examine a project in
19 detail and participate in the qualitative
20 decisions that have a real and lasting impact
21 on neighborhood life.

22 Finally, on this point of retail,

1 we believe that it is critical for this
2 project and every other major development
3 along Wisconsin Avenue to incorporate ground
4 floor retail. In our neighborhoods in upper
5 Northwest, Wisconsin and Connecticut Avenues
6 serve not only as our main streets. They are
7 also our only public streets, that is, the
8 only streets that are not predominantly
9 residential.

10 It is a curiosity that Washington,
11 D.C. has evolved so differently from other
12 major urban areas in that our commerce is
13 concentrated in only a few major streets
14 throughout the city: Wisconsin, Connecticut,
15 and Georgia Avenues, Pennsylvania Avenue, 14th
16 Street, H Street, P Street, et cetera.

17 If we wish to preserve our
18 residential neighborhoods, and I believe that
19 is the view that we all share, and yet still
20 have a vital city, we must allow our major
21 main streets to become truly great streets,
22 provide the commerce that is so vital to urban

1 living.

2 Next I'd like to discuss economic
3 development. We are aware that Council Member
4 Kwame Brown stated in a recent letter to the
5 Commission that, quote, Friendship Heights
6 doesn't need more economic stimulus, end
7 quote. Frankly, we are astonished by such a
8 statement as nothing could be further from the
9 truth in the case of Friendship Heights.

10 I've already noted the paucity of
11 neighborhood serving retail spaces and the
12 lack of even the most basic amenities that
13 turn a grid of streets into a community.

14 One of the most illuminating
15 anecdotes related to economic development in
16 this area is the following text from a sign
17 placed on the Left Bank Bakery-Cafe when it
18 closed its doors two years ago after trying to
19 make a go of it in the new Tenley Hill
20 Building on Wisconsin Avenue at Davenport
21 Street, N.W.

22 Quote, the decision to close was

1 driven by a number of factors. The
2 development of this part of Wisconsin Avenue
3 has proceeded much more slowly than
4 anticipated when we began the business, less
5 density, fewer customers, end quote.

6 And I have a photocopy of that if
7 anyone would like to see it.

8 This is the reality of retail
9 economics. Of course, the fantasy is that you
10 can build retail space in a matter of right or
11 even lower density structures, but a lively
12 streetscape requires a critical mass of
13 pedestrian traffic on the sidewalk.

14 As for economic stimulus, we have
15 no idea what Council Member Brown is referring
16 to. We're not talking about giving anything
17 away. We are merely saying that building the
18 right kind of development will result in an
19 improved economic reality for retail, the city
20 and the neighborhood. This is one of those
21 win-win situations.

22 Just as importantly, on the

1 economic development front the District is
2 competing with the suburbs for financially
3 secure seniors and childless couples, a very
4 attractive demographic. We need to provide
5 them attractive, in city housing choices. For
6 residents who are looking for the convenience
7 of urban condo living there are few options to
8 live in mature upper Northwest neighborhoods.
9 Instead, other jurisdictions with fewer
10 barriers to developing multi-family buildings
11 in attractive areas near Metro win out.

12 Friendship Heights and other key
13 locations with transit nodes are the perfect
14 places to serve these kinds of residents.
15 Keeping or attracting this population to the
16 District is critical to increasing the tax
17 base, helping the schools, and supporting the
18 broader array of locally oriented businesses.

19 Multi-family housing options on
20 Wisconsin Avenue, like the Akridge project,
21 will also help preserve nearby single family
22 homes for larger families that desire more

1 space for children.

2 Finally, I'd like to talk about
3 affordable housing. It is no secret that
4 Washington, D.C. is an exceedingly expensive
5 place to live, even families with two decent
6 incomes often find it difficult to afford
7 housing in our neighborhood. But if we are to
8 retain richness and diversity in upper
9 Northwest, we must have more options for
10 affordable housing. This proposal is one
11 incremental, but critical step to create
12 affordable housing in our neighborhood.

13 Akridge will include six to seven
14 units that will be permanently set aside as
15 affordable. This is a substantial
16 contribution from a privately developed
17 building, and it is desperately needed in this
18 neighborhood.

19 Akridge further intends to support
20 the Lisner Home located a few blocks away with
21 four additional units of housing for extremely
22 low income seniors. These are significant

1 contributions to our community.

2 In closing, I would like to state
3 that the world has changed in Ward 3.
4 Neighbors who may have sat on the sidelines in
5 the past are tired and frustrated by the lack
6 of progress in the ward. We are not longer
7 willing to let a vocal minority dominate the
8 discussion about what type of growth and
9 development is acceptable in our
10 neighborhoods.

11 Our last election served as
12 tangible proof that our views are shared by a
13 solid majority of residents. Mary Cheh ran on
14 a platform that supported transit oriented
15 development, more affordable housing, and good
16 redevelopment along Wisconsin Avenue, and
17 specifically endorsed this project.

18 Now, Council Member Cheh won every
19 precinct in the crowded primary of nine
20 candidates, overall winning more votes than
21 the next four candidates combined. She
22 handily won the general election with 72

1 percent of the vote.

2 The voters of Ward 3
3 overwhelmingly support our new council member
4 who embraced smart growth publicly in her
5 campaign. Indeed, the opponents of smart
6 growth and many of those who are opposed to
7 the Akridge project made the election a
8 referendum on smart growth.

9 The results are in. Our
10 neighborhoods want well designed, transit
11 oriented development like this project.

12 We are average citizens in Ward
13 3, old and young, natives and transplants,
14 workers and retirees, singles, couples, and
15 families and everything in between, and we
16 believe in this project. Fifty-two, twenty is
17 good for the neighborhood and good for the
18 city.

19 Neighborhood residents greatly
20 value the amenities and benefits package put
21 forth by Akridge, and we sincerely hope that
22 this PUD is accepted as a whole in order to

1 send a strong, positive message about what
2 kind of development is supported and
3 encouraged in this major corridor.

4 Thank you.

5 CHAIRPERSON MITTEN: Thank you.

6 Questions from the Commission for
7 Mr. Quinn? Any questions? Commissioner
8 Turnbull.

9 COMMISSIONER TURNBULL: Thank you,
10 Madam Chair.

11 I was just curious. How many
12 constituents or how many members are in Ward
13 3 Vision?

14 MR. QUINN: We have several -- I
15 think we are over 600 now in our mailing list.

16 COMMISSIONER TURNBULL: You've
17 heard the ANC Commissioners. Have you had
18 discussions with the Commissioners on this?
19 I guess I'm kind of confused. We heard the
20 Commissioners say they had four or 500
21 signatures, I think, opposed. I'm just
22 curious about the interrelation of the two

1 organizations and who's talking for whom and
2 what the representation is of the
3 neighborhood.

4 MR. QUINN: Well, that's a loaded
5 question. We could speak for hours on that.
6 Honestly, when I first moved to the
7 neighborhood, I was surprised at the anti-
8 growth sentiment expressed through ANC
9 meetings because I've been in ANC meetings.
10 I lived in Columbia Heights, and there's great
11 enthusiasm for redevelopment. So I assumed
12 that was the sentiment of this community.

13 And then I spent some time
14 actually, me and my neighbors, and realized a
15 lot of folks don't have a clue of what's going
16 on in the community and pay no attention to
17 the ANC meetings. In fact, many people aren't
18 even aware of the ANC, which is not to say the
19 ANC is irrelevant, but I think that their
20 opinion is not representative of the whole
21 community.

22 And actually I'm glad you asked.

1 If I can just briefly, I'd like to actually
2 read into the record the text of the petition
3 which was cited by the ANC in citing
4 opposition to this project. I'm sure you've
5 seen it, but I'd just like to read it because
6 it is not an examination of the actual
7 project. It's a question about whether people
8 support a type of zoning or not, and that's
9 the tact that has been taken by the folks in
10 this community who are opposed to additional
11 development on the community, is that
12 everything should simply stay within a matter
13 of right development so that we don't have
14 discussion beyond that.

15 To give you an example, there are
16 some previous questions about the amenity
17 process. Well, no one in the ANC or
18 associated with these groups participated in
19 the ANC process because they don't acknowledge
20 it as legitimate, as part of a PUD, because
21 they don't acknowledge PUDs as being a
22 legitimate process. So they just simply

1 choose not to participate in the process and
2 then claim that the process is flawed even
3 though it was publicly posted.

4 But I just want to read the text
5 of the petition that the 500 folks signed who
6 live close to this development. Quote, in
7 response to the Akridge proposal to develop
8 5220 Wisconsin Avenue, N.W. beyond the matter
9 of right limits specified for the site's
10 current zoning designation, i.e., R-5-B, we,
11 the undersigned, oppose any proposal for this
12 site that incorporates heights and densities
13 exceeding the existing matter of right zoning
14 limits specified for the R-5-B zoning category
15 established by the District of Columbia.

16 So folks weren't asked whether
17 they supported this project specifically.
18 They were asked whether they supported a
19 project that exceeded the matter of right
20 zoning.

21 So really what you have here is a
22 referendum on PUDs, not a referendum on this

1 project. So if you feel PUDs are
2 inappropriate, perhaps we should just end the
3 meeting and vote this down, but if you want to
4 ascertain how people felt about this project,
5 you can't make that assumption based on the
6 petition that has been presented to you from
7 this community.

8 I don't know if that answers your
9 question or not.

10 COMMISSIONER TURNBULL: Well, I
11 guess one of the items that the Commissioners
12 presented was that a C-2-A and C-2-A with a
13 PUD would give you a 65 foot height and 60
14 percent lot occupancy, which is beyond matter
15 of right, and I don't know. That's not quite
16 what the Applicant is looking for, but they're
17 moving off of R-5-B.

18 MR. QUINN: Correct. Well, I
19 would like to suggest that the current height
20 on this project is, in fact, a compromise. I
21 think you're asking what would be considered
22 a compromise between the various groups, and

1 I would suggest that as they presented it,
2 there's a 90 foot and 100 foot building on the
3 next block, and there's a 35 year old 65 foot
4 building across the street. I would suggest
5 that a 79 foot building at this height would
6 be a compromise already between the maximum
7 allowable height at this site and what could
8 be built as a matter of right.

9 COMMISSIONER TURNBULL: Okay.
10 Thank you.

11 CHAIRPERSON MITTEN: Anyone else
12 on the Commission, questions?

13 Is your understanding of the
14 language of the petition -- would those folks
15 be in favor of the compromise proposal that
16 the ANC put forward based on the language of
17 the petition?

18 MR. QUINN: Well, I would take the
19 petition to be a referendum on matter of
20 right. So if their proposal is within the
21 matter of right, I think they could argue that
22 these folks would support a matter of right

1 development.

2 CHAIRPERSON MITTEN: But does it
3 say for the existing zoning? I thought it
4 said for the existing zoning.

5 MR. QUINN: Well, it says, "We,
6 the undersigned, oppose any proposal for the
7 site that incorporates heights and densities
8 exceeding the existing matter of right zoning
9 limit specified for the R-5-B zoning category
10 established by the District of Columbia."

11 CHAIRPERSON MITTEN: Okay, okay.
12 So it sounds like the compromise proposal,
13 those folks wouldn't be in favor of the
14 compromise proposal either.

15 MR. QUINN: I thought it was a
16 matter of right. Didn't they say it was a 50
17 foot matter of right project?

18 CHAIRPERSON MITTEN: For C-2-A,
19 which is not the existing zoning.

20 Never mind.

21 MR. QUINN: I suppose that would
22 be. You're correct. That would be a

1 compromise, yes.

2 CHAIRPERSON MITTEN: It's okay.

3 Mr. Collins, any questions?

4 MR. COLLINS: No questions.

5 CHAIRPERSON MITTEN: Okay.

6 Commissioner Eldridge, any questions?

7 MS. ELDRIDGE: Yes.

8 CHAIRPERSON MITTEN: Okay.

9 MS. ELDRIDGE: Can you tell me how
10 long your group has been around?

11 MR. QUINN: The group previously
12 was constituted as the Ward 3 Smart Growth
13 Coalition, which dates back I believe about
14 four and a half years. We renamed ourselves
15 about 14, 15 months ago. We rebranded
16 ourselves as Ward 3 Vision. So in some form
17 or another about four and a half years.

18 MS. ELDRIDGE: And since you
19 rebranded yourselves are you registered with
20 the D.C. government?

21 MR. QUINN: No. Do we need to be?

22 MS. ELDRIDGE: Do your members pay

1 dues?

2 MR. QUINN: No.

3 MS. ELDRIDGE: How many members do
4 you have?

5 MR. QUINN: Our mailing list has I
6 think we're over 600 now.

7 MS. ELDRIDGE: Is your mailing
8 list the only way you can identify your
9 members?

10 MR. QUINN: Well, they all have
11 names and E-mail addresses, but I suppose,
12 yes.

13 MS. ELDRIDGE: Do your members
14 come to monthly meetings?

15 MR. QUINN: Many do, yes.

16 MS. ELDRIDGE: Do you hold monthly
17 meetings?

18 MR. QUINN: We generally do, yes.

19 MS. ELDRIDGE: How many monthly
20 meetings have you held?

21 MR. QUINN: Sixteen. I don't see
22 track.

1 MS. ELDRIDGE: How did you
2 determine the group's position with regard to
3 this particular site?

4 MR. QUINN: We didn't take a
5 position on the site. We took a position on
6 the project.

7 MS. ELDRIDGE: I meant the
8 project.

9 MR. QUINN: e determined our
10 position based on a number of criteria. We
11 believe in affordable housing units. We
12 believe in --

13 MS. ELDRIDGE: I'm sorry. I
14 misspoke. What I meant is how did you gauge
15 the groups; how did you come to a consensus
16 among the group regarding this particular
17 project. Did you take a vote?

18 MR. QUINN: We have a --

19 MS. ELDRIDGE: Was there a board?

20 MR. QUINN: We have a steering
21 committee, and the steering committee sat down
22 and discussed amongst ourselves after months

1 of negotiation that we concluded we were
2 satisfied with the concessions that Akridge
3 made. So we made a decision, yes.

4 MS. ELDRIDGE: How many people are
5 on the steering committee?

6 MR. QUINN: Well, about 15.

7 MS. ELDRIDGE: Do you have any
8 members affiliated with the Applicant?

9 MR. QUINN: Not that I'm aware of.

10 MS. ELDRIDGE: Do you receive any
11 funds from anyone affiliated with the
12 Applicant?

13 MR. QUINN: Our group does not
14 directly, no.

15 MS. ELDRIDGE: Indirectly?

16 MR. QUINN: Well, the Coalition
17 for Smarter Growth supports our group, and
18 they accept donations from any number of
19 people.

20 MS. ELDRIDGE: Are you aware of
21 any donations they've accepted from anyone
22 affiliated with the Applicant?

1 MR. QUINN: I am not aware, but I
2 would presume there are some since you're
3 asking.

4 MS. ELDRIDGE: How many of your
5 members live within one-half mile of this
6 site, the site?

7 MR. QUINN: I haven't polled them.
8 I do. So I can speak for myself only.

9 MS. ELDRIDGE: Are you aware that
10 the ANC's position is that the ANC is not
11 advocating matter of right for this particular
12 site?

13 MR. QUINN: I believe that's a new
14 position, but I'm not aware, no.

15 MS. ELDRIDGE: You're not aware
16 that the ANC is not advocating matter of
17 right?

18 MR. QUINN: I am not, no.

19 MS. ELDRIDGE: Okay. Are you
20 aware that the height levels for R-5-B are the
21 same as what you could achieve with the C-2-A?

22 MR. QUINN: Yes.

1 MS. ELDRIDGE: So the petition
2 that we made reference to of the 500
3 signatures, where the signatories oppose any
4 heights greater than R-5-B would be consistent
5 with a C-2-A project.

6 MR. QUINN: Obviously, yes.

7 MS. ELDRIDGE: Okay. Just to make
8 sure that that question was answered. And I'm
9 referring to this slide, here.

10 So you're aware that the petition
11 is not a referendum on PUDs; that the petition
12 opposes the height and densities above what
13 the R-5-B or the C-2-A would allow?

14 MR. QUINN: Well, I'm aware of
15 what the petition says. The petition doesn't
16 ask folks about the project. It asks them if
17 they would support a generic project that
18 would exceed the existing matter of right
19 zoning. I think it speaks for itself.

20 MS. ELDRIDGE: That's all I have.

21 CHAIRPERSON MITTEN: Thank you.

22 Mr. Hitchcock?

1 MR. HITCHCOCK: I had one or two
2 brief follow-up questions on that.

3 Mr. Quinn, you talked about
4 members, and if I look at your Website,
5 ward3vision.org, there's no page that says
6 "Join Us" or "Become a Member"; is that
7 correct?

8 MR. QUINN: I believe that is
9 incorrect actually. There is a page where you
10 can click to register an E-mail address and
11 get on our list.

12 MR. HITCHCOCK: Right. It's
13 called "Contact Us"; correct?

14 MR. QUINN: I believe so, yes.

15 MR. HITCHCOCK: And it says, "We'd
16 love to hear from you. Drop us a line at,"
17 and then gives the information, correct?

18 MR. QUINN: I don't have it in
19 front of me, but that sounds logical.

20 MR. HITCHCOCK: Well, let me hand
21 it to you.

22 MR. QUINN: Okay. So it says what

1 you claimed.

2 MR. HITCHCOCK: Thank you.

3 And is there a page where it
4 describes how one can become a member, as you
5 have used that word in your testimony here?

6 MR. QUINN: I believe I answered
7 this earlier. You become a member by being on
8 our mailing list. I think I've already
9 answered that.

10 MR. HITCHCOCK: And by being on
11 the mailing list is one ever told you become
12 a member? So if I sent you an E-mail, I would
13 become a member?

14 MR. QUINN: If you signed up you
15 would become a member, yes.

16 MR. HITCHCOCK: If I sent you an
17 E-mail in response to saying we'd love to hear
18 from you, I would become a member?

19 MR. QUINN: If you clicked on our
20 sign-up page, yes. That's the purpose of it.

21 MR. HITCHCOCK: The sign-up page
22 just says "Contact Us," correct?

1 MR. QUINN: You've just shown it
2 to me. I can't argue with that.

3 MR. HITCHCOCK: So --

4 CHAIRPERSON MITTEN: I think we
5 understand what you're driving at.

6 MR. HITCHCOCK: Okay.

7 CHAIRPERSON MITTEN: So let's not
8 -- we get it.

9 MR. HITCHCOCK: Okay. Do members
10 elect the officers and directors of your
11 organization?

12 MR. QUINN: No, it's purely
13 volunteer. Whoever wants to be on our
14 steering committee can show up for our
15 meetings.

16 MR. HITCHCOCK: Okay. All right.
17 Thank you. That's all I have.

18 CHAIRPERSON MITTEN: Thank you,
19 Mr. Hitchcock, and thank you, Mr. Quinn.

20 All right. Now we're ready to
21 move to testimony of organizations and persons
22 in support, and I have a sign-up sheet in

1 front of me and we'll work thorough that list
2 and then anyone else who didn't sign up, we'll
3 get you after, and I'm going to do panels of
4 roughly four people if I can get panels easily
5 that size.

6 Jim McCarthy.

7 PARTICIPANT: We have our own
8 PowerPoint presentation. Would it be a
9 convenient time to hook it up?

10 CHAIRPERSON MITTEN: No. I think
11 what we'll do is we'll work through this first
12 and then we'll take a little break.

13 MR. McCARTHY: Very good. Thank
14 you.

15 CHAIRPERSON MITTEN: Thanks.

16 Jim McCarthy, Cheryl Cort, Reed
17 Fawell, Ellen Jones.

18 I don't see Ellen Jones. So John
19 Wheeler.

20 Did your foot go to sleep? I hate
21 that.

22 PARTICIPANT: I'm not drunk.

1 (Laughter.)

2 CHAIRPERSON MITTEN: It's more fun
3 to do this if you are, but --

4 (Laughter.)

5 CHAIRPERSON MITTEN: Not that I
6 would know about that.

7 Okay. I think I have four. Mr.
8 McCarthy, is that you? Okay. Please go
9 ahead.

10 MR. McCARTHY: Hello. My name is
11 Jim McCarthy, and I live on the 3800 block of
12 Livingston Street, N.W., a half a block west
13 of Connecticut Avenue.

14 I am an ANC Commissioner. My
15 single member district is 3G-06. I am not
16 here representing the Commission. My
17 Commission has taken no position on this
18 project, and clearly, as you know from the
19 previous witnesses, the project is not in my
20 single member district.

21 However, I'm here for two reasons.
22 One is that my district is among the closest

1 districts to the proposed project. At its
2 closest point, it is about four blocks away
3 from the project, and, in fact, it's closer
4 than many of the districts of Commissioners
5 who are on ANC-3E, which is the formal
6 Commission in which the project is located.
7 So I think that the views of myself as a
8 Commissioner and of my constituents are
9 important for you to hear.

10 And, secondly, I'm here because I
11 think that my district itself has something to
12 show or some information that is useful for
13 you to consider. My district runs along
14 Connecticut Avenue from Western Avenue to
15 Military Road, and in that district there are
16 a number of buildings that are much, much
17 larger than the proposed development.

18 We have, for example, a building,
19 the Kenmore Apartment House, which is located
20 about a block and a half from my house on
21 Connecticut Avenue. It has 374 units, and it
22 is nine stories tall.

1 Directly across the street from it
2 is the Garfield Condominium. It has 166
3 units, and it also is nine stories tall.

4 There are several other buildings
5 that are within my single member district that
6 are nine stories tall, and from the
7 description of this project, it would seem to
8 me that living in my district must just be a
9 nightmare because anyone would not want to
10 live in the shadow of these huge buildings.
11 The traffic would be terrible, and there would
12 be an enormous number of car trips generated
13 by people coming and going from and to those
14 buildings.

15 That is not the case. As I said,
16 I live a half a block west of Connecticut
17 Avenue. I generally can park my car right in
18 front of my house, and the reason that these
19 buildings do not pose a problem in my district
20 and why I think this development would not
21 pose a problem on Wisconsin Avenue either is
22 that most of the people in these buildings

1 don't drive places. They're pedestrian
2 oriented and transit oriented, and they lend
3 vitality to the retail establishments in my
4 neighborhood. Very few people in my
5 neighborhood drive anywhere because they can
6 walk to the services that they need, and when
7 they go to work in the morning, they take
8 transit.

9 CHAIRPERSON MITTEN: I need your
10 closing thought. You're out of time.

11 MR. McCARTHY: My closing thought
12 is that if size is the main reason to object
13 to this project, my district indicates that
14 size is not really a problem, and I urge you
15 to support this development.

16 CHAIRPERSON MITTEN: Thank you,
17 Commissioner McCarthy. And we'll take
18 questions of the whole panel at the end.

19 Ms. Cort.

20 MS. CORT: Thank you,
21 Commissioners.

22 My name is Cheryl Cort, and I am

1 the Director of Policy for the Coalition for
2 Smarter Growth. We are a regional nonprofit
3 working to insure transportation and
4 development decisions are made with genuine
5 community input and accommodate growth while
6 revitalizing communities, providing housing
7 and travel choices, and conserve our natural
8 and historic areas.

9 I've handed out my letter to the
10 Commission prior to the first hearing, but I'm
11 just going to make some remarks based on the
12 Coalition for Smarter Growth supports this PUD
13 application as a good example of transit
14 oriented development which improves the local
15 quality of life while providing for more
16 housing opportunities in accessible locations.

17 This project will greatly enhance
18 this block and restore the sidewalk to a
19 pedestrian oriented streetscape. The
20 coalition has worked with community members
21 and the developer to make this project to meet
22 local and city-wide goals.

1 The project offers many benefits
2 to the community and the city and is
3 especially important, given its proximity to
4 the south portal of the Friendship Heights
5 Metro station, about 300 feet.

6 This project is respectful of its
7 context providing an appropriately scaled
8 building for its location on Wisconsin Avenue
9 in close proximity to the Metro station, while
10 stepping down its scale as it nears low
11 density residential buildings behind it.

12 We concur with other groups and
13 residents that this is a good example of
14 transit oriented development offering a mix of
15 uses, restoring the streetscape and the
16 pedestrian environment at the Metro station
17 entrance.

18 I note that this is a 27 foot
19 sidewalk currently. It is cut up with
20 driveways and curb cuts which would be
21 restored, and really basically it's a
22 tremendous opportunity to take advantage of

1 such a wide sidewalk and really bring it back
2 to life.

3 A big, wide sidewalk on its own
4 does not make a good pedestrian environment.
5 This building is designed to animate that
6 sidewalk and to put active uses in front of
7 the building, and we think that's an important
8 contribution, especially close to Metro.

9 I was on the Comprehensive Plan
10 task force and worked very closely with Ward
11 3 Vision members to propose the change in the
12 land use designation from moderate to medium
13 density residential with the low density
14 commercial for the ground floor retail. We
15 think that this is moving in the right
16 direction to encourage high quality projects
17 like this one.

18 We support the affordable housing
19 units offered for the site. This is an
20 important contribution to the community that
21 has few affordable housing opportunities and
22 also for the preservation of off-site housing

1 for very low income women in the Lisner Home.

2 We especially applaud the
3 developer for offering transportation demand
4 management measures both in terms of bicycle
5 parking for residents and for employees which,
6 along with offering showers and changing room
7 which encourages workers to bicycle to work
8 rather than to feel that they're too
9 constrained if they're sweaty when they get to
10 work, and also the car sharing spaces are not
11 only for the building residents. They also
12 will be available to the rest of the
13 community, and we think this is an important
14 benefit.

15 We also want to appreciate what
16 the developer has done in responding to
17 actually something earlier with revision had
18 proposed, which was to contribute to
19 transportation demand management programming,
20 which is more than just sticking a car sharing
21 space in the back of the building, which is a
22 good contribution, but the additional amenity

1 that they've provided that basically Akridge
2 went back and revisited earlier proposals and
3 they had basically gone out and they had done
4 a public process to solicit proposals for
5 community amenities, and with revision
6 proposed a transportation demand management
7 program amenity at that time.

8 It was not accepted at that time.
9 They went through and they created a whole
10 amenity package related to Janney and Lisner
11 Home and some other things. And then later
12 Akridge came back and said, "Do you know what?
13 We really believe that this is an important
14 thing to do."

15 Akridge has a background in
16 transportation demand management. The
17 leadership of Akridge is from Portland,
18 Oregon, and it is high time that the District
19 of Columbia really develop a true
20 transportation demand management program.

21 What we do in a lot of these
22 Zoning Commission hearings is we focus on how

1 we're moving traffic and vehicles, and we're
2 actually not paying attention to the quality
3 measures of pedestrians, of improving bus
4 service, or reducing vehicle trips by getting
5 people out of their cars to use Metro, to use
6 the bus, walk, and bicycle.

7 And the amenity that's being
8 offered through supporting transportation
9 demand management measures through the
10 Department of Transportation is an important
11 part of strengthening the new effort by DDOT
12 to do this.

13 They've hired a TDM expert in just
14 the last six months, and this is an important
15 effort to actually reduce overall vehicle
16 trips in the area, reduce traffic. So it's a
17 broad community benefit, and I really want to
18 recognize that this is beyond what Akridge
19 originally did in terms of the amenity package
20 it offered to the community, and I think it's
21 a very important contribution.

22 Thank you.

1 CHAIRPERSON MITTEN: Thank you.

2 Mr. Fawell.

3 MR. FAWELL: My name is Reed
4 Fawell and I --

5 CHAIRPERSON MITTEN: I need you to
6 turn the mic on for me. There's a button on
7 the base. There you go.

8 MR. FAWELL: Okay. Thank you.

9 My name is Reed Fawell, and I live
10 one block behind this project. I support it.

11 Mr. McCarthy, better than I, could
12 just describe why Connecticut Avenue is a
13 great street. It's a great street because it
14 has 60 apartment buildings, multi-family
15 buildings, rather, larger, much larger in many
16 cases than this. It has 15,000 units,
17 Connecticut Avenue north of Rock Creek Park,
18 and that's why Connecticut Avenue is such a
19 vibrant place, and that's why Cleveland Park
20 is such a wonderful place to live and shop.

21 It's the same reason why two
22 blocks north of where I live Friendship

1 Heights, Maryland has world class shopping
2 now. It's because of the multi-family, right
3 over the border from us. It's the reason why
4 Bethesda is such an exciting place.

5 Now, where I live my wife is
6 afraid to walk one block and a half actually
7 from the Metro to our house because of what's
8 in between, and what's in between is where the
9 Akridge building will go.

10 Now, unfortunately, the hysteria
11 around this project has created a huge number
12 of trees and nobody is sitting back and
13 looking at the forest. What the forest is is
14 Akridge on a Metro site, on a strip of great
15 street in Washington, D.C. between Tenleytown
16 and the District line, which has almost no
17 multi-family, except for one project; is
18 asking 35 additional units from what it's
19 entitled to as a matter of right. That's what
20 we are arguing about, ladies and gentlemen, 35
21 additional units, when Connecticut Avenue has
22 15,000 units.

1 This week I drove 18 times through
2 the intersection of Harrison and Wisconsin
3 Avenue during rush hour, during the fat of
4 rush hour, 18 times in the morning and in the
5 afternoon. Not once did I have to wait for
6 one change of the light. In other words,
7 every time the light turned green, I was able
8 to go through the intersection.

9 I never saw a car that could not
10 get through that, quote, unquote, failed,
11 gridlocked intersection at Harrison and
12 Wisconsin Avenue between 4:30 and 6:30 in the
13 evening or between 7:30 and 9:30 in the
14 morning. In 18 trips, I did not see one car
15 unable to get through that light, which by the
16 way has a stop time of 18 seconds or I believe
17 it was 15 seconds, and it's much longer on the
18 other way. So there's plenty of ample time.

19 One block away I have two cars,
20 two stationwagons. Both are --

21 CHAIRPERSON MITTEN: I need you to
22 close out.

1 MR. FAWELL: -- in front of my
2 house every day.

3 CHAIRPERSON MITTEN: Thank you.

4 MR. FAWELL: Thank you.

5 CHAIRPERSON MITTEN: Mr. Wheeler.

6 MR. WHEELER: My name is John
7 Wheeler. I live at 4304 Yuma Street, N.W.
8 I'm testifying in favor of the Akridge
9 development both as a neighbor of the
10 development and as an environmentalist.

11 First, as an environmentalist,
12 I'll just touch on a couple of things that
13 you've heard over and over again. the fact
14 that this is transit oriented development
15 sitting right next to a Metro station and the
16 fact that it's an environmentally friendly
17 building, LEED certified, which as you've
18 heard plenty of testimony on that is
19 particularly unusual for a residential
20 building.

21 As a neighbor of the building, the
22 area between Tenleytown and Friendship

1 Heights, two Metro stations less than a mile
2 apart, is just a pathetic area to walk and
3 just is not an environmentally or pedestrian
4 friendly streetscape, and I'm hoping that this
5 development will help to improve this and
6 hoping that it will encourage more similar
7 development which would add more people to our
8 streetscape.

9 I do hope that future developments
10 actually have -- some people have argued that
11 there needs to be more parking for the Akridge
12 project. Personally, I would like to see less
13 parking there, but that's not really the issue
14 now.

15 And this project improves the
16 streetscape. It's a nice looking building
17 replacing, you know, a paved car dealership.
18 Plus you've heard what they're doing to the
19 PEPCO substation, making that -- adding that
20 ugly area to doing what they can to improve
21 the streetscape there.

22 There's not much affordable

1 housing added with this project, but it's
2 something, and I hope that maybe with this
3 project and other projects adding affordable
4 housing, my friends could afford to live near
5 me. For the most part they can't now.

6 Thank you.

7 Oh, I will add one other thing
8 because of an issue that was raised before.
9 I consider myself a member of Ward 3 Vision.

10 CHAIRPERSON MITTEN: Thank you.

11 (Laughter.)

12 CHAIRPERSON MITTEN: Thank you.

13 Questions from the Commission for
14 the panel? Any questions?

15 Mr. Collins.

16 MR. COLLINS: No questions. Thank
17 you.

18 CHAIRPERSON MITTEN: Mr. Quinn,
19 any questions?

20 MR. QUINN: No.

21 CHAIRPERSON MITTEN: Ms. Eldridge,
22 any questions?

1 MS. ELDRIDGE: This one?

2 CHAIRPERSON MITTEN: You have the
3 opportunity every time to ask the questions
4 that you desire.

5 MS. ELDRIDGE: I have one
6 question, and it's for the entire panel,
7 whoever wants to take a shot at it. How many
8 of the apartment buildings on Connecticut
9 Avenue that you all made reference to occupy
10 100 percent of the lot?

11 CHAIRPERSON MITTEN: If you know.

12 MR. McCARTHY: I don't know
13 exactly, but I'm pretty confident that the
14 Kenmore does and that if you include parking
15 as part of the occupying the lot, I would
16 think most of the buildings that I was talking
17 about occupy 100 percent of the lot.

18 MS. ELDRIDGE: The question is how
19 many of the buildings, how many of the
20 footprints of those buildings occupy 100
21 percent of the lot.

22 MR. McCARTHY: I don't know. I'm

1 not a technical expert on this. I'd be happy
2 to try to provide the information if she
3 wants, but I think, you know, the difference
4 here is that parking in the case of the
5 proposed project is going to be indoors,
6 whereas a number of the buildings that are on
7 Connecticut Avenue have outdoor parking.

8 So there's certainly no amenity in
9 the sense of trees or grass or public space
10 associated with most of those apartment
11 buildings, and they're much, much closer to
12 the street than is the Akridge development.
13 A 27 foot sidewalk would be a rare site indeed
14 anywhere in my district.

15 CHAIRPERSON MITTEN: Thank you.

16 Anything else?

17 Okay. Mr. Hitchcock.

18 MR. HITCHCOCK: No questions.

19 CHAIRPERSON MITTEN: Okay. Thank
20 you all. Thanks to the panel.

21 Matt Ferguson, Robert Linden
22 (phonetic), Willa Morris. Not doing too good

1 now this time. Ward Orem, Arnold Daniels,
2 Mark Davidson, Ralph Garbushian (phonetic),
3 Elizabeth Davison, Damon Miller, Allison
4 Howard, Allison Feeney. Got a winner. Okay.
5 All right. I'm looking for one more.
6 Kathleen Quinn, John Sepsik, Susan Kimmel.

7 Okay. We're going to start at
8 this end, and I didn't catch your -- when you
9 stood up I didn't see --

10 MR. OREM: Ward Orem.

11 CHAIRPERSON MITTEN: Ward Orem,
12 okay. Great. If you'd turn on your
13 microphone, please.

14 MR. OREM: There we go. Thank
15 you, members of the Zoning Commission for
16 allowing me this opportunity to speak in
17 support of the Akridge project.

18 My name is Ward Orem, and I serve
19 as the CEO of the Lisner-Louise-Dickson-Hurt
20 Home.

21 I'm before you this evening
22 because my place of employment is in the

1 Friendship Heights neighborhood, and I'm here
2 to speak on behalf of the 100-plus low income,
3 elderly neighbors of our community who call
4 5425 Western Avenue their home.

5 I'm pleased to have served these
6 individuals for over 28 years, and am proud
7 that the home brings to the neighborhood a
8 remarkable degree of economic and demographic
9 diversity.

10 The home is the only retirement
11 and nursing facility in the District
12 specifically serving the city's indigent and
13 modest income senior population. As a not for
14 profit entity, the home depends exclusively on
15 third party programs, primarily Medicaid, to
16 support our efforts on behalf of those seniors
17 who turn to us to provide housing, meals, and
18 a full spectrum of health care services.

19 Let me assure you that the revenue
20 generated from local and federal payment
21 programs and the modest contributions made by
22 the home's residents are in no way sufficient

1 to support the services that we provide.

2 The home is blessed to have
3 received financial support from the estate of
4 our founder, Abraham Lisner, and you can rest
5 certain that the home's operational deficit is
6 covered by the proceeds from Mr. Lisner's
7 generosity. In fact, last year, the home
8 covered over \$2 million in unreimbursed costs
9 so that under served seniors might have an
10 opportunity to live out their lives in
11 dignity.

12 On average, a resident in the
13 home's retirement community contributes \$49
14 per day to cover programs that cost 180.
15 Clearly, this level of loss threatens the very
16 future of the home and the services we provide
17 to low income District seniors. While health
18 care and housing costs rise, the home's
19 management team works diligently to economize
20 and stretch each dollar as far as possible,
21 while holding firm to our belief that cost
22 cutting measures should not have a negative

1 impact on those we serve. It is for this
2 exact reason that the home turns to the
3 community to assist us in our efforts.

4 Akridge realized the significance
5 of the home's place in the senior service
6 delivery system in the District by awarding
7 the home an amenities package. Akridge has
8 graciously agreed to support the home with a
9 half million dollars to cover the cost of
10 operating four units of housing in the
11 retirement community for a 15-year period.

12 Such a gift translates into much
13 needed housing support for low income elderly
14 citizens of the city. By virtue of Akridge's
15 commitment to the under served elderly of the
16 District, the home will be better positioned
17 to continue its long history of service to low
18 income seniors who might otherwise remain a
19 forgotten and ignored population in
20 Washington.

21 I would ask that the Zoning
22 Commissioners give credence to this effort on

1 the part of Akridge and further join hands
2 with the home as we continue our mission of
3 providing extraordinary health and life care
4 services to indigent and modest income seniors
5 of D.C., empowering them to live their lives
6 to the fullest.

7 Thank you.

8 CHAIRPERSON MITTEN: Thank you,
9 Mr. Orem.

10 Mr. Davidson.

11 MR. DAVIDSON: Madam Chairperson,
12 members of the Commission, my name is Mark
13 Davidson. I own a home in the 4400 block of
14 Alton Place, N.W., approximately eight blocks
15 south of the proposed project site. From 1990
16 to 1996, I resided in one of those apartment
17 buildings on Connecticut Avenue, N.W. not far
18 from the site at all.

19 I represent no one this evening
20 except for myself, although I suppose I am one
21 of those members of Ward 3 Vision. I received
22 the E-mails, though I've never actually

1 attended one of the meetings.

2 It has been observed that we don't
3 really have a democracy. We have a democracy
4 of those who participate. I'm here this
5 evening because I want to participate. As a
6 homeowner in Northwest Washington since 1990,
7 I've been frustrated over the years to see my
8 neighbors who love our neighborhood every bit
9 as much as I do derail or denature some very
10 reasonable and, may I say, rational proposals
11 for development.

12 I'm thinking specifically, for
13 instance, of the Giant Food Store project near
14 the Cathedral or the apartments turned into
15 townhouses at Albemarle and Nebraska Avenues,
16 N.W., just a few feet from the Tenleytown
17 Metro station. I'm here tonight because I
18 don't want to see this happen again.

19 I really respect the feelings and
20 sentiments of my neighbors so articulately
21 expressed by the ANC Commissioners here this
22 evening who spoke in opposition. But with all

1 due respect to the feelings of love for our
2 neighborhood, which I truly share, I think
3 hyperbole is not too strong a word to describe
4 the terms in which they express their
5 opposition to this project.

6 And let's just look at a few of
7 the terms that were used this evening:
8 brutalist architecture, acres of cars spewing
9 exhaust, not inhuman scale, even highrise. I
10 submit that among the great metropolitan areas
11 of our nation, only in Washington, D.C. would
12 anyone say that a seven story building is a
13 highrise.

14 I fully realize we're not talking
15 about the Akridge proposal or nothing, but as
16 a neighbor, as someone who truly loves the
17 District of Columbia and my neighborhood, I
18 believe this is the best possible proposal for
19 this unique site, given all of the conditions
20 we heard about in the previous hearing and
21 this evening of the constraints which this
22 site presents, I believe the Akridge proposal

1 for 5220 Wisconsin Avenue, N.W. makes the best
2 and highest use of this land, the best for
3 the neighbors, the best for the District, the
4 best for our region, and the best for our
5 nation struggling to find a way to promote
6 smart growth.

7 Thank you very much.

8 CHAIRPERSON MITTEN: Thank you,
9 Mr. Davidson.

10 Ms. Feeney.

11 MS. FEENEY: Hi. Good evening,
12 Madam Chair, members of the Commission.

13 My name is Allison Barnard Feeney.
14 I am a 20-year D.C. resident. I've lived in
15 American University Park for 15 years. I'm
16 the parent of two DCPS students, and I'm here
17 to tell you that I support the planned unit
18 development at 5220 Wisconsin Avenue.

19 As a community we need to plan for
20 growth and encourage development that is
21 centered on transit, apply sustainable design
22 standards and livens the streetscape and

1 improves pedestrian safety.

2 Our community cannot stubbornly
3 insist that future building along upper
4 Wisconsin Avenue is limited to matter of right
5 zoning set three decades ago. If we have
6 learned anything in the past decade, it is
7 that prior development patterns are not
8 sustainable and are, in fact, rapidly
9 degrading our planet.

10 The District must concentrate
11 density near our multi-billion dollar
12 investment in Metro. We need to provide
13 housing opportunities that allow people to
14 reduce their reliance on automobiles. The
15 proposed 79 foot tall building is in scale
16 with other buildings up and down Wisconsin
17 Avenue and on other arterial roads in
18 Northwest D.C. To build less would be
19 irresponsible.

20 The District also needs to insure
21 that there are housing opportunities for all
22 incomes in all communities. There is an

1 extreme shortage of affordable housing in
2 Friendship Heights, D.C. This project will
3 set aside approximately six to seven units for
4 affordable housing and additionally a \$500,000
5 contribution to the Lisner Home just a couple
6 of blocks away. It will support extremely low
7 income seniors, another under served
8 population.

9 I applaud the Akridge company for
10 committing to LEED certification for this
11 project. I welcome new neighborhoods serving
12 retail where there is currently a used car
13 lot. I support elimination of three existing
14 curb cuts along Wisconsin Avenue to promote
15 pedestrian safety. I support the addition of
16 two Zip Car/Flexcar spaces to the
17 neighborhood. I would encourage the
18 Commission to recommend reducing the number of
19 residential parking spaces in this project,
20 and recommend that the developer provide other
21 incentives for attracting residents who do not
22 own cars.

1 As a DCPS parent, I believe that
2 all new development has the potential to
3 impact our public schools. The District
4 desperately needs to have a comprehensive
5 means of extracting compensation for the
6 infrastructural costs of new development, and
7 by this I mean schools, transportation,
8 parking.

9 The \$100,000 contribution to
10 Janney Elementary School is, indeed, a great
11 benefit to the community. However, the
12 District cannot leave negotiations for public
13 benefits in the hands of neighbors. Projects
14 such as that proposed at 5220 Wisconsin Avenue
15 are critical steps toward reducing our
16 reliance on automobiles, as well as providing
17 diversity of housing types that is the
18 necessary foundation for a vibrant community.

19 CHAIRPERSON MITTEN: I need your
20 last thought now.

21 MS. FEENEY: I ask you to please
22 support this project.

1 CHAIRPERSON MITTEN: I didn't
2 realize you were so well timed. Sorry to step
3 on your closing line.

4 (Laughter.)

5 CHAIRPERSON MITTEN: Thank you.

6 Ms. Kimmel. Would you turn on
7 your microphone for me?

8 Thank you.

9 MS. KIMMEL: Okay. Thank you for
10 the opportunity for being able to present my
11 thoughts this evening and in support of the
12 Akridge project.

13 My name is Susan Kimmel, and I am
14 a native to the Washington area. However, I
15 am a recent transplant from Bethesda into the
16 District. Now that my children are out of
17 school, I wanted to move into the city to a
18 more vibrant area where I can really have all
19 of the advantages of being able to walk to
20 nearly everything I need in my daily life,
21 including Metro, grocery shopping, all kinds
22 of services.

1 So a little over a year ago I
2 moved out of the family house into the city
3 line condominium in Tenleytown, which I think
4 is a model example of adaptive reuse of
5 existing structure. I want to say I'm a proud
6 member of the Ward 3 Vision group, but I'm not
7 representing that per se today. I am here as
8 an individual on my own capacity.

9 I should say that professionally I
10 am a registered architect, and I am also an
11 attorney practicing in the area of
12 environmental law dealing with NEPA and
13 Historic Preservation Act.

14 Due to my interest in the city and
15 the quality of the urban environment,
16 yesterday I attended the all day seminar at
17 the National Building Museum, which was on the
18 National Capitol Framework Plan, and one of
19 the things that came out of that seminar was
20 that Washington is a great city. As our
21 national Capitol and at the world scale, it is
22 a great city and it also has the capability.

1 This is not just for the mall and the
2 monuments and all of the historic buildings
3 downtown, but it really needs to be an example
4 of a great urban area.

5 And I think that some of the
6 components of what makes the city a great
7 city, we have an opportunity to institute here
8 on the Akridge project being one little
9 microcosm of what can go on in a great city of
10 increased density near transit areas with
11 attention to the environment with its LEED
12 qualifications; the fact that it provides some
13 affordable housing, even though we need vastly
14 more amounts of affordable housing, it is a
15 beginning; and these are all qualities that I
16 think can stand as an example for the type of
17 development we want to see in the City of
18 Washington to make a truly a great city.

19 And I support this project, and I
20 would hope to get your support on this, too.

21 Thank you.

22 CHAIRPERSON MITTEN: Thank you,

1 Ms. Kimmel.

2 Questions from the Commission for
3 the panel? Any questions? Mr. Collins?

4 MR. COLLINS: No, thank you.

5 CHAIRPERSON MITTEN: Ms. Eldridge?

6 Mr. Quinn?

7 Mr. Hitchcock?

8 Okay. Thank you all very much for
9 your testimony.

10 Don't forget to fill out the
11 witness cards and bring them up with you when
12 you come.

13 Steve Hicks, Jeffrey Wells, Jim
14 Brady, Stephanie Hellerman, Tad Baldwin, David
15 Harrison, Sean Stadler, Owen Bass, Bruce
16 Levin, Ellen McCarthy. Okay. I got five that
17 time.

18 Okay. Let's start with Mr.
19 Baldwin since I know who Mr. Baldwin is.

20 MR. BALDWIN: Great. Thank you
21 for the opportunity to testify tonight in
22 strong support of this proposed PUD

1 development.

2 My name is Tad Baldwin, and I
3 lived in Ward 3, Chevy Chase area for the past
4 36 years.

5 I'd like to plead for mixed use
6 developments like this that add an appropriate
7 scale and density in such prime transit
8 oriented locations. My major reasons are not
9 unique. So I'll summarize them briefly as,
10 one, we need to bring life and vitality aided
11 by both multi-family residential and retail to
12 upper Wisconsin Avenue. The current drag
13 street facade has been a delayed opportunity
14 for creative and reinforcing uses in the midst
15 of one of the highest income sections of the
16 city.

17 Two, only by grouping residential,
18 retail, and service uses will we ever mitigate
19 ever worsening traffic and parking nightmares.

20 Three, many of us would like to
21 shop and keep our tax dollars in D.C. and not
22 Montgomery County, a jurisdiction which had

1 dealt with density in a far more mature manner
2 to the benefit of its citizens.

3 I had two more points, but both of
4 them were made earlier. So I will skip them
5 and stop there.

6 Thank you very much.

7 CHAIRPERSON MITTEN: Thank you,
8 Mr. Baldwin.

9 Sir, I'm sorry.

10 MR. STADLER: Sean Stadler.

11 CHAIRPERSON MITTEN: Please go
12 ahead.

13 MR. STADLER: My name is Sean
14 Stadler, and I am a resident of the
15 neighborhood. I live at 4543 Nebraska Avenue,
16 and I'm here to testify in support of this
17 project and projects similar to this along the
18 Wisconsin Avenue corridor.

19 I only came tonight to make sure
20 that I reinforce the support here that the ANC
21 doesn't really speak for the community, and I
22 think there is an overwhelming, as they have

1 said, tipping point, but the tipping point is
2 really that I think our neighbors who want to
3 see good development want to see mixed use,
4 want to see retail establishments along the
5 corridor, have really decided to come out and
6 make our voice known.

7 I will say I am an architect as
8 well. So I have been very familiar with
9 actually high density residential urban
10 development, and I would not by any means say
11 this is high density or anything near that.

12 I've also lived in dense buildings
13 and apartment buildings, and I have to say I
14 never owned a car and all of my neighbors
15 never owned a car, and it wasn't until I moved
16 to a single family house that I bought not
17 only one car but two cars, and am part of the
18 contribution to the traffic on Wisconsin
19 Avenue.

20 So I'm not sure that the arguments
21 of height and density are really a valid
22 thing. I think that good urban development

1 and high density transit oriented development
2 really take cars off the road. The cars that
3 are on Wisconsin Avenue are really coming from
4 Bethesda and Rockville, and as we continue
5 not to provide good, dense facilities in the
6 area, there's going to be more urban flight,
7 and I just think that this is a positive thing
8 for our neighborhood.

9 Thanks.

10 CHAIRPERSON MITTEN: Thank you,
11 Mr. Stadler.

12 Ms. Bass.

13 MS. BASS: Yes, I'm Ellen Bass,
14 and I live in the 3600 block of Cumberland
15 Street, and I've lived in that area for over
16 20 years.

17 I'm here in support of this
18 project. I've never before stepped out and
19 weighed into any of these development issues,
20 but I feel at this point I'm part of the
21 silent majority that has sat back and let our
22 community suffer, and I just want to underline

1 things that have been said by the other
2 proponents.

3 Wisconsin Avenue is not lovely.
4 It's really under developed, really ugly for
5 the most part, and I think we need
6 developments like this, mixed use developments
7 that will give amenities to our neighborhood
8 and add to the tax base, and I'm here, like my
9 fellow witnesses, to let the Commission know
10 that people in the neighborhood do support
11 this development, and I think it's a
12 reasonable, rational development, and I urge
13 you to support it.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you.

16 Ms. McCarthy, welcome to the other
17 side of the dias. It's good to see you.

18 MS. McCARTHY: Thank you, Madam
19 Chair and members of the Commission.

20 My name is Ellen McCarthy. I am
21 testifying tonight as a private citizen and
22 resident of the Friendship Heights-Chevy

1 Chase, D.C. neighborhood, ably represented, in
2 fact, by the other Mr. McCarthy who is not
3 related to me, but is my ANC Commission
4 member.

5 There's several points I wanted to
6 urge the Commission to take into account
7 tonight. You have my written testimony. So
8 let me just hit the highlights.

9 One, the current use of the
10 property is a serious blight on the
11 neighborhood and a drag on the vitality of
12 what could be a lively, attractive section of
13 the District. There's nothing there that
14 provides legitimate nighttime activity on that
15 entire stretch south of the Metro station
16 making it dark and uninviting, certainly not
17 a way to encourage Metro ridership.

18 Secondly, although there are
19 vociferous objections on the part of residents
20 located largely several blocks away from the
21 Akridge project, but it has to be rejected
22 because it's not consistent with the existing

1 zoning; it's very important to note that the
2 existing zoning R-5-B is not only not
3 consistent with the new Comprehensive Plan
4 designation on the site of medium density
5 residential, low density commercial. It isn't
6 even consistent with the Comprehensive Plan
7 land designation that existed for two decades
8 before, which called for low density
9 commercial which is prohibited by the existing
10 zoning on the site.

11 Third, it's very important, it's
12 very, very important to recognize that the
13 site does not directly abut any single family
14 residential property. This oft repeated
15 objection to the proposed lot occupancy would
16 be easier to understand if that were not the
17 case, but there's only one corner of this
18 project that's even close to residential, and
19 that's multi-family residential, and that is
20 separated by an alley from the rear of the
21 project and adjacent to a view of the back of
22 the power substation.

1 The residents of that building
2 currently have a view of the rear of the used
3 car dealership and the parking lot for that
4 dealership. This would be a distinct
5 improvement.

6 Fourth, the proposed project has
7 an outstanding amenity package, particularly
8 given the fact that it's such minimal relief
9 that it's requesting. As you heard earlier,
10 35 units more than what you could build on
11 that site as a matter of right even under the
12 zoning that's there now which is inconsistent
13 with the Comprehensive Plan.

14 Fifth, the proposed zoning C-2-B
15 is completely appropriate for the site. Given
16 that the project is located in an area
17 designated as a Regional Center in the
18 Comprehensive Plan, it represents a buffer or
19 stepping down from the greater heights and
20 densities at the intersection of Wisconsin and
21 Western.

22 The Applicant could have come into

1 you as a zoning consistency case based on the
2 Comprehensive Plan land use designation which
3 was unanimously adopted by the council a
4 couple of months ago. C-2-B, C-3-A or C-3-B,
5 all would be matter of right, would be
6 consistent with a medium density designation.
7 They chose to come in at the lowest of those,
8 C-2-B.

9 C-2-A may have the same height as
10 R-5-B, but it's classified as low density in
11 the Comprehensive Plan and in the zoning
12 regulations, and the FAR is no more than 1.8.

13 CHAIRPERSON MITTEN: You've got to
14 give me your closing thoughts.

15 MS. McCARTHY: I would just say in
16 closing, in terms of the community sentiment
17 that Mr. Turnbull was asking about earlier, we
18 can argue back and forth about the petition
19 signers and how many members Ward 3 Vision
20 has, and I count myself a proud member, but
21 the point is the one that was made earlier.
22 Development, especially development on

1 Wisconsin Avenue, was the main issue in the
2 Ward 3 council member race, and the council
3 member that won unabashedly endorsed the
4 development along Wisconsin Avenue and was
5 overwhelmingly elected in every single ward,
6 every single precinct in that ward.

7 That, I think, shows you where the
8 sentiments of Ward 3 are with regard to this
9 project.

10 Thank you.

11 CHAIRPERSON MITTEN: Thank you.

12 Go ahead.

13 MS. HELLERMAN: Hi. Good evening.
14 My name is Stephanie Hellerman, and I'm a
15 resident of the Tenleytown neighborhood, and
16 I'm a stay at home mom and I will admit I
17 don't attend ANC meetings. This is my first
18 time coming to one of the Zoning Board
19 meetings.

20 And I just wanted to testify that
21 I've lived in the neighborhood now for six
22 years, and in that time the neighborhood has

1 changed a lot. A lot of young families have
2 moved in, and most of my friends and neighbors
3 were looking for places to go and there are no
4 places to go on Wisconsin Avenue. We all go
5 up to Bethesda or out to, you know, Tyson's
6 Corner or to Virginia to shop and go to
7 restaurants and go to movies because it's just
8 much nicer, more friendly.

9 And so I just did want to let you
10 know that the neighborhood has changed, and
11 you know, another point that I would like to
12 make is that these meetings, you know, held in
13 the evening on a week day are very hard for us
14 to get to. You know, I also have many friends
15 in the neighborhood who work full time and
16 6:30 to 8:30 is crunch time when you have kids
17 who need dinner and to be put to bed and that
18 kind of thing.

19 So they won't be here, and you
20 know, I probably won't be here again. I'm
21 paying a babysitter \$15 an hour to be here
22 tonight, you know.

1 (Laughter.)

2 MS. HELLERMAN: And so we are part
3 of that silent majority, I think, that's been
4 talked about, and it's not a matter of not
5 wanting to participate. It's just at this
6 time in our lives with young children and jobs
7 and things we just can't.

8 But we are here and we're able.
9 We want to shop and go out to dinner and go to
10 movies in our neighborhood, and so I support
11 the Akridge development because I think it's
12 time to turn the tide and, you know, get
13 development going again in our neighborhood.

14 And that's all I want to say.

15 CHAIRPERSON MITTEN: Thank you
16 very much.

17 MS. HELLERMAN: Thank you.

18 CHAIRPERSON MITTEN: Thank you.

19 Questions from the Commission for
20 the panel? Any questions?

21 Mr. Collins?

22 Ms. Eldridge?

1 MS. ELDRIDGE: I have a question
2 for Ms. McCarthy. I have several questions.

3 You are aware, Ms. McCarthy, that
4 the site is actually outside the Regional
5 Center, not located in it as you testified?

6 MS. MCCARTHY: No, I don't
7 consider that it's outside the Regional
8 Center.

9 MS. ELDRIDGE: You don't consider
10 this to be located in the buffer zone adjacent
11 to the Regional Center?

12 MS. MCCARTHY: Well, as I said
13 before, this project at 79 feet stepping down
14 to, I believe, 58 actually is a buffer
15 project, but I would consider Friendship
16 Heights that core area to be the Regional
17 Center.

18 I realize that there is a line in
19 the policy map of the Comprehensive Plan that
20 sets that boundary just slightly to the north
21 of this project.

22 MS. ELDRIDGE: it is the line in

1 the policy map that I'm referring to that
2 separates the Regional Center from the buffer
3 zone. Are you aware that this is --

4 MS. McCARTHY: I'm sorry, Ms.
5 Eldridge. There is no buffer zone in the
6 Comprehensive Plan map. There is no such
7 designation. There's a Regional Center
8 designation, and then there's the designation
9 on the site in terms of the generalized land
10 use map that calls for medium density
11 residential and low density commercial on the
12 site.

13 MS. ELDRIDGE: And low density
14 commercial.

15 MS. McCARTHY: And there's nothing
16 that's called "buffer zone" in the
17 Comprehensive Plan map.

18 MS. ELDRIDGE: The principle of
19 the buffer zone is there, is it not?

20 MS. McCARTHY: No.

21 MS. ELDRIDGE: You weren't in
22 charge of rolling out the upper Wisconsin

1 Avenue corridor study and you made the
2 decision to withdraw that plan because the
3 neighborhood opposed it so vigorously; isn't
4 that true?

5 MS. McCARTHY: I made the decision
6 for a lot of reasons, and that was one of
7 them.

8 CHAIRPERSON MITTEN: But she
9 didn't testify about the upper Wisconsin
10 Avenue.

11 MS. ELDRIDGE: I have no further
12 questions.

13 CHAIRPERSON MITTEN: Thanks.

14 Okay. Mr. Hitchcock.

15 MR. HITCHCOCK: One or two follow-
16 ups for Ms. McCarthy.

17 Ms. McCarthy, you testified in
18 this case during the set-down hearing for the
19 Office of Planning, did you not?

20 MS. McCARTHY: I don't remember.
21 That was back in September. So I know I was
22 here, but it was not -- I wasn't the project

1 manager. I may have made some comments. I
2 don't know.

3 MR. HITCHCOCK: Okay, and I take
4 it you've verified that having recently left
5 District government it's permissible for you
6 to testify here on a matter on which you
7 worked while a District employee?

8 MS. MCCARTHY: Because I am not
9 representing a client or any individual, I am
10 speaking as a citizen and a resident of that
11 neighborhood.

12 MR. HITCHCOCK: Okay. Thank you.

13 CHAIRPERSON MITTEN: Mr. Quinn, I
14 didn't give you a chance.

15 Okay. Thank you all. Thanks to
16 the panel.

17 Is there anyone else who would
18 like to testify in support?

19 The court reporter, who is very
20 good because she's one of the more outspoken
21 ones, I'm trying to help her. She wants your
22 cards on the way to the table, not later,

1 because she needs to keep track of who
2 everyone is. So please deliver them on your
3 way to the table.

4 Okay, sir. Please go ahead.

5 MR. SEFCIK: Okay. Hi. My name
6 is Jim Sefcik. I'm a 15 year resident of the
7 District.

8 In my 15 years here, I've lived in
9 Glover Park, Dupont Circle, both sides of
10 Capitol Hill, and then since last August in
11 the Tenleytown-Friendship Heights area.

12 My wife and I live on Fesenden
13 (phonetic) Street, N.W. in the 4100 block,
14 about three blocks from the proposed site
15 here.

16 I'm taking the time to address you
17 tonight as a proponent of this development.
18 In the interest of disclosure, I have no
19 relationship with Akridge. I have no interest
20 in purchasing a condominium. I've never met
21 with any employees of the company. I've
22 spoken briefly with representatives of Ward 3

1 Vision and participated in a meeting with
2 them, but I'm speaking from for myself and my
3 family tonight.

4 We moved to Tenleytown last year
5 for a couple of reasons. We're expecting our
6 first child in about five weeks, and we need
7 a little more space than our house on the hill
8 would have afforded. And my wife also
9 experienced a couple of crime incidents in our
10 neighborhood that left her a little unsettled
11 with staying over on the Hill. We looked all
12 over the area inside and outside of the
13 District during our search last year, and
14 having lived here for a long time, I was
15 convinced that if you could afford to live in
16 upper Northwest, that you'd absolutely go for
17 that. It's widely considered the most up
18 scale ward in the city, and it would be a no
19 brainer.

20 And we found a wonderful house and
21 we're very happy with the home, with the house
22 itself. What we were very surprised to find

1 out when we moved there was the realization
2 that our neighborhood really pales greatly
3 compared to the Southeast D.C., the immediate
4 area around Eastern Market, in particular, and
5 we found that very surprising in terms of what
6 I would call livability

7 If you think about the area up
8 there where this development is proposed,
9 there are several empty storefronts in the
10 area, now lots with graffiti, which is really
11 great. The Safeway nearby is small, faces
12 away from the street. It's very outdated. It
13 hasn't been updated yet. Any of you who has
14 been to the newer Safeways, it's kind of nice.

15 There are these buildings that I
16 would call sort of unknown buildings. There's
17 one next to the Safeway that has no door or
18 anything. I'm sure there's a legitimate
19 purpose for it, but I don't know what it is.

20 The building next to this
21 development is all boarded up, and I guess
22 it's some PEPCO building, but it doesn't

1 contribute in any way to living there.

2 Two mattress stores in the area.
3 Do we really need any more mattress stores?

4 CHAIRPERSON MITTEN: I need your
5 closing thought. You're about out of time.

6 MR. SEFCIK: The story of my life.

7 (Laughter.)

8 MR. SEFCIK: Okay. In conclusion,
9 I think that we really need this. We need
10 some destination opportunities, and echoing
11 everything else everybody has already said
12 tonight, this is really a no brainer.

13 Thanks.

14 CHAIRPERSON MITTEN: Thank you.

15 MR. SEFCIK: I didn't even get to
16 page 2.

17 (Laughter.)

18 CHAIRPERSON MITTEN: Please keep
19 your seat in case anybody has any questions.

20 MR. SEFCIK: Oh, sure. I hope my
21 Commissioner has some questions. This ought
22 to be good.

1 CHAIRPERSON MITTEN: And we would
2 be pleased to receive your written testimony
3 if you want.

4 MR. SEFCIK: I have submitted
5 this, yes.

6 CHAIRPERSON MITTEN: Oh, okay.
7 Great.

8 COMMISSIONER JEFFRIES: Or
9 monologue.

10 (Laughter.)

11 CHAIRPERSON MITTEN: Please go
12 ahead.

13 Okay, folks.

14 MS. DEBINSKY: Hi. Good evening.
15 My name is Leslie Debinsky. I live at 4115
16 Emory Place, which is about two blocks from
17 Akridge's proposed development. I have lived
18 in Washington since 1989, first out in Dupont
19 Circle and then up in Tenleytown where I've
20 owned my single family home for about ten
21 years now.

22 I'm here tonight to urge you all

1 to support the proposed planned unit
2 development, the Akridge project, and I will
3 also mention that this is my very first time
4 appearing before the Commission because like
5 some of the others that have already
6 testified, I too am one of those neighbors who
7 have stood on the sidelines for a very long
8 time because I am working full time, raising
9 my son, managing my household, and frankly I
10 just haven't had the time or the energy to be
11 involved in things like this.

12 But I love living in the District
13 and in my neighborhood, but I also yearn for
14 better walkable retail opportunities. I think
15 the demographics of our community warrant
16 better neighborhoods serving retail than the
17 current smattering of mattress shops and
18 frame shops.

19 I think that the greater
20 residential density on our main avenue will
21 lead to improved retail. I just have to
22 believe that. The addition of City Line and

1 Best Buy has made a marked difference in the
2 level of activity in Tenleytown. I know from
3 having talked to some of the business owners
4 that they have thrived and see no real
5 increase in their businesses as developments
6 have come in with their new residents.

7 I think it's a shame that we don't
8 have a plan for upper Wisconsin Avenue that
9 spells out division and all of that good
10 stuff, but frankly, I'm here tonight because
11 I'm just really tired of seeing development
12 projects take so long to come to fruition in
13 our neighborhood or to not come into fruition
14 at all.

15 I think that the project that
16 Akridge is proposing is just what we need in
17 Friendship Heights. I welcome the new
18 residences and the retail that it may bring.
19 The ground floor retail that's been proposed
20 will certainly enliven the streetscape, as has
21 been mentioned.

22 I really just think that this

1 project will help extend all the new retail
2 opportunities along Wisconsin Avenue. I just
3 think too much of the development has been
4 happening in Montgomery County. I would much
5 rather spend my disposable incomes, my income
6 dollars in D.C., and I still don't understand
7 why Montgomery County seems to be the only
8 jurisdiction that's really getting it right
9 and why D.C. can't be getting it right as
10 well.

11 That's really all I have to say.
12 I propose the project. I urge you all to
13 support it as well.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you.

16 Ms. Jones.

17 MS. JONES: My name is Ellen
18 Jones. I live at 3835 Livingston Street,
19 N.W., and I appreciate this chance to comment
20 and support the proposed development at 5220
21 Wisconsin Avenue.

22 I am speaking in support of this

1 project both as a taxpayer and as a community
2 member. I think this project represents very
3 good financial stewardship on the part of our
4 city. I'm eager to see 60 to 70 new tax
5 paying households in the District of Columbia
6 that this development will attract, and the
7 sales tax generated by the retail
8 establishments in this plan will be welcomed
9 as well.

10 The development will leverage
11 billions of our tax dollars that we've already
12 invested in building and operating a Metrorail
13 system and Metrobus system in the Wisconsin
14 Avenue corridor over the last 40-plus years.
15 Encouraging development at this site is the
16 responsible stewardship of our public transit
17 investment that we've all made over many
18 years.

19 I think this project also has very
20 good transportation demand management thinking
21 behind it. I walk, bike, drive, and use
22 transit in the 5200 block of Wisconsin Avenue

1 on a regular basis. This location is part of
2 my neighborhood beat, and I'm delighted that
3 the residents of this development will have
4 the same incentives that I have to use
5 transit, bicycling, and walking as part of
6 their life style.

7 Those incentives that they will
8 have are proximity to Metrobus, Metrorail,
9 wide sidewalks, decent bicycling conditions,
10 as well as the concentration of goods,
11 services, and amenities in the Friendship
12 Heights area.

13 The demand for transportation
14 created by this development can be well
15 managed in this environment. I'm confident
16 that some of my new neighbors at 5220
17 Wisconsin Avenue will choose not to own a car.
18 My family lived happily car-free in this
19 neighborhood through most of our child rearing
20 years.

21 And even if these new neighbors
22 are car owners, the necessity for them to own

1 two or even three cars will be significantly
2 diminished due to the transportation choices
3 that are abundant and available to them in the
4 community in which they choose to be living.

5 The proposed development at 5220
6 Wisconsin Avenue is a good thing for our
7 neighborhood, our city, and the environment,
8 and I encourage the Board to act swiftly to
9 approve this development.

10 Thank you.

11 CHAIRPERSON MITTEN: Thank you,
12 Ms. Jones.

13 Questions from the Commission for
14 the panel? Any questions?

15 Mr. Collins?

16 Ms. Eldridge?

17 Mr. Quinn?

18 Mr. Hitchcock?

19 Okay. Thank you very much.

20 PARTICIPANTS: Thank you.

21 CHAIRPERSON MITTEN: Okay. One
22 last call for anyone who would like to testify

1 in support.

2 PARTICIPANT: (Speaking from an
3 unmiked location.)

4 CHAIRPERSON MITTEN: They'll have
5 to submit their testimony in writing, on
6 paper, two-sided copying hopefully.

7 (Laughter.)

8 CHAIRPERSON MITTEN: We're going
9 to take a five-minute break for Mr.
10 Hitchcock's group to get set up, and I would
11 ask you again just to not be redundant with
12 what you heard from the ANC since they were so
13 thorough.

14 So we'll just take a five-minute
15 break.

16 (Whereupon, the foregoing matter
17 went off the record at 9:04 p.m.
18 and went back on the record at
19 9:15 p.m.)

20 COMMISSIONER JEFFRIES: All right,
21 Mr. Hitchcock. We are ready for you.

22 MR. HITCHCOCK: Good evening,

1 Madam Chair and members of the Commission.
2 I'm Con Hitchcock. I'm representing the
3 Friendship Neighborhood Association tonight.

4 Preliminary matters. We have two
5 experts, George Oberlander on planning and Joe
6 Mehra on transportation. Their resumes were
7 previously submitted, and their testimony
8 prior to the hearing. I would move that they
9 be qualified. They have both appeared as
10 experts previously.

11 CHAIRPERSON MITTEN: Thank you.

12 Is there any objection to
13 accepting Mr. Mehra and Mr. Oberlander as
14 experts?

15 Okay.

16 MR. HITCHCOCK: Thank you.

17 One other preliminary matter. I
18 have to begin with an apology. When we
19 started out tonight we brought copies of the
20 written materials down. They were put in the
21 trunk of the cab, and unfortunately, that's
22 where they still are. So we would hope to

1 submit them on Monday and appreciate the
2 Commission's indulgence.

3 CHAIRPERSON MITTEN: Sure,
4 absolutely.

5 MR. HITCHCOCK: Hopefully we
6 will --

7 MS. SCHELLIN: Excuse me. You'll
8 have to submit that on Tuesday because Monday
9 is a holiday for the D.C. government.

10 MR. HITCHCOCK: Okay. Better yet.
11 Thank you, Ms. Schellin.

12 I will keep the presentation brief
13 and let the parties speak for themselves. We
14 have a line-up of individual members of
15 Friendship Neighborhood Association, as well
16 as the expert testimony. We will be going
17 through it.

18 I'd like to just turn quickly to
19 the introductory slide which will summarize
20 our presentation. You saw that one before,
21 and so I won't discuss it. It talks about the
22 height differential between them, but Slide 3

1 here talks about the differences. The
2 principal difference in this case and others,
3 I think, and the principal flaw in the
4 argument is the assumption that upper
5 Wisconsin Avenue is a densely developed site,
6 and that this is of a piece with what else is
7 there, and as you will hear testimony now,
8 that's not so.

9 We will also talk about how
10 planning issues -- this is inconsistent with
11 the Comprehensive Plan and other
12 documentation. We will talk about transit
13 oriented development, which appears to be more
14 of a concept rather than clearly articulated
15 set of planning principles, and the
16 transportation, levels of service F in these
17 areas. Testimony last time, the Department of
18 Transportation saw no error in assumptions
19 that trucks and buses are not on Wisconsin
20 Avenue. It really is that bad, and we will
21 talk about it with expert and citizen
22 testimony, as well as the other issues that

1 are there.

2 Without further ado, I would like
3 to introduce to the Commission David Frankel,
4 who is a neighbor, a member of the
5 organization who will focus on the context for
6 you.

7 Mr. Frankel.

8 MR. FRANKEL: Thank you.

9 Good evening, Commissioners. As
10 Mr. Hitchcock said, my name is David Frankel,
11 and I've been living at 4336 Garrison Street
12 just over one block from the Akridge project
13 for over 20 years.

14 I learned tonight, however, that
15 I'm a member of the Ward 3 Vision organization
16 because I have submitted E-mail notice to the
17 organization, and I will say that I have never
18 been asked about my opinion of this project
19 from that organization.

20 Because this project is located
21 outside the Friendship Heights Regional
22 Center, the correct focus should be on the

1 nearby neighborhood and not on Western and
2 Wisconsin Avenues.

3 I'd like to take the Zoning
4 Commission on a quick walk, so to speak,
5 through Friendship Heights. This first
6 photograph on the screen was taken from the
7 corner of Wisconsin and Western Avenues
8 looking south into Friendship Heights, D.C.
9 It shows the heart of the Friendship Heights
10 Regional Center. The Akridge site lies
11 outside of the Regional Center.

12 This next photograph was taken
13 from the Akridge site and shows the low rise
14 commercial buildings located directly across
15 Wisconsin Avenue from that site. During its
16 presentation last month, Akridge did not show
17 the Zoning Commission a photograph of those 25
18 to 27 foot tall buildings. These buildings
19 will lie in the shadow each afternoon as the
20 sun moves over Akridge's 79 foot tall
21 building.

22 Now we move slightly to the west

1 of the Akridge site into the established low
2 rise residential neighborhood. This first
3 photograph depicts the 26 foot tall garden
4 apartments on the 4300 block of Harrison
5 Street. All but one of those apartment
6 buildings are rentals.

7 The first end unit building shown
8 here abuts the narrow 20 foot alley that
9 Akridge wants to use as the sole entry and
10 exit for all cars and trucks using its site.

11 Not shown in this photo is the
12 brick PEPCO substation that abuts the other
13 side of the 20 foot alley. The alley cannot
14 be widened, and this is what Mr. Colbert, the
15 architect for Akridge, testified last month.
16 These apartments were the buffer zone, 300
17 foot buffer zone.

18 This next photograph depicts the
19 corner of Harrison and 44th Streets, one block
20 west of the Akridge site. Here we begin to
21 see the single family houses that predominate
22 the neighborhood.

1 This photograph shows detached
2 houses, but there are semi-detached houses in
3 the area as well. Our houses are
4 characterized by young families and senior
5 citizens who have lived in their homes for
6 most of their lives. Indeed, my next door
7 neighbor, Ms. Kuntz, who is also an opponent
8 of the Akridge project, moved into her brand
9 new house in 1950 and raised her family there.
10 She is now in her 80s and has grand children
11 and great grandchildren who come to visit her.

12 This next photograph depicts the
13 5100 block of 44th Street, just one block west
14 of the proposed Akridge project. Here you can
15 see smaller, detached, single family homes on
16 small lots. In the background you can also
17 see semi-detached single family houses on the
18 north side of the 4400 block of Harrison
19 Street.

20 Just as when I moved into the
21 neighborhood in 1986 to start a family, we are
22 seeing more and more young families with

1 children moving into these homes.

2 This next photograph depicts the
3 4400 block of Harrison Street, again just over
4 one block from the proposed Akridge project.
5 These are even smaller semi-detached single
6 family homes on very small lots. Many of
7 these homes are inhabited by young families
8 with young children attending our local public
9 schools.

10 Akridge wants the Commission to
11 focus solely on Wisconsin Avenue at the Metro
12 looking only at the larger developments near
13 Western and Wisconsin in the Friendship
14 Heights Regional Center. That is not the
15 issue.

16 The question is how to sensitively
17 plan for a site that is both 20 feet from a
18 residential community and 300 feet from a
19 secondary, elevator only Metro entrance.

20 What is the community seeking
21 here? We are not against development at the
22 site. This is not a case where we are arguing

1 that the existing used car lot and flower shop
2 are the ideal uses for the site.

3 We want to see a sensitively
4 designed building that meshes with the
5 character of the family friendly neighborhood.
6 We want to minimize unsafe conditions for
7 pedestrians, children and seniors, as well as
8 air pollution and noise concerns from trucks
9 and traffic. We want to avoid further
10 congestion by speeding cut-through traffic
11 through our residential neighborhood, and we
12 want a development that does not exceed the
13 limited infrastructure capacity, and we want
14 a sensitive transition from the tall, dense
15 buildings further north in Friendship Heights
16 to our low density neighborhood.

17 The next slide contains a map
18 depicting the area from Fesenden Street north
19 to Western Avenue. It shows the homes of
20 residents living closest to the Akridge site
21 and the commercial as well as the
22 institutional buildings immediately

1 surrounding the site.

2 During the summer of 2006,
3 Friendship Neighborhood Association sponsored
4 a petition in our community to identify
5 residents' positions on development beyond the
6 heights and densities of the matter of right
7 zoning for the Akridge site.

8 The homes colored red signify
9 residents who oppose development beyond those
10 heights and densities at the Akridge site.
11 Indeed, 92 percent of the community members --
12 that's 509 out of 556 residents living closest
13 to the site -- oppose the Akridge project.
14 Just four percent of community members support
15 it.

16 The next slide shows the letters
17 that are in the Zoning Commission file, and
18 here you'll see that 74 percent of the letters
19 of the group that lives closest to the site --
20 that's 74 percent is of all the letters,
21 excuse me, of all the letters; 74 percent
22 oppose the Akridge project, and 84 percent

1 oppose it when you look at the area that's
2 closest. That's being shown there with the
3 laser.

4 So any way you look at it, the
5 Commission overwhelmingly opposes the Akridge
6 project. This is not an issue of there's a
7 silent majority out there. The majority has
8 spoken, and you see it in this slide and the
9 slide just previously shown.

10 Thank you.

11 MR. HITCHCOCK: Our next witness,
12 Marilyn Simon, will talk about some of the
13 planning issues and introduce Mr. Oberlander.

14 Ms. Simon.

15 MS. SIMON: This slide, for the
16 record, compares the Akridge proposal with
17 current zoning limits. The issue is not
18 whether the project is better than an auto
19 dealership or how the project compares with a
20 PUD under C-2-B. Rather, the threshold issue
21 is whether the development of this height and
22 density is appropriate for the neighborhood

1 even if the amenities offered were adequate.

2 The proposed rezoning is excessive
3 compared to matter of right, the surrounding
4 zoning context, and the adjoining
5 neighborhood.

6 This summarizes the ways in which
7 the Akridge project is excessive as you can
8 see from this simple table.

9 MR. OBERLANDER: I have been
10 qualified to testify. I'm George Oberlander,
11 for the record, an urban planning and zoning
12 consultant.

13 I'm going to be talking as you see
14 on the slide on these four points, the
15 Friendship Heights background and the
16 description of the planning that has gone on
17 over the years in this area, the zoning
18 regulations as they are in effect at the
19 moment, the ramifications of approving the
20 PUD, and the proposed Comprehensive Plan as
21 compared to the current Comprehensive Plan
22 that is still in existence.

1 Let's first talk about the zoning
2 background. The street layout for the
3 Friendship Heights area, the northern edge of
4 the city, is primarily based on a grid pattern
5 superimposed by a diagonal arterial Wisconsin
6 which at the end of the properties facing
7 Wisconsin Avenue create zoning density impacts
8 on adjacent low density residential areas.

9 And you've had a number of PUD
10 cases at Western and Wisconsin that you've
11 struggled with over the years.

12 A block and a half north of the
13 subject site is the center or core of what has
14 become a planned regional shopping and office
15 center on both sides of the District of
16 Columbia and the State of Maryland boundary.

17 Now, the planning basis for this
18 center or core development has been a 1973
19 National Capitol Planning Commission proposed
20 sectional development plan which was
21 recommended to the Zoning Commission and
22 adopted by the Zoning Commission.

1 In today's planning terminology,
2 such a sectional development plan is now
3 called a small area plan. We no longer have
4 in the zoning regulations sectional
5 development plan provisions because they've
6 been eliminated.

7 The plan's total floor area space
8 allocation relates to the actual peak hour
9 capacity of the streets and the Metro system
10 for what was then called an uptown center. An
11 uptown center is still in the zoning
12 regulation and is defined in the zoning
13 regulations.

14 Now, the next map will show you
15 what the map number five of that plan which
16 was adopted by the Zoning Commission and the
17 Planning Commission, not by the city council
18 at the time as the Office of Planning report
19 indicates. In their estimation this has no
20 standing.

21 In 1974 there was no requirement
22 for the city council to approve any part of

1 the Comprehensive Plan or any planning. That
2 came about as a matter of home rule, but back
3 in 1974, the Planning Commission was a city
4 planning agency and had the authority to
5 approve a plan which would be implemented
6 through the zoning process and the Zoning
7 Commission's actions.

8 This plan shows the intensity of
9 development at the core, which is at Western
10 and Wisconsin in the red area, and then
11 surrounding that, a lesser dense development
12 and particularly I call your attention to the
13 blue colors on the east side in back of the
14 frontage on Wisconsin Avenue and on the west
15 side of Wisconsin Avenue, again, the blue
16 color.

17 We've added the blue for this
18 drawing because back in '74 we didn't have the
19 electronic device of adding colors to maps,
20 but the blue represents what is the R-5-B
21 zone, a maximum of three FAR and a height of
22 60 feet, which was to be the buffer or the

1 divider between the most intensive development
2 and the lesser intense development, meaning
3 the lower density residential areas which are
4 shown in green, the R-1-B and the R-2 on the
5 map.

6 Now, the next slide shows, as was
7 indicated earlier, that in February of 1974
8 the Zoning Commission by Order No. 87 approved
9 this plan, and in the blue box on the right,
10 you have the three basic objectives that the
11 plan had, which was to protect stable
12 residential area, controlling development
13 within the plan area at a level consistent
14 with the traffic capacity on feeder streets,
15 and to provide a buffer between the high
16 density commercial and mixed use portions of
17 the plan area and the surrounding low density
18 residential community.

19 In my opinion, this PUD violates
20 these objectives. These objectives are still
21 in effect.

22 Now, the next slide deals with the

1 zoning background and current Comprehensive
2 Plan. You've heard a considerable amount of
3 this, and I will just highlight some of the
4 bullets, the second one, for example, on this
5 page.

6 Because of the higher density
7 commercial and office development allowed
8 fronting on Wisconsin and Western Avenues.
9 The plan indicated the need for lowering the
10 development densities for sites that are
11 located adjacent to the lower or low density
12 existing residential area.

13 The zoning amendment located the
14 R-5-B classification now in place for that
15 purpose, and the Zoning Commission at that
16 time found that that is not inconsistent with
17 the Comprehensive Plan back in 1974.

18 The subject site is in the R-5-B
19 zone. As I said, it's designated to buffer or
20 act as a transition between the higher
21 commercial office densities and the lower R-2
22 and R-1-B existing development.

1 The next slide will indicate that
2 if you look at the page 3 of my prepared
3 written statement, the specific Comprehensive
4 Plan policies that would be violated. There
5 is a separate document that the Friendship
6 Neighborhood Association has submitted, a 21-
7 page document. I believe it was submitted
8 this morning, and I believe you should have it
9 before you. I don't know if that is the case,
10 but that goes in detail about the
11 Comprehensive Plan policies that would be
12 violated on the new plan as well as on the old
13 plan.

14 In my opinion, rezoning a 22,500
15 square foot lot from R-5-B to C-2-B would
16 violate the intent of the planning designed
17 lower density and buffering function and the
18 policies of the Comprehensive Plan for the
19 National Capitol.

20 At the beginning of the hearing
21 last month, Commissioner Parsons raised the
22 question why is this actually zoned R-5-B. Is

1 this appropriate?

2 That was the purpose, Mr. Parsons,
3 to create a separation between the most
4 intensive development, which was to be located
5 at Western and Wisconsin, in that block
6 surrounding the four entrances to the subway,
7 and stepping back the development. You go
8 east; you go south; and you go west into lower
9 development categories.

10 If this location is approved for
11 an intense mixed use development as proposed,
12 the precedent would be set for additional PUD
13 requests in the R-5-B zone, which would not be
14 completely removed if this PUD were approved.
15 There are sites closer and further away from
16 the planned center and which applicants will
17 come in for and ask for the same kind of
18 development, further violating the intent of
19 the R-5-B buffering portions.

20 If the new Comprehensive Plan
21 would want to change that, then a small area
22 plan should be prepared to, in fact,

1 substantiate why a change in the land use and
2 in the zoning is really required. The new
3 Comprehensive Plan suggests something of that
4 nature, but it doesn't substantiate it through
5 a small area plan.

6 Now, the next slide, let's talk
7 briefly about the application itself. The
8 property as constituted today can be developed
9 as a matter of right. There's nothing in the
10 record. There's nothing that the Applicant
11 has stated that the matter of right cannot be
12 built. It may not be economically as
13 attractive as a proposal, but the development
14 can be done under the current zoning.

15 The R-5-B zoning permits the
16 property owner to apply for a PUD without a
17 map change to possibly increase the R-5-B from
18 1.8 FAR to 3 FAR in this moderate height and
19 density zone. That is the language in the
20 zoning regulations, the moderate height, and
21 in the Comprehensive Plan that is in effect
22 today, the same term is used, "moderate

1 height," and if you want to familiarize
2 yourself with that, I have the maps here.
3 They are in the record. These are the only
4 two maps that are left, but I'd be glad to
5 donate them to the Commission if that is
6 necessary.

7 The C-2-B zoning along Wisconsin
8 Avenue is deliberately located to the north of
9 the subject site, closer to the Friendship
10 Heights planned core or center. The small
11 area plan did not envision the subject site to
12 be intensified to the degree requested by the
13 Applicant.

14 Now, in my opinion, the additional
15 zoning relief that's requested -- this is the
16 next, the third bullet down on this page --
17 clearly indicates that the proposal is over
18 development. The C-2-B zoning requested with
19 the traditional relief of the lot occupancy,
20 the recreational space and the rear yard
21 requirements violates, in my opinion, Section
22 2400.5 of the regulations which provide, and

1 I quoted there that the PUD process shall not
2 be used to circumvent the intent and purpose
3 of this title.

4 And I pointed this out to you in
5 other cases as well over the years.

6 The current generalized line use
7 map indicates low density commercial category,
8 which includes residential or mixed uses, and
9 I have to differ with the former Planning
10 Director, Ellen McCarthy, that this does
11 conform to the existing Comprehensive Plan.
12 She testified this evening that it does not.

13 The housing opportunity area,
14 number 29, which is in the current
15 Comprehensive Plan indicated on the
16 Comprehensive Plan's policy map, although
17 without specific boundary, does not extend to
18 or include the subject site.

19 The Metro entrance and exit south
20 of Jennifer was recommended by NCPC and built
21 by Metro in order to reduce walking distances
22 for Metro users living on 43rd Street and

1 Harrison Street. I t has limited capacity, as
2 you've heard. There are only two elevators
3 there. However, the new Comprehensive Plan
4 suggests rebuilding and expanding.

5 If that is to be done, let's do
6 that before we intensify development in this
7 area.

8 Now, the next slide deals with the
9 pending Comprehensive Plan or the one that
10 will be in effect shortly. I will not dwell
11 too much on this because, as I said, there is
12 a 21-page document that deals with this, but
13 I do want to highlight a third bullet.

14 The new plan says that the subject
15 site or adjoining area is not designated as a
16 land use change area. What is being proposed
17 is a land use change area.

18 The next bullet says the area
19 elements of the pending plan policy focus area
20 2310, quote, does not propose any significant
21 departure in policy for the upper Wisconsin
22 Avenue corridor from the previous

1 Comprehensive Plan.

2 And I quote a few more policies,
3 and let's go on to the next page because of
4 the time limitation.

5 You've already heard before about
6 the Akridge request showing an FAR of 5.25,
7 and what the revised Comprehensive Plan shows
8 for the area. It's a mixed use area. The
9 blue and the pinkish areas would change from
10 the moderate density yellow that was there in
11 the present plan.

12 Now, going on to the next slide,
13 again, you've heard some of these arguments.
14 I won't repeat them. Let's just indicate that
15 policy RCW-1.1.4 in terms of infill
16 development because OP considers this as
17 infill development, the quote there is,
18 "Recognize the opportunity for infill
19 development within the areas designated for
20 commercial use. Height and density should be
21 appropriate to the scale and character of
22 adjoining communities. Buffers should be

1 adequate to protect existing residential areas
2 from noise, odor, shadows, and other impacts."
3 That's Section 2308.5.

4 Well, a 20-foot alley at the
5 southwest corner of this site next to a 48-
6 foot high step-down portion of the 79-foot
7 high building, in my opinion, is too narrow to
8 separate from the two-story apartments that
9 face out onto Harrison Street.

10 Across the street from these
11 apartments are one-family homes, and those
12 residents will see the 48 foot tall building
13 over the backs of the apartment houses and
14 then behind the 48 feet will see the 79-foot
15 larger bulk of the proposed development.

16 At this point I'd like to rebut
17 the Applicant's planning and zoning expert's
18 statement that was made at the last hearing.
19 My esteemed colleague, Steve Sher, indicated
20 on page 67 of the transcript, in dealing with
21 lot occupancy, he said it is basically a
22 requirement of the regulations as it relates

1 to the development of this property for the
2 benefit of this project. He said it's not for
3 the benefit of an adjoining property. It's
4 not for the benefit of someone else across the
5 street looking at this property.

6 And further, he went on, and he
7 said, "You don't provide rear yards so that
8 your neighbors got extra space between his
9 building and yours."

10 Well, he is right to the extent
11 that the property that is the rear yard and
12 the side yards are the ownership of the
13 particular owner, but the space, that is, the
14 side yard and the rear yard, is part of the
15 air space around the building, which is what
16 the Zoning regulations require.

17 And I quickly call your attention
18 to Section 1001.1, which says in the
19 interpretation application, "the provision of
20 this title shall be held to minimize
21 requirements adopted for the promotion of the
22 public health, safety, morals, convenience,

1 order, prosperity and general welfare, to
2 provide adequate light and air."

3 Those spaces provide adequate
4 light and air for the immediate property and
5 the adjoining properties, and there are places
6 for landscaping and trees which benefit the
7 neighbors, not just the individual property,
8 and it is to prevent undue concentration of
9 population and overcrowding of land.

10 So I'm sure you're familiar with
11 those provisions, but I just want to call them
12 to your attention.

13 My time is quickly expiring. So I
14 jump to the last page of the conclusion. For
15 the various reasons that I have verbalized, as
16 well as in the written statement, we
17 respectfully request the Commission to deny
18 this PUD and map amendment on the grounds of
19 over development and being contrary to the
20 intent and purpose of the planned R-5-B zoning
21 placed on the site surrounding area by this
22 Commission.

1 That action was based on a very
2 detailed community involved planning process
3 and adopted specific planning policies for the
4 site, as well as the larger surrounding area,
5 to protect the existing lower density housing
6 and property values.

7 And I'll be most happy to answer
8 any questions you may have.

9 MR. HITCHCOCK: Thank you.

10 Ms. Simon has a few additional
11 slides deal with the height and density to put
12 that in context.

13 MS. SIMON: The height and density
14 proposed should be viewed in context. In the
15 charts that follow, the Akridge request is
16 compared with the heights and densities in the
17 Regional Center and the heights and densities
18 in the commercial areas outside the Regional
19 Center.

20 In addition, we consider how the
21 project relates to the adjoining residential
22 neighborhood. This map shows the heights of

1 buildings in the Friendship Heights Regional
2 Center and the commercial area south of the
3 Regional Center. This map shows how the
4 proposed height is excessive.

5 More than 15 feet taller than the
6 most of the buildings in the area, with only
7 two buildings taller than the proposed
8 project, Chevy Chase Pavilion and Chevy Chase
9 Plaza on Square 1661 in the core of Friendship
10 Heights.

11 The Akridge project would be
12 taller than Mazza Gallerie, which is 60 feet
13 in height.

14 While the Friendship Heights
15 Regional Center is not mapped in the current
16 Comprehensive Plan, the mapping of the
17 Regional Center is included in the recently
18 adopted Comprehensive Plan and shown here, and
19 the Akridge site clearly lies outside the
20 Regional Center.

21 As we see from this chart, the
22 Akridge project, which is outside the Regional

1 Center is significantly taller than all of the
2 other buildings outside the Regional Center
3 and is significantly taller than many of the
4 buildings in the Regional Center.

5 Looking at the Regional Center,
6 there are the two buildings, Chevy Chase
7 Pavilion and Chevy Chase Plaza with heights of
8 100 feet and 90 feet, respectively.

9 Chase Point on Western Avenue is
10 slightly shorter than the Akridge building and
11 all the other buildings in the Regional Center
12 are significantly shorter than the Akridge
13 project, 64 feet or less. Comparing the
14 project to the other buildings outside the
15 Regional Center, we see that Akridge's
16 proposed height of 79 feet is far above
17 everything else outside the Regional Center,
18 with most of the buildings 50 feet in height
19 or less and many significantly lower.

20 Let's put the project in context
21 looking at the floor area ratio based on the
22 location of each building. Akridge is

1 requesting a floor area ratio of 5.25. On the
2 left-hand side we see four sites in Maryland
3 closest to the Metro. The FAR ranges from 1.1
4 to 3 for Chevy Chase Center, to 4.0 for the
5 Chevy Chase Metro building right over the
6 metro entrance.

7 In the center group, in D.C., in
8 the Regional Center there were the two
9 buildings in Square 1661 with FARs that
10 approach the Akridge request and the other
11 buildings all have significantly lower FARs.

12 In the third group outside the
13 Regional Center, Akridge's requested FAR of
14 5.25 sticks out like a sore thumb, and this
15 density is proposed for an area adjacent to
16 our neighborhood with garden apartments
17 diagonally across from the site.

18 Another measure of density, the
19 Akridge project would have approximately 140
20 units per acre. This is far higher than the
21 85 units per acre for the apartments, co-ops
22 and condominiums at Van Ness. It is far

1 higher than what was approved for the Takoma
2 Park small area plan. It is far higher than
3 the Fannie Mae recommendation for urban infill
4 of 50 units per acre.

5 The Washington Smart Growth
6 Alliance criteria for the Smart Growth Award
7 simply specifies a minimum of 25 units per
8 acre for multi-family developments near fixed
9 rail. Yet Akridge is asking for 140 units per
10 acre.

11 Okay. We've seen this chart
12 before. This shows the relationship between
13 the building and the neighboring apartments.
14 One hundred percent lot occupancy doesn't
15 work. Since there is 100 percent lot
16 occupancy, all of the vehicular traffic has
17 been shifted to Harrison Street. One hundred
18 percent lot occupancy cuts into the space
19 available to access loading areas in the
20 retail and residential garages, creating
21 conflicts between these functions.

22 In addition, with 100 percent lot

1 occupancy, the project no longer has the
2 potential for attractive landscaping. The
3 developer, Akridge, is actually using this as
4 two of their LEEDs point. By not having any
5 landscaping, they are saving water by not
6 needing any irrigation. They get two credits
7 for that.

8 (Laughter.)

9 MS. SIMON: Okay.

10 MR. HITCHCOCK: Mr. Mehra, our
11 traffic engineer will discuss the traffic
12 aspects and transportation aspects at this
13 time.

14 MR. MEHRA: Good evening. I'm Joe
15 Mehra, and I'm going to testify on the traffic
16 study for the 5220 Wisconsin Avenue part that
17 was prepared by O.R. George and Associates,
18 dated June 15th, 2006.

19 I have reviewed the study, and
20 they have presented erroneous assumptions in
21 the traffic study, the factual errors in the
22 study and their implications.

1 Further, I've conducted limited
2 analysis, limited to the intersection of
3 Wisconsin Avenue and Harrison Street, to show
4 the level of service after correcting for
5 these errors.

6 The O.R. George study conclusions
7 that in spite of the erroneous assumptions and
8 factual errors, O.R. George study shows that
9 the levels of service on Harrison Street
10 eastbound approach to Wisconsin Avenue worsens
11 from level of service E in the background
12 conditions to level of service F with the
13 sidewalk during the p.m. peak hour.

14 Further, the eastbound Jennifer
15 Street approach to Wisconsin Avenue is
16 projected to operate at LOS F during the p.m.
17 peak hour with the site developed.

18 Referring to the weekend Saturday
19 analysis along Wisconsin Avenue, the O.R.
20 George study concludes, and I quote, "The
21 analysis showed that operations were generally
22 within better levels of service than

1 experienced on weekday afternoon periods," end
2 of quote. This is page 7 of the traffic
3 study.

4 The reason O.R. George came to
5 this conclusion is because they assumed that
6 Wisconsin Avenue has six travel lanes on
7 Saturdays, whereas, in fact, it has only four
8 travel lanes on Saturdays. The other two
9 lanes are used for parking during the Saturday
10 periods.

11 Further, the peak hour factors
12 that were used by O.R. George for weekday a.m.
13 peak hours were also used for Saturday instead
14 of using the peak hour factors that was
15 collected by them.

16 Another reason for the conclusion
17 is that they assume that there are no trucks
18 or buses on Wisconsin Avenue on Saturdays.
19 There are no pedestrians crossing Wisconsin
20 Avenue or Harrison Street on Saturdays during
21 the peak hours.

22 The O.R. George study is

1 incomplete. The study did not include the
2 analysis of the main entrance or exit from the
3 development which is the alley and the
4 Harrison Street. On my couple of visits there
5 there were at least six to seven cars waiting
6 on the queue on Harrison Street, and those
7 queues actually blocked the entrance out from
8 the alley.

9 Another shortcoming is that the
10 intersection of 44th Street and Harrison
11 Street was also not analyzed, although it is
12 the only other access route to the
13 development. O.R. George collected traffic
14 data for the Saturday peak period, but did not
15 conduct any future analysis. This part
16 includes retail development, which generally
17 peaks on Saturdays. Therefore, Saturday
18 analysis should have been included.

19 O.R. George conducted a study for
20 the 5401 Wisconsin Avenue part with
21 approximately 3,000 square feet of retail, and
22 they did do a traffic study for Saturdays, I

1 believe.

2 The O.R. George study has several
3 factual errors. The study analysis has used
4 data that shows that there are three lanes on
5 Wisconsin Avenue during a.m. peak hour
6 northbound, whereas there are only two travel
7 lanes and the third lane is used for parking.

8 The weekday peak hour analysis
9 also used three lanes on Wisconsin Avenue
10 during p.m. peak hour southbound, whereas
11 there are only two travel lanes, and the third
12 lane is used for parking.

13 And as I mentioned before, the
14 study also used three lanes in the northbound
15 and southbound direction on Wisconsin on
16 Saturdays. The study used weekday a.m. peak
17 hour factors for the existing Saturday peak
18 hour analysis, although data was available.

19 The data in O.R. George reports,
20 appendix shows very high U turns at the
21 intersection of Harrison and Wisconsin on
22 Saturdays. However, the level of service

1 analysis does not include these U turns.

2 In terms of the modeling
3 assumptions, the traffic analysis did not
4 include traffic from the WMATA bus garage,
5 which is approximately 800 dwelling units and
6 90,000 square feet of retail.

7 The study did not use their trip
8 rates that were used by the respective traffic
9 impact studies in the development approval
10 process. Due to this error, the total trips
11 in the O.R. George study for the background
12 developments were 939 and 1,261 during the
13 a.m. and p.m. peak hours. Using the trip
14 rates that were actually used by the studies
15 that were approved by the respective
16 governments, the correct vertical trips were
17 2,036 and 27, 27 or 2,727 trips during the
18 a.m. and p.m. peak hours, respectively.

19 These vertical trips are almost
20 double the number that O.R. George used in
21 their background study.

22 The O.R. George study also assumed

1 that only five percent of the background
2 traffic will use southbound Wisconsin Avenue
3 when they leave the various developments.
4 They also assume that only eight percent of
5 the background traffic will use the northbound
6 Wisconsin Avenue when they arrive at the
7 various developments.

8 However, when you look at the
9 impact studies that were done for these
10 developments, they assume that about 28
11 percent of the traffic would arriving on
12 Wisconsin Avenue from the south.

13 the O.R. George site traffic
14 assumptions are erroneous. Table 6 on page 19
15 of the O.R. George report presents trip rates
16 from the Institute of Transportation
17 Engineers' trip generation manual. I have
18 been unable to match their trip rates of the
19 a.m. peak hour for the condominium units which
20 are .3 trips per unit with approximately 30
21 percent inbound and 70 percent outbound. The
22 O.R. George study used the average, the

1 average trip rates for the retail portion of
2 their development.

3 ITE, the Institute of
4 Transportation Engineers, recommends the use
5 of the regression equation instead of the
6 average trip rates to compute retail trip
7 rate. The differences are significant, as
8 shown in the graphic.

9 Using O.R. George trip rates
10 during the a.m. peak hour, the total trips are
11 15 and during the p.m. peak hour the total
12 trips are 32, whereas if you use the IT trip
13 rates as recommended by ITE or if you end up
14 with this in the a.m. peak, you have 44 trips
15 and in the p.m. peak you have 102 trips.
16 These are more than double the numbers that
17 were used by O.R. George in the analysis.

18 The results of the erroneous
19 assumptions and factual errors in the O.R.
20 George analysis provides levels of service
21 results that are much better than using the
22 correct data and assumptions. In spite of the

1 erroneous assumptions and factual errors, O.R.
2 George study shows that the levels of service
3 on Harrison Street eastbound approach to
4 Wisconsin Avenue worsens from level of service
5 E in the background conditions to level of
6 service F with the site developed during the
7 p.m. peak hour.

8 My limited analysis using
9 corrected data and assumptions shows that the
10 existing levels of service on eastbound
11 Harrison Street at Wisconsin Avenue's level of
12 service F during the p.m. peak hour and also
13 Saturday peak hour. The vertical delay
14 increases from 159 seconds for vertical in the
15 existing conditions to 316 seconds per vehicle
16 on eastbound Harrison Street at Wisconsin
17 Avenue during the p.m. peak hour.

18 The eastbound Harrison Street
19 traffic will incur a cumulative delay of
20 approximately ten hours during the 1:00 p.m.
21 peak hour.

22 O.R. George study has recommended

1 a potential improvement on eastbound harrison
2 Street. The improvement would remove all on
3 street parking on Harrison Street between the
4 alley and Wisconsin Avenue. This would result
5 in a two lane approach, a shared left through
6 lane and a right turn lane.

7 The levels of service analysis
8 using the corrected data and assumptions still
9 results in a level of service E on Harrison
10 Street eastbound on Wisconsin Avenue during
11 the p.m. peak hour.

12 Subsequently, O.R. George has
13 submitted two corrected reports dated March 7,
14 2007, and March 29, 2007. These corrections
15 have responded to some of the illness
16 assumptions and factual errors noted.
17 However, there are still some major
18 discrepancies.

19 O.R. George cites the 2005 WMATA
20 ridership report survey for using the lower
21 trip generation rates as much as a reduction
22 of 50 percent.

1 The 2005 WMATA study shows that in
2 Friendship Heights area, almost 67 percent of
3 the office traffic uses their automobiles to
4 come to work, and 53 to 57 percent of the
5 residential traffic uses automobiles.

6 What it means is that 33 percent
7 of the office traffic is using Metrobuses,
8 walk, bicycle, and other modes.

9 O.R. George cites that heavy truck
10 percentage is based on their data are two to
11 two and a half percent, but still continue to
12 use two percent on Wisconsin Avenue and zero
13 percent on Harrison, that there are no trucks
14 or buses on Harrison.

15 There was some discussion of
16 arrival type at the last hearing to compute
17 the levels of service. If you'll remember
18 O.R. George mentioned that he has
19 conservatively used the arrival type 5 on
20 Wisconsin Avenue, both northbound and
21 southbound direction, to compute level of
22 service in the corrected report versus a three

1 in the original study.

2 You do not use a five simply
3 because the signals are coordinated, and I'm
4 going to quote the highway capacity manual
5 which is a document that actually is used to
6 compute the levels of service. It says the
7 arrival type is best observed in the field.

8 Further, the highway capacity
9 manual states, and I quote again, the arrival
10 type should be determined as accurately as
11 possible because it will have a significant
12 impact on delay estimates and level of service
13 determinations.

14 Arrival type 5 implies that over
15 80 percent of the traffic in both directions
16 arrive at the start of the green phase.
17 Limited field observations show that 30 to 50
18 percent of the traffic arriving at the green
19 phase at the intersection of Wisconsin Avenue
20 and Harrison Street.

21 I personally have not seen any
22 study in the District of Columbia that has

1 used an arrival type 5. The level of service
2 C computed by O.R. George using a five becomes
3 a level of service D using a three.

4 In terms of trip generation, on
5 page 12 of the March 29 report, O.R. George
6 notes that the average rates and regression
7 integrations produce practically identical
8 results for residential use. Using average
9 rates, O.R. George gets 24 trips during the
10 a.m. peak hour and using regression equation
11 we get 49 trips, more than double, and
12 definitely not practically identical results.

13 O.R. George report states that
14 using regression equation method for retail
15 use is unreliable. ITE report shows a
16 correlation coefficient of 0.81 for retail use
17 and 1.0 is for perfect correlation.

18 In fact, ITE represents a
19 methodology for selecting an equation on
20 average rate, and the equation is recommended
21 based on this methodology for retail use.

22 thank you.

1 MR. HITCHCOCK: Our next witness
2 is seated to my immediate right, Ms. Alta
3 Mainer, who will make a few comments to offer
4 some perspective on up close, what the traffic
5 in other situations are.

6 Ms. Mainer.

7 MS. MAINER: Good evening, members
8 of the Commission. My name is Alta Mainer,
9 and I live at 5121 44th Street, N.W.

10 I'm one of the residents that will
11 be affected by the new development since I
12 live one block west of Wisconsin Avenue
13 between Garrison and Harrison Streets.

14 I have lived in our home for over
15 30 years, and during this period of time I
16 have seen many changes. Among these changes
17 has been the increased traffic both on 44th
18 Street and on Harrison Street.

19 Several years back the speed and
20 the volume of the traffic on 44th Street
21 prompted myself and neighbors to petition the
22 District government to install a speed barrier

1 at the intersection of Harrison and 44th
2 Street for the safety of small children and to
3 calm the traffic.

4 While this has been helpful, the
5 traffic has continued to get worse. I can
6 look from my window and observe the traffic on
7 Harrison Street, and I am concerned that once
8 this new building is completed, the cars from
9 there added to the present traffic will
10 overload Harrison Street, as well as the
11 intersection at Harrison and Wisconsin Avenue.

12 It is already difficult for some
13 pedestrians, myself included, to walk the
14 distance from one side of Wisconsin Avenue to
15 the other side within the allotted allowed by
16 the walk signal. It is my sincere hope that
17 reasonable development that is compatible with
18 our neighborhood and that preserves our
19 quality of life and that of generations to
20 come can be achieved.

21 Thank you.

22 MR. HITCHCOCK: And Ms. Mainer is

1 going to point to the slides, the last one and
2 this one, to talk about the effectiveness of
3 the barrier and also what happens after.

4 MS. MAINER: This slide shows the
5 barrier at Harrison and Wisconsin and 44th
6 Street. Now, this was the barrier that was
7 installed to protect the small pedestrians and
8 calm the traffic, but as you can see, it's not
9 doing too great a job, but it's better than
10 nothing. That's certain.

11 MR. HITCHCOCK: Okay. Thank you,
12 Ms. Mainer.

13 Our next witness is another
14 member, Mr. Billy Vigdor, who will talk about
15 some of the education related elements because
16 that deals with the amenities package. We're
17 not going to go into that in as much detail as
18 the ANC.

19 Mr. Vigdor.

20 MR. VIGDOR: Hi. My name is
21 William Vigdor, Madam Chair.

22 CHAIRPERSON MITTEN: I need you to

1 turn the microphone on.

2 MR. VIGDOR: I'm sorry. Sorry. I
3 did it for Marilyn, not me.

4 Madam Chairman, distinguished
5 Commissioners, thank you for all the time
6 you're spending on this matter. We really
7 appreciate your consideration.

8 My name is William Vigdor. I live
9 two blocks from the site at 5108 44th Street.
10 I am a member of Ward 3 Vision, and I oppose
11 this project. And I was never asked my
12 opinion, and when I asked Rebecca Pairing how
13 she came to her conclusions for Ward 3 Vision,
14 I got no answer.

15 But what I'm most proud about is
16 the fact that I am a father of two children,
17 ages eight and nine. I am a husband of a
18 great woman, and I've lived in Friendship
19 Heights since 1998. Both of my kids go to
20 Janney Elementary School, and I'd like to
21 discuss not only the schools, but some of the
22 infrastructure issues that plague the area

1 right now and that the Akridge project will
2 worsen.

3 It is important for the Commission
4 to recognize that the local school, Janney
5 Elementary, is almost 100 students over
6 capacity. It has already got 480 students.
7 This is what Mr. Scott Cartland wrote to you
8 in the letter of February 22nd. Janney is one
9 of the most crowded in the District. He goes
10 on to say the school is in need of
11 comprehensive renovation and expansion. The
12 project will add to Janney overcrowding, he
13 states, and he also says the amenities
14 proposed to Janney do not solve these core
15 problems.

16 Five days later, he announced a 25
17 percent increase in the size of the third
18 grade classes, and then he also explained
19 following that that the size of the
20 kindergarten classes and the first grade
21 classes are about to expand at Janney.

22 Akridge will just make this

1 project worse. Well, other people have
2 actually made similar statements. I'm just
3 going to skip through this.

4 Akridge will make the project
5 worse. Mr. Tuchman testified that at most
6 five students will attend this school and,
7 therefore, dismissed the concern as being
8 irrelevant. Well, that's five on top of
9 almost 100. And even that number is a gross
10 under estimate because it does not include the
11 transfer of the empty nesters that he says are
12 going to come to his project; that when they
13 come and move into the new project, they will
14 move out of Friendship Heights, which means
15 families will move into Friendship Heights,
16 and as I see, you wind up with two or one
17 children in each of those homes.

18 For every one of those empty
19 nesters we have a good chance of having two
20 more children in the area, and by my estimate
21 I could see at least a dozen students coming
22 into the area who are school age children.

1 I believe it's significant, and I
2 believe the Commission should take some action
3 and protect the schools when they consider in
4 these deliberations. The schools are under
5 attack from over development.

6 Let me discuss some other
7 infrastructure issues. When I got involved in
8 this project I started walking around the
9 streets looking at traffic, observing cars and
10 counting cars, looking at traffic patterns,
11 standing on corners and ultimately getting
12 really weird looks from my neighbors.

13 Here are my observations. Fire
14 trucks and ambulances do use side streets to
15 bypass Wisconsin traffic. It doesn't happen
16 all the time. It's not the way, but it
17 definitely happens.

18 The last week of October of 2006 I
19 saw an ambulance that first started northbound
20 on Wisconsin, weave through our residential
21 streets to get to Western Avenue, and just
22 last month after the Fire Chief sent the

1 letter to the Office of Planning that the fire
2 trucks do not use side streets, I watched a
3 fire truck turn left on Jennifer going
4 northbound on Wisconsin, turn left on
5 Jennifer, go behind Mazza Gallerie and go
6 eastbound on Western to avoid the traffic in
7 Friendship Heights.

8 Finally, I do want to say that
9 Wisconsin is gridlocked at least during rush
10 hours and during the weekends. Many of the
11 Commissioners here have experienced and made
12 the statements. You've heard testimony of one
13 of the citizens here who said he drove 18
14 times in the last couple of weeks on Wisconsin
15 and there was no traffic.

16 Well, my question is: what was he
17 doing, driving 18 times in a transit oriented
18 development?

19 But number two, it was spring
20 break. People were on vacation. Go look at
21 what was going on at Disneyland. That's why
22 it was so easy.

1 Sometimes cars in the ordinary
2 course, what you see is cars just go from one
3 red light to the other, and the queue from the
4 next intersection backs up into the first one,
5 making it difficult to get through the lights.

6 One thing that's really become
7 obvious. The greater the gridlock as you
8 count the cars, the fewer the cars that
9 actually go through the intersection, and
10 voila, the numbers decline. Perhaps that's
11 why Mr. George has found that the volume of
12 traffic in Friendship Heights has declined
13 since 2003.

14 Finally, March 2nd and March 4th
15 is not a peak period of time. Peak traffic
16 for us is the fall, from after Halloween to
17 December when retailing actually goes up.
18 Friendship Heights is a retail center.

19 The summer driving season is also
20 a traffic problem here. Traffic is getting
21 worse, and it is being pushed into the
22 neighborhoods. We see a tremendous amount of

1 cut-through traffic, as DDOT has recently
2 counted, about 20 cars per hour going through
3 alleys to avoid the traffic on Harrison
4 Street. That's why the levels of service are
5 F, and that's why Akridge shouldn't put all of
6 its traffic into the neighborhood. It should
7 be directed in another place with a better
8 design.

9 Finally, I would just like to talk
10 about the Akridge alley. Let me orient you a
11 little bit. Here is a picture of the alley.
12 What you see is for a perspective, that's a
13 PEPCO truck. PEPCO ordinarily services the
14 station by parking a truck there.

15 Garden apartments on the left, and
16 then you see the opening to the bank parking
17 lot on the right. The bank parking lot has,
18 you know, ATM employees and regular customers.

19 We prepared a map here to show how
20 the area actually works today. I know the
21 legend is really small so we just handed out
22 before you a page called "Traffic in Harrison

1 Street Alley" so that you've got the legend in
2 human being reading size.

3 What this does is this shows you
4 the before picture. This is what we live in
5 today, and just examples. I won't read the
6 whole thing to you. One is the PEPCO truck
7 and three is the bank parking. Four is parked
8 cars and five is traffic.

9 Here is now what Akridge proposes.
10 Let me give you an example of what's going to
11 go into the alley now. Deliveries, deliveries
12 to the retail establishments, Akridge said it
13 would only be people moving in. It's retail.
14 Deliveries by UPS, residents moving in and
15 out, trash collection; need to think about the
16 garbage trucks. Recycling collection.

17 How about the 24 residents per
18 hour that are going to come out and ultimately
19 move in? How are they going to get into
20 Harrison Street at nighttime to get back home?
21 That's level of service F, remember?

22 The service personnel, patrons,

1 the people renting. We've heard a lot about
2 pedestrian safety and streetscape. Please
3 notice the fact that people are going to walk
4 through this to get there.

5 Just so you know, this is what's
6 going to go. All of that is going to move
7 through this place. We believe this is a
8 really poorly designed building, and we need
9 to do something about it.

10 Thank you.

11 MR. HITCHCOCK: Mr. Frankel and --
12 (Applause.)

13 CHAIRPERSON MITTEN: Folks, folks,
14 no demonstrations, please.

15 MR. HITCHCOCK: Mr. Frankel and
16 Ms. Simon have some concluding words.

17 Mr. Frankel.

18 MR. FRANKEL: According to WMATA's
19 2001 core capacity study, Metrorail will
20 surpass its peak load capacity on the Red Line
21 shortly after the year 2020. Over crowded
22 trains at Friendship Heights will discourage

1 Metro ridership in our neighborhood and
2 encourage the use of private vehicles.

3 Focusing development along upper
4 Wisconsin Avenue today will result in
5 unalterable congestion in about 13 years.

6 Thank you.

7 MS. SIMON: The ANC --

8 CHAIRPERSON MITTEN: Would you
9 turn the mic on, please.

10 MS. SIMON: Sorry.

11 As the ANC had already noted, the
12 amenities for a planned unit development are
13 meant to be significantly greater than what
14 you would get with a matter of right building.
15 This is not the case for the average proposal.

16 Many of the benefits would already
17 be part of a matter of right building.
18 Several of the benefits would actually be
19 superior in a matter of right building.

20 With inclusionary zoning some of
21 the units would target lower incomes than
22 Akridge is targeting and the IC units would be

1 50 percent of the full bonus density rather
2 than 12 percent of some of the bonus density
3 as Akridge is proposing.

4 Having a car sharing vehicle can
5 help marketing the condominiums, but because
6 of the 100 percent lot occupancy, these car
7 sharing vehicles are located through the alley
8 and a renter going for the car sharing vehicle
9 will actually have to walk a fifth of a mile
10 to reach the car sharing unit with the last
11 leg of that through the alley you just saw,
12 the dead end alley with the loading docks in
13 the back of the PEPCO substation.

14 The lead certification does not
15 indicate that this is a green building.
16 Obviously if you look at what the building
17 actually is, you would see it is quite the
18 opposite with its 100 percent lot occupancy,
19 saving water by not having any landscaping,
20 and doing other things that are simply
21 required by law, such as cleaning the
22 contaminants according to the laws of the

1 jurisdiction.

2 Finally, I want to comment on the
3 economic impact statement. The economic
4 impact statement includes many errors. Mr.
5 Smart failed to compare the project to a
6 matter of right project. He failed to use the
7 D.C. income tax rates. He failed to use the
8 D.C. real estate tax rates. He assumed income
9 from the new residents far above the income
10 levels that would be required to purchase the
11 units, and given that they claim these will
12 mostly be empty nesters selling larger homes
13 and moving to the project so that you could
14 easily have incomes far below what the normal
15 calculation would give.

16 Given all of these errors and
17 omissions, the Applicant's estimate of the tax
18 revenue associated with this project should
19 simply be rejected.

20 MR. HITCHCOCK: And that concludes
21 our presentation. I had some closing remarks,
22 but in view of the hour, I think we've covered

1 everything, and we'll stop here.

2 CHAIRPERSON MITTEN: Thank you,
3 Mr. Hitchcock.

4 Would you turn the lights back up,
5 please?

6 Questions from the Commission?
7 Any questions?

8 Mr. Collins? They made room for
9 you at the table if you want to sit down. You
10 don't want to sit next to Mr. Hitchcock?

11 (Laughter.)

12 MR. COLLINS: I just have a few
13 questions for Mr. Mehra.

14 In your report that was submitted
15 by your counsel on March 8th, you claim that
16 the 13,000 square feet of retail for this
17 project would generate 82 retail trips in the
18 p.m. peak hour; is that right?

19 MR. MEHRA: Yes, that's correct.

20 MR. COLLINS: And you used the
21 regression equation recommended by ITE for
22 that analysis?

1 MR. MEHRA: That's correct.

2 MR. COLLINS: You used shopping
3 center calculations for that analysis?

4 MR. MEHRA: That's correct.

5 MR. COLLINS: And is it your
6 conclusion based on your analysis that there
7 should be no retail use in this block of
8 Wisconsin Avenue?

9 MR. MEHRA: No, I'm not going to
10 that conclusion. I was basically taking the
11 proposed development and estimating trips
12 using the correct methodology.

13 MR. COLLINS: And that would
14 result in 82 trips for this --

15 MR. MEHRA: That would result in
16 82 trips. These are -- these are the trips
17 before. Let me see if they were reduced.

18 Yeah, these are 82 trips, and they
19 basically compare with the 18 that were
20 computed using weighted average rate, using
21 the same land use category which is shopping
22 center.

1 MR. COLLINS: Shopping center.

2 Thank you.

3 In response to the filing made by
4 your counsel concerning WMATA, are you
5 familiar with that? Your counsel made a
6 filing concerning Metro?

7 MR. HITCHCOCK: I think that may
8 be Mr. Frankel.

9 MR. COLLINS: Okay. I'll let Mr.
10 Frankel then.

11 In response to the filing made by
12 your counsel concerning WMATA, are you
13 familiar with the letter that WMATA filed in
14 response to the Zoning Commission on April
15 10th?

16 MR. FRANKEL: No, I'm not. I have
17 not seen it.

18 MR. COLLINS: Mr. Mehra, just one
19 last question. Would you agree that it's
20 generally preferable from a traffic generation
21 standpoint to concentrate residential density
22 in close proximity to Metro stations or is it

1 better to have density far away from Metro?

2 MR. MEHRA: Well, I guess in a
3 generic sense, yes, it's better to have
4 residential or any development near Metro
5 stops.

6 MR. COLLINS: Thank you. No more
7 questions.

8 CHAIRPERSON MITTEN: Commissioner
9 Eldridge, any questions?

10 Mr. Quinn, any questions?

11 Okay. Very good. Thank you.

12 MR. HITCHCOCK: Thank you, Madam
13 Chair.

14 CHAIRPERSON MITTEN: Thanks.

15 Now I'll go through the witness
16 list for those in opposition and then anyone
17 who didn't sign up we'll get you at the end.

18 I know I'm going to get a few
19 names really wrong. Nadir Hajabi, Habjabi
20 (phonetic), Michael Enders, Andra Tamburro,
21 Louis Wolf.

22 Don't forget to drop the cards off

1 on the way with the court reporter.

2 Vera Sky. Yeah, we know you're
3 here. Yes, please have a seat.

4 Okay. Are you Mr. Enders?

5 MR. ENDERS: I am.

6 CHAIRPERSON MITTEN: Okay. Please
7 go ahead and turn on that microphone please.

8 MR. ENDERS: My name is Michael
9 Enders. I oppose this massive Akridge
10 projects.

11 It would be a stone's throw from
12 my residence. I have lived in Washington,
13 D.C. for 40 years, and I have lived in the
14 garden apartments on Harrison Street for 15
15 years.

16 I view with horror the proposed
17 oversized development next door to my home.
18 I ask the Commission members: how would you
19 like a seven story building next to your two
20 story residence? What would that do to your
21 neighborhood of two story residences?

22 If you see the problem, then don't

1 approve this project.

2 Current zoning allows
3 proportionality between adjacent structures in
4 the neighborhood. Please uphold it.

5 Traffic congestion in the
6 immediate area is already out of control. The
7 20 foot alley off Harrison Street measured
8 building wall to building wall -- and pictures
9 have been shown -- is not a sensible driveway
10 for the structure proposed.

11 The Commission should weigh the
12 veracity of the developer proposing this
13 project. At the March 8th meeting, the
14 developer told this Commission that no one
15 from the garden apartments on Harrison Street
16 had come to the neighborhood meetings to
17 oppose this project.

18 I and several other residents of
19 those apartments came to the meetings and
20 spoke against the project.

21 A great deal of money is being
22 spread around here. It is being used to try

1 to convince people to accept a project which
2 would be a find addition to the developer's
3 bottom line, but a poor fit for the
4 neighborhood.

5 People who articulately argue
6 against the project one day suddenly favor it
7 the next but are unable to explain why.
8 People from outside the neighborhood show up
9 at neighborhood meetings to say they support
10 the project. They never say what motivated
11 them to come to the meeting and speak.

12 Honorable members of the Zoning
13 Commission, erecting a massive structure that
14 will be four times the height of adjacent
15 residences is clearly improper. It is your
16 job to say no. Please do so.

17 Thank you.

18 CHAIRPERSON MITTEN: Thank you.

19 Ms. Tamburro.

20 MS. TAMBURRO: Madam Commissioner
21 and other Commissioners, thank you very much
22 for letting me speak this evening.

1 My name is Andra Tamburro, and I
2 live at 4301 Ellicott Street, and that's about
3 three blocks from this site. It's also one
4 block from Wisconsin Avenue, a half a block
5 from a Safeway, a block, just one block from
6 retail and restaurants, and I choose to live
7 there for all of the TOD that the smart growth
8 people have been talking about, even though it
9 means lots of traffic on my street and
10 sometimes rats in my backyard.

11 But then do you know what? I
12 don't really choose to complain about that
13 because I like living there because I can walk
14 to the Metro and I can have all the other
15 things. I can walk to Janney School where my
16 two children go to school.

17 But since I have lived there -- I
18 have lived there since 2001 -- there have been
19 four new sites on upper Wisconsin Avenue that
20 have come in and have asked for major up
21 zoning and with a PUD. I have actively bene
22 involved opposing three of these developments,

1 and I have opposed them like I do with
2 Akridge, because they don't fit in with the
3 character of the neighborhood. They have been
4 too high and too dense.

5 I welcome new development along
6 upper Wisconsin, but what I hope is that if
7 development is done, it's done in conjunction
8 with the neighbors most affected by these
9 buildings and it's not dictated by the
10 developer.

11 I also do not believe that the
12 infrastructure can handle the kind of new
13 development acreage and further development
14 along the upper Wisconsin corridor.

15 Thank you.

16 CHAIRPERSON MITTEN: Thank you.

17 Ms. Sky.

18 MS. SKY: Yes.

19 CHAIRPERSON MITTEN: Turn the mic
20 back on. There you go.

21 MS. SKY: Hello. Thank you very
22 much, Madam Chairman and Commissioners, for

1 your very attentive and patient listening to
2 all that you've heard.

3 My name is Vera Sky, and I live at
4 4110 Ingomar Street, which is one and a half
5 blocks east and just a few feet north of the
6 site being considered. I have lived there
7 since 1969.

8 You have my letter in opposition,
9 and I'm afraid I'm going to turn out like the
10 guy who was only on page 1 and only be in the
11 first paragraph, but I will try to state the
12 points that I made as succinctly as possible.

13 I think my approach is really I
14 wanted to amplify the historical and human
15 based picture that you've gotten from those of
16 us who have opposed the plan, the Akridge
17 plan.

18 We bought our house in 1969
19 because we believe in living in the city. We
20 liked the large trees on our block and the
21 fact that there are front porches where people
22 can sit and congregate and because there was

1 a good school nearby and we didn't have to
2 have a car because there was public
3 transportation, in those days only buses.

4 But a few years later, the plan
5 for the subway emerged as an uptown/downtown,
6 and with the result that many members of the
7 community banded together to cooperate with
8 people in the government, the DOT, and the
9 Planning Commission, and many, many hours were
10 spent in developing the real, my idea of what
11 smart growth should be, which is a
12 collaborative planning for a large,
13 comprehensive area, and not just a block by
14 block change.

15 Anyway, it resulted in the plan
16 that Mr. Oberlander explained to you, but I
17 want you to know that one of the reasons that
18 citizens became involved in keeping the lid on
19 overzealous development is that because
20 Wisconsin Avenue really is the heart of a
21 community that is on both sides of it. It
22 really bisects a living community which

1 people, old people and children, must go
2 across to get to school, to get to churches,
3 to get to senior centers.

4 It also bisects a school district,
5 and I learned early on that my children really
6 were at a risk going across even then, in the
7 '80s, early '80s, the mounds of traffic -- oh,
8 dear.

9 CHAIRPERSON MITTEN: I need your
10 closing thoughts.

11 MS. SKY: Okay. My closing
12 thought really is also that the uptown
13 development was conceived to be at the uptown
14 center and not further south of the area, and
15 the amenities they are giving us are really
16 detrimental to the environment with no
17 cutbacks, et cetera.

18 You have my full testimony though
19 I'll turn in. Thank you.

20 CHAIRPERSON MITTEN: Thank you
21 very much.

22 Mr. Wolf. Would you turn on your

1 microphone for me please?

2 MR. WOLF: Good evening,
3 Commissioners, and thank you very much for
4 allowing us to speak.

5 My name is Louis Wolf. I have
6 lived in Washington with my family since 1977
7 and at 4107 Ellicott Street since 1984.

8 I love this city and our
9 neighborhood. It is clear to everyone
10 familiar with Friendship Heights and
11 Tenleytown neighborhoods, as well as all of
12 Wisconsin Avenue north of Albemarle that
13 traffic is heavy every day, particularly heavy
14 during the morning and evening rush hours and
15 on weekends.

16 The traffic capacity our streets
17 already has been exceeded. Approval of
18 Akridge's application will unquestionably
19 exacerbate it. The greater traffic congestion
20 resulting from Akridge's dramatic increase in
21 development will further interfere with the
22 delivery of emergency services to Friendship

1 Heights and Tenleytown's residents.

2 Emergency vehicles already use
3 side streets to avoid the tie-ups. Akridge
4 has acknowledged -- and this is significant --
5 that building residents, retail customers and
6 delivery vehicles alike will be routinely
7 using Harrison Avenue and 44th Streets and
8 alleys to enter and leave. A large building
9 should not rely on alleys behind low rise
10 residences for access.

11 Garbage trucks use alleys.
12 Children play in alleys, but alleys are not
13 for normal traffic.

14 Parking on neighborhood streets is
15 problematic and at times residents are unable
16 to find spaces near their homes. Even at 5220
17 residents are denied residential parking
18 permits. Guests, building employees, and
19 retail customers will be parking on our
20 neighborhood streets.

21 The inescapable conclusion that if
22 traffic and parking are already heavily

1 burdened today, these problems will only be
2 profoundly compounded by the addition of
3 several hundred new vehicles.

4 Please let me relate a true story
5 showing the interface of traffic overload in
6 both directions on Wisconsin between Garrison
7 and Western and pedestrian safety. I was
8 nearly killed three years ago ironically just
9 across the street from 5220 Wisconsin.

10 On January 16th, 2004, I was
11 crossing Wisconsin on foot toward Kinkos for
12 my parking space outside the former Buick
13 site. After looking both ways and noting that
14 the lights at Jennifer and Harrison were red,
15 I made eye contact with the male driver of a
16 blue two-door sedan on the northeast corner of
17 Ingomar Street south of and adjacent to
18 Kinkos.

19 As I stepped off the curb to cross
20 the street, he was obviously determined to
21 beat the cars then coming from both
22 directions. He suddenly floored his

1 accelerator and with tires squealing made a
2 sharp left-hand turn onto Wisconsin.

3 Though an amputee today, I was
4 able bodied then, 64 years old and not
5 athletic. I was terrified. I leapt forward
6 just in time. His wheels missed my heels by
7 a mere inch or two. He then sped southward at
8 a high rate of speed. I attempted
9 unsuccessfully to read his license plate, and
10 I will not repeat here tonight the profanities
11 I shouted at him in vain. There were several
12 eyewitnesses.

13 To close, that was then. This is
14 now. And everyone but Akridge's travel
15 consultant knows that the traffic status grows
16 worse every day. If this project is allowed
17 to proceed as planned and conceived by
18 Akridge, I and others, including children and
19 elderly folks, may need -- and others who are
20 speed challenged afoot -- may need either an
21 armed escort or a magic carpet to get across
22 Wisconsin Avenue.

1 I strongly urge you to reject this
2 PUD application.

3 Thank you.

4 CHAIRPERSON MITTEN: Thank you,
5 Mr. Wolf.

6 Questions from the Commission for
7 the panel? Any questions?

8 Mr. Collins, any questions?

9 Ms. Eldridge?

10 Mr. Quinn?

11 Mr. Hitchcock?

12 Thank you all very much.

13 MR. WOLF: Thank you.

14 CHAIRPERSON MITTEN: She needs her
15 witness cards.

16 Janet Bachman, Wendy Miroranna
17 (phonetic).

18 MR. BURK: (Speaking from an
19 unmiked location.)

20 CHAIRPERSON MITTEN: You don't
21 need to read it, but if you just want to
22 submit it, but you're welcome to.

1 MR. BURK: She wanted it read.

2 CHAIRPERSON MITTEN: All right.

3 Bruce Lowrey, Frederic Burk.

4 MR. BURK: That's me.

5 CHAIRPERSON MITTEN: Oh, that's

6 you. Okay.

7 George Dunham.

8 PARTICIPANT: George has been ill.

9 CHAIRPERSON MITTEN: Okay. John -
10 -

11 MR. RITCHOTTE: Ritchotte.

12 CHAIRPERSON MITTEN: Thank you.

13 Ms. Bachman, why don't you go
14 ahead?

15 MS. BACHMAN: How do you turn this
16 on?

17 CHAIRPERSON MITTEN: There's a
18 button on the base just right flat on the
19 base. There you go.

20 MS. BACHMAN: Ah, such a deal.
21 Good evening, Commissioners. My name is Janet
22 Bachman. I live on 44th Street about two and

1 a half blocks from the Akridge site.

2 Some of the properties along
3 Wisconsin, as you've seen from the photos
4 today and back in March, some of those
5 properties are very under developed and very
6 shabby. They're downright ugly. I'd love to
7 see these places that I walk past every single
8 day better utilized and the streetscape
9 improved. And, again, that includes the
10 Akridge property.

11 The Akridge property is a real
12 eyesore, and contrary to the statements that
13 the Akridge company has made to you about
14 their concern for the community, Akridge has
15 poorly maintained that property. Garbage
16 collects in the back of the place all year
17 round, and when it snows or ices up on the
18 sidewalks they don't bother cleaning it off.
19 They have been far from a model property
20 owner.

21 Despite the shabbiness though on
22 stretches of Wisconsin, Friendship Heights is

1 a very successful neighborhood, a very
2 desirable place to live. I've lived there
3 since 1990, and during that time Friendship
4 Heights has changed from a stable but rather
5 stagnant and boring neighborhood of folks my
6 age and older to one with lots of young
7 couples and lots of children.

8 The Akridge proposal is evidence
9 of our success. Other developers have also
10 turned their attention to our neighborhood on
11 both sides of the D.C. border and very
12 significant developments, much larger than the
13 Akridge proposal, are either underway or in
14 the early stages of planning, again, on both
15 sides of the border.

16 My concern is with our capacity to
17 absorb very significant new development, all
18 of it clustered within a few blocks without
19 causing major, permanent disruption to the
20 very characteristics that have made Friendship
21 Heights a successful family oriented
22 neighborhood. New developments should

1 improve, not damage a neighborhood.

2 I won't go through the
3 infrastructure issues that I was planning to
4 because they've been commented on many times
5 before, but until our infrastructure is
6 improved or at least improvements are funded,
7 I believe we need to restrain our development
8 ambitions. The Akridge proposal should not be
9 viewed in my opinion in a vacuum but rather
10 within the context that the neighborhood's
11 infrastructure and development on both sides
12 of the border.

13 What will be the cumulative effect
14 on the people who live in Friendship Heights
15 today and on those who will live there in
16 coming years?

17 The long term success of our city
18 and of the neighborhood hinges on its
19 livability, most especially its ability to
20 attract and retain families with children for
21 they are our future. I'm not our future. Our
22 children are.

1 For decades -- oops.

2 CHAIRPERSON MITTEN: Need your
3 last thought.

4 MS. BACHMAN: Okay. Last thought.
5 You've heard some comments from some of the
6 supporters that we are retail starved. We
7 absolutely are not, ma'am. We don't have
8 strip joints and we don't have porn shops and
9 we don't have disco bars, but with that
10 exception just about anything you want is
11 within walking distance of my house.

12 CHAIRPERSON MITTEN: Thank you.

13 MS. BACHMAN: You're welcome,
14 ma'am.

15 CHAIRPERSON MITTEN: Mr. Burk.

16 MR. BURK: Okay. I'll start with
17 Miroranna.

18 CHAIRPERSON MITTEN: You're only
19 going to have three minutes. So however you
20 choose to spend it is up to you.

21 MR. BURK: You mean for both of
22 them?

1 CHAIRPERSON MITTEN: Yes, sir.

2 MR. BURK: Okay. I think I'll
3 have to go with this. I can assure her that
4 it will be read, right?

5 CHAIRPERSON MITTEN: Oh,
6 absolutely.

7 MR. BURK: Okay.

8 CHAIRPERSON MITTEN: We read
9 everything that comes in.

10 MR. BURK: Just so I can say that,
11 you see.

12 (Laughter.)

13 CHAIRPERSON MITTEN: From my lips
14 to. . . .

15 MR. BURK: Right. Thank you,
16 Commissioners.

17 My name is Frederic Burk. I'm a
18 native --

19 CHAIRPERSON MITTEN: You need to
20 turn the mic on. Somehow it got shut off.

21 MR. BURK: My name is Frederic
22 Burk. I am a native of the District. Since

1 1952 I have lived in the same home about four
2 and a half blocks from the proposed Akridge
3 project.

4 To me the whole neighborhood,
5 including its alleys, feels like one large
6 block hardly distinct from my home block, full
7 of familiar trees, gardens and faces, and a
8 special understanding which runs through
9 neighbors. As much as the neighborhood has
10 changed over the decades, its essential
11 character has remained mostly the same.

12 More change is welcomed, but not
13 at the sacrifice of that essential character,
14 which has been encouraged and endorsed by
15 longstanding zoning law.

16 If approved, the Akridge project
17 will set a precedent for the proliferation of
18 PUDs along the upper Wisconsin Avenue
19 corridor, including a number of them quite
20 close to the subject site, resulting in the
21 overbearing domination of these giant middle
22 fingers on the skyline of the neighborhood.

1 As for the various more down to
2 earth problems brought to bear by such over
3 development, terrible traffic congestion, for
4 instance, they are addressed in other
5 testimony.

6 What I would ask is that you give
7 great weight to the results of the petition
8 circulated in this matter through a process
9 most thoroughly and conscientiously conducted.
10 As evidenced by the records kept of even all
11 responders who disagreed with, were undecided
12 about or uninterested in the clear, concise
13 petition statement.

14 The summary page of those results
15 is titled "Community Unified in Opposing
16 Planned Unit Development at 5220 Wisconsin
17 Avenue."

18 Attesting to the reliability of
19 the petition results is that only seven
20 responders expressed no interest in the
21 matter. Five hundred forty-one of 548 took
22 the time to discuss and register their

1 positions. Five hundred and one of the 541
2 signed the petition. Five hundred and one
3 people who collectively own and maintain
4 vastly more land than the Akridge parcel
5 comprises and who pay far more real property
6 and income taxes than it would generate.

7 The community has spoken
8 unequivocally. Ninety-one percent oppose the
9 Akridge project as presently proposed. Only
10 four percent support it.

11 Please send Akridge back to the
12 drawing board with instructions to abide by
13 matter of right zoning limits.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you,
16 Mr. Burk.

17 Mr. Lowrey.

18 MR. LOWREY: Madam Chair, members
19 of the Commission, thanks for this opportunity
20 to testify.

21 I'd just like to recount a case
22 which I and many others consider to be a

1 stunning success story in the world of zoning
2 in the District and that was the last case
3 that came before this Commission prior to this
4 case for our neighborhood, and that was Case
5 No. 03-27, the Bates Billiard Bar development
6 proposal by IBG Partners.

7 As you know, that case involved a
8 zoning proposal that would go from a C-2-A to
9 C-2-B with a PUD. The residents in the
10 neighborhood opposed that, and when it came
11 before the Commission, the Commission did not
12 set the case down, and that gave the residents
13 and the developer time to work out an
14 acceptable compromise, and then we moved
15 forward with that. Now the case has been
16 decided and that development will move
17 forward.

18 That's a very similar development,
19 I believe to the one currently being debated,
20 the Akridge proposal. I believe that you can
21 walk away from the table happy with a C-2-A
22 development, and I believe that that is the

1 proper designation for this proposed
2 development that we have here tonight.

3 That's all I have. Thank you.

4 CHAIRPERSON MITTEN: Thank you.

5 MR. LOWREY: Other than size does
6 matter. I believe that does.

7 CHAIRPERSON MITTEN: So I've
8 heard.

9 (Laughter.)

10 CHAIRPERSON MITTEN: Mr.
11 Ritchotte. I think I was trying to make that
12 harder than hit was.

13 MR. RICHOTTE: Good evening, Madam
14 Chairman and members of the Commission. My
15 name is John Ritchotte. On behalf of the
16 nearly 200 member Tenleytown Neighbors
17 Association, Incorporated, I speak to oppose
18 the Applicant's request to upzone 5220.

19 TNA is involved in civic affairs,
20 land use issues, historic preservation and
21 education. We favor development that makes
22 Wisconsin Avenue an attractive gateway into

1 Washington. We advocate that renewal respect
2 the avenue's history, character, people, and
3 institutions.

4 Transit oriented development is
5 the rationale for upzoning 5220. Metrorail's
6 Red Line is the transit. The Red Line is like
7 the Potomac. What's upstream counts.
8 Development is booming in western Montgomery
9 County from Friendship Heights to Shady Grove,
10 the station which also serves Gaithersburg,
11 Germantown and beyond.

12 The Red Line's design, one track
13 inbound and one outbound, severely and
14 permanently limits its capacity. It is not
15 feasible for Metrorail to add tracks for
16 trains that could carry more riders.

17 As western Montgomery County
18 ridership increases, passengers will fill
19 inbound rush hour trains at Shady Grove,
20 Rockville, and other suburban stations.
21 Passengers at stations in the middle,
22 Friendship Heights, for instance, will be

1 unable to board rush hour trains within a
2 reasonable time.

3 Neighbors report this is already a
4 problem. Operating eight car trains more
5 frequently will increase Red Line capacity,
6 but not sufficiently. Long trains have to be
7 spaced further apart because they consumer
8 more electric power than short trains.

9 Metrorail is upgrading the
10 electrical system, but has not found a way
11 around another bottleneck.

12 Small platforms limit the number
13 of passengers who can wait for trains. Slow
14 access lengthens the time needed for
15 passengers to clear a platform before the next
16 train can discharge riders. Platform size and
17 access raise public safety and security
18 concerns.

19 If transient oriented development
20 is intended to improve regional traffic, the
21 problem has to be solved at its source, not
22 the city, but the sprawling automobile

1 oriented developments of the suburbs.

2 Every day large numbers of rush
3 hour commuters drive into and out of
4 Washington on Wisconsin Avenue and Rockville
5 Pike parallel to the Red Line. Upzoning in
6 D.C. will not reduce the number of suburban
7 car commuters. It will not add parking spaces
8 at Metrorail stations or make Metrobus routes
9 cost effective in spread out developments.

10 Upzoning in D.C. could make
11 regional traffic worse. People who move from
12 suburbs into Washington will vacate housing.
13 That housing will be acquired by people who
14 will, in turn, have to commute by car.

15 Meanwhile the new Washingtonians
16 will discover that living near the Red Line
17 does not mean being able to board it in the
18 rush hours. They could decide to commute by
19 car. Politically, they might conclude the
20 Applicant and the D.C. government had misled
21 them about Metrorail.

22 A WMATA media relations office

1 spokesperson told me recently that Metrorail
2 was designed in the 1950s and 1960s to bring
3 federal employees to their jobs. Planners who
4 saw then that area population would exceed
5 Metrorail projections advocates a four-track
6 system, two tracks in and two out like the
7 Philadelphia and New York City mass transit
8 subways, but they were overruled due to cost.

9 The results are clear. Metrorail
10 is an expensive system that was obsolete on
11 the drawing boards. The Red Line will not be
12 able to provide the transit for transit
13 oriented development.

14 Transit oriented development as
15 some would apply it in this zoning case is
16 based on flawed assumptions. it is an invalid
17 rationale for 21st Century Washington
18 planning. The metropolitan area needs a
19 comprehensive coordinated mass transit system
20 that encourages prudent land use.

21 In this precedent setting case,
22 the Tenleytown Neighbors Association joins

1 with Advisory Neighborhood Commission 3E and
2 respectfully urges the Zoning Commission to
3 reject the application to upzone 5220
4 Wisconsin Avenue.

5 Thank you, Madam Chairman.

6 CHAIRPERSON MITTEN: Thank you.

7 Questions from the Commission?

8 Any questions?

9 Mr. Collins?

10 Ms. Eldridge?

11 Mr. Quinn?

12 Mr. Hitchcock?

13 Thank you all.

14 Barry Berman, Joe Carlson, Greg
15 Pickens, Noam Stopak. Everybody drop their
16 cards off? Okay.

17 Are you Mr. Berman?

18 MR. BERMAN: Yes.

19 CHAIRPERSON MITTEN: Why don't you
20 go ahead. Just push the button down. It's a
21 flat button. There you go.

22 MR. BERMAN: All right. I'm Barry

1 Berman. I live in Tenleytown. I'm a dues
2 paying member of the Tenleytown Neighborhood
3 Association and also the Committee to Stop
4 Tenleytown Overdevelopment.

5 And I want to answer the question
6 raised by one of your Board earlier when asked
7 what is rational development because that's
8 really at the core of all this.

9 Rational development improves and
10 does not degrade the quality of life in the
11 neighborhood. That's the crucial point that
12 we're talking about here. Right now we live
13 in a neighborhood whose quality of life is
14 high, but we've seen it being degraded piece
15 by piece over the years, the increased
16 traffic, noise, pollution, the overcrowding of
17 the schools, the danger to residents whether
18 pedestrians or motorists, the inability of
19 emergency vehicles to get through in a timely
20 way, and all of the other features of the
21 infrastructure that are strained beyond an
22 already inadequate system by the increased

1 development in the area.

2 The gentleman that just spoke
3 pointed out the fallacy of transit oriented
4 development. It only works if all of the
5 additional people and cars that it brings in
6 can be accommodated by the infrastructure.
7 The Metro is one of those things.

8 And so although I don't live right
9 next to this proposed development, I see it as
10 a real tipping point in the sense that it
11 could break precedent. It could start to break
12 up the neighborhood of Friendship Heights, and
13 I see this monolithic juggernaut rumbling down
14 Wisconsin Avenue soon to engulf Tenleytown and
15 beyond, all in the name of transit oriented
16 development.

17 I think it's a terrible thing to
18 happen to our really nice neighborhoods, and
19 I want to speak against it in as forceful a
20 way as I can.

21 I'm very happy to see that two of
22 our elected representatives, Kwame Brown and

1 Phil Mendelson, have written you letters that
2 they're strongly in opposition to this
3 development, and I think it's very refreshing
4 to see that the members that are elected by
5 their representatives speak out.

6 But I wanted to caution you -- my
7 last word. Thank you -- that one of the newly
8 elected council members, I think you should
9 view her letter with suspicion and discount it
10 because I see that there's a serious conflict
11 of interest since her campaign was to a great
12 extent financed by the developers in the area
13 and including the people that are in back of
14 this Akridge project.

15 CHAIRPERSON MITTEN: Thank you,
16 Mr. Berman.

17 Mr. Carlson.

18 MR. CARLSON: Madam Chairperson,
19 members of the Commission, my name is Joe
20 Carlson and I'm a retired Naval officer.

21 In the Navy I operated and
22 maintained ship nuclear power plants.

1 Procedures were strictly adhered to sine the
2 consequences of breaking them could be
3 catastrophic. In short, rules and procedures
4 applied.

5 I now work for a local nonprofit
6 and support a directorate of the Office of
7 Secretary of Defense overseeing testing of
8 Navy ships. When the Navy objects to testing
9 saying it's unnecessary or too expensive, we
10 gently remind them that public law requires
11 realistic testing prior to deploying the ship
12 or weapons system.

13 In short, laws apply. When my
14 wife and I decided to buy our house, right on
15 the corner of 44th and Harrison Street, you
16 have seen a picture of it tonight. I keep the
17 trash on our side of that little barrier
18 picked up. We are comforted by the fact that
19 the zoning laws buffered us from the nearby
20 congestion. The building heights and
21 densities stepped up in a rational way to the
22 nearby Friendship Heights Metro station.

1 Now we are finding out that the
2 laws don't really apply. It seems that the
3 laws have been corrupted and with a sprinkling
4 of incentives to the community, or you might
5 say targeted bribes, a developer can bust
6 right through these zoning limits. I think
7 they resemble bribes because for various
8 amounts of money the developers actually
9 buying approval from different groups of
10 people. They're obviously targeted because it
11 would just be wrong to object to a local
12 school getting money.

13 Well, I think it's wrong that a
14 school in one of the highest per student
15 spending amounts in the country, that they
16 feel the need to take money from a developer.

17 And I was also a little appalled
18 last time of the testimony from an expert
19 witness who has a monetary stake in the
20 project. In our business that's called a
21 conflict of interest.

22 In short, it seems that you have

1 the corrupting influence of the PUD process.
2 The zoning laws don't apply. I personally
3 circulated a petition to every house on the
4 even side of the 4400 block of Harrison
5 Street, the petition you've heard about many
6 times over, and with the exception of one
7 house that was not occupied, one or more
8 adults in every house signed that petition
9 objecting to this project and requesting that
10 the zoning laws be followed and enforced.

11 My wife and I request that the
12 zoning laws be enforced and this PUD not be
13 approved.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you,
16 Mr. Carlson.

17 Mr. Pickens.

18 MR. PICKENS: Good evening. My
19 name is Greg Pickens. I'd like to thank the
20 council for their patience and stamina tonight
21 in listening to all of our testimony.

22 I live in the 4400 block of

1 Garrison Street. That's about two blocks away
2 from the nearest corner of the proposed
3 development, and I'd like to reflect on a
4 couple of comments that were made earlier by
5 those that ere testifying in support of the
6 proposal which I object to.

7 One comment was that the
8 neighborhood lacks -- and this is a direct
9 quote -- there's a lack of basic amenities.
10 I strongly, strongly beg to differ on that
11 account. Basic amenities to me is food. I
12 have depending upon how you count on it three,
13 four places to buy food, fresh food, packaged
14 food, frozen food that I can walk to easily.
15 I can easily walk to a drug store or easily
16 get prescriptions filled, dry cleaning, books.
17 I'm a scuba diver. I can buy scuba diving
18 equipment. That's kind of strange. There's
19 a bicycle shop, an outdoor shop, two kitchen
20 stores.

21 There's really a great variety and
22 a really wonderful variety of retail in our

1 neighborhood, and I think to describe that as
2 pathetic or bewildering lack of is hyperbole
3 of its own.

4 I'd also like to reflect on
5 another couple of comments that were made
6 earlier by those testifying in support, one of
7 which was they were tired of developing
8 projects taking so long. I agree. I think
9 it's a shame. I think it's a shame that
10 developers choose to hold out for the prospect
11 of greater profits instead of making a prompt
12 turnaround in development.

13 I have friends of mine who
14 recently moved into a P.N. Hoffman development
15 that was in the City of Alexandria, a project
16 which was delayed. They were pre-purchasers,
17 and they were delayed by approximately 18
18 months as that developer sought to get an
19 equivalent PUD process to get the size of that
20 project upgraded.

21 So they waited not because
22 neighborhoods were objecting, but because the

1 developer decided that was an appropriate risk
2 to take.

3 So I don't blame the developers.
4 They deserve to make money. I have no problem
5 with that, but for those who would look at any
6 slowdown in the development of a project and
7 the turnaround of a project have to look at
8 both sides of the equation.

9 And one final comment I would make
10 is there were several people earlier who
11 commented on and correlated the victory of
12 Mary Cheh and the Ward 3 election as being a
13 de factor approval of smart growth. Well, I
14 walk through D.C. neighborhoods in Ward 3. I
15 see a lot of Kerry Edwards bumper stickers.
16 I see a lot of "war is not the answer" bumper
17 stickers. I'm pretty sure the District is a
18 liberal, largely Democratic organization,
19 electorate.

20 And yet somehow the United States
21 of America elected George Bush twice. So you
22 shouldn't look at the results of one

1 particular election and attribute that to a
2 narrow area which we have here in the
3 Tenleytown and Friendship Heights area.

4 Thanks.

5 CHAIRPERSON MITTEN: Thank you,
6 Mr. Pickens.

7 Mr. Stopak.

8 MR. STOPAK: Hi. My name is Noam
9 Stopak. I live on Ingomar Street a block and
10 a half from the proposed development, and I
11 came today to oppose.

12 My wife has lived on that property
13 on Ingomar Street for 25 years. I myself
14 moved there a little less than two years ago.
15 I really hated to give up my Senators and my
16 voting representation in Congress. So I
17 appreciate this opportunity to participate in
18 a democratic process.

19 (Laughter.)

20 MR. STOPAK: I do still pay taxes,
21 however, and there has been a lot of talk
22 about tax dollars from this new investment,

1 and I just wonder what about our investment
2 and the taxes that we pay, and I want you to
3 think long and hard about that map that showed
4 that neighbors in the community who oppose
5 this project and signed that petition and want
6 to stand by the existing zoning that was in
7 place for a long time, that was in place when
8 we bought our properties, and what this might
9 do to our property values.

10 I'm also a Janney parent, and
11 while I think money for the school is great,
12 I don't believe in this system of bribery and
13 I'm not convinced by that, and I hope you
14 aren't either. I don't really find the
15 amenities to be particularly compelling.

16 And finally I want to talk about
17 neighborhood. When I moved, I've lived in the
18 surrounding area for quite some time, lived in
19 White Oak, lived in Aspen Hill, lived in
20 Bethesda, and now moved to Friendship Heights,
21 and this is a friendly neighborhood. And what
22 I found when I went to a meeting that was

1 called for my community, and I asked a couple
2 of questions about traffic and parking, and I
3 got a really, really hostile response from the
4 folks from Akridge, and I think that we saw
5 that again when they didn't work with the ANC,
6 and I think we saw that again when they didn't
7 want to let the ANC say what the people who
8 came from the ANC came to present.

9 You know, this is not a neighborly
10 process, and they're not working with the
11 community, and these people, these 15 people
12 who come and talk that they're the silent
13 majority and we're a vocal minority, you know,
14 I just don't buy that. I look at that
15 petition, and I say look at what the people in
16 the neighborhood had to say, and I hope you
17 respect that.

18 Thank you very much.

19 CHAIRPERSON MITTEN: Thank you
20 very much.

21 Any questions? Questions for the
22 panel?

1 Mr. Collins?

2 Commissioner Eldridge?

3 Mr. Quinn?

4 Thank you all.

5 Lyle Brenneman, Gina Mirigliano.

6 Okay. Kathleen Dell, John Oshenski
7 (phonetic), Robert Schwartzberg.

8 I just want to remind folks to
9 turn in their witness cards before they sit
10 down.

11 Okay. Mr. Brenneman, why don't
12 you go ahead and get started?

13 MR. BRENNEMAN: Madam Chairman,
14 distinguished members of the Commission, my
15 wife and I have resided on Garrison Street
16 since September 1985, almost 22 years. Our
17 home is just over four blocks from the
18 proposed Akridge project.

19 I appreciate the opportunity to
20 make a statement to the members of the
21 Commission. I've spent a number of years of
22 my life outside the United States, often in

1 countries where ordinary citizens are never
2 given a voice, where the only voices that
3 count are those of the power elites, and that
4 experience makes me grateful to be here to
5 speak to you this evening where our concerns
6 can be expressed and where our voices can be
7 heard.

8 We are opposed to the Akridge
9 project as it is currently designed. Some in
10 Washington have condemned those of us who
11 oppose this project and called us anti-growth.
12 They have called us the nay sayers, but that's
13 not the case.

14 We're not trying to prevent
15 growth. We just want responsible growth that
16 takes the needs and interests of the community
17 into consideration.

18 I don't think anyone here is
19 saying tonight that the area of Wisconsin
20 Avenue that we're talking about is beautiful.
21 Our problem is the design and size of the
22 building. Our problem is the our concern

1 about setting a precedent.

2 I know that my allotted time is
3 brief. So I just want to speak about one
4 aspect, the already difficult traffic
5 situation. We have heard one or more members,
6 advocates of the development say that the
7 residents of the proposed condominiums will
8 not use cars, that they will use Metro. I
9 really doubt that that's the case. It's far
10 more likely that persons who can afford to
11 purchase high end condos will have at least
12 one or two automobiles, and many of them will
13 have downtown employers who will provide them
14 with parking spaces so they'll be driving and
15 adding to traffic.

16 I'm sure that some of you have
17 recently driven on Wisconsin Avenue between
18 Tenley Circle and Western Avenue. You know
19 how much time that takes. Talk to our
20 emergency services personnel about the current
21 traffic problems they have in responding to
22 calls in the Friendship Heights area during

1 rush hour. They will tell you how it slows
2 their response time.

3 They will also tell you how
4 putting additional cars on the street will
5 further slow that time, and that's a concern.

6 There's much more that I could
7 say, that I'd like to say. Much of it has
8 already been said, and I'll just touch on this
9 one subject in all sincerity. We do not
10 believe that the proposed design of the
11 proposed usage of the property are appropriate
12 for that area of Wisconsin Avenue.

13 Thank you.

14 CHAIRPERSON MITTEN: Thank you,
15 Mr. Brenneman.

16 Ms. Mirigliano.

17 MS. MIRIGLIANO: Good evening,
18 Commissioners. Thank you for the opportunity
19 to speak with you tonight.

20 My name is Gina Mirigliano, and I
21 live with my young sons and husband in
22 American University Park in the neighborhood

1 that adjoins this site that's the subject of
2 a PUD application.

3 I've owned my home at 4404
4 Garrison Street for over 17 years. I live one
5 and a half blocks to the west of the site.

6 I'm going to talk to night about
7 neighborhood. When my children were babies
8 and toddlers, they played every day with the
9 neighborhood children across the street from
10 our home. As cut-through traffic and the
11 speed traveled by these cars increased, our
12 neighbors fenced their yard. We spoke in ever
13 stronger terms over time to our children about
14 looking both ways before crossing the street.

15 When our neighbors' children
16 became school age, they attended over crowded
17 Janney Elementary School for a few years.
18 Eventually they departed for Maryland seeking
19 less crowded schools and safer streets.

20 We stayed. Why did we stay? Ours
21 is a community where our children learn
22 responsibility and values by taking care of

1 neighbors' pets, shoveling snow for seniors,
2 taking short walks to buy a forgotten item for
3 dinner at a neighborhood store. We hold block
4 parties, celebrate birthdays and holidays
5 together. We share home renovation tips. We
6 help our seniors who, in turn, cherish our
7 children.

8 We're a transit oriented D.C.
9 neighborhood.

10 The PUD application brought forth
11 by Akridge is an excessive intrusion into our
12 stable single family residential community.
13 The building has the highest FAR of any
14 building on Wisconsin Avenue. A lot of
15 technical discussions happened tonight, and
16 I'm just not going to rehash that for you: 54
17 feet taller than the closest building, 140
18 acres per unit where Van Ness is 85.

19 Let me just go ahead and skip
20 forward. Perhaps it's a good building for a
21 central business district where PUDs on half
22 acre lots may be the accepted norm, but it's

1 not appropriate planning which respects the
2 scale, character and function of our single
3 family neighborhood adjoining the site.

4 Not only for the protection of the
5 adjoining neighborhood be given paramount
6 consideration in this decision, but the
7 capacity of the infrastructure should as well.
8 Currently fire and EMS response times are
9 diminished. Janney Elementary is over
10 crowded. We've heard all of this tonight.
11 Cut-through traffic, excessive speeds, they
12 endanger our significant population of
13 children and seniors, and retail patrons and
14 commuters park off our residential streets
15 every day of the week.

16 When I recently described our
17 community's expenses and efforts in opposing
18 the Akridge PUD to a colleague, she told me an
19 important story. Her father has had a
20 successful medical practice in Friendship
21 Heights for many years. His patients are
22 aging now. Over recently years they've become

1 reluctant to visit his office in Friendship
2 Heights. They're fearful of the congestion
3 and the traffic. They can't find parking.
4 Her father reports his patients are making
5 decisions not to seek care because Friendship
6 Heights is already overdeveloped.

7 CHAIRPERSON MITTEN: I need you to
8 wrap it up.

9 MS. MIRIGLIANO: Right. I ask you
10 to apply the guidance in place today and deny
11 approve of the Akridge application of 5220
12 Wisconsin.

13 Thank you.

14 CHAIRPERSON MITTEN: Thank you.

15 Ms. Dell. I need you to turn the
16 mic on first.

17 MS. DELL: Good evening. My name
18 is Kathleen Dell, and I live at 4105 Ellicott
19 Street, south of the proposed development.

20 As I was preparing my words
21 tonight, I realized I didn't have enough time
22 to say everything I wanted to say, and so as

1 people were talking tonight many of my
2 neighbors have expressed the same concerns
3 that I have had. So I tried to take my words
4 and just bring them down to a couple of points
5 to reemphasize some things.

6 Part of my questions about this
7 development is also tied in with Washington,
8 D.C. and the whole process that the developers
9 go through for these developments. I just
10 wanted to point out that we are already a
11 transit oriented developed area in Washington.
12 If Akridge were not to be built, some other
13 developer would come in there and maybe build
14 according to the current regulations. We
15 would be given the same amount of benefits
16 that we would get from an Akridge development.
17 I don't think this is necessarily the answer.

18 WE would still have an upgraded
19 streetscape. We would still probably have the
20 PEPCO site fixed up, and other things that
21 have been mentioned here tonight. It's just
22 the way it will go when that site is

1 developed.

2 I am happy to note that democracy
3 is holding on by its fingernails here in D.C.,
4 and it is in full bloom with our ANC and our
5 Commissioners.

6 Earlier it was talked about by the
7 Ward 3 Vision people that they were speaking
8 for the majority, but there's no evidence to
9 that effect. The only evidence we can point
10 to for us is that this is an elected board.
11 They go through a process. People take time
12 out of their lives to go and vote for the ANC
13 representatives, people who care enough who
14 will get to these meetings, and they will
15 express their points of view.

16 I've lived in the area for ten
17 years, and I have seen the attitudes of the
18 board change as the neighbors address their
19 needs. It's true representation at its very
20 best, and I do hope that their opinions which
21 were stated so beautifully will be honored
22 here tonight and given full weight of their

1 value.

2 I am also concerned about the
3 process of funding for things like school
4 programs and cleaning up spoiled areas, such
5 as the PEPCO, and now the care of the
6 elderly. All of this is to fall on the
7 shoulders of our developers. I find this a
8 very strange way to run a city, but what a
9 great deal for the developer who will spend a
10 few thousand dollars to please a few people
11 and walk away with the profits of a multi-
12 million dollar badly conceived development.
13 It's a true mess.

14 No matter who says what here about
15 this development by Akridge, you still have
16 the problem of --

17 CHAIRPERSON MITTEN: I need your
18 closing thought.

19 MS. DELL: -- you still have the
20 problem of the alley. It's not going to go
21 away. It must be addressed by whatever
22 development comes in there, and Akridge is not

1 doing it.

2 So please, what I want to do is
3 send this back to the drawing board and have
4 Akridge talk to the true representatives of
5 the neighborhood.

6 Thank you.

7 CHAIRPERSON MITTEN: Thank you.

8 Mr. Schwartzberg.

9 MR. SCHWARTZBERG: Can I submit
10 these pictures, too?

11 CHAIRPERSON MITTEN: You can hand
12 it up to the staff.

13 MR. SCHWARTZBERG: Dear
14 Commissioners, my name is Robert Schwartzberg,
15 and I've lived in the District for the last 14
16 years, including the last eight years at 5124
17 44th Street, which is at 44th and Harrison
18 Streets, approximately 300 feet from the
19 project.

20 I'm currently one of the 500
21 closest residents, and I'm part of the 92
22 percent majority of that group that opposes

1 the Akridge application in its current form.

2 The main reason I'm opposed is
3 that neither the developer nor the Commission
4 seems to understand that our street parking is
5 already near full capacity, especially on
6 weekends. I distributed some pictures which
7 were taken on three separate weekends which
8 show what's really going on here with street
9 parking.

10 As you can see in all of these
11 pictures, there are no open spots on 44th
12 Street on any of these afternoons.

13 This is February 11th, March 17th
14 facing south on 44th Street, completely full.
15 Most of those cars are visitor cars, not
16 residents. March 24th, completely full.

17 This is going back to March 17th.
18 That's Harrison on the other side of the
19 border -- I mean that's 44th on the other side
20 of the border, completely full. And that is
21 Harrison facing eastbound.

22 So those March 17th pictures show

1 there is no parking at all on the weekends.
2 So I know I'm a little short for time here.
3 Even if the Akridge project were to stay
4 within the current zoning, the visitors to the
5 50 or more units and the first floor retail
6 would make this bad situation much worse,
7 especially if you allow DDOT to remove seven
8 spaces from Harrison Street.

9 If you allow them to build beyond
10 the current zoning, they you'll really be
11 turning our neighborhood into a parking
12 nightmare where the residents who live here
13 are constantly fighting the visitors for spots
14 near their own houses.

15 Even Mr. Laden from DDOT when
16 asked if three visitor spots were sufficient
17 or merely helpful declined to go as far as
18 saying that three spots were sufficient.

19 I think we would all be very
20 concerned if the Commission did not require
21 Akridge to have more visitor parking in its
22 building. This is not simply a convenience

1 issue. Frustrated drivers speed through the
2 streets looking for open spaces which make it
3 dangerous for residential pedestrians,
4 especially children.

5 Cars circling the block also add
6 to the congestion and pollution. I don't
7 think our city planners ever intended for this
8 to be a free parking lot.

9 My final thought. I also don't
10 think that the Commission should approve this
11 project in its current form until someone can
12 successfully explain to me how a \$500,000
13 donation to the Lisner Home, which is
14 completely unaffected by the increased traffic
15 resulting from the 5220 Wisconsin project will
16 keep this overcrowding from getting worse.

17 Thank you for taking the time to
18 hear my views.

19 CHAIRPERSON MITTEN: Thank you,
20 Mr. Schwartzberg.

21 Any questions from the Commission?

22 Mr. Collins?

1 Okay. I don't have to speak
2 anymore. Thank you all for your testimony.

3 Ms. Zartman and Lisa Newman and
4 anyone else who would like to testify in
5 opposition, now is the time to come forward.
6 And please give your cards on the way up to
7 the court reporter.

8 We'll start with Ms. Zartman at
9 this end and then we'll just move down the
10 table.

11 MS. ZARTMAN: Thank you. And
12 thank you for your patience.

13 My name is Barbara Zartman and I'm
14 here representing the Committee of 100 on the
15 federal city whose zoning chairman I have the
16 pleasure to be.

17 Our comments are not directed to
18 this particular proposal but to the PUD
19 process itself because before you in
20 considering whether to approve a proposed
21 planned unit development, you're faced with a
22 series of challenges in applying Chapter 24,

1 including the shortcomings of the regulations
2 themselves.

3 Despite those shortcomings, there
4 have been a further range of problems, some
5 caused by aggressive advocacy from applicants
6 and some by uneven staff work by D.C.
7 agencies, even including the Office of
8 Planning, despite the talent and energy of
9 that staff.

10 We're offering this series of
11 comments not about this case, but in the hope
12 that if you agree they apply to this case, we
13 ask that you shape your ruling accordingly.

14 The purpose provisions of Chapter
15 24 are constrained to high purposes and other
16 conditions are set forward in the following
17 provisions. These are the rules you are given
18 to apply, unless you are persuaded to waive
19 them.

20 We believe that waivers are being
21 recommended so often that 2400.4 is being
22 violated, even gutted, and the intent and

1 purposes of the zoning regulations are being
2 circumvented. Results that are inconsistent
3 with the Comprehensive Plan are being
4 produced.

5 We ask that the Commission demand
6 the rigorous staff work that will make
7 possible compliance with all, not some, of the
8 chapter, especially 2400.3, the required
9 comprehensive public review of specific
10 development proposals in order to evaluate the
11 public benefits in proportion to the
12 flexibility or incentives requested.

13 Specific changes that we think
14 need your attention. The minimum area
15 requirements of 2401.1 are often waived,
16 allowing small sites to be considered as PUDs.
17 We argue that this evades the very purpose of
18 PUDs and the zoning requirements.

19 Further, as the stated need to
20 find exceptional merit, coupled with the best
21 interest of the city or country in 2402.2 is
22 ignored so consistently as to make the

1 provision null and void.

2 The Commission has been asked to
3 waive the requirements for contiguous
4 property. Time limits for PUDs originally
5 intended as fixed term projects have now been
6 recommended for as long as 20 years.

7 The justification for using PUDs
8 to depart from matter of right zoning
9 standards is often introduced by citing an
10 instance of such a departure somewhere else,
11 in essence arguing that if something was done
12 once, it is available for all future projects
13 despite the standard of 2405.4 that variance
14 in lot occupancy, for example, must depend
15 upon the exact circumstances of the particular
16 project.

17 Requests for even modest increases
18 in height or FAR are permitted by regulation
19 only if it is, quote, essential to the
20 successful functioning of the project, a
21 condition that is all but impossible to
22 challenge for want of necessary information.

1 More significant increases are
2 often sought as well, perhaps as waiver
3 requests under two provisions. The impact of
4 pet house allowances made less necessary by
5 new technology and updated building codes is
6 not factored into analyses at all, despite
7 their near universal claims and despite the
8 impact that the additional height and massing
9 provides in most cases.

10 A few features of Chapter 24 as is
11 variably treated as public benefits and
12 amenities. The descriptions in 2403.6, 7, and
13 9 present a laundry list of benefits and
14 amenities that can be considered in evaluating
15 project impacts, but the way in which they are
16 presented to the Commission varies widely.

17 Impacts protested by immediate
18 neighbors are nonetheless recommended to you
19 as benefitting a broader community.
20 Distinctions are not made between the
21 obligations any developer would have to meet
22 and attractively phrased airy extras.

1 The listed areas of benefit and
2 amenity are so broad as to permit nearly any
3 feature to be listed, especially with
4 reference to any feature that substantially
5 advances major themes of the Comprehensive
6 Plan.

7 Despite 2403.10's requirement that
8 the project be acceptable in all proffered
9 categories and superior in many, there is
10 seldom a staff analysis that measures
11 compliance.

12 The Applicant is understandably
13 inclined to state the benefits of his project
14 most attractively and in the most favorable
15 light, but it is left to you, supported by
16 objective staff work, to protect the public's
17 interest in these assessments.

18 CHAIRPERSON MITTEN: I need you to
19 close it out.

20 MS. ZARTMAN: You have my full
21 statement.

22 The burden of proof according to

1 the regulations is on the Applicant. We would
2 argue that, in fact, the burden has been
3 transferred to communities to ferret out
4 information. We would hope that you would put
5 teeth into the existing PUD regulations
6 because they aren't going to be changed fast
7 enough to affect the projects coming to you
8 now.

9 We would hope that the tough
10 standards that are at least embodied in your
11 regulations are the ones you insist be used in
12 evaluating these projects. This roomful of
13 people is counting on you to do just that.

14 Thank you.

15 CHAIRPERSON MITTEN: Thank you.

16 Sir.

17 MR. FEKETE: My name is Paul
18 Fekete and my name seems to have been dropped
19 off the list of signers, but at any rate, here
20 I am. Thank you very much.

21 I've been a resident of Ward 3 for
22 27 years, residing on Ellicott Street since

1 1986 approximately four blocks from the
2 proposal. I am here testifying in opposition
3 to Akridge's application.

4 The primary reason for my
5 opposition to the Akridge proposal is because
6 it exceeds the reasonable parameters of
7 existing zoning regulations. Simply put,
8 zoning should matter and it really doesn't
9 seem to be, at least not in this situation.

10 The building exceeds in height,
11 density and lot occupancy all of the
12 limitations enshrined in present zoning, and
13 even that envisioned with the new
14 Comprehensive Plan.

15 I work a lot in least developing
16 countries, and one of the basic tenets we try
17 to inculcate in newly democratizing nations is
18 the concept of the rule of law, something that
19 I would hope would be applied here as well.

20 Whether or not Akridge's
21 application technically falls outside of
22 zoning laws and regulations is for you to

1 decide, but it's undeniable from my point of
2 view that it falls outside of the intent and
3 the spirit of those regulations, which is to
4 protect residential neighborhoods through
5 effective buffers.

6 Akridge's building does not
7 respect the buffer concept and is an
8 unmistakable challenge to the buffer concept,
9 and it should be rejected on that basis.

10 If Akridge is successful, it will
11 have detrimental ramifications for all of
12 Wisconsin Avenue corridor for the foreseeable
13 future, something that Council Member
14 Mendelson communicated to you today as well.

15 I also oppose the Akridge request
16 because of the mockery Akridge has made of
17 community involvement in the PUD process, and
18 I use my words carefully. Every step Akridge
19 has in a calculated fashion ignored the
20 express wishes of the local ANC and other
21 civic groups who ask that Akridge work with
22 the community in a collaborative fashion.

1 Rather, Akridge has held its own
2 meetings almost exclusively with supporters
3 and has rejected any attempt for meaningful
4 dialogue about the nature of the development
5 that should take place on the site or the
6 amenities that might appropriately serve
7 community interests.

8 Advisory Neighborhood Commissions
9 may not be a forum to the liking of everyone,
10 but they are the ones that are formally
11 sanctioned by D.C. law in order to distill and
12 communicate the views of the community on
13 public policy issues, including on
14 development.

15 For Akridge to refuse to deal
16 directly and in good faith -- and I stress
17 that -- with elected officials of the local
18 ANC is a repudiation of the District's
19 democratic institutions and should be
20 unacceptable to the Commission. It certainly
21 seems unacceptable to me, and it's not
22 behavior that should be rewarded.

1 And frankly, it's behavior that
2 would perhaps have precluded the polarization
3 that is taking place in the neighborhood as a
4 result of that behavior.

5 I have no doubt that the site
6 deserves to be redeveloped. I also firmly
7 believe that a process in a building that is
8 more respectful of the neighborhood is both
9 possible and essential. I hope that the
10 Commissioners will recognize that the Akridge
11 proposal fails on many levels and will vote
12 against the current proposal and will allow
13 for some real negotiations to take place
14 between the developer and the community.

15 Thank you very much.

16 CHAIRPERSON MITTEN: Thank you.

17 Ms. Newman.

18 MS. NEWMAN: My name is Lisa
19 Newman. I live at 4413 Faraday Place, which
20 is a little street. I would say it's about a
21 stone's throw of two blocks away from the
22 proposed development. We're next to Garrison

1 Street.

2 And I thank you for your stamina,
3 and you guys look better than I feel.

4 I'd like to just start by telling
5 you that I have a five year old daughter,
6 Elliana, and I no longer drive along coming from
7 Bethesda along Wisconsin Avenue. We take a
8 shortcut behind our old pediatrician's
9 building near Sak's Fifth Avenue. We cut
10 back. We go down to where Bloomingdale's is
11 being built and we go that way.

12 And this is a huge disappointment
13 to her because Nieman Marcus has these
14 wonderful colors that change, and I no longer
15 let her admire that, which she only sees when
16 we go to Indique Heights (phonetic) because
17 the congestion is so bad. And she doesn't
18 even know that area anymore. This has been
19 going on for over a year along Wisconsin
20 Avenue because it's such gridlock.

21 And so I fear for the future when
22 Bloomingdale's comes. I mean this is the mall

1 in the city. This is going to be the "it"
2 place, and if you have not visited this part
3 before you make the decision, I urge you to go
4 there. I don't know who that guy is who drive
5 18 times around, but he's insane.

6 (Laughter.)

7 MS. NEWMAN: And I'd also like to
8 say as a journalist by profession, I am
9 appalled at these people who call themselves
10 Ward 3 Vision. I live two blocks away. I
11 have never gotten a brochure, been knocked on
12 my door. I have never seen them, heard of
13 them, nothing, and I have been contacted by
14 the Commission. I have been contacted by the
15 Friendship Association, all these other groups
16 many times to ask to do this, to come and
17 speak ad nauseam.

18 I'm sorry. I haven't been here
19 in two years. I did come at a meeting at St.
20 Columbus a couple of years ago, a year and a
21 half ago. I don't remember when.

22 I would just like to say that my

1 child is one of 20 on Faraday place. We have
2 great fertility on our block. Twenty kids.
3 Most of us are going to Janney. They're all
4 under age eight.

5 We see people now circling. We
6 have a problem on River Road you may not be
7 able aware of where there's no light there.
8 They have many accidents. We see people
9 circling, going through the alleys, going down
10 45th Street. Forty-fifth is directly out to
11 Western. If you don't know this, we're about
12 three blocks from Lord & Taylor, for where we
13 are.

14 They're circling. They're going
15 fast. They're rushing. The traffic is a
16 problem. We have 20 children under age eight.
17 It is a big issue and somebody is going to get
18 hurt.

19 And so I urge you to go to this
20 area and look at the traffic congestion. I
21 kid you not. Walk with my daughter. She will
22 show you where the Nieman Marcus lights are,

1 and she will tell you that she misses it
2 because she doesn't want to go to that area
3 because I don't want to drive through that
4 area anymore.

5 I'd also like to say that as a
6 journalist I'm appalled at the process that's
7 going on here. A year and a half ago,
8 whenever it was at St. Columbus, if anybody
9 knows of this process, we were actually told,
10 the people who were concerned about this
11 project that we could not speak, and a couple
12 of us got up, myself included, and made a fool
13 of myself and said, "What kind of democracy do
14 we live in?"

15 And I thank you for hearing us
16 tonight because I don't know who these Akridge
17 people are, but they have never tried to
18 contact anybody who lives very close to this
19 project and talk about it, and I believe -- I
20 know the Washington Post is preparing an
21 article -- I believe there is room for
22 compromise on this issue, but people have to

1 get together and talk, and I've never seen
2 something so divided for people who live so
3 close to something.

4 Why are we not getting together
5 and having a civil discussion?

6 I hope you can help us participate
7 in that.

8 Thank you.

9 CHAIRPERSON MITTEN: Thank you.

10 Ma'am.

11 MS. REBOLD: I'm not on the list,
12 but my name is Hazel Rebold, and I've owned my
13 home on Military Road one block off of
14 Wisconsin Avenue for over 20 years.

15 I feel that sometimes the wrong
16 questions are being asked or the right
17 questions are being left out. The question is
18 not should density be higher in your Metro
19 stations. Of course it should, and this is
20 reflected in the current zoning. The right
21 question to ask is how much density is
22 appropriate near Metro.

1 Is it advisable to increase the
2 limit or is the right amount already allowed
3 and not yet even fully filled out?

4 Another question has been would
5 you rather see this proposal built or do you
6 want to keep that car lot on the site instead?

7 It's absurd to even mention this,
8 and yet I've heard such as question many
9 times, including several times earlier
10 tonight.

11 The real question is: would you
12 rather see new development here that's 50 feet
13 tall with a 1.8 FAR or do you want to allow
14 something 50 percent taller and three times as
15 dense?

16 Here's one question that never
17 seems to be asked, but I'd certainly like to
18 hear answered: is it better to have a green
19 roof on a development with 100 percent lot
20 coverage or is it better to have grass, trees,
21 bushes and flower beds on the grounds of a
22 development with 60 percent lot coverage?

1 Another question I'd like to have
2 answered: who is foolish enough to think that
3 this can somehow not be a precedent for other
4 development in the area? In theory each PUD
5 is granted upon its own unique merits. But
6 will several stories be erased when the next
7 applicant come before this Commission and
8 shows the height and density of buildings
9 existing near their site?

10 Has there been any mention in this
11 application of which buildings near their site
12 are PUDs that are supposedly not precedents?

13 I will be personally affected by
14 what happens here, and I ask the Commission to
15 please take into account my strong opposition.

16 Thank you.

17 CHAIRPERSON MITTEN: Thank you.

18 Ms. Gates.

19 MS. GATES: Good evening, Chairman
20 and members of the Zoning Commission. My name
21 is Alma Gates, and I live at 4911 Ashby
22 Street.

1 I do not live near this project,
2 but I am a member of ANC-3D.

3 Several years ago there was a
4 commercial for balsam and honey shampoo. The
5 commercial professed that the shampoo was so
6 wonderful I would tell ten friends, they would
7 tell ten friends, and eventually the good news
8 would ripple out, and so on and so on.

9 The ripple effects to the
10 environment from the proposed Akridge project
11 are what brought me here tonight. ANC-3D's
12 area is just across the street from 3E. So
13 any impacts in their area ripple over into our
14 neighborhoods, and so on and so on.

15 It would be impossible to say
16 environmental impacts won't occur when the
17 Office of Planning is blessing 100 percent lot
18 occupancy for the Akridge project and future
19 projects for which this case will set
20 precedent. The minimal lead standard being
21 proffered by Akridge will have little or no
22 positive effect on the environment, but the

1 increase in hard scape is going to increase
2 the heat island effect that is being created
3 along the entire Wisconsin Avenue corridor.

4 It might be described on a summer
5 day as white hot when the sun reflects off of
6 cement surfaces and blinds anything stepping
7 outside onto the 27 foot wide sidewalk.

8 Each new development brings
9 impacts, whether it is lost to the tree
10 canopy, more traffic, more utility consumers,
11 more strain on overcrowded schools or stress
12 on existing fragile infrastructure. The
13 potential for adverse impacts must be
14 reconciled against the relative value of this
15 proposal in terms of project amenities, public
16 benefits offered and development incentives
17 requested.

18 And the Commission must also take
19 into consideration the fact that adverse
20 effects are not confined to the area around
21 the development. They ripple out and affect
22 other neighborhoods.

1 Zoning is in place for a reason.
2 Along Wisconsin Avenue zoning reflects study,
3 planning, and responsible thinking about the
4 future.

5 Zoning is the conclusion planners
6 have reached about how much and what kind of
7 development the environment, the city, and the
8 community can support. The Akridge
9 application asks the Zoning Commission to
10 throw out the existing planning and expertise
11 and to maximize zoning limits without regard
12 to the impacts.

13 This application must be held to a
14 higher standard because it is an exception to
15 what is allowed as a matter of right.

16 CHAIRPERSON MITTEN: Can you close
17 it up?

18 MS. GATES: I hope you will read
19 my final paragraph.

20 CHAIRPERSON MITTEN: Absolutely.

21 MS. GATES: Because it is an
22 important one for the environment and for you

1 as well, but my final statement is the Akridge
2 projects needs to be scaled back.

3 CHAIRPERSON MITTEN: Thank you.

4 Any questions from the Commission
5 for the panel? Any questions, Mr. Collins?

6 Okay. Thank you very much.

7 Okay, and just before you testify,
8 I'm going to ask Mr. Collins to give some
9 serious consideration to anything that you'd
10 like to say by way of rebuttal to do it in
11 writing because some of us have to catch a
12 train. We try to keep everybody here so that
13 we could finish tonight. So if you could just
14 keep that in mind as this gentleman testifies.

15 Please go ahead.

16 MR. ELLIOTT: Madam Chairman and
17 members of the Commission, my name is Robert
18 Elliott, and it is very nice to see you again,
19 Madam Chairman.

20 CHAIRPERSON MITTEN: Good to see
21 you, too.

22 MR. ELLIOTT: The ANC faxed me a

1 copy of the loading dock diagram and asked me
2 if I would share some experience on the trucks
3 in relation to commercial properties, and I do
4 own a commercial property on Prospect Street,
5 and we have a lot of truck.

6 I would just make a couple of
7 comments. Our property has 42,000 square feet
8 of retail. We don't have a loading dock. I
9 would not see this loading dock being used
10 very much. It's tucked away in the back, but
11 to the extent it is used, the bigger the
12 better.

13 I would say also it's extremely
14 difficult to get commercial trucks to do what
15 anybody wants them to do. The condominiums
16 can control moving trucks because they have to
17 get access to the building, but trucks that
18 drop off things to commercial establishments
19 may double park on major highways. They do
20 whatever, and they get tickets. Tickets don't
21 deter them. The companies pay the tickets.

22 So to the extent that this

1 building is designed in a way that attracts
2 the trucks to the loading dock area because it
3 works, it will be used more.

4 I'm going to be very short. The
5 other thing I would say is with a condominium
6 building you're quite likely to have the
7 loading dock area used as a parking lot for
8 trades trucks that are too tall to get into
9 the commercial garage. This somewhat limits
10 its use as a loading dock, and this is a
11 constant problem because a lot of these trucks
12 are, indeed, too tall.

13 So I understand there's some issue
14 as to how large this loading dock is, how deep
15 it is. There is a turning radius problem, but
16 in fact, you could get trucks into it, but
17 looking at the material that I have, I think
18 that at some point the government would want
19 to revisit what's presented here because it's
20 of limited size, and I think it would be used
21 relatively little.

22 Thank you very much.

1 CHAIRPERSON MITTEN: Thank you.

2 Any questions for Mr. Elliott?

3 COMMISSIONER JEFFRIES: Really
4 quick. Not actually for you, but I'm glad you
5 served as a good segue into something I wanted
6 to put on the record, and that is I've heard
7 so much testimony tonight around a lot of
8 things, but something that's a little
9 compelling to me is this whole notion of the
10 loading dock.

11 And I really would ask the
12 Applicant to revisit this loading dock design,
13 refinement of it or something. I'm certainly
14 not saying to change it wholesale, but I think
15 that there's been enough convincing,
16 compelling discussion around, in particular,
17 that piece of it for this Commissioner that I
18 would really send a strong gesture to the
19 Applicant to sort of revisit that.

20 Thank you.

21 CHAIRPERSON MITTEN: Thank you.

22 Anyone else have any questions for

1 Mr. Elliott?

2 Okay. Thank you.

3 Okay. Mr. Collins.

4 MR. COLLINS: Thank you, Madam
5 Chairperson.

6 I think that we have received a
7 clear signal that you would prefer that we
8 submit our rebuttal and closing in writing.

9 CHAIRPERSON MITTEN: Yes, please.

10 MR. COLLINS: We do have about 20
11 or 25 minutes, we think, of that. So it's
12 probably best that we do that.

13 CHAIRPERSON MITTEN: Okay.

14 MR. COLLINS: So I'm ready to
15 listen to your instructions about what else is
16 to be submitted and the dates and things of
17 that nature.

18 CHAIRPERSON MITTEN: Okay. Well,
19 I think that I share the concern that Mr.
20 Jeffries articulated, and I don't know where
21 the other Commissioners are, but just to
22 either you have to more effectively address

1 the concerns that have been raised or revisit
2 the arrangement of the loading and the
3 approaches and stuff.

4 Commissioner Turnbull had asked
5 about it in the prior hearing, about making
6 those turns with the trucks and so on.

7 So what I'd like to do is leave
8 the record open for three weeks, and during
9 that time Mr. Hitchcock could make the copies
10 of the presentation that he lost in the cab,
11 and then anyone else, Sierra Club and others,
12 who want to submit any additional testimony,
13 and then that would give you sufficient time
14 to make whatever submissions that you would
15 care to make in response to what you've heard
16 by the opposition as well as our concerns.

17 MR. COLLINS: So everyone's
18 submissions are due in three weeks from today?

19 CHAIRPERSON MITTEN: Three weeks,
20 and then we would have a week to respond from
21 that.

22 MR. HITCHCOCK: So I wanted to

1 clarify who goes first. We put something in
2 or they put something in?

3 CHAIRPERSON MITTEN: No, they do.

4 MR. HITCHCOCK: They put something
5 in on May 3rd.

6 CHAIRPERSON MITTEN: They will put
7 something in.

8 MR. HITCHCOCK: And then we have
9 until May 10th?

10 CHAIRPERSON MITTEN: Yes, I guess
11 that's right.

12 MS. SCHELLIN: Right, and then the
13 next meeting would be in June.

14 CHAIRPERSON MITTEN: Right. So
15 the record is open for all submissions until
16 May 3rd, and then the parties would have the
17 opportunity to respond by May 10th, and then
18 we would also expect to the extent that anyone
19 wanted to submit proposed findings of fact and
20 conclusions of law on the 10th, and then
21 there's no opportunity to comment on those.

22 MR. COLLINS: Can I just clarify?

1 It's late.

2 CHAIRPERSON MITTEN: Sure.

3 MR. COLLINS: We're submitting our
4 rebuttal and closing statement, and my
5 understanding is that there's no response to
6 that.

7 CHAIRPERSON MITTEN: To the extent
8 that there's any rebuttal -- well, that's
9 right. There wouldn't be, yeah.

10 MR. COLLINS: So would we submit
11 that on May 10th?

12 CHAIRPERSON MITTEN: Yes, that
13 would be fine.

14 MR. COLLINS: Okay.

15 CHAIRPERSON MITTEN: Yeah,
16 anything else that you want to submit in
17 advance of that.

18 MR. COLLINS: So by May 3rd we
19 would respond to the issue of the loading
20 dock.

21 CHAIRPERSON MITTEN: Right.

22 MR. COLLINS: And anything else,

1 and then by May 10th our rebuttal and closing.

2 CHAIRPERSON MITTEN: Yes.

3 MS. ELDRIDGE: So there is no
4 opportunity for surrebuttal from the --

5 CHAIRPERSON MITTEN: No, no, there
6 is never an opportunity for that here.

7 MR. HITCHCOCK: The effect of that
8 though is to leave one week after receiving
9 the final submission and rebuttal to do
10 findings of fact and conclusions of law.

11 CHAIRPERSON MITTEN: We can do two
12 weeks. It's not going to affect when it's on
13 for decision. Do you want two weeks?

14 MR. HITCHCOCK: Two weeks, till
15 May 17th would probably give us a chance to
16 digest it.

17 CHAIRPERSON MITTEN: Okay. Okay.
18 Everybody clear on the deadlines and so on?

19 Okay. A mad dash for the Metro.
20 Thank you all for your participation, and we
21 look forward to your further participation.

22 MS. SCHELLIN: Thank you very

1 much.

2 (Whereupon, at 11:39 p.m., the
3 hearing was concluded.)