

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

Monday,  
July 23, 2007

Hearing Room 220 South  
441 4<sup>th</sup> Street, N.W.  
Washington, D.C.

The Public Hearing of by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Vice Chair
GREGORY N. JEFFRIES	Commissioner
MICHAEL G. TURNBULL, FAIA	Commissioner
	(AOC)
JOHN PARSONS	Commissioner
	(NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Spec.

OFFICE OF PLANNING STAFF PRESENT:

TRAVIS PARKER

The transcript constitutes the minutes  
from the Public Hearing held on July 23, 2007.

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

6:43 p.m.

VICE CHAIRPERSON HOOD: Good

evening, ladies and gentlemen.

This is public Hearing of the Zoning Commission in the District of Columbia for Monday, July 23rd, 2007.

Joining me this evening are Commissioners Jeffries, Parsons and Turnbull. We are not expected to be joined by the Chair this evening. And we also have two cases and I'm going to try to do this simultaneously.

Our first case is Zoning Commission Case No. 07-15. And our second case is Zoning Commission Case No. 06-30, which will our second case.

The subject of this evening's hearing in Zoning Commission Case No. 07-15. This is a request by the Office of Planning for Text Amendment to Title 11 of the District of Columbia Municipal Regulations, Zoning to allow approval of a new or enlarge accessory

1 structure on the same lot as one family  
2 dwelling unit or flat as a special exception.

3 Notice of today's hearing was  
4 published in the D.C. Register on May 25th,  
5 2007. Copies of today's hearing announcement  
6 are available to you and are located to my  
7 left on the table near the door.

8 This hearing will be conducted in  
9 accordance with provisions of 11 DCMR 3021.  
10 The order of procedure will be as follows.

11 Preliminary matters, presentation  
12 by the Office of Planning, reports of other  
13 Government agencies, report of the ANC,  
14 organizations and persons in support,  
15 organizations and persons in opposition.

16 The following time constraints  
17 will be maintained in this hearing.

18 Organizations five minutes,  
19 individuals three minutes.

20 The Commission intends to maintain  
21 these time limits as strictly as possible in  
22 order to hear the case in a reasonable period

1 of time.

2 The Commission reserves the right  
3 to change the time limits for presentations,  
4 if necessary, and notes that no time shall be  
5 seeded.

6 All persons appearing before the  
7 Commission are to fill out two witness cards.  
8 These cards are located to my left near the  
9 door. Upon coming forward to speak to the  
10 Commission, please give both cards to the  
11 reporter sitting to my right before taking a  
12 seat at the table.

13 Please be advised that these  
14 proceedings are being recorded by a Court  
15 Reporter and is also Webcast live.  
16 Accordingly, we must ask you to refrain from  
17 any disruptive noises or actions in the  
18 hearing room.

19 When presenting information to the  
20 Commission, please turn and speak into the  
21 microphone first stating your name and home  
22 address. When you are finished speaking,

1 please turn your microphone off so that your  
2 microphone is no longer picking up sound or  
3 background noise.

4 The decision of the Commission in  
5 this case must be based on the public record.  
6 To avoid any appearance to the contrary, the  
7 Commission requests that persons present not  
8 engage the members of the Commission in  
9 conversation during the recess or at any other  
10 time.

11 The staff will be available  
12 throughout the hearing to discuss procedural  
13 questions. Tonight we're joined on the staff  
14 with Mrs. Sharon Schellin, the Secretary of  
15 the Zoning Commission and also Mrs. Hanousek  
16 to my left.

17 Please turn off all beepers and  
18 cell phones at this time so not to disrupt  
19 these proceedings.

20 At this time, the Commission will  
21 consider any preliminary matters. And I mean  
22 preliminary matters to the first case.

1 Does the staff have anything?

2 Okay.

3 Okay. With the first case, we do  
4 not need to swear in I don't believe. Okay.  
5 And I'm trying to do this simultaneously  
6 because I'm not going to read all of that.  
7 I'm only going to read after we finish this  
8 case what pertains to the second case. So, I  
9 hope that will work. Okay. Save some time.

10 All right. The Office of  
11 Planning, Mr. Parker.

12 MR. PARKER: Yes. Good evening,  
13 Mr. Chairman, Members of the Commission. I'm  
14 Travis Parker with the Office of Planning.

15 We haven't heard any comments pro  
16 or con on this so I'm happy to stand on the  
17 record unless there are questions from the  
18 Commission.

19 VICE CHAIRPERSON HOOD: Okay.

20 Thank you.

21 Mr. Parker, I knew we were moving  
22 fast but I didn't know we would move that

1 fast. That's great.

2 Colleagues, any questions? Any  
3 questions of Office of Planning?

4 I think it's pretty  
5 straightforward.

6 Okay. Hearing none, we didn't  
7 have any other reports from other Government  
8 agencies.

9 Do we have any reports of the ANC?  
10 I didn't see any in this particular file? 1C.  
11 1C did. Okay. 1C was in support and also 6B  
12 was in support and that's so noted. And it  
13 also has the record of the ANC vote.

14 Okay. Do we have any  
15 organizations or persons in support of the  
16 first case, Zoning Commission 07-15?

17 Any organizations or persons in  
18 support?

19 Any organizations or persons in  
20 opposition?

21 Any organizations or persons in  
22 opposition in the first case, 07-15?

1                   Okay. Any closing comments from  
2 anyone?

3                   Okay. I think it's pretty  
4 straightforward.

5                   Mr. Parsons.

6                   COMMISSIONER    PARSONS: Mr.  
7 Chairman, I move we approve this Text  
8 Amendment No. 07-15.

9                   VICE CHAIRPERSON HOOD: Moved.  
10 Can I get a second?

11                   Second.

12                   Moved and properly seconded.

13                   All those in favor?

14                   (AYES)

15                   VICE CHAIRPERSON HOOD: Any  
16 opposition?

17                   So order.

18                   Staff, would you record the vote?

19                   SECRETARY SCHELLIN: The staff  
20 records the vote four to zero to one to  
21 approve proposed action in Zoning Commission  
22 Case No. 07-15.

1 Commissioner Parsons moving,  
2 Commissioner Hood seconding. Commissioners  
3 Turnbull and Jeffries in favor. Commissioner  
4 Mitten not present, not voting.

5 VICE CHAIRPERSON HOOD: Next is  
6 the second case Zoning Commission Case No. 06-  
7 30.

8 Mr. Parsons will not be  
9 participating in this case and the Chairperson  
10 also will not be participating.

11 This is our second case for the  
12 evening, 06-30.

13 Let me call this case first and  
14 then we'll do preliminary matters. Believe  
15 me, I don't think this is going to move as  
16 fast as that one. Okay, but anyway.

17 Let me see if I can get some of  
18 the specifics on the record.

19 The subject of this Zoning  
20 Commission No. 06-30. This is a request by  
21 Pollin Memorial Community Development, LLC,  
22 for approval of a Consolidated Planned Unit

1 Development and Related Map Amendment for  
2 property located on site bound by Anacostia  
3 Avenue, Hayes Street, Barnes Street, Grant  
4 Street and Kenilworth Park and known as Square  
5 5040 and Parcels 170/27 and 170/28.

6 Notice of today's hearing was  
7 published in the D.C. Register on June 1st,  
8 2007.

9 Copies of today's hearing  
10 announcement are available to you and are  
11 located to my left in the wall bin near the  
12 door.

13 This hearing will be conducted in  
14 accordance with the provisions of 11 DCMR  
15 3022.

16 The order of procedure will be as  
17 follows.

18 Preliminary matters, Applicant's  
19 case, report of the Office of Planning, report  
20 of other Government agencies, report of  
21 Advisory Neighborhood Commission 7-D,  
22 organizations and persons in support,

1 organizations and persons in opposition.

2 The following time constraints  
3 will be maintained in this meeting.

4 The Applicant 60 minutes,  
5 organizations five minutes, individuals three  
6 minutes.

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

14 All persons appearing before the  
15 Commission are to fill out two witness cards.  
16 These cards are located to my left, again on  
17 the table near the door.

18 Upon coming forward to speak to  
19 the Commission please give both cards to the  
20 reporter sitting to my right before taking a  
21 seat at the table.

22 Please be advised, repeating that

1 this is being recorded by a Court Reporter and  
2 is also Webcast live. Accordingly, we must  
3 ask you to refrain from any disruptive noises  
4 or actions in the hearing room.

5 When you are finished speaking,  
6 please turn your microphone off so your  
7 microphone is no longer picking up sound and  
8 background noise.

9 The decision of the Commission in  
10 this case must be based exclusively on the  
11 public record. To avoid any appearance to the  
12 contrary, the Commission requests that the  
13 persons present not engage the members of the  
14 Commission in conversation during any recess  
15 or any other time.

16 The staff will be available  
17 throughout the hearing to discuss procedural  
18 questions as stated before. Please turn off  
19 all beepers and cell phones at this time so  
20 not to disrupt these proceedings.

21 Would all individuals wishing to  
22 testify please rise to take the oath.

1                   Mrs. Schellin, would you please  
2 administer the oath?

3                   SECRETARY SCHELLIN: Do you  
4 solemnly swear or affirm that the testimony  
5 you will give in this evening's proceeding  
6 will be the truth, the whole truth and nothing  
7 but the truth?

8                   Thank you.

9                   VICE CHAIRPERSON HOOD: At this  
10 time, we will consider any preliminary  
11 matters.

12                   Does the staff have any  
13 preliminary matters?

14                   SECRETARY SCHELLIN: Yes, sir, we  
15 have two.

16                   The first one is a request from  
17 ANC-7D at Exhibit Number 29, a request for a  
18 postponement. And I would note that the  
19 Applicant has responded to this letter at  
20 Exhibit 33, which you have before you.

21                   And the second issue would be a  
22 minor waiver of the posting requirement. The

1 notice was mailed to everyone within 200 feet,  
2 however, the three foot green signs were six  
3 days later being put up.

4 VICE CHAIRPERSON HOOD: Okay.

5 We have a request which is dated--  
6 well, we received it in this office on July  
7 the 16th. It was in our files. It's from  
8 ANC-7D and they specifically cite four reasons  
9 they think that we need to postpone or would  
10 like to postpone. And I do know I did read  
11 somewhere and I'm not -- have stuff shuffled  
12 around, but the Applicant did respond to the  
13 time line.

14 My exhibits are out of order, Mrs.  
15 Schellin, but anyway. I did remember seeing  
16 the time line. Here it is. I have it. Thank  
17 you. Of the things that were discussed trying  
18 to reach, I believe, the Chairperson of the  
19 Commission.

20 But anyway they have asked us to  
21 postpone and I'm really not -- I don't want to  
22 get into a whole lot of going back and forth,

1 but I would ask the Chairperson or the person  
2 who has been duly -- I guess it's Chairperson  
3 Douglas to come forward and also Mr. Quin.

4 Let's try to hash this out. That  
5 was a good start, Mr. Quin.

6 Are you Commissioner Douglas?

7 COMMISSIONER DOUGLAS: Yes. I am,  
8 Mr. Hood. How are you?

9 VICE CHAIRPERSON HOOD: Fine, how  
10 are you?

11 COMMISSIONER DOUGLAS: That's with  
12 the best.

13 VICE CHAIRPERSON HOOD: First of  
14 all, my colleagues have any response or do you  
15 just want to hear briefly from Ms. Douglas and  
16 then briefly from Mr. Quin and then we'll go  
17 from there. Briefly. Yes.

18 COMMISSIONER DOUGLAS: Well, I've  
19 already submitted my testimony and got it in  
20 in a timely manner. It's just that we're  
21 asking and I already spoke to the -- what's  
22 the young man's name? Mr. Stranix, and I

1 think it was our communication problem. And  
2 they agreed, said that he's be willing to come  
3 out to our ANC meeting on September 11th so we  
4 can resolve this.

5 VICE CHAIRPERSON HOOD: So, Mr.  
6 Quin, you all in favor of the postponement?

7 MR. QUIN: No. We will proceed  
8 with the hearing tonight and we will go to the  
9 ANC and then the ANC can then submit it's  
10 letter for the record. And I think that's  
11 what we were agreeing upon.

12 COMMISSIONER DOUGLAS: The problem  
13 is that the ANC is on vacation now, so that's  
14 why we're saying that the only time we'd be  
15 able to meet will be in September and this is  
16 why Mr. Quin was saying that they're having a  
17 problem coming to the meeting.

18 So, we have to be postponed until  
19 you all meet so we agree and we're happy to  
20 have you all to come out because we have to  
21 meet with the community.

22 VICE CHAIRPERSON HOOD: Ms.

1 Douglas.

2 COMMISSIONER DOUGLAS: Yes, sir.

3 VICE CHAIRPERSON HOOD: Everybody  
4 knows me and I know Mr. Quin. I'm very much  
5 in favor of making sure that the developers  
6 meet with the community.

7 COMMISSIONER DOUGLAS: Yes, sir.

8 VICE CHAIRPERSON HOOD: But one of  
9 the things that we could do --

10 COMMISSIONER DOUGLAS: Yes, sir.

11 VICE CHAIRPERSON HOOD: -- we  
12 could leave the record open. We could have  
13 the hearing tonight and your issues -- I'm not  
14 sure how to deal with any cross examine, but  
15 your issues you could give them to us just  
16 like you submitted here asking for us to do a  
17 postponement.

18 We could proceed tonight and then  
19 we can wait for your submittal. We'll leave  
20 the record open and then when you submit  
21 something after you have your meeting in  
22 September maybe we can take it up, but the

1       October or November meeting, depending upon  
2       the schedule.

3                     Is that --

4                     COMMISSIONER DOUGLAS: I don't  
5       know, you said leave the record open. I guess  
6       it would be still to me would consider  
7       postponement give some time. But I know you  
8       don't want to hear that, but then you come  
9       back and you'll need a letter from us. But we  
10      wanted to make sure because there are some new  
11      tenants that with the new Commissioner coming  
12      in and that's another issue that she will have  
13      to have an opportunity to speak with some of  
14      the tenants that are already in the  
15      background. So, we want to give them a chance  
16      and then another Commissioner as well.

17                    So, to me, we're just asking more  
18      -- how are you going to open or extend it  
19      until we meet.

20                    VICE CHAIRPERSON HOOD: Well,  
21      again, what I was saying --

22                    COMMISSIONER DOUGLAS: Because we

1 went on and say that we agree that we have not  
2 heard the information that they're going to  
3 testify here. So, I wouldn't think that would  
4 be fair to the community until we hear the new  
5 information that has come about.

6 MR. QUIN: Mr. Chairman, we're  
7 delighted to go back to the ANC. As you know  
8 the record reflects a letter of support from  
9 the ANC, but then since then there's been an  
10 election --

11 COMMISSIONER DOUGLAS: Yes, sir.

12 MR. QUIN: And so we're delighted  
13 to go to the ANC on the 11th?

14 COMMISSIONER DOUGLAS: Yes, sir.  
15 September the 11th.

16 MR. QUIN: September 11th and  
17 appear there and keep the record open and then  
18 the ANC can file its response and we hoping  
19 that it will continue to be supported. And  
20 you can make a decision then if you want to  
21 have -- there is some reason to have a  
22 continued hearing, we could do that. But I

1 don't see -- we're all prepared to go tonight.  
2 And it might be actually helpful to  
3 Commissioner Douglas and others for us to make  
4 the presentation. And then we can also make  
5 the presentation to them on September 11th.

6 So, we have no problem with  
7 keeping the record open and, if necessary, we  
8 can even come back for further cross  
9 examination if that's the desire.

10 VICE CHAIRPERSON HOOD: If we  
11 proceed, Commissioner Douglas, let me make  
12 sure you understand.

13 The record will be left open for  
14 the new Commissioner and you and the ANC to be  
15 able to submit any concerns, any support or  
16 anything that you all need to submit to us  
17 long before we make a final decision because  
18 this is going to take two actions, proposed  
19 and final.

20 But before we even do proposed,  
21 we're would leave the record open, need to  
22 hear from the ANC, if that gives you a comfort

1 level for us maybe to proceed this evening.

2 I'm not trying to push you into  
3 it. I just want to let you know what the  
4 options are.

5 COMMISSIONER DOUGLAS: Well, I  
6 want to do -- you know, the community look for  
7 us to do the right thing and we want to do it  
8 the right way. And I think if they had come  
9 to the community, because of the communication  
10 and some other things, we would like to make  
11 sure the community be made aware what's going  
12 on first and then go back. Because if we hear  
13 the presentation here now and what not, you  
14 still obviously have not heard it and got on  
15 a timely manner.

16 So, that's the only concern that  
17 I'm having.

18 And there are some issues from the  
19 last year letter which we did support saying  
20 that we want to make sure --

21 VICE CHAIRPERSON HOOD: Make sure  
22 saw. Okay. That was what I saw first. Okay.

1                   COMMISSIONER DOUGLAS:  So, from  
2                   the last year which we were totally in support  
3                   of that, but we have some folks that are  
4                   really concerned that they might not have no  
5                   homes even with the procedures that be going  
6                   on here.  So, one can get an understanding  
7                   from the community to make sure that they have  
8                   an input, that they will receive Section 8 and  
9                   so they won't be forced out their houses and  
10                  what not.

11                  So, we're willing to work with Mr.  
12                  Pollin and all but we're asking them just hear  
13                  the community first and I would appreciate  
14                  that because we did support them and we're  
15                  just only asking just to hear them first.  
16                  Let's have their opinion because they do have  
17                  some concerns.  Where they're going to live  
18                  and will they be able to have homes when they  
19                  come back?  And I think that's a great  
20                  concern.

21                  VICE CHAIRPERSON HOOD:  Mr. Quin,  
22                  have you -- is there time -- I know this case

1 has been around for awhile.

2 MR. QUIN: Yes.

3 VICE CHAIRPERSON HOOD: But is  
4 there a time constraint or issue? Would there  
5 be an issue if we were to move this to  
6 September? I have to hear from my colleagues  
7 first. But if we were, would there be an  
8 issue?

9 MR. QUIN: Yes, sir. We would  
10 like to move forward with the hearing tonight  
11 and then we can keep the record open. And if  
12 there's a desire on the part of the ANC to  
13 come back and we can bring our witnesses back.  
14 Whatever you feel is appropriate.

15 We're not trying to shortcut the  
16 ANC. But we have all our witnesses here.  
17 They're all prepared to proceed and I don't  
18 think there would be any prejudice because we  
19 would always, if the Commission wished to hear  
20 the ANC and allow further questions, if there  
21 are any, we are prepared to come back.

22 VICE CHAIRPERSON HOOD: Okay.

1 Thank you both.

2 COMMISSIONER DOUGLAS: Can I say  
3 something?

4 And also I wanted to say too that  
5 Mrs. Michelle Star, she's been in a car  
6 accident. And by her being a new Commissioner  
7 this is why I really wanted to respect her and  
8 allow that this all be in her presentation so  
9 she can hear what's going on.

10 VICE CHAIRPERSON HOOD: So, she's  
11 not even here?

12 COMMISSIONER DOUGLAS: Yes. She's  
13 not here because she's been in a car accident.  
14 And so I think this is one reason why we're  
15 saying -- I don't think that we're going to go  
16 against it, but it would be very respectful if  
17 we just wait. We're only talking about really  
18 a month, not even a -- really a month until we  
19 can hear from everybody at that time.

20 VICE CHAIRPERSON HOOD: Let me  
21 hear from my colleagues first if you can hold  
22 tight.

1 COMMISSIONER DOUGLAS: Thank you.

2 VICE CHAIRPERSON HOOD:

3 Commissioner Jeffries.

4 COMMISSIONER JEFFRIES: Yes. I'm  
5 in favor of having the hearing tonight. I  
6 think that what the council has put forward  
7 does afford this Commission the -- the  
8 Commissioners the opportunity to speak not at  
9 this date, but I also think it will give them  
10 an opportunity to hear the case tonight.  
11 They're going to get another show at it when  
12 the Applicant meets with it next month. And  
13 then they'll get a third shot -- and they'll  
14 get a third shot if we determine that based on  
15 the comments from the ANC that there will be--  
16 there is a lot more concern that they have,  
17 then we'll have a second hearing.

18 So, I think that this Commission  
19 is going to get several bites of the apple as  
20 relates to this -- what I consider to be a  
21 very important project. And I've heard the  
22 Commissioner say that she thinks that they

1 will probably be supportive of it. So, I just  
2 don't see a need to postpone this hearing  
3 tonight.

4 VICE CHAIRPERSON HOOD:  
5 Commissioner Turnbull if you want to comment?

6 COMMISSIONER TURNBULL: Mr. Chair,  
7 I'm in favor of going forward. I just think  
8 that the record needs to show clearly that the  
9 ANC's rights in this matter are being  
10 protected and that all due process for them in  
11 the future is going to be guaranteed to, you  
12 know, to state their -- whatever opinion they  
13 have. I just think we just need to make that  
14 reflect.

15 But I'm in favor of going forward.

16 VICE CHAIRPERSON HOOD: So, that's  
17 three of us and we all agree. I actually --  
18 I don't have a problem with moving forward,  
19 but I would rather -- I don't really think --  
20 Mr. Quin, I really don't think two months is  
21 going to make or break this project.

22 MR. QUIN: Yes. I understand.

1                   VICE CHAIRPERSON HOOD: I really  
2 don't and I just see us, if the ANC does come  
3 back to Mr. Jeffries with a problem, we're  
4 going to have another hearing. We're going to  
5 have two hearings as opposed to one. So, I  
6 was just trying to make sure that we just have  
7 one.

8                   But if my colleagues want to move  
9 forward tonight --

10                  COMMISSIONER TURNBULL: I think  
11 also that's the Applicant's risk. I mean,  
12 they're going to be delayed. If it doesn't  
13 come back then --

14                  VICE CHAIRPERSON HOOD:  
15 Absolutely.

16                  COMMISSIONER TURNBULL: -- we're  
17 going to take longer to go through this.

18                  COMMISSIONER JEFFRIES: Give them  
19 the incentive to do the right thing.

20                  COMMISSIONER TURNBULL: I think  
21 the Applicant -- actually the onus is on the  
22 Applicant to --

1                   VICE CHAIRPERSON HOOD: Right. I  
2 agree.

3                   COMMISSIONER TURNBULL: -- to  
4 convince the ANC.

5                   VICE CHAIRPERSON HOOD: This goes  
6 back to something that -- and I just want to  
7 put this out there and we can move forward.

8                   This goes back to something that  
9 we've heard. The ANC does not have all the  
10 particulars. They have some. The project has  
11 changed. And they want to be able to, I  
12 guess, cross examine or do whatever and I know  
13 we can have a narrow scope of another hearing  
14 at a later date. But I just think this makes  
15 us have two hearings as opposed to one and I'm  
16 not for that.

17                   But in this case I've heard my  
18 colleagues loud and clear and we will move  
19 forward.

20                   Mrs. Douglas, with the opportunity  
21 of knowing -- knowing that you have full  
22 opportunity to be able to say you oppose --

1 not support the project and the reason you  
2 don't and the ANC would be the only person.  
3 There is nobody who applied for party status.  
4 The ANC automatically has party status and you  
5 will be the only person that we will be  
6 looking for input from in September.

7 COMMISSIONER DOUGLAS: Well, I  
8 just got say -- note for the record that I  
9 think we need to wait and that's my -- you  
10 know, that's our opinion that I got it from  
11 all the other commissioners. And I know Mr.  
12 Jeffries say it's a little apples or whatever  
13 it is, but it's not that way. We're talking  
14 about people livelihoods. We're talking about  
15 their homes. We're talking about the  
16 community and this is important, even though  
17 they're saying we can wait. And I feel that  
18 the Applicant they can wait. And I think they  
19 need to give us an opportunity to hear from  
20 them in September.

21 And like you say, it's not going  
22 to make them or break them, but respect the

1 community and respect the commissioners and  
2 honor what we want. We honored them last year  
3 in supporting them. And that's all we asking.  
4 We're just asking for one month, you know,  
5 and I think that's -- to me, that would be  
6 respecting the community as well as the ANCs.

7 MR. QUIN: Mr. Chairman, I just  
8 for the record to make absolutely clear,  
9 there's nothing programmatically that's  
10 changed from the original application. The  
11 same number of units, same types of units.  
12 Everything is the same and many of the issues  
13 that Ms. Douglas is raising relate not to  
14 zoning issues, but to issues that are DCHA  
15 issues.

16 You know, we want to go back to  
17 the ANC and we expect to make a full  
18 presentation and hopefully we'll be successful  
19 in that would cut out the second meeting if  
20 they come in and support us which is what we  
21 hope will happen.

22 VICE CHAIRPERSON HOOD: Okay.

1 We're going to move on.

2 COMMISSIONER DOUGLAS: Well, I  
3 don't think you saying that it is the same.  
4 It's not the same because some changes did  
5 come about that does affect zoning. And I  
6 mean that the property at the time they didn't  
7 own. It was Federal land and now at this  
8 point now they had to go back to the Federal--  
9 the Feds as they say, to ask them to get that  
10 the lands changed because they didn't have it.  
11 And that was the issue.

12 And if I could recall, they did  
13 agree that they will come back to us and speak  
14 with us before they would proceed for a  
15 hearing. So, that's why I'm saying. That's  
16 why I'm not trying to be rude or  
17 disrespectful, but we request we honored your  
18 request so you're supposed to honor our  
19 request.

20 So, you promised to come back to  
21 the ANCs before you all proceed for anything.  
22 And so we're holding you accountable for that.

1 That's what I'm saying.

2 VICE CHAIRPERSON HOOD: Ms.  
3 Douglas, I understand that did not happen and  
4 while I appreciate the work the ANC does,  
5 being a community -- president of a civic  
6 association myself, I know how that works.  
7 And I know sometime how it does not work when  
8 you don't get in touch with somebody because  
9 you volunteer and I appreciate that.

10 But I can tell you as my  
11 colleague, Commissioner Jeffries said. The  
12 onus is going to be on the Applicant. We  
13 understand the issue now. And this is going  
14 to be your bargaining tool. I rest assure  
15 you. When you come back here in September,  
16 I'm going to rest assure you that pretty much  
17 they're going to try to do everything they can  
18 to gain your support. Because they come down  
19 here. They were unable to reach you, your  
20 ANC, and they have a project they need to move  
21 forward.

22 I don't think you're prejudiced in

1 any way and we're going to move forward. I  
2 just think that any questions you have, you  
3 may want to write them down and make sure that  
4 this Commission gets them before I make a  
5 final decision that we'll be able to ask them.  
6 And hopefully you all will have that resolved.

7 And you're right. Anytime you  
8 want to do something in this city you do it in  
9 July and August when everybody is on vacation.  
10 But I can assure you as long as this  
11 Commissioner is chairing it, I don't think  
12 you're going to have that problem.

13 COMMISSIONER DOUGLAS: Yes, sir.  
14 Thank you.

15 VICE CHAIRPERSON HOOD: So, with  
16 that listen attentively. Take good notes and  
17 we will be waiting to hear your response.

18 Mrs. Schellin, do you want to give  
19 us some dates?

20 SECRETARY SCHELLIN: Yes. I  
21 believe she said their meeting was September  
22 11th. Is that correct?

1                   COMMISSIONER DOUGLAS:  Yes.  First  
2                   of all, let me thank you very, very -- I never  
3                   met you personally, but you have really been  
4                   a great --

5                   SECRETARY SCHELLIN:  Thank you.

6                   COMMISSIONER       DOUGLAS:  --  
7                   correspondent and I just want to say thank you  
8                   so much for all you have done.

9                   SECRETARY SCHELLIN:  Thank you.

10                  Typically, Chairman Hood, what we  
11                  do is we leave the record open for seven days  
12                  after the ANC meets to allow them time to  
13                  prepare their report and to get it to us.  
14                  That would put it September 18th and then our  
15                  next meeting to take this case up would then  
16                  be October 15th.

17                  VICE   CHAIRPERSON   HOOD:  Ms.  
18                  Douglas, do you think that's enough time?  I  
19                  know you all will be coming back.

20                  COMMISSIONER DOUGLAS:  Yes.

21                  VICE CHAIRPERSON HOOD:  Seven days  
22                  after -- your meeting is September 11th or our

1 meeting?

2 COMMISSIONER DOUGLAS: Yes. It's  
3 the second Tuesday.

4 SECRETARY SCHELLIN: Their  
5 meeting.

6 COMMISSIONER DOUGLAS: Yes. The  
7 second Tuesday of each month.

8 VICE CHAIRPERSON HOOD: Okay. So,  
9 after your meeting will seven days be enough  
10 time for you to get a response back to us  
11 whether you support and whatever issues you  
12 may have?

13 COMMISSIONER DOUGLAS: Well, we  
14 will hope and pray that that will be enough  
15 time but we hope that we have a place to have  
16 to meet because we might not be at that  
17 location too.

18 So, I'll let Mrs. Schellin know  
19 about that, if you would allow me. If not  
20 then --

21 SECRETARY SCHELLIN: Chairman  
22 Hood, if I may, since the first opportunity to

1 consider this for proposed action wouldn't be  
2 until our October meeting, we could actually  
3 give them two weeks if that would help --

4 COMMISSIONER DOUGLAS: Yes.

5 SECRETARY SCHELLIN: -- and make  
6 it September 25th.

7 VICE CHAIRPERSON HOOD: Okay. So,  
8 that's what we'll do.

9 COMMISSIONER DOUGLAS: Thank you.

10 VICE CHAIRPERSON HOOD: And you  
11 can work with Mrs. Schellin on getting your  
12 submittal in.

13 COMMISSIONER DOUGLAS: Thank you.

14 VICE CHAIRPERSON HOOD: All right.

15 COMMISSIONER DOUGLAS: Okay.

16 COMMISSIONER TURNBULL: Mr.

17 Chair, I just had one procedural question.

18 As far as the ANC being able to  
19 cross examine, how is that going to be  
20 handled? I mean, the questions are going to  
21 be simply in that letter?

22 MR. QUIN: We have no objection to

1 the ANC asking whatever questions they would  
2 like since they are a party automatically.

3 COMMISSIONER JEFFRIES: Well,  
4 preparation. They need to prepare. I think  
5 that's his question.

6 VICE CHAIRPERSON HOOD: The second  
7 hearing I was talking, because I did want to--

8 COMMISSIONER JEFFRIES: That would  
9 be a second hearing. I think that's -- would  
10 that we --

11 VICE CHAIRPERSON HOOD: If that  
12 comes, can we put a date now for a limited  
13 scope just in case. I'm sure they're all  
14 going to work it out in July and August. But  
15 just in case, let's put a date. Maybe we'll  
16 put it at 6:00 before one of our meetings.  
17 So, we'll just have that map out. Or we  
18 already have it penciled in?

19 SECRETARY SCHELLIN: Let's see,  
20 Mr. Parsons, he's not participating.

21 We could do it September 24th,  
22 which would narrow their time to provide the

1 report. Otherwise, we would be going into  
2 October.

3 VICE CHAIRPERSON HOOD: And this  
4 is only if there are issues. If there are not  
5 issues, we won't need this.

6 SECRETARY SCHELLIN: Right.

7 VICE CHAIRPERSON HOOD: So, that's  
8 even more issue not to have --

9 COMMISSIONER DOUGLAS: Right.

10 VICE CHAIRPERSON HOOD: Okay.  
11 Let's do the -- can we do the shorter time or  
12 you want to do --

13 COMMISSIONER DOUGLAS: I like the  
14 time that you -- the second recommendation  
15 would be fine.

16 SECRETARY SCHELLIN: September  
17 25th?

18 COMMISSIONER DOUGLAS: Yes.  
19 September the 25th.

20 SECRETARY SCHELLIN: The only --  
21 if you understood the Chairman, if you need --  
22 if you want the opportunity to cross examine

1 based on what you hear tonight, that's what  
2 he's talking about another hearing after you  
3 submit your report, your ANC report on  
4 September 25th. That's the possibility of  
5 needing a second date.

6 VICE CHAIRPERSON HOOD: We may not  
7 need that. I just wanted to pencil it in now  
8 so it won't be an issue later.

9 COMMISSIONER JEFFRIES: And they  
10 will also, they can cross examine tonight as  
11 well.

12 VICE CHAIRPERSON HOOD: Tonight.  
13 I mean, prepare.

14 COMMISSIONER JEFFRIES: I mean, if  
15 there is something, you know, even if you see  
16 something. Very bright people, I mean, they  
17 might see something right away and want to  
18 cross examine.

19 So, you know --

20 VICE CHAIRPERSON HOOD: Let's do  
21 the shorter date so just in case they have  
22 something they're not prepared to ask tonight,

1 but you perfectly have a chance tonight to  
2 ask.

3 COMMISSIONER DOUGLAS: Thank you.

4 VICE CHAIRPERSON HOOD: But this  
5 will also give you a chance to prepare if  
6 there is some outstanding issues.

7 COMMISSIONER DOUGLAS: Okay. Will  
8 we get a copy of the transcript? Is that  
9 possible down --

10 VICE CHAIRPERSON HOOD: I'm sure--

11 SECRETARY SCHELLIN: It's  
12 available approximately 20 working days after.  
13 You can come in and make a copy. Or if you  
14 call us, we can e-mail it to you once it's  
15 available.

16 COMMISSIONER DOUGLAS: Okay.

17 Thank you.

18 SECRETARY SCHELLIN: So, Mr. Hood,  
19 are we going to shorten the date or still give  
20 her two weeks to respond. Or are we going to  
21 give her one week and then have a hearing --  
22 a second hearing?

1                   VICE CHAIRPERSON HOOD: Let's give  
2 her two weeks --

3                   SECRETARY SCHELLIN: Okay.

4                   VICE CHAIRPERSON HOOD: -- to  
5 respond. And then whatever we have to do  
6 after that, let it fall in place.

7                   Let's give her two weeks because  
8 she's not even sure if they have a place to  
9 meet. So, let's give her two weeks after the  
10 September 11th meeting.

11                  SECRETARY SCHELLIN: Okay. That  
12 put her to September 25th. But my questions  
13 is, do you want to go ahead and pencil in a  
14 second hearing if it's needed or are we just  
15 going to wait until their report comes in and  
16 then decide?

17                  VICE CHAIRPERSON HOOD: Let's  
18 pencil in something. Let's anticipate.

19                  SECRETARY SCHELLIN: Okay. How  
20 about if we do October 1st.

21                  VICE CHAIRPERSON HOOD: That's  
22 good.

1 SECRETARY SCHELLIN: At 6:00.

2 VICE CHAIRPERSON HOOD: That's  
3 fine.

4 SECRETARY SCHELLIN: That way if I  
5 have a hearing scheduled for 6:30, it won't  
6 take that --

7 VICE CHAIRPERSON HOOD: Do we have  
8 anything scheduled at 6:30?

9 SECRETARY SCHELLIN: Not yet. But  
10 maybe.

11 VICE CHAIRPERSON HOOD: Okay.  
12 6:00, October 1st.

13 COMMISSIONER DOUGLAS: October  
14 1st. You know. You know what the 1st is all  
15 about, don't you? The 1st is a busy day. So,  
16 I'm just saying, October the 1st is a busy  
17 day. So, I'm just saying.

18 SECRETARY SCHELLIN: Well, we  
19 could do the 4th?

20 COMMISSIONER DOUGLAS: I think the  
21 4th would be better.

22 VICE CHAIRPERSON HOOD: Okay. And

1 I'm going on the contention that we're not  
2 going to meet the 1st or the 4th.

3 SECRETARY SCHELLIN: Right.

4 VICE CHAIRPERSON HOOD: Okay.  
5 That's the way we operate.

6 COMMISSIONER DOUGLAS: Okay.  
7 Thank you.

8 VICE CHAIRPERSON HOOD: That's  
9 just the motivating factors to both sides.  
10 Okay.

11 SECRETARY SCHELLIN: So, again,  
12 that's 6:00 p.m., October 4th which is a  
13 Thursday.

14 VICE CHAIRPERSON HOOD: Okay.

15 SECRETARY SCHELLIN: 6:00.

16 VICE CHAIRPERSON HOOD: All right.

17 Well, thank you, Commissioner  
18 Douglas.

19 COMMISSIONER DOUGLAS: Well, thank  
20 you too, Mr. Hood.

21 VICE CHAIRPERSON HOOD: Just hold  
22 your seat tight.

1 COMMISSIONER DOUGLAS: Thank you.

2 VICE CHAIRPERSON HOOD: Well, not  
3 there but --

4 Okay. Mr. Quin, you can get your  
5 group together and we can get started.

6 MR. QUIN: Mr. Chairman and  
7 Members of the Commission. My name is Whayne  
8 Quin and with me is Caris Freeman of Holland  
9 and Knight. We represent the Applicant,  
10 Pollin Memorial Community Foundation.

11 This is a rare, probably unique  
12 endeavor by the Applicant and an equally rare  
13 opportunity for the Zoning Commission to  
14 actually achieve 100 percent affordable, mixed  
15 income housing project in coordination with  
16 DCHA.

17 The Pollin Foundation, which will  
18 be described very briefly by Mr. Stranix in a  
19 moment is giving back to the community through  
20 a proposal that yields no profit but will  
21 support the construction of 125 housing units  
22 of which 42 will be replacement rental units

1 targeted at 30 percent and below AMI families.

2 And the balance of the 83 units  
3 will target homeowners within the range of 40  
4 to 100 percent of AMI. That latter category  
5 as you all know sometimes a portion is  
6 referred to as work force housing, although  
7 there is really no definition of work force  
8 housing.

9 All of this is in a location where  
10 public facilities are available such as Metro,  
11 public schools, along with oodles of open  
12 space. It's all permitted in an R-5-A  
13 District, all the uses are including the  
14 single family uses, row dwellings and flats as  
15 well as apartments. And it's within the FAR  
16 in height.

17 So, one could actually ask, well,  
18 why are we here as a PUD? And the answer is  
19 really two fold.

20 First, some of the land is not  
21 zoned. It's unzoned land, so we can't proceed  
22 on any use without it being zoned.

1           And secondly, rather than going to  
2           the BZA. We could go to the BZA on an R-5-A  
3           if it were zoned, but that would be a two-step  
4           process. We first would have to get it zoned  
5           and then go to the BZA.

6           So, the same areas of relief we  
7           are proceeding in one step with a PUD which  
8           rezones and accomplishes this important  
9           housing project in one step.

10           But even at this as we've just  
11           discussed, the application has had a long  
12           history. We were here, you may remember,  
13           about a year ago for setdown, but since that  
14           time we resolved the jurisdictional issue with  
15           the National Park Service which is now a co-  
16           applicant in this case and, of course,  
17           supports the case.

18           Sally Blumenthal is here tonight  
19           representing the National Park Service.

20           We want to say now that we greatly  
21           appreciate all the work that the National Park  
22           Service has done, the Office of Planning,

1 DCHA, Department of Transportation, the ANC  
2 and the input of all the other agencies. It's  
3 a good solid quality project and it's been  
4 made even better by a lot of the comments that  
5 have been made and the minor changes that  
6 we've made. And commitments that are like  
7 amenities which you will hear about tonight.

8 We are pleased to report that we  
9 have addressed successfully all the concerns  
10 including the environmental and floor plain  
11 issue and our witnesses will describe that.

12 But you do have a new exhibit  
13 tonight that was handed to you. That's a  
14 report. It's actually a sign off on minutes.  
15 Mr. Cary Cary at the Department of Environment  
16 which memorializes the commitments that we've  
17 made for watershed protection.

18 The major benefit and amenity here  
19 tonight is the affordable housing. But there  
20 are other benefits and amenities which include  
21 the superior urban design and landscaping  
22 which you'll see, the highly energy efficient

1 product with environmental benefits, which I  
2 mentioned. The watershed protection and  
3 stormwater management. And we also have the  
4 employment opportunities through a first  
5 source agreement and an LSDBE agreement.

6 But in order to preserve time and  
7 to conserve time, in light of the many reports  
8 that you have, unless you have questions, I  
9 would like to proceed with the witnesses. And  
10 before proceeding with the witnesses would  
11 like to have them qualified as experts. And  
12 I can go through those very quickly and  
13 summarize them in one time. And then put them  
14 all in front of the Commission for action, if  
15 that's okay>

16 VICE CHAIRPERSON HOOD: Let's do  
17 this.

18 Mr. Sher, we don't have a problem.  
19 I can tell you right now we know Mr. Sher. But  
20 we need to do one other action right quick.  
21 Just hold tight.

22 MR. QUIN: Yes.

1                   VICE CHAIRPERSON HOOD:  And you  
2                   don't have to mention Mr. Sher.  I don't think  
3                   anybody has a problem.  Okay.

4                   SECRETARY SCHELLIN:  Just to, we  
5                   spent so much time on the postponement, we  
6                   forgot about the six-day late posting.  I just  
7                   need for you guys to either by consensus okay  
8                   that or --

9                   VICE CHAIRPERSON HOOD:  Do we have  
10                  -- no problem.

11                  SECRETARY SCHELLIN:  So, you're  
12                  okay with waiving the late posting?

13                  VICE CHAIRPERSON HOOD:  We're fine  
14                  with waiving it.  Right.

15                  SECRETARY SCHELLIN:  Thank you.

16                  VICE CHAIRPERSON HOOD:  Okay.

17                  MR. QUIN:  There are four experts  
18                  that we don't have to deal with Mr. Sher.  
19                  That's good.

20                  Mr. Stranix will be the first  
21                  witness and he is an expert in real estate  
22                  development and construction management.  And

1 I think you have tonight his resume that's  
2 been submitted.

3 We next would want to qualify  
4 which you received earlier in terms of his  
5 resume, Lawrence Antoine, an expert in  
6 residential architecture and urban planning.  
7 Mr. Ben Allen of Greenhorne & O'Mara, an  
8 expert in civil engineering and surveying.  
9 And while we are not going to put Mr. Kabatt  
10 on directly, he will be available for  
11 questions on behalf of Wells Traffic  
12 Consultants and he is an expert in  
13 transportation planning and engineering. And  
14 you have all of those criteria and the  
15 summaries of their history and their resumes  
16 in prior pleadings.

17 VICE CHAIRPERSON HOOD: What was  
18 the last name again?

19 MR. QUIN: K-A-B-A-T-T.  
20 Christopher is his first name.

21 VICE CHAIRPERSON HOOD: Kabatt is  
22 the last name?

1 MR. QUIN: Kabatt. Right.

2 VICE CHAIRPERSON HOOD: Thank you.

3 Well, colleagues, we have -- we  
4 know Mr. Sher. We had his resume a number of  
5 times.

6 We also have Mr. Antoine, urban  
7 planning. Mr. Havanall.

8 MR. QUIN: Mr. Allen. Ben Allen  
9 of Greenhorne.

10 VICE CHAIRPERSON HOOD. Okay. For  
11 civil engineering?

12 MR. QUIN: Civil engineer. Yes.

13 VICE CHAIRPERSON HOOD: And Mr.  
14 Kabatt, transportation.

15 MR. QUIN: Transportation. Right.

16 VICE CHAIRPERSON HOOD. Okay.

17 You don't have -- do we have a  
18 copy quickly of Mr. -- who is it? Architect?

19 SECRETARY SCHELLIN: I believe all  
20 -- Mr. Kabatt was included in the prehearing  
21 statement. I believe on one of the tabs.

22 MR. QUIN: Yes. They're all in

1 tabs.

2 VICE CHAIRPERSON HOOD: I got  
3 stuff all over the place.

4 MR. QUIN: They're under Tab G in  
5 the prehearing statement dated July the 16th.

6 SECRETARY SCHELLIN: Right.

7 VICE CHAIRPERSON HOOD. Okay. Any  
8 problems on any of the problems? No problems.  
9 Any problems, Commissioner Turnbull?

10 Okay. So noted.

11 MR. QUIN: Thank you very much.  
12 And at this point I'd like to call Mr. John  
13 Stranix, speaking for the Pollin Foundation  
14 and Lisa Hodges from DCHA who will be -- I'm  
15 not sure that she's going to make any  
16 statement, but she is here for questions.

17 John.

18 MR. STRANIX: Thank you. Good  
19 evening, Mr. Chairman, Members of the  
20 Commission.

21 My name is John Stranix. I'm here  
22 this evening representing Mr. Pollin and the

1 Pollin Foundation. I've worked with Mr.  
2 Pollin for the last 13 years on various  
3 projects and have spent the last two years  
4 trying to move this project forward.

5 Thank you very much for allowing  
6 us to present this evening. It's very  
7 important to us and we appreciate your time.

8 As I said, I represent the Pollin  
9 Foundation and Linda Joy and Kenneth Jay  
10 Pollin Memorial Community Development.

11 The Foundation's efforts are  
12 focused on charitable works and is dedicated  
13 to the lives of Mr. Pollin's daughter and son  
14 who passed away some time ago.

15 This development we're here before  
16 you tonight is the next step in an effort, Mr.  
17 Pollin believes is critical to the life of the  
18 District of Columbia. He sees many D.C.  
19 residents working hard to make a life for  
20 themselves and their families. He see the  
21 real estate available to them as sometime  
22 substandard or priced beyond their means. He

1 believes there's a dire need for quality  
2 affordable homes.

3 His vision is to create  
4 communities that satisfy this need by  
5 providing mixed income affordable housing and  
6 that's the project we bring before you this  
7 evening.

8 A few years ago we went to Mayor  
9 Williams and DCHA with the concept. We asked  
10 the District to provide some land.

11 The Pollin Foundation would  
12 develop the houses and take no fee. My time  
13 as development manager is not charged to the  
14 project.

15 The land available to us after a  
16 number of conversations is the current site at  
17 Parkside. It includes 42 units. There are 50  
18 substandard public housing and a large tract  
19 of undeveloped property.

20 The Pollin Foundation agreed to  
21 rebuild the public housing as part of the  
22 project and disburse it throughout the entire

1 development.

2 As Mr. Quin indicated, the project  
3 will include 125 units of housing, 83 for sale  
4 units, 100 percent affordable from 40 to 100  
5 percent of AMI and 42 public housing units  
6 disbursed throughout the new community.

7 We're pleased that the public  
8 housing tenants in the community support the  
9 project. We've made efforts to reach out to  
10 them. We visited with the existing tenants in  
11 the public housing units.

12 We presented to the ANC last  
13 summer, met with them two times on two  
14 separate occasions and received their written  
15 support.

16 While there have been no  
17 significant changes to the project, we have  
18 reached out to them again to provide an update  
19 on the project. And as we talked about  
20 earlier, we'll do so again.

21 We listened to your concerns over  
22 the potential for flooding at the setdown

1 hearing and took it to heart. We've designed  
2 the project so that it exceeds all Government  
3 guidelines, including raising the level of the  
4 houses 1.5 feet above FEMA's proposed new  
5 flood plain data. Once again, the proposed  
6 new flood plain data. So, we're significantly  
7 higher than even the current data requires.

8 It's been a long, but we think  
9 productive process for us. We've learned a  
10 lot. We've worked with a lot of different  
11 entities.

12 In that regard, I want to thank a  
13 number of agencies. Office of Planning,  
14 National Park Service, DCHA, DHCD and DDOT for  
15 their support and coordination. We found them  
16 to be very cooperative and helpful throughout  
17 the entire process.

18 We bring a great team to the  
19 process. Tony Gallas has some outstanding  
20 projects throughout the country. Enterprise  
21 Homes has been a great guide and counsel to  
22 us. Clark Construction will be our

1 construction manager, Greenhorne & O'Mara our  
2 civil engineer and Holland and Knight.

3 We're committed to LSDBE and first  
4 choice programs and look to make this a  
5 successful project for everybody.

6 Once again, thank you for allowing  
7 us to present.

8 MR. QUIN: Unless there are  
9 questions or clarifications, we'll proceed to  
10 our second --

11 VICE CHAIRPERSON HOOD: We'll do  
12 all our questions at the end.

13 MR. QUIN: Yes.

14 Our second witness is Lawrence  
15 "Murphy" Antoine. I asked him earlier why he  
16 was called Murphy and he told me that his  
17 father had the same name and they didn't want  
18 two Lawrence's or to Larry's in the family.  
19 So, this is Murphy Antoine.

20 MR. ANTOINE: Thank you, Wayne.

21 Again, Murphy Antoine is the name  
22 I go by. I'm a principal with Torti Gallas

1 and Partners here representing the urban  
2 design and architectural aspects of the  
3 proposal.

4 Thank you to the Commissioners for  
5 giving us a chance to talk about the project.  
6 We're very excited about it. Have been  
7 involved in preliminary discussions going back  
8 almost three years about this project and are  
9 glad to be before you tonight.

10 We think it represents the next  
11 step or a continuation of our commitment to  
12 revitalization in Washington, D.C., as  
13 exemplified by projects that have been before  
14 the Commission before, including the Arthur  
15 Capper Community Revitalization for which we  
16 were the master planners and the architects on  
17 some of the senior buildings. Again, this is  
18 a PUD before the Commission.

19 Our continuation of our commitment  
20 to transit-oriented design within the District  
21 exemplified in a few examples here, mostly  
22 along the Green Line going from u Street

1 through Columbia Heights to Petworth in my  
2 neighborhood. And, again, our commitment to  
3 that within the District and our commitment to  
4 revitalizing affordable housing including  
5 public housing developments in Washington,  
6 D.C., but also all over the country  
7 exemplified in a few projects here along the  
8 Mid-Atlantic and even in the Northwest part of  
9 the country in Tacoma, Washington.

10 So, again, we think that the  
11 Pollin Memorial community is really a  
12 continuation of that commitment and we're  
13 excited to talk to you about it tonight.

14 Again, some of the physical  
15 aspects of the plan, really carry on in all  
16 the physical manifestations of some of these  
17 goals that Wayne and John talked about. A  
18 mix. A mix of everything within this  
19 affordable housing bracket. A mix of types of  
20 housing. A mix of incomes and all exemplified  
21 through this mix of types of townhouses. One  
22 bedrooms, two bedrooms, three bedrooms,

1       handicapped accessible versions of all of  
2       those. So, mixing that throughout.  
3       Revitalizing an obsolete public housing  
4       project of really non-functioning housing for  
5       42 families for DCHA. How we can revitalize  
6       that inn a smaller kind of project than some  
7       others that we've seen through the Hope VI  
8       initiatives or New Communities initiatives.  
9       The scale of these 42 units are perfect for  
10      this kind of project that those 42 units can  
11      be replaced with new 21st century houses for  
12      folks.

13                Other goals like connectivity,  
14      sustainability, again, bringing the physical  
15      manifestations of those to the project. I'll  
16      talk a little bit about some of the aspects of  
17      that now. But we wanted to put it in a bit of  
18      context.

19                Here you can see the red outline  
20      of the proposed PUD development and its  
21      context in adjacency to the Anacostia River.

22                East of the river and west of the

1 river you can see RFK Stadium. You can see  
2 the Arboretum, you can see the Aquatic  
3 Gardens. You will also see some of the  
4 adjacent transportation, Blue Line, Orange  
5 Line to Minnesota Avenue, 295 and the proposed  
6 Anacostia River Trail which goes right along  
7 Hayes Avenues through the proposed development  
8 connecting up along the Aquatic Gardens into  
9 the Kenilworth Community Center.

10 Also the project in a scale of a  
11 five-minute neighborhood walk and it's  
12 serviced by Metro Bus.

13 COMMISSIONER JEFFRIES: The white  
14 dots are the trail?

15 MR. ANTOINE: Yes, sir.

16 COMMISSIONER JEFFRIES: Yes.

17 Okay.

18 MR. ANTOINE: Which we can come  
19 back to also.

20 Just some photos of that context.  
21 Again, it's adjacency to Neval Thomas  
22 elementary School.

1                   In the second photo on the top you  
2                   can see the Parkside addition which are those  
3                   42 units of DCHA property.

4                   Mayfair Mansion, apartment complex  
5                   across Anacostia Avenue or Hayes Avenue --  
6                   Hayes Street rather.

7                   The open land to the left on the  
8                   bottom there along Hayes Street. Some of the  
9                   newer Parkside townhomes and then the more  
10                  recent charter high school at Cesar Chavez.

11                  If I could have the next slide.

12                  And just seeing those in kind of a  
13                  planned context. Again, to the left -- sort  
14                  of the southwest of the proposal, the  
15                  elementary school, Mayfair has the piece to  
16                  the right.

17                  COMMISSIONER JEFFRIES: Thank you.

18                  MR. ANTOINE: I forgot I had a  
19                  pointer so I can use that.

20                  The elementary school, Mayfair.  
21                  The Parkside townhouse development as it  
22                  exists today and the adjacent property. Cesar

1 Chavez Charter High School.

2 We also thought it was useful to  
3 show you the project in the context of other  
4 proposed developments.

5 The large Parkside mixed use  
6 development here, again, developed by others  
7 and under a separate PUD but adjacent to our  
8 proposal here. Along with that the pedestrian  
9 bridge connection to the Metro and the park  
10 services contemplated improvements to active  
11 recreation up on this side of the development.

12 Okay. So, here's the proposed  
13 site plan. And it's a pretty straightforward  
14 network of connected streets and alleys along  
15 a rowhouse Washington, D.C. neighborhood  
16 model. Again, with the rowhouses here all  
17 individually defined, all rear loaded with off  
18 street parking. Their own parking either in  
19 pads in the back on in an integral garage on  
20 the back depending on which kind of townhouse  
21 it is. Because, again, these are mixed  
22 townhouses of one bedroom, two bedroom, three

1 bedroom varieties of mixed tenure home  
2 ownership and rental and mixed types again.  
3 Integral garage towns which means they will  
4 tuck under a garage loaded from the back and  
5 then townhomes that have a yard also.

6 Again, small scale neighborhood  
7 parks also introduced into the plan.

8 Here's just a diagram of that mix  
9 of tenure. The green represents the home  
10 ownership units. Again, these home ownership  
11 units are all affordable up to 100 percent of  
12 the area of the mean average. And the brown  
13 are the 42 replacement rental units.

14 And you can see the degree of mix  
15 within these. So, not only are they mixed.  
16 Usually we'll see it in a string of  
17 townhouses, but these are mixed, cheek to  
18 jowl, right within that string of townhouses  
19 which is something we are very excited about  
20 and very excited to have the opportunity to do  
21 that with DCHA.

22 So, we think this is a great mix

1 and just illustrated by this plan.

2 Zeroing in on some of the  
3 landscape features of that, again, there are  
4 two public park areas associated within the  
5 context of the plan. This small pocket park  
6 here that's fronted by streets all around.  
7 Fronted by townhouses on all four sides to get  
8 the eyes on it. Mixed in with a tot lot for  
9 active recreation and open space for passive  
10 recreation, all at a scale that could be  
11 controlled and viewed by the neighbors and the  
12 people living in the adjacent townhomes.

13 Some typical lot landscaping.  
14 Again, these townhouses addressing clear front  
15 yards, backyard delineations, side yards at  
16 corners. This is a yard townhouse with  
17 parking in the back. It's on green space.  
18 It's own patio in the back all throughout.  
19 And separated by fences. So, there's a clear  
20 delineation of public and private space.  
21 What's my front yard, what's my back yard,  
22 layering down to the streetscape with the

1 sidewalks and the tree planting and on-street  
2 parking.

3 Much of the discussion all along  
4 really has been about the flood plan and the  
5 100-year flood plain and its impact. And  
6 we've had more and more discussion about that  
7 since the spring. So, we won't have to speak  
8 specifically about that in a couple of slides.

9 Here we see the existing plan as  
10 it exists today according to the 1985 FEMA  
11 plan, the 100-year flood plain and you can see  
12 the extent that that comes over the project  
13 boundary and we always planned on addressing  
14 that by raising the level of the land of the  
15 proposal above this flood plain.

16 We have been in conversations with  
17 the Department of the environment about the  
18 potential 2007 amendment and have seen the  
19 FEMA maps, the draft maps about where that new  
20 flood plain could occur and this is that  
21 potential location under the 2007 draft plan.

22 Can I have the next.

1           Our proposal has always proposed  
2           again to fill this area so that no habitable  
3           area, indeed no new road or alley, is located  
4           below that flood plain. And here you can see  
5           where we were even in May under the 1985 plan  
6           that all of this is filled. There's even a  
7           retaining wall along here that that flood  
8           plain, the elevation of that flood plain  
9           occurs away from yards, alleys and certainly  
10          homes and habitable area of the houses.

11                    If we could have the next.

12                    Since May, since the spring when  
13                    we entered into discussions about this  
14                    proposed change to the plan, this is where  
15                    that flood plain would occur under the  
16                    proposed. Basically, we've added more dirt and  
17                    raised the level above where the potential new  
18                    flood plain could be. And actually think it's  
19                    better illustrated through this kind of  
20                    typical lot section.

21                    And what this is telling us is  
22                    here, this gray line at the bottom, is the

1 level of the grade as it exists today.

2 As we've been talking for the last  
3 year, we were bringing the dirt up to at least  
4 the level of the 100-year flood plain under  
5 the 1985 map and then roads, alleys were six  
6 inches above that at a minimum and habitable  
7 floor area was at least a foot and a half  
8 above that level of the flood. At least a  
9 foot and a half and in every case -- in our  
10 minimum cases a foot and three quarters.

11 Now, we've gone beyond that.  
12 We've seen that this potential flood plain  
13 could raise another foot and a half to this  
14 green line that you see and so we've raised  
15 that area of that dirt and made the retaining  
16 wall at the boundary where it's required a  
17 little bit taller again. The habitable -- the  
18 lowest habitable floor area. There are no  
19 basements here. The lowest habitable floor  
20 area is at least a foot and a half and then  
21 our minimum cases as it is proposed this  
22 evening, one and three quarters feet above

1 that flood plain.

2 So, again, I think we've gone to  
3 great lengths to insure that the 100-year  
4 floor plain even as proposed and potentially  
5 adopted would not impact these affordable  
6 homes.

7 We've also had extensive  
8 discussions about some of the low impact and  
9 green features. I wanted to go through that  
10 a little bit conceptually. Ben Allen from  
11 Greenhorne and O'Mara can go into some more  
12 specifics about that.

13 We had a six point strategy for  
14 dealing with that. The first of which is the  
15 compact development itself and it's pulled  
16 away from the wetland which has its 100-foot  
17 buffer.

18 Out next point of strategy is to  
19 introduce these rain barrels at these  
20 locations that you see on the townhomes to  
21 catch run-off off the roofs from the  
22 downspouts and store in rain barrels that

1 people can use for irrigation. Watersheds  
2 from there or sheds from down streets or yards  
3 is caught in this catchment basins that are  
4 pretreated. Again, Ben can talk a little bit  
5 more about that.

6 But then even if the water gets  
7 beyond that, as we get closer to the watershed  
8 we have the opportunity in these rear yards of  
9 the townhouses that are closest to the  
10 watershed to amend the soil. Which basically  
11 means when we're filling in this area to get  
12 it above the flood plain, in those areas we  
13 put the soil in in a way that it can  
14 percolate. A way that it does not exist today  
15 because that plan does not absorb the water.  
16 But with this opportunity we can use these  
17 areas and this strategy. It basically serves  
18 as your backyard, but it will absorb water.  
19 And it doesn't discourage or prevent any of  
20 the normal backyard activities. It just  
21 occurs in the natural area of the yard.

22 Beyond that, we have these Filtera

1 Boxes which occur in the plant strips between  
2 the sidewalk and the curb.

3 And then the final strategy is  
4 these Baysaver Units in the outflows that are  
5 mostly directly connected to the watershed.

6 So, that's sort of the six-point  
7 strategy for the low impact design and, again,  
8 Ben can talk a little bit more specifically  
9 about the engineering.

10 That sustainable commitment  
11 extends beyond the near site plan or the urban  
12 design into the units and that's best  
13 exhibited by our commitment to the green  
14 communities initiatives.

15 Some highlights of that are low  
16 flow water fixtures at all of the units,  
17 Energy Star white fixtures, Energy Star  
18 appliances with an efficiency rating of 86 or  
19 higher. Carbon monoxide monitoring and fume  
20 isolation barriers in those units that have  
21 integral garage and nontoxic low VOC interior  
22 finishes including paints and sealants and

1 adhesives. And, again, those are just the  
2 highlights of our commitment to the green  
3 communities initiative and that funding has  
4 actually been allocated to the project based  
5 on those commitments to sustainability and  
6 affordable housing.

7 I'm not going to talk a whole lot  
8 about the floor plans, but I did want to talk  
9 a little bit about the character of the  
10 architecture. We've gone to length to study  
11 Washington, D.C. rowhouse neighborhoods  
12 particularly in Northeast and east of the  
13 river and tried to capture that character in  
14 a 21st -- on the interior is a 21st century  
15 home, but can fit in with this connected  
16 neighborhood back into the city. And so you  
17 can see some the precedents that we've studied  
18 on the top and then some of the proposed  
19 elevations on the bottom which are composed  
20 really to be a string of rowhouses that work  
21 together cohesively as one building, but also  
22 are easily identified as an individual unit so

1 that individual families can identify with  
2 that unit in kind of stark contrast to the  
3 kind of anonymous 42 units at Parkside now.

4 We'll talk just a little bit about  
5 some of the strategies to do that.

6 One of the skinning strategies is  
7 a mix of materials. This is a diagram that  
8 talks about the mix of brick and siding as it  
9 occurs around the bases of that and we've  
10 tried again to give individual character to  
11 the units but tie them together as  
12 streetscapes as coherent building strings and  
13 mix that throughout.

14 And when we talk about siding,  
15 we're also talking about a mix of semiticious  
16 fiber board, a hard type siding and a vinyl  
17 siding. And that is really dictated -- this  
18 material -- the material pallet is dictated by  
19 a budget really. A construction budget that  
20 fits in with the affordable housing objectives  
21 of the project. But again supports the  
22 design.

1                   And what we've tried to do is mass  
2 pieces of those strings of townhouses in  
3 appropriate materials. So, with about 25  
4 percent brick, we've taken that brick and you  
5 can see in this string we've wrapped not only  
6 the wrong so it doesn't appear to just be a  
7 stick on, but you come around the side and  
8 wrap that side with brick, particularly if it  
9 is on a corner where you can see it.

10                   We've also massed this building so  
11 that there's a siding piece in the back which  
12 you can see in the plan wraps this way but  
13 also, you know fits in with the character and  
14 style of townhouses that we see that perhaps  
15 this is like a sleeping porch. You can  
16 imagine an area if this was a sleeping porch  
17 that was then clad.

18                   And then siding along the front.  
19 We see this as a cementitious fiber board  
20 along the front, massing on the front along  
21 the side and to the back. And then vinyl in  
22 the non-exposed parts of the back that you

1 don't see from streets -- from major streets  
2 and from sides.

3           You can see a similar strategy  
4 below. We get that brick on a couple of  
5 townhouse strings, wrap it a couple of feet  
6 around the side. We would use this strategy  
7 in the middle of a block where we've got  
8 another string of townhouses right next to it  
9 so you never really see this exposed piece.

10           So, again, brick, cementitious  
11 fiber board and then vinyl siding along there.  
12 About 25 percent brick, about half vinyl, half  
13 cementitious from there.

14           These are just some examples of  
15 some other material pallets that we're using  
16 at porches, at -- taking precedent from and  
17 also other new construction at porches, at  
18 stoops, at streetscaping and at fences.

19           So, that about wraps up what I  
20 wanted to present on the physical aspects of  
21 the plan and the architecture again it's in  
22 support of all of the other policy goals of

1 the project, the mix, furthering OP's  
2 Comprehensive Plan goals, using site plan  
3 design in the architecture to do that through  
4 its commitment to environmental sustainability  
5 and also through affordability.

6 Thank you.

7 MR. QUIN: Our next witness is Mr.  
8 Ban Allen of Greenhorne & O'Mara who will give  
9 a little more detail on -- about four points.

10 Ben.

11 MR. ALLEN: Thank you, Mr. Quin.  
12 My name is Ben Allen. I work with a company  
13 Greenhorne and O'Mara, civil engineers and I  
14 wanted to mention that I've -- had about 30  
15 years of experience in this field of civil  
16 engineering and I've been with Greenhorne &  
17 O'Mara for approximately nine years. And I've  
18 been working with this project as it was  
19 picking up last fall after the lull we had to  
20 address some matters with the National Park  
21 Service.

22 I wanted to address tonight some

1 of the grading matters and the flood plain  
2 matters that have been discussed and has been  
3 a concern of the Commission and also to  
4 address the stormwater management features  
5 that we're proposing.

6 The existing terrain is partially  
7 situated within a flood plain. Our plan is to  
8 -- the new grading that we're proposing  
9 exceeds the requirements for new construction  
10 within the flood plain as specified in the  
11 DCMR Title 20, Chapter 31, regarding flood  
12 plain rules -- flood hazard rules.

13 All slab elevations will be at  
14 least 3.2 feet above the existing flood plain,  
15 the official flood plain from 1985. And it  
16 will be at least 1.5 feet above the proposed  
17 flood plain that has been drafted and dated  
18 March of 2007 from the Federal Emergency  
19 Management Agency, FEMA.

20 We've coordinated our plan with  
21 the Department of Environment and they have  
22 confirmed that our proposal meets all

1 applicable requirements for filling in a flood  
2 plain.

3           Once the fill is provided, we will  
4 work with FEMA through their established  
5 procedures to amend the flood plain map to  
6 indicate that the subject property is no  
7 longer within a flood plain. And then  
8 elevations certificates can be prepared to  
9 indicate housing is out of the flood plain.

10           I'd like to now address the  
11 stormwater management coordination that we've  
12 done with the Department of Environment. And,  
13 in fact, have obtained a memo from them dated  
14 July 18, 2007, where they have shown  
15 confirmation of what we call a concept  
16 stormwater management meeting. And we lock in  
17 place the type of features we want to use on  
18 this project.

19           What we've proposed are basically  
20 four types of best management practices.

21           In the first submission of the PUD  
22 document, we had only indicated two practices.

1 Baysaver Units and Filtera Tree Boxes. At  
2 this point in time, after our coordination  
3 with the Department of Environment we have  
4 basically four types of best management  
5 practices and I'll go over those with you.

6 The Filtera Tree Box Units are  
7 shown in purple on the slide. They are shown  
8 at nine locations. In actuality we have 13  
9 Filtera Units actually being applied because  
10 in four locations there's two of them side by  
11 side. The reason for that is because of the  
12 amount of land area that drains to those  
13 points.

14 Baysaver separation system is  
15 shown in the large orange circles on the  
16 slide. One would be a 72 inch diameter  
17 Baysaver and the other a 60 inch diameter  
18 Baysaver. Again, determined because of the  
19 amount of drainage area that comes to those  
20 two units.

21 As a condition for using the  
22 Baysaver in our discussion with the Department

1 of Environment they asked that we provide a  
2 pretreatment system at all the catch basins  
3 that collect the water and bring the water  
4 towards the Baysaver Units. And so shown in  
5 light orange at about 17 locations around the  
6 streets and alleys are where the catch basins  
7 are located. And all those catch basin will  
8 have this form of pretreatment with an 18 inch  
9 catchment to catch the water and any oils,  
10 products -- any kind of contaminants, grit and  
11 trash.

12 Each of these units will be also  
13 modified with what we call a turndown pipe so  
14 that the catchment drains from the middle of  
15 the stored water. Any floatables or oils will  
16 flow to the top. Any grit and debris that's  
17 heavy will settle out. And all the catch  
18 basins are draining from the middle of that  
19 18-inch depth.

20 This meets the requirements of  
21 pretreatment with the Department of Energy --  
22 Department of Environment, excuse me.

1                   Additionally we have rain barrels  
2                   located as Murphy has already highlighted.  
3                   These are shown in little red dots -- excuse  
4                   me. Green -- blue dots going by the code at  
5                   the top of the -- on the right side of the  
6                   slide you can see 21 buildings are being  
7                   applied with rain barrels in blue. And those  
8                   rain barrels are situated at all the rental  
9                   units where we feel that there will be proper  
10                  management for their maintenance.

11                  The Department of Environment was  
12                  quite pleased with showing a full coverage of  
13                  the rental units knowing that they will have  
14                  somebody enforcing the turning on and turning  
15                  off of the water from those rain barrels so  
16                  that they can be operable for frequent storm  
17                  events.

18                  Lastly, we're showing on the slide  
19                  in green areas, areas of amended soil  
20                  filtration. And these are behind units that  
21                  have large backyards and it's shown in the  
22                  green. And basically it's an area that we

1 feel can be adapted to something similar to  
2 bioretention that might have been something  
3 that the Board was -- expressed -- well, I  
4 think some of the agencies that reported to  
5 the Zoning Commission expressed bioretention  
6 and this is similar to that in that it  
7 provides an 18-inch -- a 12-inch to 18-inch  
8 special soil media of basically a sanding  
9 material that will enhance the infiltration  
10 into the ground topped off with four inches of  
11 top soil and turf having the same utilization  
12 as a backyard. It's just that it will allow  
13 for infiltration at those specified places in  
14 green.

15 Because we are in a fill area, I  
16 had some concern about putting water into the  
17 fill area. And so what we did was to provide  
18 an outlet for that drainage if, in case it  
19 does not infiltrate throughout. If there's  
20 any collection of water, we want to collect it  
21 properly and discharge it properly. So,  
22 everyone of those green areas does have a

1 perforated pipe for its full length and an  
2 outlet connecting to the nearest manhole.

3 All those manholes would be  
4 basically along the two alleys, U5 and U7.

5 This completes my presentation in  
6 regards to filling in the flood plain and the  
7 type of stormwater management features that  
8 we're proposing.

9 MR. QUIN: Thank you, Ben.

10 Our last witness is Mr. Sher and  
11 in a rare situation, I see we have 24 minutes,  
12 but Mr. Sher will not take those 24 minutes,  
13 I don't think will anyway.

14 MR. SHER: Good evening, Mr. Vice  
15 Chairman and Members of the Commission.

16 For the record, my name is Steven  
17 E. Sher, the Director of Zoning and Land Use  
18 Services with the law firm of Holland and  
19 Knight.

20 There are essentially three points  
21 that I would like to cover this evening and to  
22 summarize much more briefly the 26 pages you

1 have in front of you of written text.

2 The first is, what is this case  
3 about and why are we here? The second is the  
4 areas of flexibility that the PUD needs from  
5 the Zoning Commission. And the third is a  
6 brief discussion of the Comprehensive Plan.

7 As Mr. Quin indicated at the  
8 outset, this case from a zoning point of view  
9 is really a process case because we are not  
10 asking for any additional height or FAR over  
11 what the R-5-A zoning permits for this site.

12 As the zoning map indicates, the  
13 area that is sort of a rectangular portion of  
14 the site. That is the one bounded by  
15 Anacostia, Hayes and Barnes is already zoned  
16 R-5-A. But the more or less -- I'll call it  
17 roughly triangular, even though it's  
18 irregularly shaped portion, that is to the  
19 northwest of Anacostia Avenue and is indicated  
20 on the zoning maps as government or on zone.  
21 It is owned by the District of Columbia.  
22 Jurisdiction is in the National Park Service

1 but there's no zoning category designated for  
2 that piece of the property.

3 So, we need to come to the  
4 Commission and ask for zoning to be applied  
5 there because this site is already R-5-A and  
6 the Mayfair mansion site is already R-5-A. R-  
7 5-A is the most logical category to be applied  
8 to that piece of property as well.

9 If we got it zoned R-5-A and came  
10 in and asked for a map amendment with no PUD,  
11 once we got finished here, we then have a trip  
12 to the Board of Zoning Adjustment because new  
13 residential development in the R-5-A normally  
14 requires a special exception. So, we would be  
15 here making a case that R-5-A is the  
16 appropriate zone and we would be there making  
17 a case about the proposed development is the  
18 appropriate development.

19 What we've done is wrapped those  
20 two pieces together as a PUD and put the whole  
21 case in front of the Zoning Commission for  
22 approval at one time with respect to the

1 entire development. It's not like we're  
2 asking the Commission to do one thing and the  
3 BZA to do something else. It's a little bit  
4 like the case we had for the American  
5 Pharmacists Association over at 22nd and  
6 Constitution right in front of the State  
7 Department.

8           There we were asking for SP zoning  
9 and we would have had to go to the BZA because  
10 an office building is a special exception in  
11 SP, brought it in as a PUD. The Commission  
12 dealt with the whole thing. Done.

13           So, this is really a process case  
14 from that point of view more than it anything  
15 else.

16           The second thing are what are the  
17 areas where we do not fully comply with the R-  
18 5-A as a matter of right and those are -- have  
19 been detailed in many places. The Office of  
20 Planning went through them in its report. We  
21 got them in our written statements, but I'd  
22 like to just briefly talk about them.

1           Lot occupancy is one. The R-5-A  
2 allows an overall lot occupancy of 40 percent.  
3 Our overall lot occupancy is only 31 percent.  
4 And under the PUD the Commission is allowed to  
5 consider the aggregate lot occupancy. But in  
6 our plans we have gone through a lot by lot  
7 detailed analysis of each lot and some of our  
8 individual lots exceeds 40 percent. As I  
9 said, the overall is 31 percent, 10 percent  
10 less than what's the maximum allowed under the  
11 PUD. But because some of the lots are higher  
12 and some are lower, that's one area where we  
13 need some flexibility.

14           The second area is rear yard. In  
15 a R-5-A District the rear yard is 20 feet, not  
16 based on the height of the building, just 20  
17 feet. And the area where we need flexibility  
18 on the rear yard are from these houses in this  
19 rectangular block here because the overall  
20 dimension between Anacostia Avenue and Barnes  
21 Street is narrower than one might anticipate  
22 elsewhere.

1           What happens is when you put a  
2           townhouse and an alley and the rear yard in  
3           the middle and we've got decks at the backs of  
4           all these units on both the northwest and  
5           southeast sides, that area gets a little  
6           squeezed in the middle. So, on these areas  
7           we're a little bit short on the rear yards and  
8           the area to the northwest of Anacostia Avenue,  
9           all those well exceed the minimum requirements  
10          for rear yards. So, flexibility is requested  
11          for rear yards in this area here.

12           We have an open court situation  
13          and this one is just kind of a technicality.  
14          An open court -- you don't have to provide any  
15          open courts. If you do provide an open court  
16          it has to be a minimum of ten feet wide.

17           We have a situation where the  
18          units themselves, these groups of buildings  
19          along Hayes Street in particular are  
20          orthogonal. They are all at right angles.  
21          But Hayes Street does not meet Anacostia  
22          Avenue and Barnes Street at right angles. so,

1        what you have is a situation where the  
2        building line goes like this and the lot line  
3        goes like that as he's holding his hands at a  
4        very narrow angle.

5                    So, at the point where the  
6        building meets the lot line, that creates a  
7        court and at that point the court width is  
8        zero, but in all those situations, the court  
9        abuts a street or other open space so there's  
10       no perception of that. When you look at the  
11       diagrams of each of the individual lots you  
12       will see these courts that come down to zero  
13       and we need some flexibility on that.

14                   And then we have two lots. These  
15       two right here at the end of this string of  
16       houses that actually do not front on either an  
17       existing or proposed street. And what  
18       happened when we started out, there was a  
19       section called Section 410 of the Regulations  
20       which allowed this group of buildings to be  
21       considered a single building, and of course,  
22       the single building had street frontage.

1           The Commission in its infinite  
2 wisdom has eliminated that provision from the  
3 Regulations. So what we did was we had to  
4 look at each one of these individual  
5 townhouses as a single building. And the two  
6 at the end, the one furthest at the end does  
7 not front on the street at all.

8           The second one in has a little bit  
9 of frontage right here. But in both cases  
10 those houses face the side of the house at the  
11 end of the road immediately perpendicular.  
12 That distance if you took 20 feet for the  
13 front yards of these houses and eight feet for  
14 the side yard of this house would be 28 feet.  
15 We exceed the 28 feet but the way the lots are  
16 divided, we don't quite make the front yard or  
17 the street front requirement for those two  
18 lots. So, it is another one of those sort of  
19 technicalities, but we wanted to just be clear  
20 what the relief was we were asking from the  
21 Commission.

22           We have done a detailed analysis

1 of the Comprehensive Plan and that's in the  
2 outline you have before you. I'm just going  
3 to hit a couple of high points out of that.

4 The future land use map shows the  
5 area in the rectangle as being in the medium  
6 density residential category and the area to  
7 the northwest of Anacostia Avenue as being in  
8 the moderate density category.

9 Moderate is suggested as R-5-A.  
10 Medium is suggested as something higher again.  
11 We're asking for R-5-A for the whole thing.

12 The policy map shows this as a  
13 neighborhood enhancement area and by  
14 definition a neighborhood enhancement area are  
15 ones with substantial amounts of vacant  
16 residentially zoned land, present  
17 opportunities for compatible small scale in  
18 fill development, including new single family  
19 homes, townhouses and other density types.  
20 And land uses that reflect the historical  
21 mixture and diversity of each community should  
22 be encouraged.

1           I think what we have here is  
2 precisely what the Comprehensive Plan  
3 contemplates.

4           And then if you go through both  
5 the housing sections and in particular the far  
6 northeast, far southeast area element you will  
7 find specific criteria and specific policies  
8 that this project is designed to achieve. In  
9 particular, expanding the housing supply,  
10 encouraging the private sector to provide new  
11 housing, strongly encouraging the development  
12 of new housing on surplus, vacant and under  
13 utilized land, establishing the production of  
14 housing for low to moderate income households  
15 as a major civic priority and so forth.

16           So, taking all of those into  
17 account, taking into the account the  
18 requirements of Chapter 24 of the Regulations,  
19 which requires the Commission to judge,  
20 balance and reconcile the relative project  
21 amenities and benefits provided with a degree  
22 of flexibility requested, it is my conclusion

1       that this particular project meets the  
2       requirements of Chapter 24, that the R-5-A  
3       zoning is the most appropriate zoning category  
4       to apply to that piece of the site that is not  
5       now zoned. And that all things considered,  
6       the Commission should approve the application.

7                   And let the record reflect I left  
8       15 minutes on the table.

9                   Thank you very much.

10                   MR. QUIN: Mr. Chairman and  
11       Members of the Commission, that completes our  
12       direct presentation. I would like to note for  
13       the record that DDOT did file a report. I  
14       think it was filed yesterday if I'm not  
15       mistaken. Not yesterday, on Friday saying  
16       that there would be no adverse impact and  
17       going through the levels of service in  
18       reviewing the project.

19                   We would welcome any questions by  
20       the Commission of any of our witnesses and  
21       also by the ANC if they have any questions  
22       that relate to the testimony of our witnesses.

1 We'd love to have those questions as well.

2 VICE CHAIRPERSON HOOD. Okay.

3 Thank you, Mr. Quin.

4 I will tell you, I want to start  
5 off to give my colleagues a chance. I will  
6 tell you as we talk about the flood plain, I  
7 just realized that I've already got a setdown  
8 on this case. And the more I hear about flood  
9 plain -- I actually voted against -- I see him  
10 sitting there. Didn't hear this to begin  
11 with. But I'm glad we addressed the flood  
12 plain. I will ask those questions.

13 To start with, the flood plain was  
14 an issue for me --

15 MR. QUIN: Yes.

16 VICE CHAIRPERSON HOOD: -- and I  
17 see in your presentation I remember you had  
18 the site actually mentioned. And I'm going to  
19 ask that we comment on that again and give me  
20 some comfort level.

21 But let's go back to the  
22 Department of Transportation's report. They

1 made some specific requests.

2 The Applicant is required to  
3 provide several bicycle spaces and has  
4 indicated they will provide car-sharing  
5 spaces. I didn't hear that mentioned.

6 MR. QUIN: That's because we  
7 haven't testified to it. But we do agree with  
8 the conditions of the Department of  
9 Transportation.

10 VICE CHAIRPERSON HOOD. Okay. You  
11 hadn't testified to it but you were aware that  
12 that was in there. You mentioned their  
13 support part of it.

14 MR. QUIN: That's part of our  
15 discussion with the Department of  
16 Transportation.

17 VICE CHAIRPERSON HOOD. Okay. So,  
18 you're in agreement with that?

19 MR. QUIN: Yes.

20 VICE CHAIRPERSON HOOD: All right.  
21 Okay.

22 Let's talk about the flood plain.

1                   You had a diagram of West Virginia  
2 Avenue. What's going to prevent us from  
3 having the same problem? And I understand  
4 that, you know, all of the studies and raising  
5 up so we don't have it. I'm sure -- I'm  
6 hoping that was done at that time. But maybe  
7 it wasn't. Because that's been a long-  
8 standing issue on West Virginia Avenue. And  
9 I don't think that we need to have the same  
10 problem here in this area. So, explain to me  
11 how -- I'm sure you're familiar with the West  
12 Virginia issue because it was in the  
13 submittal.

14                   How can we not have the same issue  
15 that happened on West Virginia Avenue happen  
16 here?

17                   MR. ANTOINE: Commissioner Hood,  
18 I'll try to answer that.

19                   We were actually not familiar with  
20 the West Virginia Avenue until you brought it  
21 to our attention at the May hearing. And  
22 subsequent to that, we have studied it and our

1 review of that proposal -- of that situation  
2 is that it is not actually a flood plain  
3 situation. But this is high above the  
4 elevation of the flood plain. The reason that  
5 it is flooding is because of a drainage issue,  
6 that the topography around it was not  
7 manipulated in a way to prevent water during  
8 a storm event to flow against those houses and  
9 particularly against the basements of those  
10 houses and cause problems in that way.

11 So, we see it as a drainage issue  
12 and that particular place and certainly not a  
13 flood plain issue because it's above that  
14 level. So, the cautionary tale there I think  
15 would be that you can still have flooding even  
16 if you're out of the flood plain.

17 What we've done is grade this so  
18 that the drainage always drains away from the  
19 homes and that there are no basements here.  
20 So that the water will always flow with the  
21 gravity along the slope according to the  
22 grading and away from the homes that are

1 raised above the flood plain. And that's what  
2 I think distinguishes this from our  
3 understanding of the West Virginia Avenue  
4 project.

5 VICE CHAIRPERSON HOOD. Okay.

6 It's the northeast sewer issue. Okay.

7 So, explain to me again about  
8 those bio retention. Those have to be  
9 cleaned. How often do those have to be  
10 cleaned and who is going to pay for it?

11 MR. ALLEN: We call them soil  
12 amendment infiltration areas. Would consist  
13 of a sandy soil mix about 12 to 18 inches  
14 thick, topped off with the -- as I explained.  
15 Four inches of top soil and then the sod.

16 Below these, we have the collector  
17 pipe. All of this would have to be -- is  
18 subject to maintenance of the homeowner's  
19 association. In fact, the soil amendment  
20 areas, all the other items that we've  
21 discussed, would be maintained by the  
22 homeowner's association.

1                   The soil amendment areas do  
2 encompass quite a large area behind several of  
3 those units as we had shown in green on that  
4 slide. They would have to be incorporated  
5 within an easement area for maintenance.

6                   As far as the frequency of clean  
7 out, it's not going to be that frequent. it's  
8 something that would have to be checked. I'm  
9 just going to say annually. Something if it  
10 was ever to be replace, it's only because the  
11 problems appear to be arising. For example,  
12 pointing of water. Maybe it's filled up with  
13 so much silt from run off from the rear yards.  
14 There could be reason of that portion of the  
15 land maybe being wetter than other portions of  
16 the land.

17                   Keep in mind that the grading  
18 across these soil amendment areas is a  
19 constant grade. It's not a low area that you  
20 would find in a bioretention area. We still  
21 have our two percent grading across these  
22 soil amendment areas. It's just that within

1 that 10 to 20 feet width of those areas, is  
2 where we feel that there will be a terrific  
3 opportunity to capture the run off to be  
4 infiltrated into the ground. It will be a lot  
5 different than having a subgrade that we all  
6 see and then suddenly top soil -- you know, a  
7 think layer of top soil and sod goes on top of  
8 subgrade.

9           Nothing really goes into the  
10 ground, even though it's grassy space. But  
11 we're providing a media to collect this water.  
12 If there's any problems it would be subject to  
13 the homeowner's association to make repair.  
14 And quite frankly, on bio retention  
15 facilities, you know, we grow trees and shrubs  
16 in there and they collect water in a low point  
17 where you would probably expect to see a  
18 collection of a lot more than what we're going  
19 to see going into the ground behind these  
20 units.

21           And even a regular ordinary  
22 bio retention facility can have its

1 maintenance around those trees that are inside  
2 that bio retention facility. We can grow  
3 trees in these backyards in these same areas.  
4 We're not going to knock down trees. it's not  
5 going to be that kind of maintenance.

6 VICE CHAIRPERSON HOOD: Let me ask  
7 you. Is this system -- this Commission has  
8 heard on this stormwater management has heard  
9 a various wide cadre of what's the way to do  
10 it. What's not the way to do it. What --  
11 when I ask you that question, just ask you.  
12 I can tell you that I've heard anywhere from  
13 one year to 20 on the community. But let me  
14 ask you, is this amended soil filtration area,  
15 this concept, is this a new age? Is this the  
16 new way to do this or is it just the cheapest  
17 and the old way to do it?

18 MR. ALLEN: It's somewhat of an  
19 innovative idea that has been accepted by the  
20 Department of Environment. It's the closest  
21 as possible that we thought we could do for an  
22 urban setting in lieu of bio retention

1 facilities that would probably -- could take  
2 up as much space but would just take away all  
3 that space from these backyards. And we feel  
4 that we're -- we have the backing of the  
5 Department of Environment where they believe  
6 that there will be a recharge of stormwater  
7 into the backyards with this type of media.  
8 And that's the main aim is to help absorb some  
9 of the stormwater back into the ground.

10 VICE CHAIRPERSON HOOD. Okay.

11 Thank you.

12 I'm going to let my colleagues ask  
13 some questions. I might have a few more.

14 Mr. Antoine, thank you for helping  
15 clarify the sewer issue versus the flood plain  
16 issue. We're not there yet, but we'll get  
17 there.

18 Okay. Colleagues? Commissioner  
19 Turnbull.

20 COMMISSIONER TURNBULL: Thank you,  
21 Mr. Chair.

22 I guess I want to carry on with

1 the -- let's just go a little further with  
2 your amended soil area question.

3 There is a perforated pipe that  
4 runs underneath this as a back up. But  
5 there's really no way to access this other  
6 than digging up the ground.

7 MR. ALLEN: That's correct. It  
8 would be completely underground. We would  
9 have a gravel bed around it and it would be  
10 the combined pipe and gravel bedding would be  
11 wrapped in filter fabric to prevent siltation,  
12 let's say, getting into that gravel.

13 The effectiveness of the drain out  
14 is really both the pipe and the gravel that  
15 would provide emergency outlet just in case  
16 the subgrade underneath would not take the  
17 soil.

18 COMMISSIONER TURNBULL: I mean,  
19 the whole point is that the subgrade is going  
20 to take it?

21 MR. ALLEN: That's correct. But I  
22 just wanted to -- because we're in an area of

1 fill, and because we're in an area that has a  
2 retaining wall not too far away, we felt that  
3 it was necessary to have an emergency outlet  
4 from this, much the same as you would have in  
5 a bioretention facility.

6 Those bioretention facilities that  
7 are for filtration, have an outlet. So, it's  
8 a filtering device. In our case it's probably  
9 more similar to a filtering device, similar to  
10 what you would have for a bioretention  
11 filtering device.

12 COMMISSIONER TURNBULL: Okay.  
13 Thank you.

14 Let me ask you. On your site plan  
15 on there. The area that Mr. Sher was  
16 referring to, the two units at the end of the  
17 -- of the street below the park, there is a --  
18 looks to be a corner lot.

19 Why didn't that corner area get  
20 amended soil? Or even the park area?

21 MR. ALLEN: I can answer that.

22 COMMISSIONER TURNBULL: I mean,

1 not knowing how the grade is there.

2 MR. ALLEN: We wanted to hold a  
3 minimum distance from structures. We wanted  
4 to hold 15 feet from the units themselves to  
5 be no closer than that in entering this  
6 stormwater back into the ground.

7 Also, we were wanting to hold --  
8 well, at least five feet from the driveway  
9 pads. We thought that the adjacency to the  
10 alley should be more like about 10 foot. So,  
11 what you're left with there is really a very  
12 small triangle in that area --

13 COMMISSIONER TURNBULL: Okay

14 MR. ALLEN: -- of the two units --

15 COMMISSIONER TURNBULL: And the  
16 park area?

17 MR. ALLEN: And the park area.

18 The reason why we don't have  
19 anything in there is because the park area is  
20 surrounded by street T3 and an alley on the  
21 north -- on the north side. Excuse me. Alley  
22 on the south side.

1                   It doesn't drain any rooftops. It  
2 doesn't drain any of the street areas.

3                   COMMISSIONER TURNBULL: Okay.  
4 Could -- the extent of the retaining wall is  
5 it totally along the road?

6                   MR. ALLEN: It's -- if I can show  
7 you what the --

8                   COMMISSIONER TURNBULL: Do you  
9 have the pointer?

10                  MR. ANTOINE: Sure, we can speak  
11 to the retaining wall. I just add to Mr.  
12 Turnbull's question but it does look like  
13 there is some area there particularly in the  
14 small pocket park here. I got it backwards,  
15 that we could look at and we would certainly  
16 do that and add -- and be willing to add  
17 amended soils in locations that make sense,  
18 particularly closest to the watershed.

19                  COMMISSIONER TURNBULL: Okay.

20                  MR. ANTOINE: The retaining wall--  
21 the extent of the retaining wall is about from  
22 here to I'd say. Does it look about right to

1 you, Ben?

2 MR. ALLEN: Yes.

3 MR. ANTOINE: All right. So, it's  
4 highest point is there which under the  
5 proposed map -- well, the highest point is  
6 here and it gets low to its end around that  
7 location.

8 COMMISSIONER TURNBULL: And I  
9 didn't see in here. What does that look like?  
10 What kind of material is that? Is it just  
11 concrete or is it faced with stone or what  
12 kind of a --

13 MR. ANTOINE: We haven't detailed  
14 the materials of the retaining wall yet.

15 COMMISSIONER TURNBULL: And the  
16 railing?

17 MR. ANTOINE: We haven't detailed  
18 that either, but it would have to be able to  
19 prevent traffic from coming across.

20 COMMISSIONER TURNBULL: Okay. And  
21 little kids from falling over it?

22 MR. ANTOINE: Certainly.

1                   COMMISSIONER TURNBULL: Okay. I  
2 was wondering, maybe we could see something  
3 now on that at some point?

4                   MR. ALLEN: One thing we may want  
5 to mention here is that that retaining wall is  
6 located within public space. And we feel that  
7 it will have to be a very -- probably at least  
8 structurally a concrete reinforced concrete  
9 wall holding up an alley.

10                  COMMISSIONER TURNBULL: Right.

11                  MR. ALLEN: The alley is directly  
12 adjacent. The alley pavement is 16 feet wide.  
13 The alley itself is dedicated as 20 feet wide.  
14 So, in that two space that we have between the  
15 edge of the alley and the hard pavement of the  
16 pavement is two feet in there. It will be  
17 probably about a foot wide retaining wall --  
18 structural wall, with a -- I'm not going to  
19 say a guardrail, but something durable to  
20 prevent anybody's --

21                  MR. QUIN: Mr. Chairman, why don't  
22 we just file something for the record to cover

1 that? I think that would be the easiest way  
2 to deal with that.

3 COMMISSIONER TURNBULL: Okay.

4 Thank you.

5 I guess -- I had a couple of  
6 things here and you've covered.

7 Your latest submission, this  
8 little flyer we got on your presentation. I'm  
9 just curious. It showed on the exterior  
10 materials and I don't know if this is just  
11 generic or this is what you're proposing. The  
12 railing looked like to be a metal railing?

13 I'm not sure if you've got that  
14 far on your details. You show privacy fence  
15 character. It looks like sort of a stained  
16 and then a white painted fence. I mean, are  
17 these examples of what you're proposing or are  
18 these just examples that you've used in other  
19 areas and the decks? Is there a consistency  
20 in character? Is this something that there's  
21 only one or two options for buyers to choose  
22 from? How does that go?

1                   MR. ANTOINE: There would  
2 definitely only be one or two options if there  
3 were any options. And I would say these are  
4 representative of some of the materials, but  
5 I don't think we'd see this mix particularly  
6 in the privacy fence area. And certainly not  
7 to this extent.

8                   If you look at the lot plans which  
9 are also in there, we're talking about  
10 probably a six foot long pressure-treated  
11 fence for a privacy fence and then a  
12 separating -- a lower separating fence between  
13 those. We'd like to get some kind of aluminum  
14 or metal rail at the front, particularly at  
15 the exposed portions on the porches, maybe  
16 some 18-inch row fences at corners. Those  
17 specific materials, again, we're still testing  
18 against budget. But it would be a mix.

19                   COMMISSIONER TURNBULL: Okay. The  
20 playground tot lot has equipment in it then?

21                   MR. ANTOINE: Yes.

22                   COMMISSIONER TURNBULL: I guess my

1 other question is that then in you're going  
2 for green, when you talk about LEED are you  
3 going to a certain level or are you --

4 MR. ANTOINE: What we have  
5 committed to in terms of the architecture is  
6 the Green Homes which is actually a  
7 competitive funding source based on LEED MD  
8 and LEED Home in their kind of pilot  
9 configurations and test configurations. And,  
10 again, that -- those commitments, we  
11 highlighted a few of them, but that  
12 application went in and that funding has been  
13 allocated. And the standards are based on a  
14 LEED standard.

15 COMMISSIONER TURNBULL: Okay.  
16 Thank you.

17 I think -- I'm just going through  
18 my notes. I was just trying to read some of  
19 the most recent items. I have a couple of  
20 questions that I think are more related to the  
21 Office of Planning.

22 Thank you, Mr. Chair.

1                   COMMISSIONER JEFFRIES:  Yes.  
2           First of all I just -- I want to make certain  
3           that I'm clear and maybe this will be  
4           something for the Office of Planning because  
5           their report was dated July 13th.

6                   In terms of the testimony that was  
7           given today by Greenhorne, that is -- that  
8           responds to some of the concerns it set forth  
9           in terms of more low impact techniques in  
10          terms of stormwater management and retention.

11                   MR. ALLEN:  Yes.  As I understand  
12          there was a letter from -- or to Office of  
13          Planning from DOE expressing a desire to have  
14          more best management practices of low impact  
15          devices and we responded to that, first of  
16          all, meeting with them.  Had a meeting with  
17          the Office of Planning to discuss what their  
18          concerns were.  This was at a sitdown meeting.  
19          But then secondly wanting to get -- to bring  
20          the results of that meeting to the Department  
21          of Environment to discuss with Tim Cary Cary  
22          the person in charge of technical service at

1 Department of Environment.

2 MR. QUIN: Could I just ask a  
3 quick question?

4 The items that you've enumerated  
5 are they responsive to the Office of  
6 Planning's request for additional  
7 environmental protection?

8 MR. ALLEN: Yes. They are in that  
9 the soil amendment area that we're indicating  
10 for infiltration, partial infiltration and  
11 filtering, responds to the -- to the request  
12 that they made about -- they mentioned porous  
13 pavement and I believe grass swales.

14 Both of those cases I encourage in  
15 filtering the stormwater into the ground.

16 COMMISSIONER JEFFRIES: Okay.

17 MR. ALLEN: We're providing that  
18 in a different fashion.

19 COMMISSIONER JEFFRIES: Okay.  
20 that's fine. I mean, they will respond. I  
21 just wanted to make certain I had sort of the,  
22 you know, the sequence of events and so forth.

1 Because, for example, there is something from  
2 Anacostia Waterfront and they're basically  
3 saying that the Zoning Commission -- this is  
4 dated July 16, 2007, that the Zoning  
5 Commission should, you know -- that we should  
6 look at the recently adopted Anacostia  
7 Waterfront Corporation Environmental  
8 Standards. It says a copy attached, although  
9 I don't see a copy.

10 I don't know whether you've  
11 reviewed that. Do you even know of such a  
12 document?

13 MR. ALLEN: No. I do not.

14 COMMISSIONER JEFFRIES: Okay.  
15 Listen, you know, I don't know very much about  
16 stormwater management. I think it's very  
17 complicated. It's obviously very important,  
18 but -- no. I just need to get some additional  
19 information. I mean, I'm reading a lot from  
20 the Office of Planning and from the Anacostia  
21 Waterfront, various individuals about  
22 concerns.

1           From what I gather, it seems like  
2           you've addressed a number of concerns. You  
3           know, so I just want to, you know, just get a  
4           little better understanding of whether what  
5           you have proposed, you know, will be  
6           sufficient in terms of sort of addressing the  
7           concerns about the floor plain.

8           And I do have --

9           MR. QUIN: I think I can answer  
10          that quickly if it's okay?

11          COMMISSIONER JEFFRIES: Sure.

12          MR. QUIN: Mr. Stranix was --  
13          attended the meeting and all of this occurred  
14          after these reports were filed and so the  
15          response was there.

16          COMMISSIONER JEFFRIES: Okay.

17          MR. QUIN: But, Mr. Stranix, if  
18          you wanted to could summarize in one second?

19          COMMISSIONER JEFFRIES: Sure.

20          MR. STRANIX: Two seconds.

21          Quickly, we met with them. We did  
22          not have the rain barrels. We have a

1 decreased member of the Filtera Units. We had  
2 more of those added to the rain barrels and  
3 added the soil -- amend the soil areas as  
4 well.

5 COMMISSIONER JEFFRIES: Okay.

6 MR. STRANIX: Which I may just add  
7 quickly.

8 I do a lot of work with ball  
9 fields and what's been proposed there is an  
10 effective way of both quantity and quality  
11 treatment. The water is still down going  
12 through the sand and soil. It goes out and  
13 does not just sit there and pool. It goes out  
14 to the surrounding plant. It's very  
15 effective.

16 And the lifespan of those is 10  
17 years to my knowledge and we know it will take  
18 maintenance over time but they're very  
19 effective, I think, modern way of treating  
20 rain water.

21 COMMISSIONER JEFFRIES: Okay. I  
22 had a couple of questions about this. Ken,

1 perhaps you have it. I didn't see it. If I  
2 can get a section through because I'm having  
3 difficulty understanding this green patch  
4 that's part of the elongated yards.

5 Just if you can get a blown up  
6 section cut through? I mean, perhaps, it's  
7 just a very minor thing, but I just want to  
8 make certain that I'm clear about how that  
9 works. And how -- I mean, people can play on  
10 it and walk around it. It's not something  
11 that, you know, because I don't fully  
12 understand it.

13 MR. ANTOINE: We don't have a  
14 specific section through this. But I think  
15 that this can illustrate it. Because it  
16 functions just like this backyard. This is a  
17 section through a typical kind of yard  
18 townhouse and what we were just talking about  
19 is when we add the dirt to get above the flood  
20 plain --

21 COMMISSIONER JEFFRIES: Right.

22 MR. ANTOINE: -- and this section

1 and a certain distance from the structure, a  
2 certain distance from a parking pad, about  
3 eight inches below the soil, we've added a new  
4 kind of soil that will absorb and hold the  
5 water in a way that the soil today does not.  
6 It doesn't prevent anybody from playing in  
7 that backyard. It doesn't prevent anybody  
8 from planting a tree in that backyard. That  
9 backyard has grass and feels like any other  
10 backyard. The soil below it absorbs and holds  
11 the water instead of letting it flow into the  
12 water shed.

13 COMMISSIONER JEFFRIES: You can  
14 strike my section. I don't need to see a  
15 section of that.

16 And let's see. The other question  
17 I had was the location of rain barrels.

18 I think you said that the rain  
19 barrels were located adjacent to the rental  
20 units and that is because -- can you repeat  
21 that again?

22 MR. ALLEN: The reasoning for that

1 is because this is a practice. It sounds very  
2 simple but the operation of a rain barrel  
3 requires some attention from the occupants of  
4 the houses. In our case we felt that the  
5 rental units that are managed by an entity,  
6 they actually will see that in their written  
7 operation and maintenance O&M manuals, let's  
8 call it, will say that this item has to be  
9 turned off really all the time except during  
10 times between rain storms, especially during  
11 droughts. They should drain this thing out.  
12 They don't want that water just to sit there  
13 continuously. And the idea is to drain it out  
14 I'm going to say within several days of a rain  
15 storm event. So, that there is space -- there  
16 is room in there for the next rain event.

17 If a normal homeowner buys one of  
18 these things and has nobody telling them how  
19 to operate it, he's probably not going to do  
20 anything. And what happens you have an  
21 overflow.

22 COMMISSIONER JEFFRIES: Right.

1 MR. ALLEN: The thing is full all  
2 the time and there's an overflow. It doesn't  
3 operate the way it should be.

4 COMMISSIONER JEFFRIES: Okay.  
5 Okay. That's fine. So, it's really a  
6 management company. There is some oversight  
7 of some sort rather than just letting the  
8 homeowner sort of manage it.

9 And then fences. And I think that  
10 Commissioner Turnbull was on this a bit.

11 In terms of sort of delineation of  
12 the individual lots, in the backyards are  
13 there going to be fences?

14 MR. ANTOINE: Yes. There will be  
15 fences. I'm trying to get to this sort of lot  
16 diagram which illustrate that which is also  
17 included in the packet.

18 The privacy fences, which are the  
19 tall fences, would be about six feet from the  
20 back of the demising wall and basically the  
21 length of the patio. So, if you're on your  
22 patio, there's a six-foot wall between you and

1 the adjacent patio. After that, there's a low  
2 fence that gives some transparency across so  
3 you can see what's happening in the yard, but  
4 nothing can go back and forth. And that  
5 extends the length from the tall fence, the  
6 privacy fence back to the back in between the  
7 lots.

8 So, there are fences between all  
9 rear lots. High closer to the house, low as  
10 you go back to the back.

11 COMMISSIONER JEFFRIES: And  
12 they're privacy so there are little slats? I  
13 mean, you can't really see through them? And  
14 they're six feet in height?

15 MR. ANTOINE: At the patio piece.  
16 Right.

17 COMMISSIONER JEFFRIES: At the  
18 patio side. Okay.

19 So, they're all consistent. All  
20 of the privacy fences would be consistent  
21 along here in the rental portion and we can  
22 put -- and then the low fences between might

1 be a different material, but they would be  
2 consistent to each other and to the next lot.

3 COMMISSIONER JEFFRIES: Okay. And  
4 then my last question is this. The owner  
5 versus rental.

6 I'm just trying to make certain  
7 I'm clear about sort of the philosophy in  
8 terms of what drove the decision. I mean, I  
9 clearly see that there is a clear number that  
10 are ownership that are all together. But I'm  
11 just trying to understand sort of what drove  
12 the decision in terms of placement of rental  
13 versus ownership.

14 And, obviously, you know, we all  
15 live in neighborhoods where there's owners and  
16 there's renters and you know. And I'm just  
17 sort of wondering sort of what drive this  
18 decision in terms of where the owners set  
19 versus the renters. And how do you see that  
20 sort of reconciling itself over time?

21 MR. ANTOINE: We -- what was  
22 driving the distribution was the greatest mix

1 possible appropriate to the housing type. So,  
2 in this place where we see the concentration  
3 of home ownership it's because those are the  
4 integral garage townhouses without a yard. And  
5 we didn't see those as appropriate for the 42  
6 family units that we're trying to replace of  
7 housing.

8 So, those -- that type of  
9 townhouse was just forced by the existing  
10 Barnes and the Anacostia force that type so we  
11 couldn't get the mix. Here we just tried to  
12 mix it up as much as possible within the  
13 strings and, again, this is a zero to 100  
14 percent median income and we think that they  
15 can work cheek to jowl. We've seen it work  
16 cheek to jowl between strings. We've also  
17 mixed it appropriate to the type.

18 The rentals have one and two  
19 bedroom unit types, which are different than  
20 a townhouse type, a different mass. And they  
21 make sense on the ends of these strings so you  
22 see it in that way. And then the other

1 townhouses mix in.

2 COMMISSIONER JEFFRIES: Well, I  
3 look at my own block in Columbia Heights and  
4 we have a mix of owners and renters and you  
5 can clearly see those who own and how their  
6 yards and everything is kept up versus those  
7 who rent.

8 So, I'm just more concerned about  
9 the consistency. I mean, you know, this is  
10 not to be prejudiced to those who rent, but,  
11 you know, I've seen this over many, many years  
12 in different communities that --

13 UNIDENTIFIED PERSON: Maybe John  
14 can --

15 COMMISSIONER JEFFRIES: Yes. If  
16 someone could speak on this because, again, I  
17 mean this program obviously and perhaps Ms.  
18 Hodges can speak on it. But it's just -- you  
19 know, --

20 MS. HODGES: I think one of the  
21 things that -- Lisa Hodges on behalf of the  
22 Housing Authority.

1                   Good evening, Commissioners.

2                   I think that interspersing the  
3 housing goes to some of our goals of creating  
4 mixed income neighborhoods and deconcentrating  
5 poverty, that this certainly goes to that  
6 goal.

7                   The other thing that we will have  
8 a management company working with the renters.  
9 These will be folk who have gone through, you  
10 know, some training in the program. these are  
11 people who are very, very anxious for new  
12 housing opportunities. And so I'm really  
13 confident that you will not be able to see the  
14 difference.

15                   COMMISSIONER JEFFRIES: Okay.

16                   MS. HODGES: You know, by and  
17 large from the renter -- between the renters  
18 and the owners.

19                   COMMISSIONER JEFFRIES: Okay.  
20 It's clearly, I mean, you know, I understand  
21 the need for mixed income. I think that's  
22 what we should strive for, but, you know,

1       there is also realities of the situation.  But  
2       I hear what you're saying as it relates to a  
3       management company, sort of, you know, really  
4       helping to somehow manage that.

5               And, of course, you know, I'm  
6       certain there are renters here who would say  
7       that they know owners who don't take care of  
8       their places.  And so I know how that works.

9               Anyway, thank you.

10              VICE    CHAIRPERSON HOOD:  And  
11       there's a two-sided coin.

12              Mr. Quin, I'm looking here at the  
13       letter    from    the    Anacostia    Waterfront  
14       Corporation and my colleague alluded to it.  
15       But it goes on to say at the end from the Vice  
16       President Hoover Randis, AWC is aware that  
17       there    is    a    new    Advisory    Neighborhood  
18       Commission, a new president of the Parkside  
19       Townhome Association since the original Pollin  
20       plan was submitted in 2006.

21              Additional outreaches is  
22       recommended to engage both new and previous

1 active stakeholders in the surrounding  
2 communities which you've already agree to do.  
3 But what, if you can briefly tell me what was  
4 the difference between the previous plan and  
5 this plan?

6 MR. QUIN: There really is no  
7 difference in terms of the programmatic number  
8 of units, types of units, placement of units.  
9 The only difference really is dealing with the  
10 flood plain subsoil. There was the  
11 jurisdictional aspect and to just make that  
12 very clear for the record.

13 Initially when we file the  
14 application and we had a title report, we were  
15 told that the fee simple title to the entire  
16 land and as far as we knew, the District of  
17 Columbia also had jurisdiction. However,  
18 subsequently, through Park Service research  
19 and it was not reflected in the title report,  
20 we learned that the transfer of jurisdiction  
21 had occurred but fee simple title was still in  
22 D.C.

1           So, that's what created the issue.  
2           We've worked that out with the Park Service  
3           and we were proceeding to make certain that  
4           the District of Columbia will have  
5           jurisdiction and fee title of this portion of  
6           the property that pertains to our PUD and the  
7           Park Service will continue to have  
8           jurisdiction to the other portion that is  
9           north -- northwest of the project.

10           VICE CHAIRPERSON HOOD. Okay.

11           The other questions I had -- thank  
12           you. I actually just wanted you to state that  
13           again for the record. I know you mentioned it  
14           earlier.

15           The other question I had is what's  
16           going on with the piece between Anacostia  
17           Avenue -- Anacostia Avenue and Barnes Street?  
18           What's happening there now? What's going on?

19           MR. QUIN: Maybe you can answer  
20           that. You're talking about the new PUD?

21           VICE CHAIRPERSON HOOD: The  
22           rectangular area between --

1 MR. QUIN: That's the public  
2 housing project. The one that goes from --

3 VICE CHAIRPERSON HOOD: So, what's  
4 happening now? What's going on right now?

5 MR. QUIN: Maybe Lisa --

6 VICE CHAIRPERSON HOOD: I mean,  
7 are people living there? I mean, tell me  
8 what's going on?

9 MR. QUIN: It's partial.

10 MS. HODGES: Yes. We do have some  
11 folks living there now.

12 VICE CHAIRPERSON HOOD. Okay. Now  
13 how is that going to work? And here's the  
14 thing, Mr. Quin. I know we stated that that's  
15 not a zoning issue, but to me it is. That's  
16 how I actually got in. I was involved with  
17 one of these transformations early in the '90s  
18 and it didn't happen. And the people in the  
19 community at that time, early on, we got the  
20 short end of the stick.

21 MR. QUIN: Yes.

22 VICE CHAIRPERSON HOOD: And that's

1 why I want to know what's going on? What plan  
2 is it? Normally there's a devised plan --

3 MR. QUIN: Right.

4 VICE CHAIRPERSON HOOD: -- on how  
5 there is going to be a transition and how they  
6 are going to be able to move back in and all  
7 stuff.

8 MR. QUIN: And Lisa is prepared to  
9 answer that.

10 VICE CHAIRPERSON HOOD: She is?

11 MR. QUIN: Yes.

12 VICE CHAIRPERSON HOOD: She knew I  
13 was going to ask that question.

14 MR. QUIN: Well, we did. In fact,  
15 we talked about it earlier. And also, if you  
16 remember, and I'm sure you do --

17 VICE CHAIRPERSON HOOD: No, I  
18 don't.

19 MR. QUIN: -- the project, the  
20 Capper Carrollsburg case where we had the  
21 ownership issues and you asked some of the  
22 same questions about displacement. And --

1                   VICE CHAIRPERSON HOOD: I'm  
2 getting like Mr. Sher. You know what I'm  
3 going to ask.

4                   MR. QUIN: We're trying.

5                   VICE CHAIRPERSON HOOD. Okay.

6                   MR. QUIN: We're trying. We may  
7 not know. In fact, you always seem to  
8 surprise us but we are --

9                   VICE CHAIRPERSON HOOD. Okay.

10                  MR. QUIN: -- we try.

11                  VICE CHAIRPERSON HOOD: Well, I'm  
12 glad to know that.

13                  MS. HODGES: Commissioner Hood, we  
14 -- the Housing Authority is going to handle  
15 the relocation for the residents during the  
16 construction period. Some residents have  
17 expressed the desire to leave all together and  
18 not to come back. Some have expressed the  
19 desire to try to get -- to better their  
20 situations and become homeowners. We're going  
21 to work with them on that.

22                  We do have some different products

1 that we use, vouchers where that's our  
2 priority to try to get vouchers. And we are  
3 committed to making sure that our residents  
4 are housed well during the construction period  
5 and for those who want to come back, they have  
6 the absolute right to return.

7 VICE CHAIRPERSON HOOD: Is that  
8 process outlined? Do we have that in --

9 MS. HODGES: We will be doing a  
10 relocation plan. We can certainly update the  
11 record with the draft of the relocation plan.  
12 We're working on that now.

13 VICE CHAIRPERSON HOOD. Okay.

14 MS. HODGES: We needed a kind of a  
15 more firm idea of construction start to really  
16 pin some things down with that.

17 VICE CHAIRPERSON HOOD: Your name  
18 again is Ms.?

19 MS. HODGES: Lisa Hodges.

20 VICE CHAIRPERSON HOOD: Ms.  
21 Hodges. Forgive me. I just hope that it  
22 doesn't happen like it did in my neighborhood.

1       There was this fabulous plan and we all bought  
2       into it to help the residents.  And then when  
3       they went to get assistance and help, the plan  
4       didn't exist.

5                   MS. HODGES:  No.  The way that the  
6       Housing Authority is going to operate this is  
7       that we're going to do our relocation plan  
8       now.  We're going to continue to meet with the  
9       residents during the period leading up to the  
10      construction period.  We want to have the  
11      relocation complete prior to construction.  
12      And then we're going to time that.  We're  
13      going to hope to time that so that we don't  
14      have interruption of, you know, important life  
15      issues like school, because we have some moms  
16      and some kids who live there.  And it's going  
17      to be an ongoing process.  And communicate  
18      with folks during the construction period to  
19      make sure that those who want to return are  
20      not lost.

21                   VICE CHAIRPERSON HOOD:  Can we  
22      have the description of how that process is

1 going to work before --

2 MR. QUIN: Yes.

3 VICE CHAIRPERSON HOOD: --

4 proposed action?

5 MR. QUIN: Yes.

6 MS. HODGES: Sure.

7 VICE CHAIRPERSON HOOD: Okay. All  
8 right.

9 Thank you, Ms. Hodges.

10 Mr. Stranix, I'm looking here in  
11 the submittal. It talks about flood plain  
12 insurance.

13 I can't make out the name who  
14 signed it. But it's addressed to you from  
15 R.C. Andy.

16 The Applicant -- I mean are the  
17 residents who purchase rent or whatever, are  
18 they going to be encouraged to get flood plain  
19 insurance or is that going to be a  
20 requirement?

21 MR. STRANIX: Mr. Commissioner, we  
22 tried to identify the fact that personal

1 insurance is available. That was one of the  
2 questions from the setdown hearing. And that  
3 letter, I think, speaks to that that is  
4 available.

5 We're hoping that by the time  
6 we're able to have an amendment to the flood  
7 plain, that flood insurance won't be required  
8 based on the new elevations of the houses.

9 And so at this point, we're unable  
10 to get specific quotes because the land has  
11 not been identified then as a parcel. But, in  
12 fact, the insurance is available. It will be  
13 somewhere between the limits identified in  
14 there. And that will be part of the  
15 homeowner's requirements and will figure into  
16 the financing of the house to make sure it's  
17 affordable.

18 But ultimately with our physical  
19 activity on the site of raising it, we believe  
20 it will no longer be in the flood plain and  
21 hopefully flood insurance will not be  
22 required.

1 VICE CHAIRPERSON HOOD. Okay. We  
2 can discuss that a little more. Okay.

3 Any other questions? Thank you.

4 Any other questions? Okay.

5 Ms. Douglas, do you have any  
6 questions?

7 COMMISSIONER DOUGLAS: Thank you,  
8 again.

9 I have several questions.

10 I now the Department of Housing  
11 has spoke on the -- in reference to some of  
12 the folks deciding not to come in. Do you  
13 have records or data reference to that that we  
14 can see who said they don't want to come back?  
15 Because I know at Willow Creek, you know, off  
16 Willow Road, which my sister and we used to  
17 live there. It was called Valley Green. And  
18 all those persons received a notice to say  
19 that they wanted to come back.

20 Well, I had my own home so I was  
21 all right. But my sister had an opportunity  
22 to go back, but she's there now and own her

1 home. So, I just wanted to make sure that can  
2 we have something in writing? Because I know  
3 we spoke in our last -- last year on July 13  
4 in reference to that that we did not want --  
5 of course, people be forced out and we want  
6 something in writing from HUD. Because we  
7 also was guaranteed from the gentleman that  
8 was there that they will receive Section 8,  
9 those who will get it. Our senior citizens  
10 will have priority definitely will be back.

11 Because what I'm hearing is that  
12 sometimes even though we make a statement and  
13 we say like you say we're going to do  
14 something, then there's another different  
15 thing when they go to the bank. And people  
16 just don't have that income, monies to be able  
17 to move back in.

18 We want to know what is going to  
19 be in place to make sure from your office that  
20 these people have the opportunity to come  
21 back. And there is legal and something that's  
22 guaranteed that they will be back. I need to

1 have that information from your office.

2 VICE CHAIRPERSON HOOD: The  
3 department doesn't have it tonight, but I  
4 think --

5 COMMISSIONER DOUGLAS: Yes.

6 VICE CHAIRPERSON HOOD: We're  
7 going to get it.

8 Yes. You may respond, but I don't  
9 think they have it tonight.

10 Mr. Quin will make sure that we  
11 get all that for that plan.

12 MS. HODGES: Yes. I mean, I think  
13 the relocation plan that you asked for prior  
14 to final movement on this, we can certainly --

15 VICE CHAIRPERSON HOOD: Proposed.  
16 It's different.

17 MS. HODGES: Proposed. Proposed.  
18 Sorry. The proposed, sorry.

19 We can certainly have information  
20 on the numbers of people who want to return  
21 and those who don't. And the relocation plan  
22 will include all of that information. So, we

1 can certainly get it.

2 MR. QUIN: I think if we could,  
3 Lisa, it would be nice to have that before we  
4 go to the ANC on September 11th.

5 MS. HODGES: Sure.

6 COMMISSIONER DOUGLAS: Thank you.

7 MS. HODGES: Sure.

8 COMMISSIONER DOUGLAS: And also I  
9 think you need to sent out a notice to the --  
10 that you all need to send a list of notice  
11 that you're sending out by mail that everybody  
12 knows everybody has received their notice.  
13 That's really important because even though  
14 you were saying that those person not coming  
15 back, but they can say. Well, hey, I never  
16 got a notice. Who is to say, I didn't tell  
17 you that.

18 So, you need to have something in  
19 writing saying that. And we also --

20 VICE CHAIRPERSON HOOD: Ms.  
21 Douglas, let me do this.

22 COMMISSIONER DOUGLAS: I know.

1 Okay.

2 VICE CHAIRPERSON HOOD: No.  
3 You're fine. I just want to make sure you  
4 cross examine. Actually it might work out.

5 COMMISSIONER DOUGLAS: I'm sorry.

6 VICE CHAIRPERSON HOOD: But just  
7 questions them in cross examination.

8 COMMISSIONER DOUGLAS: Okay.

9 VICE CHAIRPERSON HOOD: The 200  
10 people in the area and all that, we can do  
11 that when you come up --

12 MR. KONG: Yes. Okay. Thank you.

13 My other concern is that I think  
14 the gentleman never asked about the soil. You  
15 didn't give a date who will be responsible for  
16 that, what the cost will be. Who will be able  
17 to handle that cost? That's important. we  
18 need to know who will be able to handle that  
19 cost.

20 VICE CHAIRPERSON HOOD: You said  
21 the homeowner's association.

22 COMMISSIONER DOUGLAS: He did say

1 the homeowner's association. But can we have  
2 something saying that the homeowner's  
3 association will be responsible reference to  
4 that. Because the reason why I'm saying that  
5 is you know Neval Hill and Barnes Avenue under  
6 that bridge it floods all the time. We had a  
7 big flood and sometime, I don't know if you  
8 come up 295, you can't get through there  
9 because of the floods.

10 VICE CHAIRPERSON HOOD: it stops  
11 traffic up there.

12 COMMISSIONER DOUGLAS: Yes. Stops  
13 traffic. I'm very well aware of that.

14 COMMISSIONER DOUGLAS: Yes. I  
15 know. So, we don't want the same thing to  
16 happen.

17 COMMISSIONER JEFFRIES: Can they  
18 respond because she's --

19 VICE CHAIRPERSON HOOD: You know,  
20 I think she just asked for something in  
21 writing.

22 COMMISSIONER DOUGLAS: Yes.

1                   VICE CHAIRPERSON HOOD: Something  
2           in writing just from the homeowner's  
3           association. Basically we can file something  
4           on the terms -- the condition that the  
5           homeowners association will be responsible.

6                   VICE CHAIRPERSON HOOD. Okay.

7                   COMMISSIONER DOUGLAS: Okay. My  
8           other concern.

9                   Will you be able to get a report  
10          of condition of the wall? I know you're  
11          saying the wall be there for awhile. But you  
12          know as years go on, things start  
13          deteriorating. So, we need something saying  
14          what condition is the wall in at this point  
15          and what condition will it be 10 years down  
16          the road that won't be replaced so that a  
17          flood won't occur. Because you know Mother  
18          Nature we don't know what God is going to give  
19          us.

20                   VICE CHAIRPERSON HOOD: And these  
21          questions -- let me just let everybody know.

22                   These questions are not actually

1 cross examination questions. But this is what  
2 happened when the ANC meets so I'm allowing  
3 it.

4 COMMISSIONER DOUGLAS: Thank you  
5 very much.

6 MR. ANTOINE: If we're talking  
7 about the retaining wall, again, that's a  
8 proposed wall that would be newly constructed  
9 to be engineered and permitted under current  
10 construction and presumably would also be  
11 managed and maintained with the management  
12 company.

13 MR. QUIN: And we will be filing a  
14 plan pursuant to Mr. Turnbull's request.

15 COMMISSIONER DOUGLAS: Will we  
16 have been enlightened as well.

17 MR. QUIN: Of course.

18 COMMISSIONER DOUGLAS: Thank you.

19 VICE CHAIRPERSON HOOD: You know  
20 what would be good, Mr. Quin, if we have all  
21 that maybe when you go to the ANC meeting.

22 COMMISSIONER DOUGLAS: Right.

1 That's why I'm bringing it out now.

2 MR. QUIN: The more we have in  
3 advance --

4 COMMISSIONER DOUGLAS: Yes.

5 MR. QUIN: -- the more we don't  
6 have to come back here on October 4.

7 VICE CHAIRPERSON HOOD: We don't  
8 either.

9 COMMISSIONER DOUGLAS: Okay.  
10 We're talking about the -- you talked about  
11 affordable housing.

12 What would be affordable housing  
13 for the homeowners at this point? What is the  
14 cost? What qualification would be needed for  
15 affordable housing? What would the cost be  
16 for the owners and also for the renters?

17 MS. HODGES: All of the rental  
18 units would be directed to our current  
19 population which is 30 percent of the area  
20 median income and below. And the home  
21 ownership units would be up to 100 percent of  
22 the area median income for D.C.

1                   COMMISSIONER DOUGLAS: That's  
2 fine, but how much would it cost? Would I  
3 have to pay \$100,000 for the house in order  
4 for me to be eligible? Or what would my  
5 income be in order to be qualified for that?

6                   VICE CHAIRPERSON HOOD: Mr.  
7 Stranix is going to answer that.

8                   Oh, Ms. Hodges. I'm sorry.

9                   MS. HODGES: Our current  
10 definition of affordable is 30 percent of that  
11 income. So, it would be 30 percent, I think.  
12 I think Bhavna is going to answer that.

13                  MR. QUIN: Let me introduce Bhavna  
14 Mistry of Enterprise Consulting.

15                  MS. MISTRY: May I speak to the  
16 home ownership units.

17                  Home ownership units right now are  
18 at 40 percent of AMI, 65 percent of AMI, 75  
19 percent of AMI and 100 percent of AMI.

20                  The total sales price  
21 approximately that we have is about \$230,000  
22 and that's starting out for between -- the

1 sales price begins -- goes from 48 percent to  
2 100 percent. So, the sales price starts and  
3 there's a subsidy that's provided through the  
4 financing through DHCD and other sources.

5 The payment on average for  
6 somebody at 40 percent of AMI you're looking  
7 at a monthly mortgage payment is about \$900 a  
8 month. At 65 percent it's about \$1,500 per  
9 month. At 75 percent of AMI the payment would  
10 be \$1,700 per month and 100 percent is about  
11 \$2,300 per month.

12 COMMISSIONER JEFFRIES: Could you  
13 say what is the area median income and then  
14 when you say 40 percent, because I think --

15 MS. MISTRY: Sure.

16 COMMISSIONER JEFFRIES: Because I  
17 think you need to say the actual income  
18 numbers.

19 MS. MISTRY: Okay. Understood.

20 Okay.

21 The current D.C. area median  
22 income for a family of four is \$94,500.

1           The income for a family of four  
2 currently in the District at 40 percent of AMI  
3 is \$37,800. So, it's a family of four with  
4 the household income of \$37,000.

5           At 65 percent, a family of four in  
6 a household is \$61,000.

7           At 76 percent it's \$70,000 and at  
8 100 percent it's \$94,500.

9           COMMISSIONER DOUGLAS: What about  
10 those senior citizens that are already are in  
11 these homes on the HUD? What about their  
12 income? How will they be able to qualify to  
13 move back, even if renting, what would their  
14 price be?

15           MS. HODGES: Well, in terms of the  
16 rental, we've been working with the Housing  
17 Authority and the current ACC contract that's  
18 with the Parkside additions, existing 42  
19 units, would be transferred to the new 42  
20 rental units.

21           So, what tenants are currently  
22 paying now, they'll continue to pay the same

1 amount. And so rents and so forth are not as  
2 a function of the new housing. They are a  
3 function of the Housing Authority rules and  
4 the ACC contract.

5 COMMISSIONER DOUGLAS: What about  
6 those that are these houses if they transfer,  
7 will they be allowed -- I think you said  
8 receive Section 8. So, how would you make  
9 sure, because that's what they said in our  
10 meeting that those folks will be moved, that  
11 they will receive Section 8 so they can be  
12 placed in those rental homes.

13 And also do you understand that  
14 don't you use the Section 8 to help to buy  
15 these homes as well?

16 MS. HODGES: For the rental units  
17 under the ACC contract, it's a different  
18 vehicle to subsidy than Section 8. So, that--  
19 the ACC units, the rental units already come  
20 with subsidies. So, it's not -- it's not the  
21 same as a Section 8 voucher. That's a  
22 different vehicle that we use to fund during

1 relocation period.

2 We also do have voucher  
3 opportunities for those who want to become  
4 homeowners. We will have to evaluate the  
5 residents and it will have to go through a  
6 home buyers club situation in order to make  
7 sure that they're qualified and ready to be  
8 home buyers. And to insure that we can have  
9 the voucher subsidy that would layer on top of  
10 what they can afford to meet that -- their  
11 monthly mortgage.

12 COMMISSIONER DOUGLAS: And who  
13 will be overseeing this to make sure that  
14 these people are getting the proper services  
15 and home ownership workshops?

16 MS. HODGES: That will be the  
17 Housing Authority.

18 COMMISSIONER DOUGLAS: I was told  
19 Marshall Heights would be a part of it. So,  
20 you're saying it will part of assisting the  
21 community in this?

22 MS. HODGES: We have not finalized

1 the relocation plan. When I say the Housing  
2 Authority will be responsible, we will be  
3 responsible ultimately whether we sub it out  
4 to someone else to do specific pieces of that,  
5 meaning the Home Buyer's Club or home  
6 ownership training. We often do that so that  
7 might very well be that the final relocation  
8 plan includes hiring a subcontractor to handle  
9 home ownership training.

10 COMMISSIONER DOUGLAS: Thank you.

11 Will I be able to get the ERAP  
12 Report? And also the Anacostia Waterfront  
13 Report? I have not received that as well.

14 Will that be available to us?

15 VICE CHAIRPERSON HOOD: You can  
16 check with staff and we'll make sure you -

17 COMMISSIONER DOUGLAS: Okay.

18 VICE CHAIRPERSON HOOD: But the ER  
19 -- what is the ER? I missed that.

20 MR. KONG: It's our --

21 VICE CHAIRPERSON HOOD: You can  
22 check with staff. We'll make sure. Mr. Quin

1 may have a copy for you there.

2 COMMISSIONER DOUGLAS: Okay.

3 VICE CHAIRPERSON HOOD: But check  
4 with staff and the file is free for you to  
5 look at and they'll make --

6 COMMISSIONER DOUGLAS: Okay.

7 COMMISSIONER JEFFRIES: Yes. But  
8 it makes a reference to it but that's not --  
9 that's not it.

10 VICE CHAIRPERSON HOOD: Which one?  
11 Anyway, you can check with the staff and  
12 they'll get you all the stuff --

13 SECRETARY SCHELLIN: He's  
14 referring to the attachment to the Anacostia  
15 Waterfront. They actually do reference an  
16 attachment. However, they're fax cover sheet  
17 even shows that they've only -- they're only  
18 faxing four pages. So, they did not include  
19 the attachment.

20 COMMISSIONER JEFFRIES: What else  
21 Commissioner?

22 COMMISSIONER DOUGLAS: Yes. And

1 also the DDOT Report. We have not seen that  
2 at all. Have not received that in mail as  
3 well.

4 VICE CHAIRPERSON HOOD: Well, let  
5 me say this, Commissioner.

6 COMMISSIONER DOUGLAS: I was just  
7 -- you asked me to write down the notes.

8 VICE CHAIRPERSON HOOD: Whatever  
9 we have is in the file and we'll make sure you  
10 get copies of it.

11 COMMISSIONER DOUGLAS: Okay.

12 SECRETARY SCHELLIN: Right. Just  
13 to clarify, Mrs. Douglas, the record is  
14 available for the public to view. So, we do  
15 not mail out copies of anything that comes in  
16 other than the public hearing notice. But the  
17 file is available for your review and to make  
18 copies between the hours of 8:30 and 5:00 p.m.

19 So, it's up to you to come in and check the  
20 record and make copies of whatever you'd like.

21 COMMISSIONER DOUGLAS: Oh, I  
22 appreciate that I'm aware of that. But I was

1 thinking that Mr. Pollin would have this  
2 information before the Commissioners. And  
3 when they give you information, we should have  
4 this too, so we can present this to the  
5 community. And we should have all this -- all  
6 the ANC so we can review this.

7 COMMISSIONER JEFFRIES: I would be  
8 suspicious if they are going to bring that  
9 with them.

10 COMMISSIONER DOUGLAS: I'm sure  
11 they will.

12 MR. QUIN: Yes. We didn't these  
13 report. We're talking about the last day so  
14 we are happy to give -- and I'm just giving  
15 Mrs. Douglas two of the reports already.

16 COMMISSIONER DOUGLAS: You also  
17 talked about, I understand you will have some  
18 share -- shared space, parking, I think with  
19 DDOT. That was not shared in the last -- in  
20 our last year meeting and what not. We  
21 understood that it was going to be -- that  
22 they would have off-street parking and they

1 didn't have to worry about the community. So,  
2 that's a change. So, I just wanted to let you  
3 all now that as well when it was discussed  
4 last year.

5 MR. ANTOINE: I believe the shared  
6 parking that's being referenced is these car  
7 shares. So, everyone will have their own off-  
8 street parking space. There will be a couple  
9 of spaces on the street that DDOT would like  
10 to see dedicated for like these Flexcars and  
11 Zipcars which is a shared car that anybody in  
12 the community can open an account and have  
13 that car instead of having to own a car.

14 COMMISSIONER DOUGLAS: Well, we  
15 already passed that and they had to come with  
16 us again to the ANC with the shared car. The  
17 share cars already stationed at the Minnesota  
18 Avenue. We just signed off on that last year.  
19 So, the shared cars are already available.  
20 So, it's just a matter of them going to  
21 Minnesota Avenue on Grant Place where they are  
22 setting at this point.

1                   VICE CHAIRPERSON HOOD: I think  
2 that's something that you all are going to  
3 hash out --

4                   COMMISSIONER DOUGLAS: Right.

5                   VICE CHAIRPERSON HOOD: -- at your  
6 ANC meeting. Then this also gives you another  
7 avenue. I'm not sure what the community  
8 wants, also cutting down on cars. Some of my  
9 colleagues and others like to see us -- well,  
10 anyway. I won't go there.

11                   But -- it also will give you  
12 another avenue maybe to cut down as Mr.  
13 Antoine said. Cut down on some of the car  
14 usage and people having all the cars. So,  
15 don't close the book on it.

16                   COMMISSIONER DOUGLAS: I'm not  
17 closing the book because it's supposed to be  
18 placed in a commercial, not a residential and  
19 that was the issue because we had a issue with  
20 Mr. Brian Mitchell had put the shared cars  
21 last year in front of residential when it  
22 weren't supposed to be. It supposed to be in

1 front of commercial. So, they had to change  
2 that because wasn't supposed to have been.

3 VICE CHAIRPERSON HOOD: So, okay.  
4 That was a good point.

5 COMMISSIONER DOUGLAS: Thank you.

6 VICE CHAIRPERSON HOOD: Okay.  
7 Anything else?

8 COMMISSIONER DOUGLAS: That's all  
9 I can think about right now, but anything else  
10 I'm sure they will bring.

11 VICE CHAIRPERSON HOOD: When you  
12 all have a meeting.

13 COMMISSIONER DOUGLAS: And I just  
14 want to say, Mr. Pollin has my condolence in  
15 reference to their son and daughter and I just  
16 want to say thank you.

17 The Comp Plan on Chapter 24, what  
18 are you referring to? Could I have that  
19 information as well?

20 Thank you. And also the  
21 information in reference to the youth programs  
22 and what not that you all supposed to be

1 allocating as well. And a copy of the -- what  
2 is it, the -- Amenities package?

3 COMMISSIONER DOUGLAS: No. The  
4 source agreement that you had supposed to be  
5 working on.

6 VICE CHAIRPERSON HOOD: Source  
7 agreement.

8 COMMISSIONER DOUGLAS: Yes. The  
9 first source agreement.

10 VICE CHAIRPERSON HOOD: That's  
11 been signed.

12 MR. QUIN: The first source has  
13 been signed but the LSDBE has not.

14 COMMISSIONER DOUGLAS: We need  
15 that as well.

16 COMMISSIONER JEFFRIES: But can  
17 you comment on the other piece?

18 MR. QUIN: On what? I'm sorry.

19 COMMISSIONER JEFFRIES: I thought  
20 there was -- I'm sorry Commissioner Douglas.  
21 I thought you said that there were some  
22 community programs or you --

1                   COMMISSIONER   DOUGLAS:  Yes.  
2           Community programs and I wanted a word about  
3           what would you all be having for the  
4           community.  Something for the youth as well  
5           and a senior citizen.  And I know you're here  
6           but we want you also to bring something back  
7           to the community.  That was one of the  
8           commitments that you all made last year that  
9           no matter what that you have programs and  
10          employment and jobs.

11                   COMMISSIONER   JEFFRIES:  Oh,  
12          Commissioner I see, Commissioner.  You're  
13          negotiating now.  Okay.  I'm sorry.  I thought  
14          that they had -- okay.  I understand.  Okay.  
15          I thought you had --

16                   MR. QUIN:  I'm sure we will hear  
17          but I don't of any prior representation in  
18          that regard.

19                   COMMISSIONER JEFFRIES:  Okay.

20                   COMMISSIONER DOUGLAS:  Well, thank  
21          you so much for hearing me out and God bless  
22          everybody.

1                   VICE CHAIRPERSON HOOD: Thank you.  
2 Thank you for your time.

3                   Next we're going to move into the  
4 -- did I forget -- did everybody cross  
5 examine, because we don't -- okay.

6                   COMMISSIONER DOUGLAS: Oh, Office  
7 of Planning. We didn't get anything from  
8 them.

9                   SECRETARY SCHELLIN: We're getting  
10 ready to go to the Office of Planning, and  
11 then you'll have another chance to come back  
12 up and question the Office of Planning.

13                   COMMISSIONER DOUGLAS: Thank you.

14                   VICE CHAIRPERSON HOOD. Okay. So,  
15 let's go to Mr. Jesick.

16                   Let's hit the highlights and some  
17 of the issues you have and go from there.

18                   MR. JESICK: Sure.

19                   SECRETARY SCHELLIN: Chairman  
20 Hood, before we do. If we could get the  
21 parties at the table to please turn off their  
22 mikes. We're starting to get a little bit of

1 feedback.

2 VICE CHAIRPERSON HOOD. Okay.

3 SECRETARY SCHELLIN: Thank you.

4 VICE CHAIRPERSON HOOD: Thank you.

5 MR. JESICK: Thank you, Mr.

6 Chairman and Members of the Commission.

7 I'll try to stick to the  
8 highlights.

9 This Consolidated PUD and related  
10 map amendment were setdown on May 14th of this  
11 year. And the Office of Planning feels that  
12 the Applicant has addressed all of the  
13 previously identified issues.

14 The application is not  
15 inconsistent with the Comprehensive Plan. And  
16 the Office of Planning has no objection to the  
17 requested zoning relief, so the Office of  
18 Planning will recommend approval of the  
19 application.

20 Now, at the setdown meeting, the  
21 Commission had concerns about as we've already  
22 stated, flooding, putting homes in the flood

1 plain, whether basements would be flooded and  
2 whether residents would be able to get flood  
3 insurance, that sort of thing.

4 So, I'm going to try to address  
5 those. They've already been vetted very  
6 thoroughly. So, I'll just try to add some new  
7 information.

8 Regarding the flood plain. Yes.  
9 District regulations do allow construction  
10 within the 100 year flood plain as long as  
11 that grade is raised so that homes are at  
12 least one and a half feet above the 100 year  
13 flood elevation. And as we've heard, FEMA is  
14 proposing actually a higher elevation. But  
15 this design takes that into account. So, we  
16 are very pleased with that change the  
17 Applicant has made.

18 So, what does that mean for  
19 insurance? If this area remained in a high  
20 hazard area, the residents will be required to  
21 get insurance. But as the Applicant stated,  
22 they intend to amend the FEMA flood plain map

1 so that the area that the homes are in would  
2 now be considered a low to moderate risk area  
3 and insurance would not be required. It would  
4 still be available if they so chose, but at a  
5 much lower rate.

6 Now, regarding stormwater  
7 management. At the time the Office of  
8 Planning Report was written, that was the one  
9 outstanding issue.

10 We thought that because this area  
11 is very environmentally sensitive, because the  
12 Applicant is proposing to fill in part of the  
13 flood plain that managing the stormwater run  
14 off on the site was particularly important,  
15 maybe even more so than other applications.  
16 So, we really wanted to focus on that.

17 And we've worked with the  
18 Applicant and the Department of the  
19 Environment since the report was written even  
20 and even in the past few days to try to find  
21 the best ways to, you know, put as many low  
22 impact design features on the site as

1 possible.

2           And so we're very pleased. I  
3 think, at this point, I think the Applicant  
4 stated 13 of the filtera tree boxes and two of  
5 the what are called baysaver devices. And  
6 those will both filter out pollutants and both  
7 suspended solids and garbage and even some  
8 chemical pollutants.

9           We're also very pleased with the  
10 inclusion of the rain barrels. Just today we  
11 learned that they are putting them on more  
12 units than even anticipated. So, we're very  
13 pleased with that.

14           And with the amended soil and the  
15 rain barrels will help to not only improve  
16 water quality but maybe hopefully impact the  
17 water quantity run off a little bit as well.

18           So, again, we're very pleased with  
19 the improvements that have been made to the  
20 stormater management plan and we feel that  
21 that issue has been resolved.

22           Regarding the Comprehensive Plan,

1 again, there are many policies which support  
2 development in this location. Policies that  
3 call for in-fill development and neighborhood  
4 revitalization. Revitalization of outdated  
5 public housing, especially the provision of  
6 affordable housing for families. We feel that  
7 that's very important.

8 So, on balance, Office of Planning  
9 feels that residential uses are appropriate in  
10 this location.

11 In regards to the zoning, we feel  
12 that the R-5-A zone is an appropriate zone in  
13 this location. It will accommodate all the  
14 proposed resident uses and it is logical that  
15 the surrounding R-5-A zones should be extended  
16 onto this property.

17 And also the Office of Planning  
18 has no objection to the requested zoning  
19 relief.

20 The relief is either create a  
21 traditional neighborhood form or it is due to  
22 the very small distance between Anacostia

1 Avenue and Barnes Street. So, we're  
2 supportive of that relief.

3 So, again, we're very pleased with  
4 the improvements that have been made to the  
5 application. We feel that the application is  
6 not inconsistent with the Comprehensive Plan  
7 and we have no objection to the zoning relief  
8 and the related map amendment.

9 The Office of Planning feels that  
10 all outstanding issues have been resolved and  
11 we recommend approval of the application.

12 I'd be happy to take any  
13 questions.

14 VICE CHAIRPERSON HOOD: Thank you,  
15 Mr. Jesick.

16 Can you also comment just briefly  
17 on the other Government agencies that  
18 submitted because I know you've heard --  
19 making sure we get -- I've seen more since  
20 you've been around. I don't know how you're  
21 doing it, but can you just comment quickly on  
22 those who responded?

1 MR. JESICK: Sure thing.

2 We got comments back from the  
3 Department of Parks and Recreation and they're  
4 concerned about the availability of active  
5 recreation space in the neighborhood,  
6 especially with this development coming on  
7 line and Parkside. There will be a lot of new  
8 residents in the area.

9 They suggested two possibilities.  
10 One, that this Applicant work with the Neval  
11 Thomas Elementary School to maybe upgrade  
12 their fields a little bit, make them available  
13 for public use. Or to create a trail linking  
14 this neighborhood, both Parkside and the  
15 Pollin property up to the Kenilworth Parkside  
16 Community Center which has some fields up  
17 there as well.

18 Luckily, DDOT already has a trail  
19 in the works as the Applicant pointed out that  
20 will pass right through this development up to  
21 the Community Center. So, that addresses that  
22 issue.

1           At the time the Office of Planning  
2 Report was written we have an e-mail from the  
3 Department of Environment and that combined  
4 with their memo which was submitted subsequent  
5 to our report made various suggestions for  
6 ways that the design could be improved to  
7 address stormwater management issues. And we  
8 feel that the Applicant has -- well, has  
9 addressed those issues.

10           And in the Department of  
11 Environment's later memo, they said that they  
12 will be performing a more thorough review at  
13 the time of building permit. So, we feel that  
14 they will identify any further improvements  
15 that could be made to the project.

16           The Department of Employment  
17 Services recommended that a first source  
18 employment agreement be executed and that's  
19 been accomplished. And the DC WASA has  
20 indicated that the infrastructure in the area  
21 is capable of handling the increase in  
22 development.

1 VICE CHAIRPERSON HOOD: All right.

2 Thank you.

3 Any questions, colleagues?

4 COMMISSIONER JEFFRIES: I have a  
5 question.

6 I'd like you to comment a little  
7 bit about perhaps, you know, in terms of the  
8 amenities package. I mean, I look at this  
9 application. It's 100 percent affordable.  
10 Zero to 30 percent. It has public housing.  
11 You know, they are dealing with in terms of  
12 the map amendment, they're not looking at up  
13 zoning. They're just trying to get zoning for  
14 what is current non-zone. Very minimal  
15 technical zoning relief.

16 Given all of that, what in terms  
17 of an amenities package, I mean, is there  
18 something else that the community might look  
19 at? I mean, because it seems to me that this  
20 project is -- and I'm probably managing  
21 expectations from up here, but I'm just -- I  
22 mean, this project seems to have a lot of

1 things going for it as relates to what we look  
2 at for a PUD.

3 Do you see much more?

4 MR. JESICK: I think from the  
5 Office of Planning's perspective the amenity  
6 package is equal to or even more than equal to  
7 the relief that they're requesting.

8 COMMISSIONER JEFFRIES: Right.

9 MR. JESICK: They're asking for a  
10 map amendment, which is significant. But  
11 they're building within the matter of right  
12 limits for that zone in terms of density and  
13 height, etcetera.

14 Really the affordable housing is a  
15 major amenity obviously for all of the reasons  
16 you mentioned. The very low income, rental  
17 housing is there. Then a range of different  
18 strata for ownership housing. and the fact  
19 that it's -- it's family-size housing. It's  
20 to some extent may have a variety of lot sizes  
21 for children to play in and all that good  
22 stuff.

1           Other benefits we feel for the  
2 community is things like the site plan. It's  
3 a grid street pattern reminiscent of, you  
4 know, traditional D.C. neighborhoods. There's  
5 alley access to the units.

6           We like the interspercial of the  
7 ownership types which the Commission discussed  
8 before along with the variety of the facade  
9 materials. And, of course, the first source  
10 and LSDBE agreements. We appreciate those as  
11 well.

12           So, we feel that the amenity  
13 package is very adequate for this PUD.

14           Thank you.

15           VICE CHAIRPERSON HOOD:  
16 Commissioner Turnbull.

17           COMMISSIONER TURNBULL: Thank you,  
18 Mr. Chair.

19           I just wanted to kind of -- just  
20 to clarify to put it to bed.

21           I think Commissioner Jeffries  
22 brought up the Anacostia Waterfront letter.

1 And the one -- and I guess I'm on page 2 of  
2 their -- and it says, with respect to  
3 stormwater control, we are concerned about the  
4 proposal to waive quantity control  
5 requirements for the project and are please  
6 that OP has requested more information in this  
7 regard.

8 We are not aware of the stormwater  
9 configuration of the area and how with direct  
10 outfall to the Anacostia would be  
11 accomplished. The site is several thousand  
12 feet from the river and the reference to  
13 direct out fall would mean out fall to the  
14 tributaries adjacent to the PUD.

15 And it goes on. And they've come  
16 up with a plan which is a lot more and how  
17 does this in your eyes respond to what they're  
18 talking about into waiving the requirement?

19 Are you satisfied or --

20 MR. JESICK: Yes. We are  
21 satisfied in short.

22 The inclusion of the rain barrels

1 will help to address the quantity issue as  
2 well as the inclusion of the amended soil  
3 areas.

4 That being said, the Department of  
5 Environment actually felt that this would not  
6 be an appropriate location for a lot of  
7 stormwater detention because of its proximity  
8 to the flood plain and their desire not to see  
9 any up stream effects from any detention that  
10 might occur on this site.

11 I'm not sure that I understand all  
12 the engineering behind it, but the Department  
13 of Environment was satisfied with the  
14 Applicant's stormwater plan. So, we feel that  
15 they've addressed all those issues.

16 COMMISSIONER TURNBULL: Okay.

17 Thank you.

18 VICE CHAIRPERSON HOOD: That's all  
19 the questions, colleagues?

20 Commissioner Douglas.

21 COMMISSIONER DOUGLAS: I'd like to  
22 know, when do you all meet -- when did you all

1 meet with the ANC in reference to this report?  
2 I'd like to know when did the Anacostia  
3 Waterfront met with the ANC. And I'd also  
4 like to know when the DDOT meet with the ANC  
5 and any other persons because this is the  
6 first that I'm hearing of what you speaking  
7 of. And none of the ANCs -- when have you all  
8 met?

9 VICE CHAIRPERSON HOOD: Ms.  
10 Douglas -- Ms. Douglas.

11 COMMISSIONER DOUGLAS: Because  
12 that has not happened.

13 VICE CHAIRPERSON HOOD: Let me  
14 just say this to you and I'm not looking at  
15 the AWC. They obviously had your interest in  
16 mind. Because the last paragraph talks about  
17 the Applicant making sure that he meets with  
18 the ANC so, I mean, I think these Government  
19 agencies have the community's interest in  
20 mind.

21 But I'll let Mr. Jesick answer the  
22 question, but I don't think -- if the

1 Applicant hasn't met with you, I can probably  
2 go out on a limb and say I don't think DDOT  
3 has been out there. I don't think the AWC has  
4 been out there. Anyway, why don't we just let  
5 the Applicant come up here first and go from  
6 there.

7 Will that be agreeable?

8 COMMISSIONER DOUGLAS: Well, I was  
9 even trying to get all of them at one time  
10 which would be better and that way they can  
11 answer all those questions.

12 VICE CHAIRPERSON HOOD: Well, you  
13 know, you're talking to the right man.

14 COMMISSIONER DOUGLAS: Well,  
15 that's what I'm saying we want to put you on  
16 our agenda as well so you all need to come out  
17 because you have not addressed this to the  
18 community and not had any input -- had  
19 knowledge of what you're speaking of.

20 MR. JESICK: Sure. I can't speak  
21 for the -- I can't speak for those other  
22 agencies, the AWC or DDOT, but I know for the

1 Office of Planning myself and Evelyn Kasango,  
2 the Ward 7 planner would be happy to come out  
3 to your September 11th meeting and, you know,  
4 answer any questions that you folks have.

5 COMMISSIONER DOUGLAS: She has  
6 been out to other meetings in reference, but  
7 this has not occurred. That's why it's so  
8 strange because I know she doing the Gray  
9 Street Initiative. She doing the Greenwood  
10 Extension and also DDOT. So, it's kind of  
11 strange they met with all these other meetings  
12 with us and this had not come about.

13 So, I just think that you all need  
14 to look at that.

15 Thank you.

16 COMMISSIONER JEFFRIES: Thank you.  
17 We'll see you on September the 11th.

18 VICE CHAIRPERSON HOOD: Mr.  
19 Jeffries, are you going too?

20 COMMISSIONER JEFFRIES: Sure.

21 VICE CHAIRPERSON HOOD: Oh, see  
22 what happens?

1                   Okay. No further questions.

2                   COMMISSIONER DOUGLAS: I just want  
3 to thank everybody again. God bless.

4                   VICE CHAIRPERSON HOOD. Okay.  
5 Thank you.

6                   COMMISSIONER JEFFRIES: Chairman,  
7 can I just mention one more thing?

8                   VICE CHAIRPERSON HOOD: Sure.

9                   COMMISSIONER JEFFRIES:  
10 Commissioner Douglas, you know, I'm looking  
11 forward to hearing your comments and all the  
12 things you come up with. I think it's, you  
13 know, but I do want to just let you know that  
14 at least, and I don't speak for this entire  
15 Commission here. I'm speaking for myself.

16                   I mean, I do think this is a  
17 rather strong PUD application from where I  
18 sit, from what I see to this point. So, I  
19 just want to manage expectations as you go  
20 into working with the development team and the  
21 Applicant and so forth. You know, I'm looking  
22 forward to getting your comments and weighing

1 that in terms of everything else.

2 But I just wanted to say that to  
3 you because I didn't want you to leave out of  
4 here thinking that, you know -- I think it's  
5 a fairly strong application at this point and  
6 I do look forward to your comment. And  
7 perhaps my thoughts at this point, I mean,  
8 later will change based on your comments, but  
9 I just wanted to let you know that

10 COMMISSIONER DOUGLAS: What do you  
11 mean by strong application?

12 COMMISSIONER JEFFRIES: I think  
13 it's a strong application based on everything  
14 they put forward. Based on what we see at  
15 this Commission as it relates to PUDs.

16 They're really not asking for very  
17 much.

18 COMMISSIONER DOUGLAS: I'm not  
19 saying, you know, that's not the point. I  
20 understand what you're saying. My point is  
21 that community input is so important.

22 COMMISSIONER JEFFRIES:

1 Absolutely.

2 COMMISSIONER DOUGLAS: And that's  
3 what has not happened. And I know it's a lack  
4 of communication but it would make the  
5 community feel comfortable to know what's  
6 coming into their community --

7 COMMISSIONER JEFFRIES: I  
8 understand.

9 COMMISSIONER DOUGLAS: -- and that  
10 all parties have been involved. And that's  
11 what I'm hearing from you.

12 COMMISSIONER JEFFRIES: And what I  
13 think is going to occur from what I gather is  
14 that there is going to be increased community  
15 outreach and participation. And after that  
16 one thing is addressed, you know, then we're  
17 going to have a full application.

18 So, I guess I'm just -- you know,  
19 I really appreciate that you're here pushing  
20 very hard to get as much for the community.  
21 I sort of seem to hear that there's a lot of  
22 comments or issues with the Housing Authority

1 and to sort of documenting things and so  
2 forth. But I just wanted to just to, you  
3 know, put that on the table for you that I'm  
4 looking forward to greater community  
5 participation. And I think that once that  
6 occurs, that sort of fills out the application  
7 for me.

8 COMMISSIONER DOUGLAS: Okay.

9 VICE CHAIRPERSON HOOD: Okay.

10 Thank you.

11 Now, Commissioner Douglas, now is  
12 the time for you to -- if you don't mind Mr.  
13 Quin sitting next to you? Okay. You can hold  
14 your seat too. Okay.

15 The young lady -- I forget her  
16 name, forgive me. Ms. Hodges. I wrote it  
17 down somewhere, I just can't find the paper.  
18 You could have held your seat is you wanted  
19 to. I don't think -- you don't mind, Ms.  
20 Douglas, do you?

21 No. You don't mind. Let me stop.  
22 Okay.

1                   It's your turn to give us your ANC  
2 report from 7D. Do you have anymore left?  
3 Turn on your microphone.

4                   COMMISSIONER DOUGLAS: I'm sorry.  
5 I already submitted for the record and that's  
6 what it is.

7                   VICE CHAIRPERSON HOOD: This  
8 letter here?

9                   COMMISSIONER DOUGLAS: Yes, sir.

10                  VICE CHAIRPERSON HOOD: This is  
11 your time to --

12                  COMMISSIONER DOUGLAS: Right.

13                  VICE CHAIRPERSON HOOD: We're  
14 hearing you loud and clear.

15                  COMMISSIONER DOUGLAS: Yes. I  
16 appreciate your recognition.

17                  I just want to say it's an honor  
18 to be here with Mr. Pollin and his company  
19 because they have done great things for the  
20 community. Don't get me wrong and they have  
21 really been out and been very supportive and  
22 especially Mr. Pollin and his wife. So, I

1 know.

2 But I'm saying for the community,  
3 even though Mr. Pollin go the home, they come  
4 knock at my door and ask me, well, I hadn't  
5 seen this or I hadn't -- wasn't aware of that.  
6 And I'm just saying I think just communicate  
7 an outreach that would solve a lot of the  
8 problems. And that's any project.

9 So, it would eliminate a lot of  
10 things if we just come to the community first  
11 and let them be made aware because you have a  
12 lot of Commissioners are really in support of  
13 a lot of economic development improvement.  
14 But give them that respect to let them know in  
15 the community what's going on.

16 And that's all we're asking for is  
17 to respect us, you know, let us know what  
18 you're doing. And this is what we're asking  
19 not only, Mr. Pollin, but Mr. Pollin has been  
20 very respectful. Don't get me wrong with  
21 that.

22 So, this is what -- especially

1 when new Commissioners come in. They want to  
2 know and they want to go through. And so we  
3 have to go, you know, have to listen to what  
4 they're saying.

5 And as we look in the back you  
6 have new young ladies that weren't here and  
7 we're glad to have them and they do have deep  
8 concerns because they want to know where will  
9 they be next year? Will they have a housing--  
10 will they be displaced? How will I be able to  
11 afford that house? Will I be able to be in  
12 that house?

13 And those are really true concerns  
14 because you know. You know, people say one  
15 thing and once it's different. But then  
16 another thing is the banks.

17 Is there anyway -- I'm not saying  
18 Mr. Pollin -- is there anyway that lenders can  
19 work along with the community? Those banks  
20 that they do refer to to help those folks get  
21 their credits in place and help be able to get  
22 those houses that they need. And maybe you

1 all can offer some jobs for those folks that  
2 can work within the community to bring up  
3 their income. Those are some suggestions I'm  
4 having that I think would be great for the  
5 community.

6 And there are a lot of youth that  
7 are in need of employment. And I know Mr.  
8 Pollin has said earlier during the year that  
9 they'd be willing to bring on board with that,  
10 keep the youth -- having programs for them and  
11 that's what's really so important as well.

12 And I just want to say I thank Mr.  
13 Pollin, but -- and I'm really looking forward  
14 to this and I know where my heart is. So, I  
15 just want to let him know that it's nothing  
16 negative or, you know, nothing prejudice, we  
17 just want to make sure that everybody is made  
18 aware of what's going on. And that's what I'm  
19 getting because we're really fighting for you  
20 and we just know try to get you through. But  
21 I have some competition saying, well, where  
22 are they? You know, where is the other

1 additional information that we need to see?  
2 And so I think that it was just a lack of  
3 communication.

4 And thank you so much.

5 VICE CHAIRPERSON HOOD: Thank you.

6 Any questions?

7 COMMISSIONER DOUGLAS: And  
8 definitely for the senior citizen, they are  
9 the gold mines of the years for us. They laid  
10 the foundation for us so we definitely need to  
11 make sure that they have proper housing as  
12 well.

13 VICE CHAIRPERSON HOOD: Thank you.

14 All that discussion is going to  
15 great at your next ANC meeting. And the young  
16 ladies you mentioned in the back hopefully all  
17 of them will be able to attend and we can hash  
18 some of that out.

19 Any questions, colleagues?

20 Mr. Quin, any questions?

21 MR. QUIN: No questions.

22 COMMISSIONER JEFFRIES: All right.

1 Thank you very much.

2 COMMISSIONER DOUGLAS: Thank you.

3 VICE CHAIRPERSON HOOD. Okay. I'm  
4 going to go by the list.

5 Since we only have four or five  
6 folks here on the list, and you didn't really  
7 say whether you were in support or opposition,  
8 I'm just going to call the list. And it was  
9 not my idea. Mrs. Schellin told me that.

10 Okay. Anyway, Kiana Short, Tasha  
11 Holliday and Latisha Daniels. We'll just take  
12 those three.

13 Are you here to testify? Oh, you  
14 just came for information.

15 So, let the record reflect that --  
16 you can come up to the table if you want to  
17 speak. Or you just going to wait for the ANC  
18 meeting which you all will be present at?  
19 Okay. Okay. That's good.

20 Now, Jim Connelly. Is that the  
21 letter we received? No. That was Mr. --

22 Okay. Jim Connelly from Anacostia

1 Watershed Society. Okay.

2 And the next name I'm going to try  
3 to -- Frim Pong Mansell. Frim Pong Mansell.

4 Is there anyone else who would  
5 like to testify either in support or  
6 opposition tonight?

7 COMMISSIONER DOUGLAS: Well, the  
8 two young ladies left earlier because they  
9 were in parking. They expressed to me to  
10 share with you all and that was the thing of  
11 the bank information because once you get  
12 involved in the process, that even though you  
13 don't see beyond that, the lenders are the  
14 ones that, even though Pollin said they can  
15 stay or they may have transition -- whatever  
16 the problems may be. They just want to make  
17 sure there is something in place that the  
18 bankers would help them to get that. And you  
19 only receive, I think, 20 percent or 30  
20 percent of some of the grant, so that's what  
21 they wanted to share, but they also will be at  
22 the ANC meeting as well.

1 VICE CHAIRPERSON HOOD: At the ANC  
2 meeting, those are some questions Ms. Hodges  
3 and others --

4 COMMISSIONER DOUGLAS: Right.

5 VICE CHAIRPERSON HOOD: -- may --

6 COMMISSIONER DOUGLAS: Yes.  
7 Everybody. Yes. Thank you.

8 VICE CHAIRPERSON HOOD. Okay.

9 Okay. All right.

10 That's all I have.

11 Oh, thank you.

12 Closing.

13 MR. QUIN: I'll be very brief.

14 We certainly look forward to the  
15 additional communication with the ANC. And I  
16 think the record reflects the previous  
17 communication. I just want to make sure that  
18 you are aware of that without going into it in  
19 detail. But we look forward to meeting with  
20 Ms. Douglas and the ANC and with other  
21 representatives from the District of Columbia.

22 I think as far as this case goes,

1 I believe that it's an unusual case as Mr.  
2 Jeffries has indicated in that we're not  
3 asking for a whole lot. But we learned long  
4 ago that you don't have to ask for very much  
5 and still have all sorts of issues that can be  
6 raised. No good deed goes unpunished is one  
7 way to say it, but I won't say it that way.

8 We think we've met all the  
9 requirements and standards for a PUD. I do  
10 think and this is just from my observation,  
11 you all are much more experienced in at least  
12 the breadth of case that you get before you.  
13 But I don't know of any case that I've handled  
14 or our firm has handled that has gone in more  
15 depth to deal with stormwater management and  
16 soil compaction, FEMA, environmental and even  
17 green building issues.

18 There are different approaches  
19 that people take. But it seems to me that  
20 this is really the architects and all the  
21 consultants here have responded. And frankly,  
22 I don't think they would have responded

1 without all the issues being raised.

2 Their intent was there and they  
3 did a lot of that work but the specific  
4 questions that have been raised, I think, have  
5 improved this case dramatically. And we think  
6 that with meeting with the ANC, we are very  
7 hopeful that they will continue their support  
8 and that we can get a favorable decision as  
9 soon as possible because that means housing  
10 sooner. That means less displacement overall.  
11 And that's what we would like to see.

12 Thank you.

13 VICE CHAIRPERSON HOOD. Okay.

14 Thank you, Mr. Quin.

15 We did have a letter though for  
16 the record from Mr. Cifax. Gregory Cifax.  
17 His letter, I don't think is germane to our  
18 proceeding. But he talks about the  
19 Environmental Policy Act and the impact  
20 studies and what not. And I'm sure that just  
21 for the record. And he talks about the  
22 National Park Service agreement and I know

1 we're having this Blumenthal, yes. I know we  
2 have her here tonight. And I mentioned that  
3 because we have not mentioned that for the  
4 record.

5 But, anyway, Mr. Cifax' letter is  
6 in -- a part of the record.

7 Okay. Can we get some dates and  
8 see what is due?

9 SECRETARY SCHELLIN: Can we maybe  
10 go through the list to make sure that we have  
11 everything that you guys want?

12 VICE CHAIRPERSON HOOD: Yes.

13 SECRETARY SCHELLIN: I have Mr.  
14 Turnbull asking for materials with regard to  
15 the retaining wall and the railing.

16 Have Mr. Jeffries asking for a  
17 better understanding of whether the measures  
18 that the Applicant has put in place regarding  
19 stormwater, if that addresses the flood plain  
20 issue.

21 COMMISSIONER JEFFRIES: No. You  
22 can scratch that. I don't need to --

1                   SECRETARY SCHELLIN: Okay. And  
2 whether there's going to be any increase in  
3 stormwater measures for the fields. Mr.  
4 Turnbull, is that --

5                   COMMISSIONER TURNBULL: I think  
6 they are going to show possibilities of what  
7 could be done at the -- at the little lot --

8                   MR. QUIN: The triangle part.  
9 Right.

10                  COMMISSIONER TURNBULL: Triangle  
11 lot. Right.

12                  SECRETARY SCHELLIN: Okay. And  
13 one other which was the draft relocation plan  
14 that Mrs. Hodges has indicated she would have.  
15 Or how the process works before we take  
16 proposed action.

17                  And as far as dates -- or does  
18 that clear everything you guys would like?

19                  VICE CHAIRPERSON HOOD: Yes.  
20 That's fine.

21                  SECRETARY SCHELLIN: In order to  
22 have the documents in time so that the ANC

1 will have an opportunity to review them before  
2 their meeting, I thought maybe if the  
3 Applicant can provide their information by  
4 August 21st, that would give the ANC three  
5 weeks prior to their meeting. And then the  
6 ANC would respond by September 18th.

7 COMMISSIONER DOUGLAS: That's  
8 cutting it short, but we supposed to have 30-  
9 day notice.

10 SECRETARY SCHELLIN: Not for  
11 additional documents.

12 VICE CHAIRPERSON HOOD: We -- what  
13 are the dates that we -- because we gave --  
14 your meeting is the 11th.

15 SECRETARY SCHELLIN: Right.

16 VICE CHAIRPERSON HOOD: And we  
17 gave them two weeks. It's supposed to be  
18 seven days but we gave them two weeks.

19 SECRETARY SCHELLIN: Yes.

20 VICE CHAIRPERSON HOOD: We gave  
21 you 10 days. Well, we're not going to count  
22 the weekend.

1                   SECRETARY SCHELLIN: typically,  
2 you only get one week to respond after the  
3 Applicant makes their filing. But we're  
4 giving you three weeks.

5                   COMMISSIONER DOUGLAS: I'll check  
6 the records, but thank you.

7                   VICE CHAIRPERSON HOOD. Okay. I  
8 think that's it.

9                   Oh, LSDBE. We'll have that. I  
10 know that process. We'll have it before  
11 final.

12                  MR. QUIN: Before final. Yes.

13                  We'll try to get it as soon as  
14 possible, but Mr. Freeman is saying that we  
15 have not been filing those until after the  
16 final decision?

17                  VICE CHAIRPERSON HOOD: Let me  
18 just say this, Mr. Quin. That move just  
19 changed recently because I remember seeing it.  
20 And I know you have too. I remember seeing  
21 them.

22                  And I heard that in another case.

1 MR. QUIN: Right.

2 VICE CHAIRPERSON HOOD: And let it  
3 pass.

4 MR. QUIN: But we got final -- I  
5 think we should shoot for final.

6 VICE CHAIRPERSON HOOD: Yes. But  
7 we've had them before and I just heard that  
8 recently here.

9 My colleagues may differ with me  
10 but I think we just started hearing that  
11 recently.

12 MR. QUIN: Mrs. Schellin I'm sure  
13 can tell us.

14 SECRETARY SCHELLIN: I think that  
15 what we've heard in a couple of cases recently  
16 is that they have -- they haven't had a  
17 problem with getting the first source  
18 agreement signed, but there's been a back up  
19 or a hold up with regard to the LSDBE  
20 memorandum. And I think, you know, if they  
21 can't provide it by final then maybe they need  
22 to have a condition in the order that they

1 provided for some other measuring.

2 VICE CHAIRPERSON HOOD: We need --  
3 that's an issue. We've had some conversations  
4 with --

5 SECRETARY SCHELLIN: Yes.

6 VICE CHAIRPERSON HOOD: -- the  
7 director of that office.

8 SECRETARY SCHELLIN: Yes. It's  
9 only been recent. Yes.

10 VICE CHAIRPERSON HOOD: And we  
11 need to talk to him then. I forget his name.

12 COMMISSIONER DOUGLAS: Excuse me.  
13 Will we get a copy of that as well? I know  
14 you're saying final, but how -- will we have  
15 access to that?

16 VICE CHAIRPERSON HOOD: Once we  
17 get it, the record will be complete. We don't  
18 even have it.

19 COMMISSIONER DOUGLAS: Okay.

20 MR. QUIN: Everything we serve on  
21 the Commission gets served on you.

22 VICE CHAIRPERSON HOOD: Right.

1 Okay.

2 Let's all work on that. And, Mrs.  
3 Schellin, maybe we need to work on that from  
4 this office also.

5 Okay. If nothing else comes to  
6 our attention. Let me read the closing  
7 statement briefly.

8 First of all, ladies and  
9 gentleman, the other members of the Commission  
10 wish to thank you for your testimony and  
11 assistance in this hearing.

12 The record in this case is closed  
13 except for the information that has been  
14 mentioned previously by Mrs. Schellin which is  
15 being required.

16 The Commission will make a  
17 decision in this case at one of its regular  
18 monthly meetings following the closing of the  
19 record.

20 These meetings are held 6:30 p.m.  
21 on the second Monday of each month with some  
22 exceptions.

1           You should also be aware that the  
2 Commission -- proposed affirmative action, the  
3 proposed action must be published in the D.C.  
4 Register. In addition, the proposed --  
5 actually, I'm on the right case, but the wrong  
6 section.

7           Anyway, you may follow this case  
8 closely by staying in touch with the office  
9 and this hearing is now adjourned.

10           COMMISSIONER DOUGLAS: Excuse me.  
11 I think you said you was going to leave it  
12 open until then. You said something about  
13 open. You didn't mention that?

14           VICE CHAIRPERSON HOOD: You can  
15 check with staff. We'll work with you.

16           COMMISSIONER DOUGLAS: Yes. I  
17 know that was saying --

18           VICE CHAIRPERSON HOOD: An  
19 exception. With the exception.

20           COMMISSIONER DOUGLAS: With the  
21 exceptions will be open.

22           VICE CHAIRPERSON HOOD: And the

1 exceptions have been through the whole  
2 process. So, you know what the exceptions  
3 are. The ANC Report and stuff.

4 COMMISSIONER DOUGLAS: Right. But  
5 you say you'll leave it open as well for the  
6 record.

7 VICE CHAIRPERSON HOOD: With the  
8 exceptions of -- work with staff. She'll work  
9 with you.

10 COMMISSIONER DOUGLAS: All right.  
11 I just wanted to remember what you said.

12 VICE CHAIRPERSON HOOD: Trust me.

13 (Whereupon, the above matter was  
14 concluded at 9:26 p.m.)

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