

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF: :

:

HIGHLANDS ADDITION : Case No.

: 06-45

:

:

Thursday,
April 26, 2007

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

The Public Hearing of Case No. 06-45 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, Northwest, Washington, D.C., Anthony J. Hood, Vice Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice Chairperson
KEVIN HILDEBRAND	Commissioner (AOC)
JOHN PARSONS	Commissioner (NPS)
MICHAEL TURNBULL	Commissioner

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON
KAREN THOMAS

This transcript constitutes the minutes
from the public hearing held on April 26,
2007.

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

6:39 p.m.

VICE CHAIRPERSON HOOD: Good

evening, ladies and gentleman. This is the public hearing of the Zoning Commission of the District of Columbia for Thursday, April 26th, 2007.

My name is Anthony J. Hood. And joining me this evening are Commissioners John Parsons and Michael Turnbull. We possibly may be expecting Commissioner Greg Jeffries.

We are also joined by the Office of Planning staff, Mrs. Sharon Schellen and Ms. Donna Hanousek. And also good evening to the Office of Planning staff who we will be hearing from later.

The subject of this evening's hearing is Zoning Commission Case No. 06-45. This is a request by the D.C. Housing Authority and CEMI-NMI Highlands, LLC for approval of a Consolidated Planned Unit Development and related map amendment for

1 property in Southeast Washington located on
2 the site generally bounded by Condon Terrace
3 on the south, 8th Street and existing
4 residences on the west, Valley Avenue on the
5 north and 9th Street on the east, and known as
6 Square 6123, Lots 78 and 80; Square 6125, Lots
7 20-25; and Square 6126, Lots 65-69 and 72.

8 Notice of today's hearing was
9 published in the D.C. Register on February
10 2nd, 2007. Copies of today's hearing
11 announcement are available to you and are
12 located to my left in the wall bin near the
13 door.

14 This evening's hearing will be
15 conducted in accordance with the provisions of
16 11 DCMR 3022. The order of procedure will be
17 as follows: Preliminary matters, Applicant's
18 case, Report of the Office of Planning, Report
19 of Government Agencies, if any, Report of
20 Advisory Neighborhood Commission 8-E,
21 organizations and persons in support,
22 organizations and persons in opposition.

1 The following time constraints
2 will be maintained in this meeting. The
3 Applicant 45 minutes, organizations five
4 minutes, individuals three minutes and I will
5 tell you that we have read the submittals.
6 I'm deviating. We have read your submittals.
7 I'm not sure if we need 45 minutes. There was
8 some concerns at setdown. You may want to
9 address those and we can move at that point.

10 The Commission intends to adhere
11 to the time limits as strictly as possible in
12 order to hear the case in a reasonable period
13 of time. The Commission reserves the right to
14 change the time limits for presentations, if
15 necessary, and notes that no time shall be
16 seeded.

17 All persons appearing before the
18 Commission are to fill out two witness cards.
19 These cards are located to my left on the
20 table near the door.

21 Upon coming forward to speak to
22 the Commission, please give both cards to the

1 reporter sitting to my right before taking a
2 seat at the table.

3 Please be advised that these
4 proceedings are being recorded by a Court
5 Reporter and it is also Webcast live.
6 Accordingly, we must ask you to refrain from
7 any disruptive noises or actions in the
8 hearing room.

9 When presenting information to the
10 Commission, please turn on and speak into the
11 microphone, first stating your name and home
12 address. When you are finished speaking,
13 please turn your microphone off so that your
14 microphone is no longer picking up sound and
15 background noise.

16 The decision of the Commission in
17 this case must be based exclusively on the
18 public record. To avoid any appearance to the
19 contrary, the Commission requests that persons
20 present not engage the members of the
21 Commission in conversation during any recess
22 or at anytime.

1 The staff will be available
2 throughout the hearing to discuss procedural
3 questions.

4 Please turn off all beepers and
5 cell phones at this time so not to disrupt
6 these proceedings.

7 Would all individuals wishing to
8 testify please rise to take the oath.

9 Mrs. Schellin, would you please
10 administer the oath?

11 ACTING SECRETARY SCHELLIN: Do you
12 solemnly swear or affirm that the testimony
13 you will give in this evening's proceeding
14 will be the truth, the whole truth and nothing
15 but the truth?

16 Thank you.

17 VICE CHAIRPERSON HOOD: At this
18 time, we'll take any preliminary matters.

19 Mrs. Schellin, do we have any
20 preliminary matters.

21 ACTING SECRETARY SCHELLIN: We
22 still need the affidavit of maintenance.

1 MS. GIARDANO: We were going to
2 testify to that. Would you like us to submit
3 something in writing? Okay.

4 ACTING SECRETARY SCHELLIN: Still
5 need to submit for the record.

6 MS. GIARDANO: Okay. Can we do
7 that tomorrow?

8 VICE CHAIRPERSON HOOD: Are there
9 any other preliminary matters?

10 If not, let me just ask the
11 question because I didn't see anything in the
12 record that reflect it. Maybe I may have
13 overlooked.

14 Do we have anyone here who is in
15 opposition of this case, if so, if you can
16 just raise your hand?

17 In opposition? Okay. All right.
18 thank you.

19 Ms. Giardano, you can proceed.

20 MS. GIARDANO: Yes. Good evening,
21 Mr. Hood, Members of the Commission.

22 We understand that you're read the

1 materials and we'll make our presentation
2 brief.

3 We've submitted an outline of the
4 presentation, but we're going to eliminate
5 some of the testimony. But I did want to say
6 that Mr. Knox Hayes from the D.C. Housing
7 Authority is here. He was going to testify on
8 the project history and background but we can
9 dispense with that.

10 Mr. Crawford, who represents the
11 development team is here and I think we would
12 like Mr. Crawford to speak for just a few
13 minutes on the community outreach process for
14 the project. And then we'll proceed with
15 architectural presentation.

16 VICE CHAIRPERSON HOOD: And if we
17 have any questions for Mr. Knox, he'll be
18 around and we can ask him.

19 Thank you.

20 MR. CRAWFORD: Mr. Chairman and
21 Board Members.

22 My name is H.R. Crawford. Not

1 only I reside formally in the Ward 8 Area at
2 800 Southern Avenue, SE, in my 20's, but most
3 of my life I've spent in the southeast area.
4 I presently reside in the Hillcrest area of
5 Ward 7.

6 As you all know that I was a
7 former Assistant Secretary of HUD and I've
8 worked for such giants as the Rockefeller
9 Foundation, Mr. Trump, the Trump Foundation
10 and many others I've consulted throughout the
11 country.

12 When I left the Department of
13 Housing and Urban Development and rejoined the
14 City Council, I decided to go back to the
15 neighborhood where I started and to do
16 something to correct some of the defects that
17 I saw in the area.

18 I concentrated on the Highland
19 Congress Park area. Through a competitive
20 process we won in 2003 the right to develop
21 the Highlands which was an old public housing
22 project developed under Category 1 because as

1 you know in the old days there was two
2 categories.

3 Category 1 was the Rights
4 category. Two, it was -- and I decided that
5 since this is where I've been extremely
6 fortunate that I would return to the area and
7 intend to turn the neighborhood around, so
8 I've concentrated primarily just on the
9 Congress Heights Area.

10 And I didn't want to start without
11 the support of my colleague, my former
12 colleague Wilhemina Rolark. So, I called Mrs.
13 Rolark and she was elated. I met at her
14 house. It was raining, pouring down rain.
15 And she told us to meet with the president of
16 the block clubs house.

17 We took our charts and plans and
18 they overwhelmingly approved of our coming
19 into the community and redeveloping the area.
20 Of course, Ms. Rolark has passed, but we did
21 just that and we, of course, tried to make
22 certain that we met the concerns that they had

1 at that time.

2 The old Highland was an old
3 project that had gone over the years had
4 become dilapidated. There were drugs and
5 thugs.

6 What we are emphasizing today and
7 encouraging today is an open community of
8 mixed income. There would be a number of
9 workforce individuals there. Police Officers,
10 school teachers that would enhance the
11 neighborhood.

12 We took all the concerns of the
13 community and we took them to the city and
14 developed this project.

15 We won the bid in 2003 to proceed
16 with this project. We've had numerous
17 meetings. We have had ANC meetings. The ANC
18 told us they didn't want anymore day care
19 centers. The ANC said no more parks. The ANC
20 said no more rec centers. And we told them
21 that we would fulfill that. We had planned a
22 community center, but the ANC said no.

1 At that time, the chairman of the
2 ANC which gave us their approval was Chairman
3 Sandra Saders. In your file there should be
4 a letter of endorsement from Sandra Saders.

5 Then there should be an
6 endorsement from ANC Chair Lockridge. She
7 came on board. She's a neighbor. She lives
8 on Valley Avenue, SE. Of course, Ms.
9 Lockridge's husband is on the D.C. school
10 board.

11 Mrs. Lockridge succeeded Mrs.
12 Seegers as the chairperson of that ANC. We
13 made certain that we had community support and
14 where there was any, any opposition at all, we
15 tried to meet with the opposition to resolve
16 any problems.

17 We had numerous meetings with the
18 community. We had a schreck in 2004. We've
19 had more than two meetings with the ANC, we've
20 clarified any instances of a problem or an
21 issue with the ANCs. We have the concurrence
22 of the ANCs.

1 This all started on Foxhall Place,
2 not Mrs. Rolark's residence, I'm sorry, but at
3 that time, the lady is deceased now, but the
4 residence of the person of the chair of the
5 Foxhall Neighborhood organization at that
6 time.

7 They themselves delivered the
8 endorsement of our firm to the Housing
9 Authority.

10 We also met with former council
11 member Sandy Allen who endorsed the program.
12 And, of course, council member Marion Barry.

13 We had extensive meetings with the
14 counsel members and we had extensive meetings
15 with the neighborhood and any opposing forces
16 we tried to justify and at the same time
17 justify the concerns of the city, who is now,
18 of course, in opposition to any closed
19 community. And as a result of the development
20 of the Walter Washington community, we
21 definitely would be opposed to any gated
22 community and any closed communities. We

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1 think they should all be open. Because gates
2 are only as good as the people who live behind
3 them.

4 And closed communities are out. I
5 think it's horrible. We've had some terrible
6 experiences with Walter Washington. And we
7 should never, ever do that again without
8 thinking it through. Don't work.

9 But I'm here to answer any
10 concerns that you might have. But we've had
11 numerous meetings starting with Al Sharet and
12 then continuous meetings to address any
13 concerns with the community. And we've
14 attempted to adjust our submission to you in
15 accordance with their concerns and of course
16 the concerns of our government.

17 If there will be any further
18 questions or concerns I'll be here to respond.

19 MS. GIARDANO: Thank you, Mr.
20 Crawford.

21 Should we proceed and have
22 questions at the very end?

1 VICE CHAIRPERSON HOOD: Yes. Go
2 ahead and do your whole presentation and we'll
3 do questions at the end.

4 MS. GIARDANO: So, now we'll go
5 ahead and move forward to the project
6 presentation with Torti Gallas and I'll ask --
7 we're going to jump around a little bit.
8 Torti Gallas and also the civil engineers and
9 landscape architect and I'll ask them to
10 introduce themselves as they begin to speak.

11 Thank you.

12 MR. PALMER: My name is Thomas
13 Palmer with Torti Gallas, 2100 Carl Court,
14 Accokeek, Maryland.

15 VICE CHAIRPERSON HOOD: Let me
16 ask.

17 Ms. Giardino, are you proffering
18 Mr. Gallas and others as experts?

19 MS. GIARDANO: The Torti Gallas
20 firm has extensive experience in planning --
21 urban planning, and I know that they have
22 testified before this Commission on numerous

1 occasions.

2 Ms. Erin Christensen who is to my
3 right is a registered architect in Washington,
4 D.C., and she can elaborate on her credentials
5 if you want.

6 VICE CHAIRPERSON HOOD: So, we
7 don't have --

8 MS. GIARDANO: I don't think it's
9 necessary really to --

10 VICE CHAIRPERSON HOOD: Do the
11 expert piece?

12 MS. GIARDANO: -- qualify them. I
13 don't think so, unless you do.

14 VICE CHAIRPERSON HOOD: No.
15 Unless you want to proffer them as experts, we
16 can move on.

17 MS. GIARDANO: Okay.

18 VICE CHAIRPERSON HOOD: Okay.
19 Thank you, Mrs. Schellin, for reminding me.

20 MR. PALMER: The slides you're
21 looking at are the location map just to
22 identify where our site is.

1 In the upper portion of the site
2 there is a white start which is the Capitol
3 and we here in Southeast, the Highlands
4 Addition site.

5 This is a blow up of the area
6 showing Oxon Run Park to the north. Southern
7 Avenue is down in this location.

8 Next.

9 This slide is just to show some
10 context for the site. Our site is adjacent to
11 this apartment building -- that will be to the
12 east of it, just to give some views of what
13 the surrounding context is.

14 Next slide.

15 This slide basically is to address
16 the neighborhood amenities that will be
17 available to the residents of this new
18 community or this extension of the existing
19 community. We have various ball fields,
20 tennis court. We have a community swimming
21 pool and a few rec centers in the
22 neighborhood. Most of which are within

1 walking distance, about a half a mile at the
2 most.

3 And this is just a graphic we took
4 from Metro to show the relationship of our
5 site to the closest Metro sites. Congress
6 heights is approximately a mile away.
7 Southern Avenue is about a mile and a half.
8 Access to a couple of bus lines right at the
9 site and access from the bus -- via bus to the
10 Metro stations. So, public transportation is
11 readily accessible from the site.

12 And this is just kind of before
13 and after. This air shot doesn't give you a
14 true picture of the severe grade we have on
15 the site, which is one of our greatest
16 challenges.

17 The grade goes from approximately
18 -- it changes from this location to Valley
19 Avenue, approximately 80 feet in elevation.

20 So, drop the next slide in which
21 is how we've developed our site and there are
22 a number of interactions between ourself, the

1 civil engineer, DDOT, DC WASA. Everybody to
2 be sure that we've done everything in
3 accordance with regulations. And we have what
4 we believe is a very tight site in terms of
5 unit count, unit mix, connectivity through the
6 site which I'll talk about a little more
7 later.

8 And we've addressed -- I want to
9 point out, we've addressed in this site plan
10 a couple of the issues which were concerns
11 from the setdown, one of which was the regular
12 block depths to create better, liveable rear
13 yards. Each rear yard is a minimum of 20
14 feet, some more, some less, but we kept it at
15 a minimum of 20 feet.

16 We've also addressed in this area
17 there are multiple units on one lot and we've
18 reconfigured so that there's a street frontage
19 present which was one of the prior concerns.

20 And we've eliminated a few of the
21 alleys that went north to south to help
22 mitigate some of the grade issues that we were

1 facing.

2 This connectivity to the left is
3 as the street network exists today with out
4 site outlined in red. What we see in the
5 current one is that as we know, Foxhall dead
6 ends in a cul de sac here and Condon has an
7 existing cul de sac here which is kind of not
8 connected to the rest of the neighborhood
9 where many of the amenities are.

10 What we've done on the right is
11 we've with different colors shown the
12 connections that we've made to -- from the
13 existing street network into 9th Street,
14 making it not only pedestrian friendly, but as
15 well if you live here in the morning if you
16 want to go east, you can go this way instead
17 of going the long way around.

18 There have been a traffic study
19 that's available for review that basically
20 says there's no major impact on the
21 surrounding traffic volume. And the traffic
22 engineer is here is there are any questions to

1 that effect.

2 Next slide.

3 this diagram shows the mixture of
4 bedroom counts throughout the site. The
5 purple are the four-bedroom units. The yellow
6 are the three-bedroom home ownership units.
7 The green which there are a few, one, two,
8 three, four are the three-bedroom accessible
9 units with two -- it's a stacked unit with two
10 town houses above. The red or the orange are
11 the two-bedroom duplex and the light blue are
12 the two-bedroom accessible units with two town
13 houses above.

14 So, just to give you kind of a
15 flavor of the mixture throughout the site,
16 where things are. That's what the purpose of
17 this one is for.

18 Next slide.

19 Ownership/rental. Part of how to
20 decide how to place various unit types was
21 well thought out, we believe. I think we know
22 there's a bus route along here and in terms of

1 first of all locating the accessible units
2 which are the squares. One, two, three, four,
3 five, six. All in a location that is pretty
4 close to the bus line. We thought that was
5 very, very important for them to be able to
6 have access to public transportation, as well
7 as some grading issues which I won't go into
8 now. But I'll be glad to answer some
9 questions later about that.

10 But this is to show where our
11 rental and our home ownership properties are
12 located.

13 Next.

14 And we have a commitment in this
15 project to green planning and -- in our
16 architecture and as well our site design.

17 We obviously have a connectivity
18 to public transportation. We are handling our
19 storm water issues via the method you see
20 there. Dry well, rain barrels and some
21 combination of these options.

22 Pedestrian-friendly tree lined

1 street scapes. We chose the photo from a
2 project we did in Memphis, Tennessee, which is
3 -- I don't know if everyone can see that, but
4 that has a very good feel to it. And we're
5 looking forward to this feel for the Highlands
6 Addition neighborhood by using native
7 landscaping and our landscape engineer will
8 talk a little bit more about that -- Landscape
9 Architect.

10 And we're dedicated to using --
11 specifying Energy Star appliances, low flow
12 plumbing fixtures and the more readily
13 available low DOC paints and adhesives.

14 Next.

15 This diagram illustrates -- it's
16 basically a section cut across the entire site
17 and this is the 80-foot grade that we talked
18 about. And what's significant here is that
19 you can see the rhythm as you move across the
20 site. The regular sections that provide
21 consistency in terms of the rear yards, front
22 yards. And access to the units. And the use

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1 of our basements. Basement foundation walls
2 as retaining walls as you move through the
3 site. You can see it a little bit better on
4 the larger-scale drawing.

5 We're using the building element
6 as part of the grading -- as a grading tool.

7 Next slide.

8 And this is cut through different
9 parts of the site and we can talk about the
10 details. I don't want to get too detailed in
11 the short time we have. But basically we have
12 an uphill unit and a downhill unit and
13 typically the downhill units have garages --
14 integral garages and the uphill units have
15 basements which are back berry and in those
16 basements there is usually a den or a family
17 room.

18 Next slide.

19 I wanted to talk a little bit
20 about our retaining walls through the site.
21 On site walls we have basically three types of
22 walls. One of which is a garden wall which

1 will front most of Valley Avenue as it ties
2 into the existing neighborhood.

3 And this is kind of the character
4 of the wall that's existing on both Valley and
5 Foxhall. And we plan to repeat the same theme
6 as we move down Valley. The only difference
7 is we're going to keep our walls along those
8 street fronts to less than 30 inches to avoid
9 needing a railing on those walls.

10 The second type of wall we have is
11 a brick screen wall which will be tied into
12 like -- you can see this is the end of a
13 building. To kind of screen some of the
14 utilities along the major streets.

15 Could you go to the next slide for
16 just a minute?

17 Those occur in a location like
18 along 9th Street here, 9th Street here and H
19 Street here to kind of help that street facade
20 along.

21 And the third type of wall -- site
22 wall we have is retaining walls and we plan on

1 using what we call a geo-block which is in the
2 character you see in these two photos, some of
3 which are a little tall and we plan to use
4 landscape features, which again our landscape
5 architect will talk about a little more to
6 kind of deal with some of the height on those
7 walls.

8 Next slide.

9 And approximately half of the
10 units in the home ownership are what we call
11 uphill garage units. I'm sorry, garage units
12 and the other half are units that have their
13 parking on pads in the rear.

14 The units that have the garages
15 will also have the option of a rear deck. And
16 we just wanted to give this Commission an idea
17 of the character of those decks as they occupy
18 parts of the site.

19 I think the number is like 57 out
20 of 108 home ownership units will have garages
21 and therefore the option of decks as well.
22 And these renderings just give you kind of an

1 idea of what they may look like on the
2 buildings.

3 Most of them are eight-foot deep
4 by twelve-foot wide. A few of them had to be
5 six-foot deep by twelve-foot wide to deal with
6 the lot occupancy requirement.

7 You can see where those six and
8 eight foot decks could be placed on this
9 diagram. You can't see it on the screen here,
10 but if you look at your handout you can tell.

11 MR. MANDAVIA: Good evening. My
12 name is Jagdish Mandavia, 19533 White Saddle
13 Drive, Germantown, Maryland.

14 This site will be talking about
15 the existing conditions. As previously
16 mentioned, the side drops 80 feet from Zenia
17 Street all the way down to Valley Avenue.

18 The existing site is served by
19 separate storm and sanitary sewer system and
20 a network of storm water pipes along 9th
21 Street and Valley Avenue.

22 This is the proposed condition.

1 We have as shown in the previous slides,
2 sections through the side area sections. We
3 are trying to minimize the steep slopes by
4 picking up the grades between the garage
5 basements and/or walkways, generally trying to
6 minimize the air velocities for the sheet run
7 off which in the existing condition,
8 everything was sheet flowing from up here
9 concentrating down here. The air velocities
10 aren't falling into the street, whereas, in
11 the proposed condition we will be picking up
12 the run offs in various storm drain networks
13 along the streets and alleys to minimize any
14 sheet run off or air velocities and
15 discharging everything into the existing
16 network of pipes at Valley and 9th Street
17 location.

18 For quality control for storm
19 water management, we are proposing recharge
20 cells, sign filters, rain barrels or even
21 french drains in consultation with DDOE
22 Watershed Protection Branch.

1 The public streets will be picked
2 up in catch basins with quality control
3 devices, whereas, the rooftops will be treated
4 in recharge cells or sand filters or rain
5 barrels.

6 MR. TAWES: Good evening, I'm
7 Stephen Tawes. I'm with Loiedermann Soltesz
8 Associates. We are a civil engineering,
9 landscape architecture firm located in
10 Rockville, Maryland. I'm an associate,
11 registered landscape architect and I reside in
12 Ward 3 in the District on Logashan Street.

13 The landscape plan before you is
14 typically characterized by the street scape,
15 landscape plan and the on-site, on-lot of
16 parcels depending on whether they are fee
17 simple lots or if they are rental units.

18 The street scape consists
19 primarily of the street trees that are
20 pursuant to the urban forestry staff's
21 requirement for DDOT and we will be working
22 closely with them during the final stages of

1 design for the various species based on the
2 hierarchy of streets for the public streets.

3 The landscape plan for the
4 individual lots or parcels are characterized
5 by these vignettes that you see before you.
6 I'll give you a little larger scale that show
7 the street scape along with the lotting
8 landscape plan and what we call the typical
9 foundation plan for the various product types
10 located throughout the project.

11 With regard to the landscaping,
12 Thomas mentioned the screening and softening
13 of the retaining walls, the screen walls and
14 the garden walls.

15 In particular, the screen walls
16 are located at the entrances to most of the
17 alleys so that they visually screen the rear
18 garages, alleys, utilities located down the
19 alleys.

20 The screen walls will also be
21 landscaped with seasonal flowers and
22 landscaping for ornamental effect.

1 The retaining walls will be
2 softened due to their mass and size with
3 landscaping and the forefront of the retaining
4 wall with deciduous evergreen material as well
5 as vines and climbing plant material that will
6 soften the effect and give you the effect of
7 a living wall, rather than a stark blank wall.

8 In this section you can see on the
9 right lower section the section of the
10 retaining wall and how it's proposed to be
11 softened with some landscaping material. Just
12 showing in this section at this time.

13 Thank you.

14 MS. CHRISTENSEN: Good evening.
15 My name is Erin Christensen and I'm an
16 architect with Torti Gallas and Partners
17 located in Silver Spring. I live at 1825 New
18 Hampshire, NW, in the District.

19 I wanted to speak a bit about the
20 architecture for the proposed development.
21 Here you'll see a number of street elevations.
22 The top one shows the proposal along Valley

1 Avenue and right here is the existing
2 apartment building that Thomas pointed out
3 earlier.

4 The second elevation shows what
5 Foxhall Place will look like along the north
6 side of the street. And you'll see that
7 Valley Avenue is a predominant face to the
8 neighborhood. It's, you know, directly across
9 from Oxon Run Park. And so you'll see a
10 little bit taller building heights and more
11 formally composed strings of buildings to
12 front the park internal to the neighborhood
13 here along Foxhall you begin to see the effect
14 of the grade and the slope a little bit more.

15 The street scapes become a little
16 bit more varied as well as the size of the
17 buildings along the street.

18 These are some examples of
19 buildings within the neighborhood which we
20 always take great care to study and understand
21 what we're working next to. You'll see
22 there's a mixture of materials as well as

1 styles and sizes of homes from single-family
2 and duplex to town houses as well.

3 In terms of the study of the
4 architecture we're proposing, we always take
5 our time to look at some traditions of some of
6 the great residential neighborhoods in the
7 area. One style that we felt was appropriate
8 and will work well to compliment the
9 surrounding buildings is what we're calling
10 Washington Victorian. And here are some
11 precedent photos of those buildings. The
12 style is typified by a kind of a neo-classical
13 proportioning system as well as the
14 predominant stone lentils and banding which
15 you'll see on the buildings.

16 Below are some of our designs for
17 row houses and buildings in this style and
18 you'll see a variety of bay window heights,
19 porches and stoops and dormers to give some
20 variety to the street scape.

21 The other style that we felt would
22 fit in well with the context is colonial

1 style. There is definitely a tradition of
2 that east of the river and in our nearby
3 surroundings. And these are some photos of
4 those buildings.

5 In the designs we felt that it
6 worked well with the colonial. I'm sorry,
7 with the town homes using a variety of porches
8 and oriole windows and was particularly
9 appropriate for the stacked flat units which
10 is this type of building here with the
11 accessible flat and town homes above.

12 The entrances are often emphasized
13 with a great amount of detail, whether it's
14 with pilasters and atablers or with
15 porches.

16 This diagram we created to respond
17 to some of the questions at the setdown
18 meeting. It's obviously clear for you in your
19 exhibits, but it shows each unit on the sit
20 specifically which elevation type will be
21 located where. It also identifies the exact
22 locations of brick as an exterior material or

1 semititious fiber board siding, which you may
2 know as Hardy Board throughout the site. And
3 you'll see that it's a mixture, pretty much on
4 every block.

5 There is approximately 50 percent
6 of the street facing facades are brick and
7 approximately 50 percent are fiber cement
8 siding. It's a fairly even mixture between
9 both the rental and the home ownership units.

10 This matrix shows you each of
11 those elevation types which are identified on
12 the previous diagram. You'll see there's 19
13 elevation types here which we're using
14 throughout the site. And this is, you know,
15 as a goal to promote the feeling of
16 individuality for the homeowners and the
17 renters. We do this through the use of
18 different styles as well as a variety of
19 stoops, porches and bay windows and also the
20 color schemes.

21 Just quickly to give you an idea
22 of what the new units will be like. This is

1 an example of that stacked flat in the
2 colonial style here. It has an accessible
3 flat on the ground floor and the two town
4 houses above.

5 And here you can see the floor
6 plans of that type of a unit so the accessible
7 flat enters on the side on their own porch to
8 their three-bedroom unit here. Otherwise,
9 there are two separate entrances up the town
10 houses above which are two bedrooms with a
11 living and dining and kitchen area on the
12 first floor.

13 These are an example of some of
14 the town house units. These are three-bedroom
15 town house, particularly, which are what we
16 call an uphill unit. There are a number of
17 these on the site and so we have design
18 options in both the Victorian style and the
19 Colonial Style.

20 And here you can see the floor
21 plans beginning at the basement on the right-
22 hand side. You actually enter at the basement

1 level. Here's your den that Thomas was
2 speaking about earlier and the back is storage
3 because it's buried to accommodate that change
4 in grade. You then go up in your central
5 stair up to your living level and two levels
6 of bedrooms above.

7 To further give you an idea of
8 the materials and the detailing of the units.
9 We have here shown -- this is the
10 serendipitous fiber board, the plank siding
11 which has an appearance very much like wood
12 siding. You'll see along the top are each of
13 our color schemes that we are using throughout
14 the site and we also have boards over here
15 with the materials for your review.

16 You'll see some of the colonial
17 style elevations a little bit closer to see
18 the detail of the entrances, the porches and
19 some of the windows and doors surrounds.

20 The trim will be -- protrude from
21 the siding in order to give a nice shadow
22 line. and you can see some examples here of

1 recent projects that our firm has built, one
2 in Charleston and one in Bridgeton, New
3 Jersey, to get an idea of what the finished
4 material looks like and the quality of
5 construction.

6 The other materials -- exterior
7 material we use for the buildings is brick.
8 And, again, we have the actual samples here in
9 the room. We're using two colors of brick as
10 well as two colors of precast for detailing in
11 order to create variety. And, again, you can
12 see enlarged an example of one of the
13 elevations showing the precast banding and
14 lentils as well as some of the brick work,
15 whether it be soldier courses or arches over
16 the windows and doors.

17 And, again, a couple of examples
18 of the builds work, what we are aiming for.

19 MS. GIARDANO: We are also going
20 to dispense with our planning rationale. Mr.
21 Gross had testimony prepared, but we can
22 submit it for the record. And we'll conclude

1 our presentation there. If there are
2 questions, we can address them.

3 VICE CHAIRPERSON HOOD: Well, I
4 know I said there's an issue in this area
5 about R-5-A.

6 Mr. Gross, if you can come. I
7 know we were trying to move rather quickly,
8 but I would actually like to hear your
9 rationale if my colleagues will indulge me
10 because I will be bringing an issue in this
11 area about R-5-A anyway. So, I'd like to hear
12 your brief comments on it.

13 I don't want to neglect you from
14 being able to give your presentation.

15 MR. GROSS: Thank you, Mr.
16 Chairman. Appreciate it.

17 Nathan W. Gross, 44 24 Alton
18 Place, NW.

19 R-5-A zoning, of course, is
20 widespread in Ward 8 and Ward 7. And it only
21 allows detached and semi-attached houses as a
22 matter of right. Town houses and apartments

1 require a special review by the Board of
2 Zoning Adjustment or in this case,
3 incorporated in a PUD.

4 With a PUD, the standard can be a
5 1 FAR, and we are just slightly over that at
6 1.1 FAR. And it's only for that slight excess
7 that we needed to apply for the R-5-B map
8 amendment. We actually started out at 1.4 FAR
9 but with the realigned streets, we came up
10 with a slightly larger private land there in
11 the PUD and a little bit less in the streets.
12 So, the FAR went down to 1.1.

13 And so we're well within the 75
14 foot height limit, of course. We're well
15 below that. And the R-5-B with a PUD could go
16 to 3 FAR, but as I said, we just need a slight
17 overage over the R-5-A PUD standard to built
18 this as designed.

19 Does that address your question,
20 Mr. Chairman?

21 VICE CHAIRPERSON HOOD: That's
22 good. Because I was going to bring that at a

1 later time to whole Commission.

2 Okay. Are you finished?

3 Thank you.

4 MS. GIARDANO: I just wanted to
5 mention that the material sample boards are
6 there and this is the retaining wall that Ms.
7 Christensen mentioned.

8 VICE CHAIRPERSON HOOD: Okay.
9 Thank you.

10 Thank you for your presentation.

11 Mrs. Schellin, let me ask you.

12 We don't keep that do we? Okay,
13 good. Okay. All right. We just do the
14 pictures. Yes. I was looking at that. Okay.
15 I just couldn't remember.

16 ACTING SECRETARY SCHELLIN: Just
17 if they have pictures that they haven't
18 already given us.

19 VICE CHAIRPERSON HOOD: Yes. The
20 pictures.

21 Ms. Giardano, let me just ask.

22 I notice in the Office of

1 Planning's report and I think Mr. Palmer
2 alluded to this or someone mentioned about the
3 front yard requirement, 2516.5B. I think the
4 Office of Planning standard that would be also
5 necessary.

6 Do you agree with that?

7 MR. GROSS: Yes. I guess I would
8 mention by way of context.

9 Because we have -- most of the
10 rental units are -- we have multiple buildings
11 on a lot. We had to apply for that under that
12 section. There's normally a theoretical lot
13 subdivision which often has a private road
14 that's kind of narrow and so that section,
15 2516, requires a front yard setback as well as
16 a rear yard setback. Some of the older ones
17 were built right up on the private roadway and
18 kind of created a cramped style of
19 development.

20 I think in this case since we're
21 creating public streets and alleys the normal
22 setbacks are not a problem. So, it's a zoning

1 issue in the regulations. But I think in
2 terms of the site plan, I believe we don't
3 have an issue with a need to in each case have
4 a front yard equal to the rear yard setback.
5 In fact, it would kind of preclude a lot of
6 reasonable development on the site.

7 VICE CHAIRPERSON HOOD: Okay. All
8 right. Thank you.

9 Moving up to questions?
10 Colleagues, any questions?

11 Mr. Turnbull.

12 COMMISSIONER TURNBULL: Thank you,
13 Mr. Chair.

14 I just had a question about the
15 fencing. Is it between all the unit? Is it
16 on the side yards or --

17 MR. TAWES: On the plan before you
18 and probably in your packet, it might be a
19 little bit easier to see. But between the end
20 units of the sticks of town houses there is a
21 rail fence, a decorative power coated sort of
22 an iron picket fence, if you will, that's

1 between the end units of each unit, each stick
2 and then at the rear of the houses at the rear
3 yard there's also the same type of fence that
4 separates each yard in the rear.

5 COMMISSIONER TURNBULL: I guess
6 I'm not -- does it -- is it just going -- yes,
7 your pointer.

8 MS. CHRISTENSEN: So, the fencing
9 extends a few feet back from the face of the
10 building here between the two units.

11 COMMISSIONER TURNBULL: Okay.

12 MS. CHRISTENSEN: Between the two
13 buildings, typically. And then at the rear
14 yards, the fencing extends back from each unit
15 about 10 feet to provide a delineation of
16 property.

17 COMMISSIONER TURNBULL: Okay.
18 thank you.

19 The trim on the buildings? Is it
20 cement fiber on the board or --

21 MS. CHRISTENSEN: The trim boards
22 will probably be actually wood which we find

1 has a better look.

2 COMMISSIONER TURNBULL: Okay.

3 MS. CHRISTENSEN: Painted wood and
4 then any moldings will be synthetic trim.

5 COMMISSIONER TURNBULL: Okay. And
6 on the brick you're going to use wood also or
7 else synthetic, same thing?

8 MS. CHRISTENSEN: The brick
9 typically has precast detailing and on the
10 cornice it will be a synthetic.

11 COMMISSIONER TURNBULL: On the
12 cornices synthetic. Okay.

13 All right. Thank you.

14 VICE CHAIRPERSON HOOD:
15 Commissioner Parsons.

16 COMMISSIONER PARSONS: Thank you.
17 Well, I'm glad -- I think the response you've
18 made on the retaining walls is really good.
19 I mean, from the previous submission so I
20 congratulate you for that. I think you
21 integrated it well into the project. But I
22 wanted to talk about storm water which I guess

1 doesn't surprise you.

2 Because -- we have and I assume
3 you've seen it. It's an undated memo from the
4 Water and Sewer Authority to Karen Thomas here
5 in the Office of Planning where it's attached
6 to the Office of Planning report. Have you
7 seen that? Do you know -- familiar with that.

8 And down on the first page it
9 talks about storm sewer requirements. And it
10 says, the Applicant's engineer must design a
11 storm water retention structure to insure the
12 15-year post-condition storm peak charges less
13 than or equal. And you're obviously not
14 proposing that. You're proposing in the
15 alternative some rain barrels and dry wells.
16 And you state on S-25 that quality control is
17 waived as there is separate storm and sanitary
18 sewers.

19 So, I just want to have a
20 conversation about that.

21 MR. MANDAVIA: Yes, sir.

22 We have been in discussions with

1 DDOE's Watershed Protection Branch with Mr.
2 Abdu Musse and his team. And we preliminarily
3 met with them and they had indicated that that
4 is the case since we have a separate sewer and
5 storm drain system for this site.

6 But apparently contrary to that
7 today around 2:00 or so, we got an e-mail from
8 Mr. Karikari requesting that we need to do the
9 quality control. And that was -- that took us
10 by surprise.

11 D.C. WASA's report. I called Mr.
12 Eliheh and asked him. Hey, why are you making
13 this statement since Mr. Musse had indicated
14 that we don't need to do that? So, he
15 confirmed with Mr. Musse and I believe he may
16 have e-mailed Ms. Thomas his contradiction to
17 his own report.

18 So, the 2:00 e-mail that we got
19 was a surprise to us.

20 MS. GIARDANO: Can I just fill in
21 that we're going to meet their standards that,
22 you know, apply at the building permit stage.

1 We will not get a permit unless we do and we
2 will, you know, work out exactly what that
3 standard is. There's been some back and forth
4 about what applies. But clearly they have to
5 check off on our building permit and we will
6 have to come in compliance with whatever the
7 standard is that they agree on at that time.

8 And if it necessitates some
9 modification, some minor modification to this
10 plan, we'll be back here. But otherwise, we
11 believe that what we have is workable, that
12 only the applicable standards and we're going
13 to proceed on that basis.

14 COMMISSIONER PARSONS: I can
15 appreciate your dilemma. I'm been there.

16 MS. GIARDANO: Add to that
17 apparently when we clarified their letter,
18 they indicated that they were just making a
19 general comment that applies across the board,
20 that they hadn't really looked at our specific
21 plans.

22 COMMISSIONER PARSONS: During the

1 construction your storm water retention device
2 or basin is down at the southeastern corner of
3 the site. The lower end of the site. Let me
4 not get confused with the direction.

5 And if you were to capture storm
6 water at that location on the surface, you'd
7 probably lose some units doing that.

8 MR. MANDAVIA: That's a
9 possibility.

10 COMMISSIONER PARSONS: As opposed
11 to building an underground structure which is
12 a lot more expensive.

13 MR. MANDAVIA: Right. Yes.

14 COMMISSIONER PARSONS: So, what
15 you're saying, Ms. Giardano, if that's the
16 case, you'll be back.

17 MR. MANDAVIA: Yes.

18 COMMISSIONER PARSONS: Okay. I
19 understand.

20 MS. GIARDANO: Yes. I think I can
21 safely say that the underground system is not
22 going to be an alternative at this point.

1 COMMISSIONER PARSONS: I can
2 imagine it's not. I mean, the cost of that is
3 incredible.

4 Now, Mr. Crawford, I just -- I'm
5 just amazed at what you said earlier. Of
6 course, I'm in the parks business so I need to
7 probe this a little bit.

8 You said the community doesn't
9 want anymore parks. They don't want any
10 community centers. What's this about?

11 MR. CRAWFORD: Well, first of all,
12 you confused me, Mr. Parsons, because it says
13 Gregory Jeffries there.

14 COMMISSIONER PARSONS: Oh, well --

15 VICE CHAIRPERSON HOOD: You should
16 have said something. Mr. Jeffries would have
17 gotten the credit for it.

18 MR. CRAWFORD: No. Mr. Parsons, I
19 started in that neighborhood when I was 23
20 years old. And I can tell you now that when
21 I first started out there, that neighborhood
22 was blue collar, primarily all white. And I

1 opened up a building called Park Southern. We
2 had absolutely nothing.

3 This city has been quite generous.
4 They will be opening a multi-million dollar
5 swimming pool. An indoor swimming pool and
6 rec center at Valley Avenue and Willow Road.
7 In addition, the property across the street
8 which was created by the Bollinger Company and
9 Margery Lawson, which I now own, they will be
10 opening a multi-plex which will consider
11 seniors and families in that building at a
12 renovation cost of about \$40 million.

13 The seniors will be self-
14 contained. They will have gaming rooms. They
15 will have a movie theater. We created the
16 Walter Washington Community Center within
17 walking distance.

18 They have a chartered day care.
19 They have a community meeting facility. The
20 Arc, a multi-million dollar fantastic complex
21 is within walking distance.

22 So, I know the neighborhood like

1 the palm of my hand. Trust me. They have
2 more than what the people who resided there
3 before had.

4 COMMISSIONER PARSONS: Okay.
5 Well, I took it the other way.

6 MR. CRAWFORD: Oh, no, no, no.

7 COMMISSIONER PARSONS: The parks
8 and community centers were negative and they
9 didn't want them.

10 MR. CRAWFORD: No, indeed, sir.

11 COMMISSIONER PARSONS: Enough is
12 enough.

13 MR. CRAWFORD: We have a tennis
14 court, a multi-million dollar tennis court
15 within walking distance.

16 COMMISSIONER PARSONS: I see.

17 MR. CRAWFORD: We have a park -- a
18 beautiful park.

19 COMMISSIONER PARSONS: Okay.

20 MR. CRAWFORD: So, when we went
21 before the ANC we had proposed a community
22 center. They said, no, no, please. Stop. No

1 community center, no day care. Our people
2 need to walk a little bit more so they won't
3 become obese.

4 COMMISSIONER PARSONS: All right.

5 MR. CRAWFORD: Then we need to cut
6 out the games because they feel the Arc
7 belongs to somebody else. No. It's
8 everyone's Arc. And the Arc is for them to
9 go. It's a fulfillment center.

10 I mean, anything you can possibly
11 want is at that Arc which has a Y -- No, sir.
12 I don't think we need it either and I agree
13 with them.

14 COMMISSIONER PARSONS: Okay. Now
15 I understand.

16 Thank you.

17 MR. CRAWFORD: Yes.

18 COMMISSIONER PARSONS: That's all
19 I have.

20 VICE CHAIRPERSON HOOD: Thank you.

21 Mr. Crawford, a quick question and
22 I'm not sure if you can answer this. I know

1 you said when you were meeting with the
2 Outreach. I mean, with the community and
3 Outreach, you were trying to address any
4 opposition.

5 I asked tonight in my opening
6 statement because I didn't see anything in the
7 file. And since I didn't see anything, I just
8 wanted to know if anyone was here in
9 opposition. And so hands were raised.

10 Do you know why possibly? I'm
11 sure I'll hear from them in a few minutes.

12 MR. CRAWFORD: You know,
13 interesting enough I just got back from India.
14 And before then I went to a place called
15 Dubai.

16 You will always have those who
17 don't want to be inclusive and integrate a
18 neighborhood the way we are attempting to now
19 socioeconomically.

20 And now we want to become a part
21 of that. In the old days we warehoused
22 people. This is not a warehouse project.

1 It's inclusive. I mean, you will have people
2 there who actually are going to protect the
3 neighborhood. You'll have workforce housing.

4 But they will be integrated. No
5 more warehousing people.

6 When we first went out when I was
7 23 years old, that was all blue collar white.
8 We built Park Southern which had some very,
9 very famous tenants. Togo West lived there.
10 Many police officers who now are leaders on
11 the police force lived there. And that was
12 attempt to integrate the neighborhood. Now
13 we've become, I mean, quite a city. We'll
14 truly going to enforce integrating the
15 neighborhood. No more walls. We don't need
16 that.

17 We don't need anymore dead end
18 streets. I think we need to open up our
19 community.

20 VICE CHAIRPERSON HOOD: Okay.

21 Let me ask and thank you, Mr.
22 Crawford.

1 Let me ask -- I think it was Mr.
2 Palmer. Not the unit mix, but let's talk
3 about the relationship of the rental versus
4 home ownership.

5 When I look at this chart, I think
6 this is driven more as a project to be home
7 ownership. Am I correct?

8 MR. PALMER: I'm sorry, could you
9 repeat the question?

10 VICE CHAIRPERSON HOOD: When I
11 look at and I think you talked about this.
12 Either you or Ms. Christensen, I'm not sure.

13 But anyway, I'm looking at S-5 of
14 Exhibit Number 32. And it's talking about the
15 rental versus home ownership. I'm trying to
16 figure out how we arrived at this. It looks
17 like this is being driven to be more of a home
18 ownership project versus a rental project.

19 MR. PALMER: That's true based on
20 the program established between the Housing
21 Authority and the partnership.

22 VICE CHAIRPERSON HOOD: Okay. So,

1 maybe that's question is not for you. I don't
2 know.

3 MR. CRAWFORD: It is. It is.

4 VICE CHAIRPERSON HOOD: Okay.

5 MR. CRAWFORD: The attempt is to
6 stabilize the neighborhood. There were far
7 too many rental units in Ward 8 before. So,
8 the council member also wants more home
9 ownership.

10 The Housing Authority wants more
11 home ownership. The attempt is to stabilize
12 the neighborhood. The neighborhood was
13 entirely too transitory.

14 VICE CHAIRPERSON HOOD: Okay. So,
15 when we say 60 percent of AMI, how -- I don't
16 like to say low, but how deep are we going to
17 reach down?

18 MR. CRAWFORD: That changes. That
19 changes practically every two years. We will
20 have more workforce housing there then. And
21 workforce housing tends to stabilize a
22 neighborhood. They are tax paying citizens.

1 They look out for each other and they become
2 a part of the community leadership. And
3 that's what we tried to create in some of the
4 other developments that I'm involved in.

5 Community leadership so they can
6 run for public office. They can join the PTA.
7 They can become actively involved in the
8 community.

9 VICE CHAIRPERSON HOOD: The other
10 issue and I think this is for you, Mr. Palmer.

11 The optional rear decks. What do
12 you mean by optional rear decks? Or maybe Ms.
13 Giardano, you can --

14 MS. GIARDANO: Yes. This was a
15 new submission this evening. We wanted to
16 have within the PUD identified units that if
17 a homeowner wanted to add a rear deck in the
18 future they don't have to come for a PUD
19 modification. These are not going to be built
20 by the developer. But they would be pre-
21 approved in the PUD so that later on they
22 could be added to somebody's house with just

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1 a permit.

2 VICE CHAIRPERSON HOOD: So, you
3 already planned -- already cited, we'll have
4 something if they want it?

5 MS. GIARDANO: Right. It will be
6 in the PUD record. The units that can have a
7 deck and also in that diagram the size of the
8 deck. So, somebody can't build a monster deck
9 or whatever.

10 VICE CHAIRPERSON HOOD: And then
11 they'll have problems at a later date coming
12 through the system to get a deck? Okay. I'm
13 fine -- I understand.

14 Mr. Palmer, I'm determined to ask
15 you a question.

16 No, actually -- actually I just
17 thought of another one.

18 Again, you mentioned about how we
19 got the rental. How did we get this position?
20 You said it was a well thought out, I guess,
21 scheme of things of putting this together.

22 How did we get the rental in the

1 position that we got the rental? I think you
2 said near the street or something?

3 MR. PALMER: Yes. Well, the
4 rental program consists of six successful
5 units which is a total of 18 actual units in
6 six buildings. The balance of the program is
7 the 12 units that occur in six duplex units.

8 Due to the requirement for the
9 accessible units to be at grade -- on slab or
10 grade, we actually through the course of the
11 project tried locating them at different
12 locations and tried to figure out which made
13 the most sense in the context of the rest of
14 grading issues and styles and buried basements
15 and the like.

16 So, to make a long story short,
17 the six units that you see very close to 8th
18 Street and Condon are all driven by that.

19 The other -- the duplex units, the
20 six duplex units, in terms of their scale and
21 we used them kind of as a transition in scale
22 because the duplex units are all two-bedroom.

1 They are relatively small. The heights tie in
2 very nicely with the existing neighborhood
3 fabric.

4 So, I can probably spend another
5 half an hour telling you all the things we
6 went through. But primarily, those are the
7 items that drove the location.

8 VICE CHAIRPERSON HOOD: Okay. All
9 right. Thank you.

10 And my last question, Ms.
11 Giardano.

12 I see here, are you proffering
13 effective and safe vehicle/pedestrian access
14 as a -- is that being -- is that being
15 proposed to us as an amenity?

16 MS. GIARDANO: I'm going to let
17 Mr. Gross answer that.

18 MR. GROSS: I would say, so, Mr.
19 Chairman. The project has sidewalks to make--
20 for pedestrian convenience and will help
21 neighbors already in the neighborhood able to
22 walk out to 9th Street and down to the park,

1 for example.

2 Connecting the street grid through
3 a vacant site that dead ends a number of
4 streets now will make it more convenient to
5 get in and out.

6 I don't know, possibly we
7 overstated it. I am not sure, but in the
8 traffic study, of course, found no traffic
9 problem. We have a moderate density of
10 development and simply a straightforward
11 street grid. So, that's all we meant by that.

12 VICE CHAIRPERSON HOOD: Yes.
13 Because I see it in even in your earlier
14 submission. I can tell you that I'm kind of
15 wavering a little bit.

16 MR. GROSS: Okay. Yes.

17 VICE CHAIRPERSON HOOD: So, I may
18 not ask for a whole lot --

19 MR. GROSS: We're saying adequate,
20 I guess. Not necessarily --

21 VICE CHAIRPERSON HOOD: And I
22 think it's a necessity more than an amenity.

1 At least, that's the way I look at it.

2 MR. GROSS: Okay. Sure.

3 VICE CHAIRPERSON HOOD: All right.

4 That's all I have.

5 Mr. Turnbull.

6 COMMISSIONER TURNBULL: Thank you,
7 Mr. Chair. I just want to follow up on your
8 question on the decks.

9 They are going to be specifically
10 identified on the site plan the size and --

11 MS. GIARDANO: Yes. I think I'll
12 have Ms. Christensen elaborate on that. But
13 this will become part of the record, these
14 exhibits that identify which units can have
15 decks and what the dimensions of the decks
16 are.

17 MS. CHRISTENSEN: The diagram up
18 in the left-hand corner of the this exhibit
19 which I believe you have in front of you
20 identifies in blue the decks which are allowed
21 -- the units which are allowed to have decks
22 projecting six feet and in green the units

1 which are allowed to have decks projecting
2 eight feet.

3 In addition, you can see a plan of
4 -- showing the size and the location of the
5 decks in relation to the unit. And, again,
6 these are to provide additional outdoor space
7 for the units which have garages. Most of
8 their rear yard or a portion of their rear
9 yard is taken up by the driveway, so this
10 allows additional open space for those
11 families.

12 COMMISSIONER TURNBULL: Is that
13 related to the number of units then of those
14 types? I mean, are there more types like that
15 that don't have --

16 MS. CHRISTENSEN: All of the units
17 which have a garage in the rear have the
18 option of having a rear deck. But not all of
19 the units have garages.

20 COMMISSIONER TURNBULL: You know
21 where I'm going? I mean I just see BZA cases
22 coming since we all rotate on that. I'm just

1 worried about neighbors looking at other
2 people saying, gee. They got a deck, well,
3 I'd like a deck too.

4 So, just get a --

5 MS. CHRISTENSEN: Well, in the
6 PUD, they would actually have to come here for
7 a minor amendment.

8 COMMISSIONER TURNBULL: Okay.

9 MS. CHRISTENSEN: And that would
10 be a lot of trouble for a deck.

11 COMMISSIONER TURNBULL: Okay. I
12 guess the other things is, Ms. Christensen,
13 since you're LEED certified, how much of the--
14 is the project reaching to any LEED level?

15 MS. CHRISTENSEN: We rated the
16 project against the green community's criteria
17 which is similar to the LEED for homes
18 program. It's more appropriate to the scale
19 of development and is the standard that the
20 city will be adopting eventually in the new
21 legislation for affordable housing.

22 And we met all of the prerequisite

1 for the green communities criteria. However,
2 we decided not to pursue getting a full rating
3 through that program.

4 COMMISSIONER TURNBULL: Okay.
5 Could you just send in something for the
6 record that maybe describes a little more
7 about that.

8 Okay. Thank you.

9 VICE CHAIRPERSON HOOD: Any other
10 questions?

11 Okay. Thank you. Moving right
12 along with our agenda.

13 Report of the Office of Planning
14 and let me just say, the Office of Planning
15 report was very thoroughly done in my view.
16 And with that, Ms. Thomas.

17 MS. THOMAS: Yes. Good evening,
18 Mr. Chairman, Members of the Commission.
19 Karen with the Office of Planning.

20 We are recommending approval of
21 this PUD and related map amendment from R-5-A
22 to R-5-B to accommodate this 138 unit

1 development in this infill area.

2 We have no issue with the relief
3 requested including a waiver from the rear and
4 side yards and we recognize Mr. Gross'
5 comments with respect to the front yard and we
6 agree with that as well.

7 We support this scale of
8 development which falls between the R-5-A and
9 R-5-B and as outlined and reported we are
10 satisfied it's also in keeping with Smart
11 Growth and sustainable design principles.

12 And we support this site. The
13 modification of this site since setdown. We
14 like the retaining wall system that was
15 redesigned to sort of accommodate the grades
16 on the site.

17 And overall, Mr. Chair, we believe
18 that the proposal is consistent with the
19 Comprehensive Plan and the future land use map
20 as well.

21 So, with that, I would say we
22 support this application.

1 Thank you.

2 VICE CHAIRPERSON HOOD: Okay.

3 Thank you, Ms. Thomas, for being succinct and
4 straight to the point in addressing the
5 issues.

6 Colleagues, any questions of Ms.
7 Thomas, Office of Planning?

8 Any questions? Mr. Parsons.

9 COMMISSIONER PARSONS: Ms. Thomas,
10 this issue of a 2:00 report this afternoon.
11 Are you engaged in that loop and what do you
12 think about that?

13 MS. THOMAS: Basically, what was
14 communicated to me was that between DOE and
15 WASA, whatever the Applicant -- when the
16 Applicant is ready for the building permit
17 process, WASA is concerned with quantity and
18 DOE is concerned with quality.

19 COMMISSIONER PARSONS: Yes.

20 MS. THOMAS: The best management
21 practices put forward by the Applicant with
22 respect to the sand fills, the catch basins

1 and the dry walls. They address quality
2 issues and when it's time for building permit,
3 later the percolation test would have to be
4 done and which is typical of any site
5 development.

6 COMMISSIONER PARSONS: yes.

7 MS. THOMAS: And they would have
8 the volume calculated as if it would meet
9 WASA's requirements. So, in fact, it would
10 all be coordinated at the building permit
11 phase.

12 COMMISSIONER PARSONS: But it does
13 seem where the Applicant is claiming that
14 because there's a storm water system in the
15 street that they can discharge into they're
16 exempt in some way from this and WASA seems to
17 be saying that's not the case.

18 MS. THOMAS: Yes. I think that
19 was misunderstood. And it's not they waived
20 from that the way I -- it was explained to me
21 by DOE as well.

22 They would have to meet the

1 quantity requirement.

2 COMMISSIONER PARSONS: That's been
3 my understanding from other cases.

4 MS. THOMAS: Yes.

5 COMMISSIONER PARSONS: So, I have
6 a feeling that the Applicant is going to be
7 back with a revised PUD here.

8 MS. THOMAS: Well, if in fact --
9 if in fact what they're proposing wouldn't
10 meet the volume requirements, they will be
11 back. But we have no information about that
12 as yet until they design full engineering
13 plan.

14 COMMISSIONER PARSONS: Okay.
15 Thank you very much.

16 MS. THOMAS: And have the review
17 process.

18 COMMISSIONER PARSONS: Thank you.

19 MS. THOMAS: Okay.

20 VICE CHAIRPERSON HOOD: Okay. Any
21 other questions? Okay.

22 We have a DDOT report that came in

1 this afternoon. I don't know when it came in.
2 Did it come in this afternoon? Yes. It came
3 in this afternoon. Everything is happening
4 this afternoon. Okay. It came in this
5 afternoon.

6 And DDOT typically says in
7 summary, traffic generated by proposed PUD
8 would have marginal impact on the surrounding
9 streets. Accordingly, DDOT has no objections
10 to the project provided that the Applicant
11 continues to work within our staff to
12 coordinate proposed new roadways and alley
13 system design and constructions.

14 So, I think that's going to
15 continue even though they've made some
16 adjustments, especially since setdown.

17 And Mr. Parsons has already
18 touched on the WASA report on the Water and
19 Sewer Authority. D.C. Water and Sewer
20 Authority.

21 Any other reports that I may
22 omitted, Ms. Schellin? Okay. Yes. I

1 mentioned DDOT. Yes. I mentioned DDOT. And
2 I think those are the only two. DDOT and
3 WASA. Okay.

4 Do we have anyone from any other
5 government agencies that want to speak? I
6 know we have DHCD represented. Okay.

7 Do we have anyone -- now, we'll go
8 to the report of the Advisory Neighborhood
9 Commission 8-E. Anyone here representing
10 Advisory Neighborhood Commission 8-E?

11 I know in the previous setdown
12 submittals that we had a letter from ANC 8-E
13 from at that time Chairperson Sonya Segers,
14 and we also have at this time more recent from
15 the Chair, Ms. Wanda Lockridge, the Chair of
16 8-D.

17 I will only say that maybe we can
18 contact them because the way I read the ANC
19 report, it did not have the vote and that was
20 all that was missing. I would like to give
21 the ANC -- make sure they have an opportune
22 time to get the vote so they can get the great

1 weight in which we are supposed to coordinate
2 by law. And they are a volunteer group. So,
3 I would hope that we could ask Mrs. Schellen
4 or maybe the Applicant can assist us in making
5 sure that they give us just a line or two or
6 something specifying what the vote is so they
7 can get that great way.

8 Okay.

9 COMMISSIONER TURNBULL: They are
10 in support, we just don't know.

11 VICE CHAIRPERSON HOOD: Yes. They
12 are in support. The only thing they left out
13 was the vote. It says six people were there.
14 The vote probably -- I'm not going to say
15 assume. May have been 6-0, 5-0 or whatever it
16 was. We just need to have that and that's
17 actually a requirement.

18 Okay. Organizations and persons
19 in support.

20 Any organizations and persons in
21 support that would like to testify?

22 Organizations and persons in

1 opposition?

2 If anyone is here in opposition,
3 if you want to come forward.

4 ACTING SECRETARY SCHELLIN: We
5 were a little late in getting a list, but we
6 do have --

7 VICE CHAIRPERSON HOOD: Oh, I was
8 looking for the list. Okay.

9 ACTING SECRETARY SCHELLIN: -- a
10 gentleman and a lady there and I don't recall
11 their names. I want to say Garrett or
12 something close to that.

13 VICE CHAIRPERSON HOOD: Well, I'll
14 tell you what. If you're in opposition --

15 ACTING SECRETARY SCHELLIN: We're
16 bringing the list, sorry. But if you're in
17 opposition you can go ahead and come forward.

18 VICE CHAIRPERSON HOOD: Just come
19 to the table. Anyone in opposition, just come
20 to the table. I apologize and I'm going to
21 start with the lady first.

22 Introduce yourself and since we

1 omitted you, we're going to give you four
2 minutes. You normally get three.

3 First, identify yourself and let
4 us know if you're representing an organization
5 or just yourself.

6 MS. ARMSTEAD: Okay. My name is
7 Karlene Armstead. And I'm representing the
8 Foxhall community.

9 I have petitions that everyone has
10 signed against the opening of the cul de sac.
11 I too and like Mr. Crawford have been here
12 since I was five. I've gone through some
13 organizations. We were rebel with the cause.
14 And at the time we were the people who were
15 organizing use so that we could have better
16 services. Recreation, jobs and schools and
17 that was in the late '60s, early '70s.

18 The opposition that we have or the
19 problem that we have is that is once they open
20 the cul de sac, the adjacent community which
21 is Highland Dwellings and Condon Terrace at
22 that time or when I first moved there 18 years

1 ago was a problem.

2 I've been a home owner there for
3 the last 18 years. I've seen the rise and the
4 fall of the community.

5 At the time when I moved there the
6 housing development was there, full
7 operations. We had drive-bys. We had
8 shootings. We had drug trafficking. Ms.
9 Rolark had the iron wall put up. The cul de
10 sac has been there for the last 60 years.
11 From the first time of the development of the
12 community it's a circle. And I have the
13 proposals and a picture if you'd like to I can
14 give you a copy right now.

15 VICE CHAIRPERSON HOOD: If you're
16 going to submit that --

17 MS. ARMSTEAD: Yes. I can submit
18 that.

19 VICE CHAIRPERSON HOOD: -- we're
20 going to have to keep it. We're not going to
21 be able to -- okay. You have copies.

22 MS. ARMSTEAD: Yes.

1 VICE CHAIRPERSON HOOD: And if you
2 can give it to the staff to my left.

3 MS. ARMSTEAD: Is that going to --

4 VICE CHAIRPERSON HOOD: Yes. To
5 my left.

6 MS. ARMSTEAD: On the back page of
7 the petition, this is what our circle looked
8 like. This is what we call the circle. This
9 is our cul de sac.

10 It's a gated fence or a wrought
11 iron fence that was placed there because of
12 the traffic and the drug problems that we had
13 to occur over the years.

14 Once they tore the housing complex
15 down and fenced it off, we've not had a
16 problem. It's been a very safe, quiet
17 community.

18 We have seniors on our street
19 because like Is aid, our development is over
20 60 years old. Most people who have been there
21 have lived there from 30 to 40 years.

22 We had kids that are on our street

1 so opening up this circle would be a detriment
2 for us because the traffic flow. People who
3 don't even know that the circle exists,
4 they're flying up the street. They're making
5 a turn in the circle and then they have to
6 come up because there's only one way in and
7 one way out.

8 But once they open up that circle,
9 that will then allow them to fly from Xennia,
10 through Foxhall, then to 9th Street. Just the
11 other night they had an incident where because
12 our circle is closed off, we are sort of a
13 deterrent for crime. Everyone who comes
14 through can't get out. So, if they come in,
15 then the cops can catch them because we've had
16 that happen on four different occasions.

17 Someone came through. They had
18 stole a car. They thought that the circle was
19 open. When they got in, they couldn't get out
20 because the police was at the end waiting for
21 them.

22 So, it's been a safety net for us.

1 But opening up, we're finding it being a
2 detriment.

3 I live adjacent to the new
4 development site. My house is the last house
5 on the cul de sac. And we're also concerned
6 about the two years of the drilling, the
7 noise, the shifting of the soil. Right now
8 because the bus runs behind Condon Terrace,
9 which is the A2, A4 that he alluded to. My
10 house has shifted.

11 The erosions of the soil, the
12 cracking in the walls. I have a retainer wall
13 up that has fallen that I've now got to
14 replace. My basement structure also is
15 cracking. So, I now have to call in an
16 engineer to look at the structure. This is
17 over the last 15 years that these changes have
18 occurred. Not only at my house but everyone's
19 house on the right-hand side of that sac is
20 also experiencing these problems.

21 When the bus was allowed to come
22 through Condon Terrace, because at one time it

1 wasn't. We had to walk to the nearest bus
2 stop which was on 4th and Atlantic.

3 When they open up Condon Terrace
4 for the busses to come through, then the
5 shifting, the shaking, the vibrations of the
6 bus affects my house as well as all the
7 neighbors on that side of the street.

8 Not too long ago, two years ago,
9 they just put up a retaining wall on the
10 opposite side of my street because of the
11 water erosions. We've lost one, two, four
12 houses or six houses on that side of the
13 street where Mr. Garrett lives.

14 They took 20 years to get the
15 retaining wall up. So, we're saying we don't
16 have a problem with the development. But
17 we're having a problem with all the other
18 things that are going on that's going to
19 happen to us as well.

20 Opening up the circle, it was a
21 wall through. Why not let it -- allow it to
22 be a walk through? It doesn't have to have

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1 traffic or be a verdant for traffic. It can
2 always be a walk through to connect the
3 communities.

4 I had also mentioned about Mr.
5 Crawford said they didn't want anymore
6 recreation facilities. We've not had an ANC
7 representative in our community that
8 represented us that we knew of for the last
9 two years.

10 Wanda Lockridge just became the
11 new ANC person just this January. So,
12 everything that has been going on has been
13 going around us. We've only heard of this as
14 of September.

15 Mr. Crawford was on our street and
16 had a meeting with Ms. Rolark. I attended
17 that meeting. No one was aware that he was
18 going to then open up the circle. They were
19 saying, sure. Do development. They don't
20 have a problem with that. But opening up the
21 cul de sac is the biggest issue that we have
22 at this time.

1 You're going to put in 144 units.
2 Okay. He's got rental properties. Then who
3 is going to maintain them? Gain, another
4 problem because people tend to -- I've noticed
5 in southeast, that they will have apartments
6 and then the landscaping goes because the kids
7 are playing in the activities. Who is going
8 to maintain the landscaping if he has all of
9 the residential areas or people who are
10 homeowners? Who is going to maintain his
11 residential area -- I mean, his rental units?

12 VICE CHAIRPERSON HOOD: What I'm
13 going to need you to do is give us your
14 closing thought.

15 MS. ARMSTEAD: Okay.

16 VICE CHAIRPERSON HOOD: And we may
17 have some questions.

18 MS. ARMSTEAD: Okay. Well, again,
19 my closing thought is that with the number of
20 people that are coming into the new community
21 for the units that we have, we're
22 guesstimating 720 people plus or minus. Even

1 though with all the recreations he says that
2 are near and dear, there still should be
3 public space for people to rear their kids.
4 There should be a park or there should be some
5 type of play area because everybody is not
6 going to walk to all the near by facilities
7 that he's mentioning that are there.

8 Opening up the circle would cause
9 us great detrimental --

10 VICE CHAIRPERSON HOOD: Okay.
11 Thank you very much. If you can hold your
12 seat so Mr. Garrett -- and we're going to give
13 Mr. Garrett four minutes also.

14 Normally, you get three minutes,
15 but we're giving you four.

16 MR. GARRETT: Thank you,
17 Commissioner.

18 VICE CHAIRPERSON HOOD: Oh, we
19 gave you five. Oh, five.

20 MR. GARRETT: Right.

21 VICE CHAIRPERSON HOOD: Five.
22 Okay.

1 MR. GARRETT: Great.

2 Thank you, Mr. Commissioner,
3 Members of the Board.

4 My name is Christopher Garrett. I
5 live at 566 Foxhall Place. I'm also at the
6 end of the street next to the circle. I'm the
7 next to the last house at the end of the cul
8 de sac.

9 I bought my property there last
10 summer in '06 in July and just found out in
11 January about the proposal to open the end of
12 the street.

13 I'd like to express my concerns
14 for my community on their behalf because we do
15 have a lot of elderly and handicapped people
16 on my street that can't be here today either
17 physically or otherwise or they have to work
18 or whatever. So, I would like to express
19 their concerns. I've spoken to a lot of
20 people on my block in detail about these
21 matters.

22 Our major concerns. We have six

1 of them.

2 The two plus years of construction
3 including noise, heavy equipment, influx -- it
4 will create an influx of negative change in
5 our community for a two plus year period.

6 Detrimental changes to the traffic
7 pattern. The increase in traffic, increase in
8 vehicular density. Changes in neighborhood
9 crime statistics due to through-way traffic
10 and increased access to Foxhall.

11 Any construction, heavy equipment
12 or earth-moving equipment will further
13 destabilize the already unstable clay hill
14 that is Foxhall Place and the hill that we
15 live on.

16 We understand that D.C. Zoning
17 doesn't support gated communities or cul de
18 sacs but we feel that there is an open one-
19 side access to Foxhall Place. It's not a
20 gated community. And we consider our cul de
21 sac a circle more than a gated community or a
22 cul de sac.

1 Our other concern is the taxing of
2 existing infrastructures in police force, fire
3 and public service. I know that when I call
4 for public service, it's a challenge to get
5 those things done in my part of town.

6 For example, they haven't mowed my
7 empty lot next to me and the grass is now
8 probably two and a half to three feet tall.
9 I've called several times about that. And,
10 you know, when I call the police in my
11 neighborhood it sometimes takes a long time
12 for them to arrive.

13 I feel that an increase in
14 population, traffic, etcetera, in this area is
15 only going to contribute to the already not so
16 great public services that are available in my
17 community and surrounding area.

18 Basically, we have some requests
19 that we'd like to put forward to the
20 development. We feel that any new
21 construction that affects the population and
22 traffic density so dramatically should give

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1 back to the community in some way. There's a
2 lot of profit to be made for all the
3 developers and the architects and the
4 engineers in this but the people at Foxhall
5 Place aren't really gaining anything from
6 this. We're gaining years of construction,
7 more traffic and no real guarantee of a better
8 quality of life that we can see at all.

9 We feel that the residents of my
10 street and the surrounding area stand to gain
11 basically nothing from this. We feel that
12 changes will detriment our community and we
13 feel as though our concerns have been not
14 really addressed or not really taken into
15 account.

16 I've been to several meetings in
17 regard to this. I've tried to ask questions
18 at the meetings and a lot of times we're not
19 even allowed to speak at these meetings. The
20 developers are allowed more time than us.
21 They can give their presentation and then
22 we're not really allowed to say too much and

1 it's sort of over.

2 We know there have been some
3 research measures in place. We would like for
4 research to continue before and after
5 development to see that any changes that take
6 place in the crime, traffic, etcetera, in our
7 neighborhood that appropriate measures can be
8 taken in case that does happen.

9 We would also like to make sure
10 that any rules that have been agreed upon by
11 the contractors in regards to heavy equipment,
12 site clean up, start and stop times for
13 construction, etcetera, are followed and we
14 would like a community hot line or number set
15 up for members of the community to call to
16 express concerns of this nature to not only
17 the city but to the developers.

18 We would like extra traffic
19 control measures to be researched and put into
20 place. We have speed bumps at the bottom of
21 the hill on Valley right now. And we've
22 noticed that if anything the police and

1 emergency vehicles avoid Valley Avenue because
2 of the speed bumps. The it certainly doesn't
3 -- it may help with the speed, but it doesn't
4 help with the services in our neighborhood and
5 we don't think that that's necessarily a
6 viable option.

7 We would like to look at --

8 VICE CHAIRPERSON HOOD: Your
9 closing thoughts.

10 MR. GARRETT: Yes, sir. Thank
11 you.

12 In closing, the residents of
13 Foxhall, votes for the zoning committee to
14 strike down any changes proposed today and
15 consider the request of the long-time
16 residents of Foxhall Place.

17 Moving forward with that at this
18 time would be premature. And it would cause
19 serious and irreversible consequences to our
20 community.

21 Thank you.

22 VICE CHAIRPERSON HOOD: All right.

1 Thank you.

2 Let me ask you a question, Mr.
3 Garrett.

4 You said you had just moved in the
5 neighborhood?

6 MR. GARRETT: Yes, sir.

7 VICE CHAIRPERSON HOOD: How long
8 have you been in the neighborhood?

9 MR. GARRETT: A little less than a
10 year now and had I know this was taking place,
11 I probably wouldn't have bought on that
12 street. It's a great neighborhood. I love my
13 neighbors and now that I know all the people
14 there, I would never leave. I wouldn't move
15 for the world, but this is wrong.

16 VICE CHAIRPERSON HOOD: Your story
17 reminds me of when I moved into my house in
18 the neighborhood and former council member
19 John Ray told me that I needed to find out
20 what -- I live near transfer stations. I was
21 told I needed to find out what was in my
22 neighborhood before I moved in so that your

1 story is very similar to mine.

2 MR. GARRETT: Yes, sir.

3 VICE CHAIRPERSON HOOD: And I'm
4 not trying to defend anything, but I just want
5 to make sure that you understand what's within
6 our realm and what's not.

7 MR. GARRETT: Yes, sir. I
8 understand.

9 VICE CHAIRPERSON HOOD: But I will
10 tell you that the Comprehensive Plan for this
11 neighborhood which is decided upon by
12 residents who live in that community and one
13 of the things in their Comprehensive Plan
14 which was approved and some things that we
15 still have to approve talks about stabilizing
16 and improving the District neighborhoods,
17 promoting enhanced public safety by creating
18 a family-oriented neighborhood with homes,
19 with public street frontage. The development
20 on the active street scape. And it goes on.

21 And so it would be real good to
22 look and also participate in that Comp Plan.

1 I'm not defending the Applicant. I'm just
2 saying what people that live in that
3 neighborhood have said in the Comp Plan which
4 is approved by the City Council in which we
5 are supposed to use as our kind of like a
6 guidance document.

7 Another thing it talks about is
8 providing for diversity and overall social
9 responsibilities. But anyway because you
10 talked about the police department not being
11 responsive. Sounds just like my neighborhood.

12 MR. GARRETT: Yes. And I do agree
13 with you, sir. And as I found out about this,
14 I did as much research as I could into what
15 was going on. But the fact is that we haven't
16 had ANC representation that I know of until
17 January of this year.

18 VICE CHAIRPERSON HOOD: Ms.
19 Lockridge is your ANC representative?

20 MR. GARRETT: That's correct.
21 Yes.

22 VICE CHAIRPERSON HOOD: She --

1 MR. GARRETT: That's correct.

2 VICE CHAIRPERSON HOOD: Have you
3 spoke with her about some of the issues?

4 MR. GARRETT: I called her several
5 times and I haven't been able to get in touch
6 with her.

7 VICE CHAIRPERSON HOOD: Okay.
8 Okay.

9 Now, Ms. Armstead. I need the
10 Applicant to do me a favor. I'm just going to
11 ask her and then I'll turn it over to my
12 colleagues.

13 But if you can put up the -- I'm
14 trying to understand the relationship between
15 the cul de sac and I don't know if we had that
16 and what's -- and they're doing away with the
17 cul de sac.

18 Do we have anything showing that
19 comparison?

20 MS. ARMSTEAD: I have some other
21 pictures too if you'd just like --

22 VICE CHAIRPERSON HOOD: I mean,

1 I'd understand it.

2 Can we dim the lights for a
3 second.

4 Ms. Armstead, I'd actually like
5 for you to use a pointer. And show me -- I
6 don't want you to redo your whole testimony
7 but show me where you are and explain to me,
8 walk me through what the issue is again. I
9 know the opening up of the cul de sac and show
10 me where your house and everything is.

11 MS. ARMSTEAD: My house is there.
12 My house is right here on the corner on the
13 right-hand side of the cul de sac right here.

14 VICE CHAIRPERSON HOOD: Your house
15 is right there.

16 MS. ARMSTEAD: Right.

17 VICE CHAIRPERSON HOOD: Okay.
18 Now, if the cul de sac -- show me the way the
19 street is running. And forgive me. I know
20 it's been awhile but --

21 MS. ARMSTEAD: Okay. The street
22 runs this way. It only comes one way in. You

1 come in and turn around in the circle and then
2 you come out. So, it's only passage through
3 one way.

4 VICE CHAIRPERSON HOOD: Show me
5 that again.

6 MS. ARMSTEAD: Okay. You come
7 through from Xenia. This is Xenia. You're
8 coming down Foxhall here. Then you come
9 through to the cul de sac which is the circle
10 and then you come back out and come through
11 Xenia back to Valley Avenue.

12 VICE CHAIRPERSON HOOD: Now, can
13 you just run the pointer and show me when it
14 opens, how the traffic flows if going to go?

15 MS. ARMSTEAD: Goes this way.

16 VICE CHAIRPERSON HOOD: And this
17 is going to keep straight?

18 MS. ARMSTEAD: They're going to go
19 out this way. Yes.

20 VICE CHAIRPERSON HOOD: Diagram.
21 Okay. I see it.

22 MS. ARMSTEAD: See it right here

1 over here in the blue?

2 VICE CHAIRPERSON HOOD: I see it.
3 Got you. Thank you.

4 MS. ARMSTEAD: Right there. It's
5 going to --

6 VICE CHAIRPERSON HOOD: Thank you.
7 It's good to have Mr. Parsons right beside me.
8 Thank you.

9 MS. ARMSTEAD: Right.

10 VICE CHAIRPERSON HOOD: Okay. All
11 right.

12 Thank you.

13 Any other questions?

14 COMMISSIONER PARSONS: Yes. Well,
15 I mean, you make a very persuasive argument
16 for, you know, what you now enjoy and how this
17 cul de sac was created with Ms. Rolark and
18 others assisting.

19 But the cul de sac is indeed on
20 the property of this application. So, I guess
21 what you're asking is somehow the Applicant
22 recognize the cul de sac. Leave it there,

1 continue the fence and build a project and
2 don't bother you. Is that basically --

3 MS. ARMSTEAD: No. We're not
4 asking them -- the fence was put up because
5 like I said at that time there was a lot of
6 drug trafficking going on.

7 COMMISSIONER PARSONS: yes.

8 MS. ARMSTEAD: And people would
9 come from 9th Street through Valley Avenue.
10 And even though the housing project was there,
11 they still made their way of coming to Foxhall
12 in order to buy their drugs. And because at
13 that time the circle or cul de sac was a way
14 that they could park, get their drugs and move
15 on.

16 That was the reason why they put
17 up the wrought iron fence. The fence
18 initially was not there always. The fence it
19 was always an open area to the housing project
20 and to Foxhall. It's just a circle with a
21 concrete walk that you can walk around. You
22 can go in, still have access to Condon Terrace

1 or to 9th Street if you walk through,
2 depending on how the houses were set up at
3 that time. The housing project was set up at
4 that time.

5 You could still go through from
6 Foxhall, walk through the many streets that
7 they had there at that time and still get out
8 to 9th Street.

9 COMMISSIONER PARSONS: All right.
10 So, you don't think the fence would be
11 necessary?

12 MS. ARMSTEAD: You could take the
13 fence down. Don't have a problem with that.

14 COMMISSIONER PARSONS: You're
15 asking the Applicant then to sacrifice three
16 or four houses in this community in order to
17 accommodate your cul de sac. Is that right?

18 MS. ARMSTEAD: I understand again
19 it's the rental properties, I guess, that he's
20 talking about.

21 COMMISSIONER PARSONS: I see.

22 And let's get to this issue of

1 whether the Applicant or somebody else could
2 put devices on Foxhall to slow traffic and
3 speed bumps, speed tables, other devices that
4 are being used throughout the city.

5 Is that some kind of mitigating
6 measure that you think might work if Foxhall
7 went through?

8 MS. ARMSTEAD: Not really. We
9 have two seniors that one is partially blind
10 and one is blind and they cross the street
11 all the time. We have a gentleman who is
12 mentally impaired or retarded and he walks the
13 streets all the time so he's like our street
14 cleaner and picker upper. So, he's been there
15 from birth. And I know he's got to be in his
16 late '40s, early '50s.

17 So, he's a fixture of the
18 community as well, but he's not paying
19 attention to how the traffic is coming and
20 going. He's just in the street all the time.
21 So, that's a concern for us.

22 We have now new mothers and new

1 families who are coming on our street who have
2 children. We have a new parent. She's a
3 single mother with four kids. We have one
4 across the street, a mother and a father.
5 They've got five. So, we are developing and
6 building up as far as the youth are concerned.

7 We have also that wasn't mentioned
8 on Foxhall and Xenia, there's a condominium
9 that's there on that corner. And we've also
10 had those people express a concern about
11 opening up the cul de sac.

12 COMMISSIONER PARSONS: Okay.

13 MS. ARMSTEAD: So, it's not just
14 us. We have also another people -- other
15 families.

16 COMMISSIONER PARSONS: So, you
17 don't think speed control device would --

18 MS. ARMSTEAD: No. I don't.

19 COMMISSIONER PARSONS: -- assist?

20 MS. ARMSTEAD: Because as Mr.
21 Garrett said, as you come down Valley Avenue.
22 They've put up speed bumps. The police, the

1 fire department they avoid them as much as
2 possible. So, the only thing they're doing is
3 just deterring traffic. Instead of coming
4 down Valley, they are taking 4th Street to
5 come up Mississippi and then get to the 13th
6 Street or wherever they're having a problem.

7 COMMISSIONER PARSONS: Okay.
8 Thank you.

9 MS. ARMSTEAD: So, it's not -- I
10 don't think it would be anything that would
11 apply to us.

12 COMMISSIONER PARSONS: Thank you.

13 MR. GARRETT: May I add something
14 to that?

15 One of the problems that I have
16 with the speed bumps as well is that people --
17 they're only in one area and that would be, I
18 assume, the way that they would put them on
19 Foxhall if this happens.

20 And what happens is people speed
21 into the speed bumps, slam on their brakes,
22 hit the speed bump at whatever speed and then

1 slam on the gas again to speed up to slow down
2 to the next speed bump. So, it ends up you
3 have cars revving up and down the street
4 rather than just slow traffic flow.

5 I think a stop sign or another
6 traffic control measure would be maybe a
7 better idea.

8 VICE CHAIRPERSON HOOD: Do you
9 have a question.

10 COMMISSIONER TURNBULL: Are you
11 concerned, I guess, that Foxhall is going to
12 become a major thoroughfare?

13 MS. ARMSTEAD: Yes. That's our
14 main concern. Yes.

15 And it would because once you come
16 off of 9th Street, depending on the flow of
17 traffic, because at this point now we have a
18 lot of people who work, who live in D.C. that
19 are working coming through Maryland. They
20 come down Wheeler Road so once they come down
21 Wheeler Road, come to Valley Avenue. Why not
22 come through 9th down to Foxhall to make it to

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1 4th Street?

2 So, it would be a shortcut for a
3 lot of people and that would be a concern for
4 us.

5 COMMISSIONER TURNBULL: If the
6 Applicant explored other measures. I mean, I
7 don't know what they would be --

8 MS. ARMSTEAD: Exactly.

9 COMMISSIONER TURNBULL: -- but, I
10 mean, -- I see your concern. You've had this
11 secure neighborhood and I guess what was a
12 little disturbing is you got a whole street
13 that sounds like they don't know anything
14 about what's going on or they feel uninformed
15 about it.

16 MS. ARMSTEAD: Exactly.

17 MR. GARRETT: That's correct.

18 MS. ARMSTEAD: And that's the main
19 thing. Yes.

20 COMMISSIONER TURNBULL: It's just
21 a troubling -- I mean, it's a conundrum. I
22 mean that this is a very well thought out

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1 program from the standpoint of what it's
2 giving to the community. But it sounds like
3 a major part of the community doesn't
4 understand or is feeling left out in the
5 process of this.

6 MS. ARMSTEAD: Exactly.

7 COMMISSIONER TURNBULL: I'm just
8 wondering if the Applicant could explore that
9 with you and develop some ideas with you. I
10 mean, if that would be a --

11 MR. GARRETT: I don't think that
12 anyone on our street is opposed to
13 negotiations and would like to add that I
14 think a great compromise would be maybe a
15 walking area. A walking street through that
16 area and keep things without automobiles. I
17 mean, there's already enough streets in D.C.
18 for cars but there aren't enough places for
19 people and non-car activity.

20 I mean, the entire city and
21 country for that matter is run over by the
22 automobile.

1 VICE CHAIRPERSON HOOD: All right.

2 Thank you.

3 Any other questions?

4 All right. We want to thank you
5 both. Appreciate it.

6 MR. GARRETT: Thank you for
7 hearing us. Thanks for your time.

8 VICE CHAIRPERSON HOOD: Sure.

9 I would ask the Applicant, Ms.
10 Giardano, if you would come back and -- I
11 don't know whether it's rebuttal, closing
12 remarks, but if you'd come back to the table.

13 Ms. Giardano, you heard from Mr.
14 Garrett. I was listening to some of their
15 concerns while we were talking about the
16 opposition. And I know you heard what Mr.
17 Turnbull's remarks were.

18 But let me ask. One of the issues
19 that I saw and I know this was not a proffer
20 and I know you're not asking for a whole lot
21 of flexibility as far as the zoning.

22 But I'm looking here at one of the

1 things that mentions construction. The slope
2 and the street opening up. Is there anyway we
3 could relook at maybe we could proffer or
4 offer or look into the possibility of a
5 construction plan to give those concerns to
6 the neighborhood? And that's kind of like an
7 MOU or however it works.

8 Maybe, Mr. Crawford, you may want
9 to --

10 MS. GIARDANO: Right.

11 VICE CHAIRPERSON HOOD: -- venture
12 into that avenue. I'm not sure.

13 MS. GIARDANO: I think the
14 Chairman is talking about a construction
15 management agreement which are very common in
16 PUDs and we have a lot of models that we can
17 work with. We've drafted numerous ones of
18 these that address hours of operation, truck
19 access, things of that nature and obviously
20 if, you know, there's a causable element of
21 construction damaging someone's home, you
22 know, we would be responsible for that.

1 So, yes, Mr. Hood.

2 VICE CHAIRPERSON HOOD: I just
3 think that would give them a reassurance.

4 Here's what I don't want to do. I
5 don't want to really undo a whole lot of what
6 the ANC has done because, by law, they get
7 accorded a great weight. Maybe you can go
8 back and I'm just asking and work with them
9 and do that, because I really don't want to
10 undo.

11 From what I'm hearing and I think
12 it was a concern of my colleague is that a few
13 people may have been left out of the process.
14 I don't know how but that always happens. But
15 at least this group is very close and I'm sure
16 Mr. Crawford would do what he can to try to
17 work with them.

18 MR. CRAWFORD: Mr. Chair, if I
19 may?

20 VICE CHAIRPERSON HOOD: Yes.

21 MR. CRAWFORD: On September the
22 27th and 21st we met with those persons who

1 had some concerns primarily on Foxhall Place
2 and we can submit that for the record.

3 VICE CHAIRPERSON HOOD: Do we have
4 -- oh, we just got it.

5 MR. CRAWFORD: And we submitted
6 through Ms. Sterling Johnson, after numerous
7 house of discussion. First of all,
8 construction activity would be limited to just
9 that area and the trucks really had no need to
10 come down Foxhall because the street is
11 relatively narrow. But they would use the 9th
12 Street entrance so there would be no
13 disturbance to our homes. And, of course,
14 after a certain period of time, we agreed
15 there would not be anymore work. Of course,
16 they do not work on the weekends.

17 Then we also -- we're attempting
18 to get trees planted on Foxhall and some
19 improvements on Foxhall -- existing Foxhall.

20 9th Street, of course, is one of
21 the few areas of the city where it has no
22 sidewalks. So, we working with the city also

1 for a street enhancement or a street
2 improvements on 9th Street coming down into
3 the property.

4 But for the most part, the entire
5 area of 9th Street looks like something out of
6 the 1940s. There is no sidewalk. Many of the
7 curbs are sitting in the middle of the street.
8 They have never been repaired.

9 So, we felt that after our
10 discussion with many of the community leaders
11 that accepted our proposal that would attempt
12 to enhance the neighborhood and not detract
13 from it.

14 The new ANC Commissioner lives on
15 Valley Avenue and they felt it would enhance
16 the houses. And, of course, more than likely
17 increase the value of their homes. Because
18 before there was a housing project there that
19 was built in 1939 or '40 and it has since been
20 raised. So, what we're attempting is to
21 complement the area, not detract from it.

22 And we understand the issue that

1 are brought before us and we thought that our
2 letter of October 2nd, which had been
3 submitted to you, responded to many of those
4 issues and we intend to work with them.

5 VICE CHAIRPERSON HOOD: I
6 unfortunately just received --

7 MR. CRAWFORD: We apologize, sir.

8 VICE CHAIRPERSON HOOD: That's
9 fine, but I didn't know if these had been
10 addressed or not. But obviously, and I just
11 would ask because we just got this and I have
12 not had an opportunity to look at this.

13 But I'm going to ask Mr. Garrett
14 and Ms. -- if you would just shake your head.
15 Did they get a copy of this?

16 MR. CRAWFORD: We would hope so.
17 We made certain that it was delivered to them,
18 on October the 2nd.

19 MS. GIARDANO: We just submitted
20 it tonight because we thought that we had
21 responded to these issues. We didn't realize
22 that they were going to come up this evening.

1 VICE CHAIRPERSON HOOD: Okay.

2 MS. GIARDANO: But we will make
3 sure that they get a copy of it if they want
4 it included.

5 VICE CHAIRPERSON HOOD: Okay. All
6 right.

7 COMMISSIONER PARSONS: Is there
8 anything you've heard tonight where you think
9 there is something you could do to assist them
10 in their concerns?

11 MR. CRAWFORD: Of course. We want
12 to be inclusive and not to exclude the less
13 fortunate. So, what we attempted to do was
14 integrate the community socioeconomically with
15 the heavy emphasis on workforce. To take away
16 10 or 12 houses would sort of inhibit that
17 from happening and that we didn't want to
18 bring the same element back to the property.
19 But we wanted to make certain that whatever we
20 did would increase not only the value of the
21 community, increase community leadership and
22 involvement.

1 When we attended the ANC meeting,
2 the ANC meeting area is within walking
3 distance of this complex. And the meeting,
4 the sharet that we held was within walking
5 distance of the complex.

6 So, we felt that did what we were
7 required to do and over and above what we were
8 required to do within the confines of the law
9 to make everyone inclusive of this process.

10 There will always be a few people
11 that just disagree. But we tried and we are
12 attempting to address that concern.

13 There will be no work activity
14 late at night. There will be no work activity
15 on the weekends unless there's an emergency.

16 We don't really see the people
17 going down Willow Road or down Valley Avenue
18 and turning into Foxhall to get home. The
19 road is relatively narrow. Our streets will
20 be a little bit wider and more accessible from
21 9th Street because the Metro system is towards
22 the 9th Street. So, we see it being an

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1 advantage for the people on Foxhall since they
2 will no longer have to go down Foxhall, going
3 to Valley Avenue and around.

4 So, we see it as being an
5 enhancement for them. There would be no need
6 for the people in the new complex to go in and
7 about.

8 COMMISSIONER PARSONS: Thank you.

9 VICE CHAIRPERSON HOOD: The only
10 other issue that I would like to revisit along
11 with the construction management issue is, I
12 don't know. Maybe some signs or something
13 need to go up for this particular gentleman
14 and I don't know if that's done at another
15 phase. But the person who has some special
16 needs, because I can tell you, I would not
17 rest easy if, you know, we approve this
18 possibly and find out that somebody was
19 injured from the testimony we had today. That
20 won't rest well.

21 So, I would ask for us to look at
22 that and all issues as you heard and see what

1 we can do.

2 But also make sure that the
3 opposition see this and we will pass it out.
4 But I will tell you, the opening of the street
5 and I need to read up some more in the DDOT
6 report is actually, and I would also make sure
7 that you get -- hopefully, that you'll get a
8 copy of the DDOT report because it's supported
9 in the opening here and to me -- I'm not a
10 subject matter expert of traffic, even though
11 my colleagues and maybe Mrs. Schellin and Ms.
12 Hanousek may think that I try to be when I
13 talk about level of service, but I'm not.

14 So, we want to make sure that, you
15 know, there are no surprises when we
16 deliberate. But I can tell you that there's
17 some -- the subject matter experts have said
18 that the vehicle/pedestrian circulation
19 pattern through the property and that's one of
20 the things that's mentioned here. And they
21 are obviously in support.

22 But anyway, be it as it may.

1 That's where we are.

2 Any closing comments?

3 MS. GIARDANO: As Mr. Crawford
4 said, we will follow up and consult further
5 with these people.

6 One of the people who testified
7 indicated that they are new to the community.
8 That could explain why maybe there was some
9 disconnect there. But the project
10 consultation doesn't stop with the PUD
11 process.

12 VICE CHAIRPERSON HOOD: Right.

13 MS. GIARDANO: This is a city
14 property and we'll go further beyond here.
15 And as the development proceeds, there will be
16 coordination with the community to make sure
17 that there aren't construction impacts that
18 are any more detrimental than they have to be.

19 With that, I think there were a
20 couple of submissions that were asked for
21 tonight. We'll follow up on those and other
22 than that, we will rest on the record at this

1 point.

2 VICE CHAIRPERSON HOOD: Okay.

3 Thank you.

4 COMMISSIONER TURNBULL: Mr. Chair,
5 yes. I think just following up on some of her
6 comments.

7 I think obviously there's some
8 fear from the standpoint of some of the
9 neighbors on Foxhall. You got a whole block
10 there that is very concerned. And I think and
11 obviously they've found that dealing with the
12 city has been less than fruitful at times in
13 getting their responses. So, the Applicant is
14 probably more in a position to help from that
15 standpoint on some of these mitigation
16 measures.

17 So, I think I would encourage.
18 Obviously, they feel that they're not being
19 listened to from yourselves or from the city
20 either. So, I think part of your community is
21 going to be them. And whatever could be done
22 I would encourage that.

1 MR. CRAWFORD: We will -- in any
2 way. Ms. Rolark and I was two very close
3 colleagues of the council. And we started out
4 during the anti-poverty days. I think I was
5 the treasurer. She was the general counsel
6 and Calvin was public relations.

7 They always had a problem with, as
8 we do throughout the city, with erosion. And
9 I can understand their fears.

10 The fears in part were that
11 perhaps also that would affect the erosion on
12 that part of the area. But D.C., of course,
13 is all a flood plain. And for many years
14 we've been toiling around with where that
15 fresh water is coming from and nobody can
16 figure out but fresh water sometimes runs down
17 9th Street, Barnaby Street and no one has been
18 able to figure out where it's coming from.

19 But D.C. is a flood plain and we
20 have to deal with that and try to correct it
21 as fast as we can.

22 We're in the process of

1 redeveloping several parcels in that area.
2 Willow Creek is coming on board. Willow
3 Terrace. And, of course, Parkside. So, a
4 whole environment is coming to that
5 neighborhood. And, of course, there are
6 fears. But most of the people coming into the
7 neighborhood tend to be stabilizers. And
8 hopefully will enhance the neighborhood and
9 not take anything away.

10 This has been a very troubled area
11 for many years. That's where Linda Pollin
12 was, as you is pretty crime ridden. Not
13 anymore. And that's where the infamous other
14 projects were. Willow Road, all that's gone
15 now.

16 So, change is coming, but it's
17 more pleasant and hopefully more conducive to
18 what would make a healthy neighborhood. And
19 we're just trying to be a part of it. We're
20 all in fear of change.

21 COMMISSIONER PARSONS: I'm not
22 sure -- I'm almost motivated to say there

1 should be a stop sign placed at the entrance
2 to your project.

3 MR. CRAWFORD: Sir --

4 COMMISSIONER PARSONS: And I'm not
5 going to dictate that, but --

6 MR. CRAWFORD: Oh, no. We would
7 be favor of that but, you know, we have to
8 also abide by the city regulators. But,
9 however, we have no objection to that.

10 COMMISSIONER PARSONS: I
11 understand. I don't want to place that kind
12 of --

13 MR. CRAWFORD: I understand.

14 COMMISSIONER PARSONS: -- clumsy
15 thing into an order by the Zoning Commission,
16 but I would certainly urge you to bring
17 forward some kind of alternative --

18 MR. CRAWFORD: I understand.

19 COMMISSIONER PARSONS: -- that
20 will discourage through traffic running up and
21 down through this neighborhood. And you don't
22 want it either.

1 MR. CRAWFORD: No.

2 COMMISSIONER PARSONS: By the time
3 they get to --

4 MR. CRAWFORD: That's not the
5 intent.

6 COMMISSIONER PARSONS: By the time
7 they get to the new committee they'll be going
8 90 miles an hour. So, who needs that? So,
9 what can we do to --

10 MR. CRAWFORD: Well, we had full
11 discussions with the leadership and some
12 whispered we don't want to be a part of
13 stopping this activity coming in, but we have
14 to live with our neighbors.

15 COMMISSIONER PARSONS: Right.

16 MR. CRAWFORD: But we're going to
17 work with them and we will work closely with
18 the council member to make certain. Matter of
19 fact, some of those things we can accomplish
20 now.

21 COMMISSIONER PARSONS: All right.
22 Thank you.

1 VICE CHAIRPERSON HOOD: Okay.
2 That's good. And as you were talking I was
3 sitting here reading. I think it shows here
4 in your letter that you submitted, you're
5 willing to listen, you're willing to work
6 with. And I want to read this.

7 If there's anything you might
8 suggest we do to help with the parking
9 situation with the cul de sac, we are ready to
10 listen and help as much as we can.

11 So, you've heard my colleagues.
12 You've heard the opposition to what we can do
13 within our realm, the scope of this
14 Commission. We ask that you come back with
15 that. And especially the construction
16 management plan as Mr. Parsons mentioned and
17 what Mr. Turnbull mentioned.

18 Okay. So, thank you.

19 Let's see what's due and let's
20 come up with some dates.

21 ACTING SECRETARY SCHELLIN: We
22 don't have a really long list. I think the

1 biggest thing is for the Applicant to go back
2 and maybe work with Ms. Armstead through the
3 ANC to address maybe some of their concerns.

4 Ask the Applicant to contact the
5 ANC and ask them to submit a letter in proper
6 form to be given great weight.

7 Ask the -- I believe Mr. Turnbull
8 would like for them to address the green
9 building issue. A little more detail on that.
10 Of course, we need the affidavit of
11 maintenance also.

12 Anything else?

13 VICE CHAIRPERSON HOOD: That's
14 all. We're going to revisit a few things.

15 But here's what I don't want and I
16 want to put this on the record.

17 The ANC has worked obviously and
18 we want to make sure the Applicant. Things
19 are predictable in the city. We don't want to
20 change up on midstream on any developer or
21 anyone. So, we've asked him. You've heard
22 the plead to those who are in opposition.

1 You've heard the plea from the Commission to
2 ask the developer or the Applicant to go back
3 and look and revisit some of the issues that
4 you brought up.

5 But also -- we also take into
6 consideration that this Applicant as others do
7 has worked for a few years on something and we
8 don't want to change up in midstream. So,
9 hopefully we can come back with not a full
10 happy medium, but we can come back with some
11 progress.

12 Okay. Okay.

13 ACTING SECRETARY SCHELLIN: How
14 long do you want or how much time do you guys
15 think you need? Three, four weeks?

16 MS. GIARDANO: Two weeks.

17 ACTING SECRETARY SCHELLIN: Two
18 weeks. Okay. That would put us to May 10th,
19 3:00 p.m., and then the ANC would have until
20 May 17th to respond to anything that's filed.

21 And, Mr. Hood, just to clarify,
22 are we leaving the record open only for this

1 specific request or general?

2 VICE CHAIRPERSON HOOD: Only for
3 the specific request.

4 ACTING SECRETARY SCHELLIN: so,
5 other than what's been asked for, nothing else
6 will be accepted.

7 VICE CHAIRPERSON HOOD: And one of
8 those is the ANC's. I think you mentioned --

9 ACTING SECRETARY SCHELLIN: Right.

10 VICE CHAIRPERSON HOOD: All right.

11 If nothing else is --

12 ACTING SECRETARY SCHELLIN: I'm
13 sorry. One other thing.

14 Proposed findings of fact,
15 conclusions of law. If you'd like to file
16 those, they'll be due May 17th also.

17 VICE CHAIRPERSON HOOD: Let me
18 just ask. I'm hoping that this WASA versus
19 Department of the Environment issue.
20 Hopefully, that can be dealt with before
21 final. If not, it will be addressed, Ms.
22 Giardano, as you understand it dealing from

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1 mid face? Okay.

2 Maybe in your findings, maybe
3 we'll put it somewhere to symbolize it that's
4 when it will be addressed or hopefully it will
5 be addressed by then. I'm not sure.

6 Some way I think Mr. Parsons may
7 feel a little more comfortable putting it in
8 the order. Okay.

9 All right. Let me see if I can
10 find some of this closing statement. And we
11 have the dates and the times? We've already
12 done that.

13 The decision of the Commission in
14 this case must be based exclusively on the
15 public record to avoid any appearance to the
16 contrary. The Commission requests that
17 persons present -- do you know what? It must
18 be getting late because I'm reading -- we're
19 not going to start back over. That's the
20 opening statement.

21 The Commission will make a
22 decision in this case at one of its regulatory

1 monthly meetings. The closing of the record
2 with the exception of what we have requested.
3 These meetings are held at 6:30 p.m. on the
4 second Monday of each month with some
5 exceptions.

6 If any individual is interested in
7 following this case further, please contact
8 staff to determine whether this case is on the
9 agenda of a particular meeting.

10 I now declare this hearing closed.

11 (Whereupon, the above matter was
12 concluded at 8:29 p.m.)

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