

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

IN THE MATTER OF:

ATHENA GROUP, LLC - CONSOLIDATED
REVIEW OF A PLANNED UNIT
DEVELOPMENT AND RELATED MAP
AMENDMENT AT SQUARE 1356

Case No.:
08-21

Monday,
December 1, 2008

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

The Public Hearing of Case No. 08-21 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD Chairman
GREGORY N. JEFFRIES Vice Chairman
MICHAEL G. TURNBULL Commissioner
 FAIA (OAC)
PETER MAY Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
MAXINE BROWN-ROBERTS

DEPARTMENT OF TRANSPORTATION STAFF PRESENT:

JEFFREY JENNINGS

This transcript constitutes the minutes from the Public Hearing held on December 1, 2008.

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

6:45 p.m.

CHAIRMAN HOOD: Good evening, ladies and gentlemen. This is the Public Hearing of the Zoning Commission of the District of Columbia for Monday, December 1, 2008. My name is Anthony J. Hood. Joining me this evening are Vice Chairman Jeffries, Commissioner May and Commissioner Turnbull.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin and Ms. Donna Hanousek. Also the Office of Planning staff under the leadership of Mrs. Steingasser.

This proceeding is being recorded by a Court Reporter and is also webcast live. Accordingly, we must ask you to refrain from any disruptive noises or actions in the hearing room. We're going to get to cell phones shortly.

The subject of this evening's hearing is Zoning Commission Case No. 08-21.

1 This is a request by applicant for approval of
2 a Consolidated PUD and Related Map Amendment
3 for property located at 4460 MacArthur
4 Boulevard, N.W.

5 Notice of today's hearing was
6 published in the D.C. Register on October 17,
7 2008 and copies of the announcement are
8 available to my left on the wall near the
9 door. The hearing will be conducted in
10 accordance with the provisions of 11 DCMR 3022
11 as follows:

12 Preliminary matters; applicant's
13 case; report of the Office of Planning; report
14 of other Government agencies; report of ANC-
15 3D; organizations and persons in support;
16 organizations and persons in opposition;
17 rebuttal and closing by the applicant.

18 The following time constraints
19 will be maintained in this meeting. The
20 applicant 60 minutes; organizations 5 minutes;
21 individuals 3 minutes. The Commission intends
22 to adhere to the time limits as strictly as

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1 possible in order to hear the case in a
2 reasonable period of time.

3 All persons appearing before the
4 Commission are to fill out two witness cards.
5 Upon coming forward to speak to the
6 Commission, please, give both cards to the
7 reporter sitting to my right before taking a
8 seat at the table.

9 When you are finished speaking,
10 please, turn your microphone off, so that your
11 microphone is no longer picking up sound or
12 background noise. The decision of the
13 Commission in this case must be based
14 exclusively on the public record. To avoid
15 any appearance to the contrary, the Commission
16 requests that persons present not engage the
17 Members of the Commission in conversation
18 during any recess or at any time.

19 The staff will be available for
20 any procedural questions.

21 Please, turn off all beepers and
22 cell phones at this time, so not to disrupt

1 these proceedings.

2 Would all individuals wishing to
3 testify, please, rise to take the oath? Ms.
4 Schellin, would you, please, administer the
5 oath?

6 MS. SCHELLIN: Please, raise your
7 right hand.

8 (Whereupon, the witnesses were
9 sworn.)

10 MS. SCHELLIN: Thank you.

11 CHAIRMAN HOOD: I see we have a
12 former colleague of ours, former Chair of the
13 Board of Zoning Adjustment, Mr. Griffis. It
14 is always good to see you. I just wanted to
15 make sure we do that.

16 Okay. You can -- I was told we
17 also had the former Zoning Administrator here.
18 I guess we're going to call the roll. Okay.
19 Let's get down to business. Thank you, Vice
20 Chair. It's good to see you, Mr. Crews, also.
21 We don't want to leave you out. Okay. At
22 least, Mr. Jeffries didn't want to leave you

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1 out.

2 Okay. Seriously, let's get down
3 to business. Ms. Schellin, do we have any
4 preliminary matters?

5 MS. SCHELLIN: Yes, sir, we have a
6 couple. The first one is to advise that we
7 have received the Maintenance Affidavit and
8 it's in order. Then at Exhibit 20, the
9 applicant filed a supplemental submission that
10 was filed less than 20 days before the
11 hearing. It was information that they had
12 provided to the ANC and OP and they have just
13 asked for a waiver of the rules for the late
14 filing.

15 CHAIRMAN HOOD: Okay. That last
16 part, Ms. Schellin, can you help me again with
17 that, the last part of it?

18 MS. SCHELLIN: It's Exhibit 20.
19 It was a late filing. They ask for a waiver
20 of the rules.

21 CHAIRMAN HOOD: Oh, okay. I know
22 what you're talking about.

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1 MS. SCHELLIN: It was information
2 they provided to ANC and OP and they just
3 wanted you guys to have a copy of it.

4 CHAIRMAN HOOD: Right. The letter
5 dated November 14, 2008. Any problems
6 colleagues of accepting this? Okay. By
7 general consensus, we will accept it.

8 MS. SCHELLIN: And then two other
9 preliminary matters. One expert witnesses and
10 the other would be we have several party
11 status requests.

12 CHAIRMAN HOOD: Okay. Mr.
13 McLaurin from the Lessard Group has been
14 previously accepted and also, Mr. Kabatt has
15 also been previously accepted. And I will
16 leave the architecture, landscape architecture
17 to my colleagues, but I looked at Mr. Dove's
18 resume and I thought it met the criteria, but
19 I'll open it up for suggestions. I don't
20 think we need to do the other two until we've
21 already done that.

22 Anyone has any issues? Okay. So

1 I'm sorry, I didn't give you a chance. I
2 thought you had more than the three?

3 MR. FEOLA: No, Mr. Chairman, we
4 only have three, but Mr. Wells, Marty Wells,
5 Mr. Kabatt's boss is going to testify tonight.
6 And we can submit his resume into the record.

7 CHAIRMAN HOOD: I think we have
8 seen Mr. Wells. I don't think we have any
9 problems with Mr. Wells either. Okay. So
10 with that, Mr. Feola, all of your witnesses
11 will be expert witnesses.

12 I think the next issue, Ms.
13 Schellin, is the party status?

14 MS. SCHELLIN: Yes, sir. We have
15 1, 2, 3, 4 requests.

16 CHAIRMAN HOOD: Okay. Let me make
17 sure I have all four. But ANC, are you
18 including the ANC-3D?

19 MS. SCHELLIN: No, sir.

20 CHAIRMAN HOOD: Oh.

21 MS. SCHELLIN: The ANC is
22 automatic.

1 CHAIRMAN HOOD: Right.

2 MS. SCHELLIN: So besides the ANC,
3 we have four requests. Exhibits 16, 18, 19
4 and 21.

5 CHAIRMAN HOOD: For some reason, I
6 have Exhibits 18 -- well, maybe this is 16,
7 dated -- it was stamped in on November 13th at
8 11:39. Is that 16?

9 MS. SCHELLIN: Yes.

10 CHAIRMAN HOOD: Okay. I have it.

11 MS. SCHELLIN: From Canal View
12 Homeowners Association?

13 CHAIRMAN HOOD: Yes, Canal View
14 Homeowners Association.

15 MS. SCHELLIN: Yes, that's
16 correct.

17 CHAIRMAN HOOD: Okay.

18 MS. SCHELLIN: The number is kind
19 of blurred off that.

20 CHAIRMAN HOOD: 18, 16, 17, 15 and
21 21. Okay. Colleagues, let's get Exhibit 18,
22 the Palisades Citizens Association. This is

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1 a request by Palisades Citizens Association.
2 They are in support and Mr. President Spencer
3 will be representing this organization and
4 they would like to be considered as a party,
5 as a proponent, the overall citizens
6 association for that particular community.

7 And I'm not sure if this was the
8 one with conditions. I don't see a mark.
9 Okay. But anyway, they tentatively -- unless
10 there are some conditions, maybe some issues,
11 but they would like to be given party status
12 as a proponent.

13 MS. SCHELLIN: Chairman Hood, if I
14 may, before you guys discuss that further,
15 there was a document handed in this evening
16 from Canal View that does list some conditions
17 that they would like.

18 CHAIRMAN HOOD: For Canal View or
19 for Palisades? We're doing Palisades.

20 MS. SCHELLIN: Oh, okay.

21 CHAIRMAN HOOD: Okay. Okay.

22 Maybe Palisades -- we're fine. We're fine.

1 We're going to get through it. And if we
2 don't get through it right, you can straighten
3 this out once we do. Okay.

4 The Palisades Citizens Association
5 is in support and that's with conditions.
6 They can correct that when they come up.
7 Colleagues, I would move -- we have the
8 submission. I would move approval of the
9 Palisades Citizens Association as a party in
10 support in this case and ask for a second.

11 COMMISSIONER TURNBULL: Second.

12 CHAIRMAN HOOD: Moved and properly
13 seconded. Any further discussion?

14 All those in favor?

15 ALL: Aye.

16 CHAIRMAN HOOD: Ms. Schellin, not
17 hearing any opposition, could you record the
18 vote?

19 MS. SCHELLIN: Yes, staff records
20 the vote 4-0-1 to accept the Palisades
21 Citizens Association as a party in opposition
22 -- I'm sorry, in support with conditions.

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1 Commissioner Hood moving, Commissioner
2 Turnbull seconding, Commissioners Jeffries and
3 May in support. Third Mayoral Appointee seat
4 vacant, not voting.

5 CHAIRMAN HOOD: I will ask this
6 though, if we're saying something that is just
7 totally out of character, like, for example,
8 I said Palisades was in support. If Palisades
9 is not in support, then you can come to the
10 table and correct us and we'll move at that
11 point. Unless we are that far out of line,
12 then we can move forward.

13 Okay. Next, I'm just going to
14 take it in the order of which I have it. We
15 have a party from Canal View Homeowners
16 Association requesting party status and Mr. --
17 is this the new one from tonight?

18 MS. SCHELLIN: Yes, it is.

19 CHAIRMAN HOOD: Okay. Thanks.
20 Okay. Mr., I guess, President Tucker or Mr.
21 Tucker will be the spokesperson for the Canal
22 View Homeowners and they have -- they are in

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1 opposition.

2 Mr. Tucker, I don't understand,
3 you have some conditions here, but you are
4 still in opposition with conditions. Could
5 you, Mr. Tucker, come up and identify yourself
6 and help me get some clarification? What I
7 read last -- yesterday was you're in
8 opposition. But now I see opposition with
9 conditions.

10 MR. TUCKER: Right. I'm Gene
11 Tucker, the President of the Canal View
12 Homeowners Association. We are in opposition
13 as the plan stands. However, we perhaps
14 worded it differently, but we feel like we are
15 in harmony with the ANC and the PCA in that
16 with the conditions, we would support the
17 development.

18 CHAIRMAN HOOD: Okay.

19 MR. TUCKER: And our conditions
20 are, essentially, down the line the same as
21 the ANC and the PCA with a couple of
22 additions.

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1 CHAIRMAN HOOD: Okay.

2 MR. TUCKER: Which are more in the
3 nature -- not in the nature of the actual
4 development, but just in protection since
5 Canal View is the most proximate development
6 next to the site, that we have concerns
7 regarding our properties and potential damage.
8 So we just want to make sure we are covered on
9 those things.

10 CHAIRMAN HOOD: So would it be
11 safe for me to say, since you are following
12 the lead of the ANC, which it looks like a lot
13 of organizations did, you are in support with
14 conditions?

15 MR. TUCKER: Yes, sir.

16 CHAIRMAN HOOD: Okay.

17 MR. TUCKER: That is true.

18 CHAIRMAN HOOD: Okay. Let's do
19 that.

20 MR. TUCKER: Unfortunately, my
21 homeowners association voted to word it such
22 that we are in opposition unless the

1 conditions were -- but that's okay. We're --
2 we would support with conditions.

3 CHAIRMAN HOOD: Conditions, okay.
4 So would it be fair, if we rule on it in
5 support with conditions, are you okay with
6 that?

7 MR. TUCKER: Yes, sir. That's
8 fine.

9 CHAIRMAN HOOD: Okay. Thank you,
10 Mr. Tucker, Okay. This is the Canal View
11 Homeowners Association. If you look at the
12 diagram, colleagues, at least the diagram from
13 Office of Planning, I think there are impacts
14 affected and I think that they basically need
15 the criteria for party status.

16 Any objections? I will move to
17 give Canal View Homeowners Association party
18 status in support with conditions and ask for
19 a second.

20 COMMISSIONER MAY: Second.

21 CHAIRMAN HOOD: Okay. It has been
22 moved and properly seconded. Any further

1 discussions?

2 All those in favor?

3 ALL: Aye.

4 CHAIRMAN HOOD: Ms. Schellin?

5 MS. SCHELLIN: Yes.

6 CHAIRMAN HOOD: Not hearing any
7 opposition, if you can record the vote?

8 MS. SCHELLIN: Yes, staff records
9 the vote 4-0-1 to grant party status in
10 support with conditions to Canal View
11 Homeowners Association. Commissioner Hood
12 moving, Commissioner May seconding,
13 Commissioners Jeffries and Turnbull in
14 support. Third Mayoral Appointee seat vacant,
15 not voting.

16 CHAIRMAN HOOD: I'm going to ask--
17 let me ask President Spencer, President
18 Spencer, yeah, you tried to come forward the
19 first time. I knew we'd get around to you.
20 I'm looking here at -- first of all, if you
21 can identify yourself?

22 MR. SPENCER: I'm William Spencer,

1 President of the Palisades Citizens
2 Association.

3 CHAIRMAN HOOD: Okay. And I also
4 have your name on the -- what's the name,
5 Lingan Street?

6 MR. SPENCER: No, that's not me,
7 no.

8 CHAIRMAN HOOD: Oh, I'm sorry, you
9 were cced.

10 MR. SPENCER: Oh, I was just
11 copied off on it. Okay.

12 CHAIRMAN HOOD: I need Mr.
13 Shaffer. Okay. Okay. Let me -- I have you
14 actually, okay. I see what's going on. Okay.
15 Let me do this, Mr. Hitchcock, before I get to
16 you. Let's deal with Ms. -- you can stay
17 right there. Let's deal with Mimi Castaldi.

18 Ms. Castaldi, in her submission,
19 has asked for party status, but, colleagues,
20 I think that we can hear from Ms. Castaldi
21 when we do our comments in support or
22 opposition. I think that would be sufficient

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1 time for Ms. Castaldi. And I would not be in
2 favor -- I don't see where she is uniquely
3 affected than anyone else, and I would not be
4 favorable to grant her party status, unless I
5 hear otherwise.

6 MS. CASTALDI: Can I say why I'm
7 uniquely affected?

8 CHAIRMAN HOOD: No, I want to hear
9 from my colleagues first.

10 MS. CASTALDI: Okay. All right.

11 CHAIRMAN HOOD: If we turn you
12 down, then I'll let you do that.

13 MS. CASTALDI: Okay. All right.

14 CHAIRMAN HOOD: But we're going --

15 COMMISSIONER MAY: Well, I do have
16 a question about exactly where her house is
17 located in relation to the site.

18 CHAIRMAN HOOD: Okay. Go ahead.

19 COMMISSIONER MAY: And so are you
20 not part of the Canal View Civic Association?

21 MS. CASTALDI: I am part of the
22 association and I have some unique concerns.

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1 COMMISSIONER MAY: Okay.

2 VICE CHAIRMAN JEFFRIES: What the
3 association would not take up?

4 MS. CASTALDI: My concerns are
5 part of what they are talking about, but I am
6 more supportive than the association.

7 COMMISSIONER MAY: And you
8 understand that you would be given an
9 opportunity to testify about your particular
10 circumstances anyway?

11 MS. CASTALDI: Yes. My interest,
12 to be quite honest, is I understand if you are
13 a party, you get copies of all the things that
14 are filed and I would like to receive those
15 copies, so that's my primary interest in being
16 a party.

17 CHAIRMAN HOOD: Right. And with
18 that, colleagues, I would suggest that what we
19 can do is you can come down to the office and
20 we have a file down here in the office. And
21 I don't think that's again even a good reason
22 for us to grant you party status, because you

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1 are not any more uniquely affected than
2 others.

3 COMMISSIONER MAY: And I think
4 that the precedent here is that in the past
5 when we give party status to a group or a
6 neighborhood association that's immediately
7 adjacent or uniquely affected, that
8 individuals within that group whose interests
9 are generally represented by that group, we
10 don't then turn around and give individuals
11 within that group party status as well, unless
12 it really is an extraordinary circumstance
13 like, you know, it's -- you are part of a
14 really big citizens association and you are
15 the only one who lives next door.

16 Clearly, that's not the case here.
17 And so I'm inclined not to grant party status
18 in this circumstance. I would encourage
19 though that, you know, if you talk to the
20 applicant, you may be able to get copies of
21 things automatically from them just because
22 they want to be good to the neighborhood.

1 VICE CHAIRMAN JEFFRIES: Or the
2 association.

3 COMMISSIONER MAY: Or the
4 association.

5 MS. CASTALDI: Right, yes.

6 VICE CHAIRMAN JEFFRIES: Yeah.
7 The ANC and so forth. But, I mean, we really
8 try -- I mean, it's -- we try to be fairly
9 strict around the party status process, simply
10 because, you know, these hearings go only so
11 long and if we have everyone, you know,
12 putting forward a case and, you know, cross
13 examining witnesses and so forth, it can get
14 very long.

15 So we really try to get this
16 covered. You know, your situation through
17 your association. So but you will have every
18 opportunity to let us know what your concerns
19 are. And normally our Chair here is pretty
20 liberal with time and so forth, so I'm certain
21 he might give you another minute or two.

22 MS. CASTALDI: Okay.

1 VICE CHAIRMAN JEFFRIES: Okay.

2 MS. CASTALDI: Thank you.

3 CHAIRMAN HOOD: Okay. All right.

4 Thank you very much. So we will not be
5 granting Ms. Castaldi party status. I would
6 move that we deny party status for Ms.
7 Castaldi and ask for a second.

8 VICE CHAIRMAN JEFFRIES: Second.

9 CHAIRMAN HOOD: Moved and properly
10 seconded. Any further discussion?

11 All those in favor?

12 ALL: Aye.

13 CHAIRMAN HOOD: Ms. Schellin,
14 would you record the vote?

15 MS. SCHELLIN: Yes, staff records
16 the vote 4-0-1 to deny party status to Mimi
17 Castaldi. Commissioner Hood moving,
18 Commissioner Jeffries seconding, Commissioners
19 May and Turnbull in support. Third Mayoral
20 Appointee seat vacant, not voting.

21 CHAIRMAN HOOD: Ms. Schellin, we
22 have one more party status, am I correct?

1 MS. SCHELLIN: Yes.

2 CHAIRMAN HOOD: Okay. And this is
3 the one where I think Commissioner May your
4 comments will be very well -- we might have to
5 repeat them. But, Mr. Hitchcock, first of
6 all, before you begin, could you help me
7 understand what the name -- how the
8 pronunciation of the street is?

9 MR. HITCHCOCK: Yes, Lingan Way.

10 CHAIRMAN HOOD: Lingan?

11 MR. HITCHCOCK: Right. It is --
12 you will notice on the map over there, you
13 will see a little bit of roadway pointing
14 towards the northeast.

15 CHAIRMAN HOOD: I know where the
16 street is.

17 MR. HITCHCOCK: Right. Dr.
18 Shaffer and his family and Dr. Sarafian and
19 his family live in the two outlying houses
20 over there. So they are uniquely affected in
21 a manner distinct from the folks who are in
22 Canal View and Palisades Citizens Association.

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1 You have got the -- part of the PUD site
2 running in front of their house as well as to
3 the side of it. And there are unique concerns
4 there about the possibility of connections of
5 Lingan Way to MacArthur, that are not shared
6 by others who live further over.

7 CHAIRMAN HOOD: Mr. Hitchcock, I
8 think I have a submittal here from you.

9 MR. HITCHCOCK: Yes, sir.

10 CHAIRMAN HOOD: Then I also have a
11 letter here from Mr. Shaffer.

12 MR. HITCHCOCK: Yes.

13 CHAIRMAN HOOD: And I think that's
14 the issue, because I was thinking of Lingan
15 Way Street had an organization.

16 MR. HITCHCOCK: No, sir.

17 CHAIRMAN HOOD: Okay. And then so
18 these are -- because I have one, two, three,
19 four, there are four people who signed this.

20 MR. HITCHCOCK: Yes, sir.

21 CHAIRMAN HOOD: Husband and wife
22 signed this.

1 MR. HITCHCOCK: Right. Dr.
2 Shaffer and Mrs. Shaffer live in the house
3 that is immediately closest to the development
4 property.

5 CHAIRMAN HOOD: So they live in
6 that house where the --

7 MR. HITCHCOCK: They live in that
8 house that is being illustrated here.

9 CHAIRMAN HOOD: Okay.

10 MR. HITCHCOCK: Dr. Sarafian and
11 her husband, Darryl Meyer, live in the house
12 that is to the north of there.

13 CHAIRMAN HOOD: But again, they
14 are in support.

15 MR. HITCHCOCK: They are in
16 support.

17 CHAIRMAN HOOD: Everybody is in
18 support.

19 MR. HITCHCOCK: Right.

20 CHAIRMAN HOOD: With a few
21 conditions.

22 MR. HITCHCOCK: We have no

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1 conditions.

2 CHAIRMAN HOOD: Oh, you all have
3 no conditions.

4 MR. HITCHCOCK: We have no
5 conditions.

6 CHAIRMAN HOOD: Okay. Support,
7 okay. Well, that goes a long way. Okay. All
8 right. So everybody is in support with
9 conditions or support with no conditions.
10 Okay. That's our reference point. Okay.

11 COMMISSIONER MAY: I just had a
12 question. How do you access those houses now?
13 It looks like they are only accessible through
14 a new road.

15 MR. HITCHCOCK: There is -- if you
16 come in off MacArthur, Lingan Road, which is
17 being illustrated there, is the only point of
18 access. You come down the alley there and I
19 imagine it will be shown more clearly during
20 the applicant's presentation and then you see
21 the two houses.

22 Originally, and I don't want to

1 testify, they can say this, there was -- it
2 was supposed to be a four house development.
3 Those two houses and two houses on the lots
4 next to it where the two townhouses are. And
5 one of the questions of concern here, which --
6 I mean, there was originally concern about
7 access through MacArthur, which would now be
8 the mode of access if the PUD is approved.

9 But right now, the only way in or
10 out is through Lingan Road.

11 COMMISSIONER MAY: But it doesn't
12 connect on that plan. It connects now?

13 MR. HITCHCOCK: It does not
14 connect now, no.

15 COMMISSIONER MAY: So you -- how
16 do you get from Lingan Road to the houses
17 which seem to have driveways?

18 MR. HITCHCOCK: You drive down
19 Lingan Road. You then -- it continues onto
20 Lingan Way, which is a private street.

21 COMMISSIONER MAY: I see.

22 MR. HITCHCOCK: Lingan Way --

1 COMMISSIONER MAY: Okay.

2 MR. HITCHCOCK: It is shown there
3 in the rectangular salient.

4 COMMISSIONER MAY: Right.

5 MR. HITCHCOCK: Pointing towards
6 the northeast. That currently provides
7 access.

8 COMMISSIONER MAY: All right.

9 MR. HITCHCOCK: And that would be
10 included in the PUD site if it is approved.
11 And that's one of the issues of concern is the
12 access issue, which we have resolved with the
13 applicant, which is why we're here in support.

14 COMMISSIONER MAY: Okay. Thank
15 you.

16 CHAIRMAN HOOD: Okay. Typically,
17 we have a lot in support. It would have been
18 nice for us if we had everybody's support with
19 conditions, if the conditions were the same.
20 I know a few things may vary to be in one
21 party and those that support with no
22 conditions to be another party, but for the

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1 sake of moving this along, we will go ahead
2 and proceed, because I know there are a few
3 conditions that may be different.

4 But as we were discussing, my
5 colleague and I just now, I wonder why we
6 couldn't consolidate. But you know what, that
7 will take us another hour and a half. So what
8 we will do, Mr. Tucker, do you have a remedy?
9 Come forward. Be careful.

10 MR. TUCKER: Yes, Mr. Chairman.
11 Because I noticed that many of the conditions
12 were essentially the same, I took the trouble
13 on my handout, which you should have received
14 this evening. The last two pages include all
15 the conditions and at the end of each
16 condition, there is an input that says which
17 association has signed up to that condition.

18 And pointing out on the several,
19 there are only, I think, three which have some
20 minor modifications. I have noted what those
21 modifications were in bold. So it makes it a
22 little simpler. I have given you a separate

1 list of conditions that apply only to Canal
2 View, but again, you know, they are covered in
3 the input that is attached to my testimony.

4 CHAIRMAN HOOD: Okay. All right.
5 Thank you very much.

6 MR. TUCKER: It might make it a
7 little easier this evening.

8 CHAIRMAN HOOD: Okay. Okay.
9 Thank you. Let's move right along,
10 colleagues. We still have the issue of Dr.
11 Shaffer and Dr. Sarafian, who both are
12 represented by Mr. Hitchcock and they are in
13 support with no conditions. Isn't that right,
14 no conditions?

15 MR. HITCHCOCK: Yes, sir.

16 CHAIRMAN HOOD: Okay. All right.
17 I would say -- any --

18 COMMISSIONER MAY: No, I mean, I
19 think they are uniquely affected and they are
20 not really covered by another group and so I
21 would expect it's appropriate --

22 CHAIRMAN HOOD: I would move --

1 COMMISSIONER MAY: -- to grant
2 party status.

3 CHAIRMAN HOOD: I went ahead.
4 Anyone else? Okay. I would move approval of
5 party status for Dr. Shaffer and Sarafian.
6 I'm probably going to pronounce that wrong the
7 rest of the time I'm here. And then ask for
8 a second.

9 COMMISSIONER MAY: Second.

10 CHAIRMAN HOOD: Moved and properly
11 seconded. Any further discussion?

12 All those in favor?

13 ALL: Aye.

14 CHAIRMAN HOOD: No opposition. Ms
15 Schellin, would you record the vote?

16 MS. SCHELLIN: Yes, staff records
17 the vote 4-0-1 to grant party status to Dr.
18 Shaffer and spouse and Dr. Sarafian and
19 spouse. The vote -- Commissioner Hood moving,
20 Commissioner May seconding, Commissioners
21 Jeffries and Turnbull in support. Third
22 Mayoral Appointee seat vacant, not voting.

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1 CHAIRMAN HOOD: Okay. Anything
2 else, Mr. Hitchcock?

3 MR. HITCHCOCK: No. Thank you,
4 Mr. Chairman.

5 CHAIRMAN HOOD: Okay. Thank you.
6 I would start off by saying I know that there
7 are a lot of -- everybody is in support either
8 without conditions or with conditions. And
9 I'm hoping that we can bridge the gap, not
10 necessarily here, if everyone wanted to go
11 away and maybe come back when everybody is in
12 support with no conditions, we can go with
13 that.

14 But with that, we're going to
15 have to begin this. Mr. Feola, if you would
16 come forward?

17 COMMISSIONER MAY: Mr. Chairman,
18 before we get started, I wanted to make an
19 opening comment and see what the rest of the
20 Commission has to think about this -- say
21 about this.

22 The show of support in the

1 parties' side, because it's all -- it's mostly
2 conditional support, I'm significantly
3 concerned about the proposal and what we have
4 already seen. There are a lot of things about
5 it that make me uncomfortable.

6 And what I'm concerned about is
7 that, you know, there aren't going to be
8 enough answers and enough new information that
9 is going to come from the presentation that is
10 going to make it a really persuasive case.
11 You know, I have issues with the density of
12 the proposal, the site plan, certainly the
13 architecture, which I find a great concern.

14 And then there are significant
15 issues with the neighborhood that result in
16 these conditions. And then added to that the
17 fact that the amenities package seems light
18 and we have got that report from the Office of
19 Planning. I'm just concerned about this.

20 I think that part of this has to
21 do with the way the project has come before us
22 in that it was initially presented as a

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1 modification and then we very quickly turned
2 around and set it down for a hearing. And I
3 think without really giving it the level of
4 scrutiny that we ordinarily would.

5 So, you know, I feel very
6 uncomfortable with what we have right now and
7 that it needs, I think, more work before we
8 can really evaluate it fairly. And I just
9 wanted to say that up front and see whether
10 anyone else in the Commission shared that
11 view.

12 CHAIRMAN HOOD: Okay. Colleagues,
13 we have heard from Commissioner May. Does
14 anyone else have the same concern? Mr.
15 Turnbull?

16 COMMISSIONER TURNBULL: Mr.
17 Chairman, I think what Commissioner May is
18 getting at, and I can see his point, is that
19 we really didn't have our typical set-down.
20 We didn't go -- we had this brought before us
21 as simply a modification. And we agreed at
22 the time that it was -- this was more than a

1 modification.

2 And I think what happened is that
3 we said, no, we have to have a hearing on
4 this. But in the process of setting this down
5 for a hearing, we missed a fine point that
6 said it should have been for a set-down. We
7 should have had a set-down for this change on
8 these plans, rather than going before a full
9 hearing.

10 So I think that we didn't have a
11 vetting or a venting period before everybody
12 where we could talk about this and talk about
13 the issues that we saw when we first see these
14 plans. So now, all of a sudden we have missed
15 that stage. We haven't given our comments to
16 the applicant and we are suddenly stuck with
17 a whole bunch of plans that now we are -- we
18 sort of bypassed and stepped in this in really
19 the review of this, the way this was setup
20 because of the way it came before us.

21 It was a process issue and in
22 trying to address the process, I think we may

1 have overlooked one step, which was to have s
2 set-down for this, rather than going right
3 into a hearing and we didn't have that.

4 VICE CHAIRMAN JEFFRIES: Well, but
5 I do think that the applicant -- you know,
6 they are here tonight for a hearing. So I
7 think their assumption is that there was a
8 set-down. But I think what my colleague is
9 saying is that while we had a meeting that had
10 the appearance of a set-down, we normally in
11 those meetings really do give a lot of
12 comments about what we see before us and then
13 the applicant can go back in the month or two
14 before the hearing and really spend some time
15 really tweaking or revisiting some of the
16 Commissioners' comments and then we might see
17 a slightly different or drastically different
18 proposal in front of us.

19 I do share some of Commissioner
20 May's concerns. I think that the site plan
21 does have some -- I am somewhat concerned
22 about the site plan. And as I look at some of

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1 the elevations, particularly on page 37, you
2 know, with all the fenestration, it does have
3 the appearance of a lot of density.

4 I think for myself, you know, it
5 would have been very helpful to really see
6 this development in the context of the
7 neighborhood. I mean, volumetrically, not
8 just from elevations that are sort of set as
9 stand alones, but to see how this overall
10 development sits within the confines or the
11 context of the overall area/neighborhood.

12 And again, as Commissioner May
13 stated, the amenities package seemed light.
14 And part of that was it's just hard to sort of
15 look at -- we normally get a tabulation, I
16 think we may have gotten it later about, you
17 know, what is matter-of-right versus PUD, so
18 we could start to gauge sort of what the
19 appropriate amenities package would be based
20 on the kind of relief that has been requested
21 here.

22 But I do think during the set-

1 down, I think we were more stuck on process
2 and we should have probably spent a little bit
3 more time really looking at some of the
4 aspects of the actual proposal in front of us.

5 So I don't quite know what this
6 means, Mr. Chair, as we sit here tonight.
7 There just seems to be some fairly severe
8 structural issues with the proposal. And I'm
9 not certain whether a hearing tonight is going
10 to make a quantum leap in terms of, you know,
11 reversing some of that.

12 So but --

13 COMMISSIONER MAY: Mr. Chairman,
14 if I could just add, you know, the basic
15 threshold issue for me in this site in some
16 ways is the -- is just the requested rezoning
17 from R-1-B to R-5-A. You know, I think there
18 may have been sort of an assumption in the
19 mindset of some people that, you know, it's R-
20 5 now as a result of the PUD, the existing
21 PUD, and then so it's really just sort of a
22 continuation of that zoning and that that

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1 level of density is necessary and appropriate.

2 And you know, I'm not there. I'm
3 starting at R-1-B and, you know, we are
4 increasing the density of the zone to allow a
5 townhouse development in essentially what
6 seems to be the balance of that zone
7 immediately adjacent is all single-family
8 detached homes with, you know, yards and
9 driveways and garages and not, you know, the
10 sort of thing that we are seeing in this
11 proposal, which has, you know, two car garages
12 on the fronts of houses, you know, just a few
13 feet from the street.

14 I mean, it's a completely
15 different thing and it not only, you know, is
16 mathematically much more dense, it physically
17 feels so much more dense, because of those
18 sorts of moves. And you know, I don't know
19 what kind of density you can get into this
20 site, you know, under -- to alleviate that,
21 whether it is -- you know, it needs to be a
22 certain percentage. Fewer units or whether it

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1 can be done with the same number of units and
2 just, you know, laid out differently.

3 But I don't feel like what we have
4 here is the sort of ingenious planning that is
5 supposed to go into a Planned Unit
6 Development. I mean, just for me it doesn't
7 pass that basic threshold. So I guess that's
8 why I'm troubled with it.

9 VICE CHAIRMAN JEFFRIES: Well, I'm
10 just, you know, sort of tied to that. You
11 know, page 13, I look at the concept image
12 here and you can see sort of, you know, where,
13 sort of, the concept that is being put forward
14 if this is, in fact, what they are trying to
15 convey.

16 You know, that concept image
17 really just seems very -- it doesn't seem
18 appropriate for the neighborhood. Unless I am
19 missing something in this neighborhood.

20 MR. FEOLA: Chairman, if I --

21 CHAIRMAN HOOD: Let me do this.
22 I've heard -- let's hold off for a second.

1 Mr. Feola, let me hear from you.

2 MR. FEOLA: Well, yes, if I might.
3 I appreciate that maybe the Commission didn't
4 give this the diligence it might normally do
5 at set-down, but you did vote to set it down.
6 And we spent a lot of time and hours. The
7 owner came in from New York to make a
8 presentation to explain some of the reasons,
9 some of the issues that you have addressed.

10 We read the Office of Planning
11 report. We have been meeting with the ANC for
12 well over a year. We know what the issues
13 are. We think we have a good plan and a good
14 development. You may disagree, but at least
15 give us an opportunity to make that case.

16 There is a 30 degree -- 30 foot
17 drop in slope in this property from MacArthur
18 Boulevard --

19 CHAIRMAN HOOD: Mr. Feola?

20 MR. FEOLA: -- to the back side of
21 the property.

22 CHAIRMAN HOOD: I understand that.

1 MR. FEOLA: Which doesn't show in
2 the dimension of --

3 CHAIRMAN HOOD: Mr. Feola, let --

4 MR. FEOLA: -- our site plan.

5 CHAIRMAN HOOD: -- me just say
6 this to you. I understand all the time that
7 has been put in, but after I went through
8 party status and I found all the support with
9 conditions and support without conditions,
10 that actually -- the way I reviewed this case,
11 I thought I was going to have opposition and
12 I actually do not.

13 So there's obviously some headway.
14 And I appreciate the fact that we set this
15 down, but with all that support you got with
16 those few conditions, we'll hear from my
17 colleagues unless someone feels otherwise,
18 we're probably going to look at another date
19 and I'll tell you why.

20 We're going to give you the
21 opportunity not to get a vote that's going to
22 be denied. And that's the way I basically see

1 it. We're going to send you back with some
2 instructions, because what I hear now, we can
3 go through this whole process, I don't want to
4 waste your time, the person from New York or
5 anybody else's time --

6 MR. FEOLA: Well, but I --

7 CHAIRMAN HOOD: -- to sit here
8 tonight and go for four hours or five hours of
9 discussion and from what I'm hearing, it
10 doesn't look like it's going to sail.

11 MR. FEOLA: I think at least, Mr.
12 Chairman, if you give us the opportunity to
13 make our case, you will have a better
14 understanding of that case and make the
15 comments based on the evidence, not just the
16 book, but the whole series of evidence,
17 including some context slides that we have
18 that aren't in the book. And including some
19 technical development that is not there.

20 Maybe we just do the applicant's
21 case and you give us more feedback of what you
22 want to do. And let's not kid ourselves about

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1 the support with conditions. The conditions
2 from Palisades, Canal View and the ANC kill
3 the project. They say they are in support,
4 but they kill the project.

5 The conditions -- the
6 unconditional support from Dr. Sarafian and
7 Dr. Shaffer don't kill the project nor does --
8 would Ms. Castaldi. So --

9 CHAIRMAN HOOD: What I hear from
10 my colleagues kills the project.

11 MR. FEOLA: Yeah, but --

12 CHAIRMAN HOOD: So that's why --

13 MR. FEOLA: -- you haven't heard
14 the project.

15 CHAIRMAN HOOD: That's right. But
16 from what I'm hearing, I'm just telling you,
17 you know, up front, you have heard the
18 comments. I have heard them loud and clear.
19 We can move forward, but you move at your own
20 risk.

21 MR. FEOLA: All I'm suggesting is
22 that you -- I think you will have better

1 comments, more articulate comments if you see
2 the presentation, that's all.

3 CHAIRMAN HOOD: Well, think those
4 comments, you can call them not articulated if
5 you want --

6 MR. FEOLA: No, no.

7 CHAIRMAN HOOD: -- but they were
8 very articulate.

9 MR. FEOLA: I didn't mean it in
10 that way.

11 CHAIRMAN HOOD: I'm just going by
12 what I heard you say.

13 MR. FEOLA: We have more
14 information.

15 CHAIRMAN HOOD: But I'll tell you
16 this that they were very articulate and
17 basically what my role is is to make sure that
18 this project -- I'm not going to say whether
19 it goes up or down, but it has a fair shot.
20 And right now from what I'm hearing, it's
21 going to have a fair shot, but we're giving
22 you the opportunity to go back and address

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1 what you have heard the Commission say without
2 even going through four hours worth of work
3 and then we take a vote and you are voted
4 down.

5 I think that does a disservice to
6 you, the applicant and to the city as a whole.
7 But anyway, let me hear from my colleagues.
8 Let me ask the parties this. Since we all --
9 we have made parties. We're all a group here.
10 We're going to get through this. If we hear
11 the applicant's case tonight, and I know
12 typically we have cross examination by
13 parties, once we hear the comments from us,
14 would everyone be favorable, the ANC and the
15 parties that we have already designated
16 tonight, be favorable to hold off on cross
17 examination until the applicant goes back and
18 makes some adjustments or tweaks or whatever?

19 I'm not sure what is going to come
20 out here tonight. Would everyone be in
21 agreement with that? And I just want to hear
22 from the parties. Okay.

1 MR. FEOLA: The applicant would.

2 CHAIRMAN HOOD: The applicant
3 would agree with it. Let me see, Palisades?

4 VICE CHAIRMAN JEFFRIES: No, the
5 parties need to speak about it.

6 CHAIRMAN HOOD: Just the parties.
7 The representatives of the parties. Palisades
8 would be in agreement?

9 MR. SPENCER: Yeah.

10 CHAIRMAN HOOD: Come to the mike.

11 MR. SPENCER: I think that it's
12 very important for those of us who support
13 this project with the conditions attached be
14 also able to lay out our concerns. This is
15 not a one-way street, so to speak. And we
16 would be very intrigued about what tweaks
17 would be suggested by the Commission.

18 I mean, you guys know better, but
19 we would also like to have the opportunity to,
20 you know, opine and tell you guys how the
21 neighborhood works and how this fits in within
22 the broader context of the neighborhood. I

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1 mean, I think that's normal.

2 CHAIRMAN HOOD: My only rationale
3 is doing that was for the reason of things my
4 change and you may have a different
5 perspective. And I clearly heard Mr. Feola
6 say some of the conditions kill the project.
7 So, you know, I mean, where are we? I'm just
8 trying to find the -- I don't want to kill it
9 before we even start it.

10 So that's why we're trying to do--
11 we're trying -- this Commission is trying to
12 make every effort to do due diligence, Mr.
13 Feola. So that's kind of where we are. You
14 know, I appreciate your comments, but that's
15 where we are.

16 But your comment about the
17 conditions, Mr. Feola has already told us that
18 some of those conditions kill us.

19 MR. SPENCER: Well, that's, of
20 course, you know, we hope and that's why we
21 opted to support with conditions is that we do
22 hope that these guys can actually build

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1 something that can be part of the good fabric
2 of the Palisades. And that's where we get
3 off. So I just wanted to throw that out, that
4 element of hope.

5 VICE CHAIRMAN JEFFRIES: Okay.
6 Mr. Chair, what I would -- I think that Mr.
7 Feola has a point, that the applicant has, you
8 know, sort of relied on the Zoning
9 Commission's process in terms of a set-down,
10 that, you know, we should probably go forward
11 with this hearing tonight.

12 And obviously, the comments that
13 you have heard from the Commission thus far,
14 you know, obviously, you have a steep slope
15 here to climb, you know, in terms of what is
16 being presented here tonight. You know, it's
17 very possible that you might still be looking
18 at a second hearing of some sort down the road
19 here, but it sounds to me, Mr. Chair, that,
20 you know, they are ready to go forward.

21 It sounds as if the parties,
22 people with party status want to move forward.

1 And, you know, I think it's -- that we should
2 probably go forward.

3 CHAIRMAN HOOD: Any other comments
4 from any of my colleagues? Commissioner
5 Turnbull?

6 COMMISSIONER TURNBULL: Well, Mr.
7 Chair, I think it is what it is. I think we
8 can go forward, I think, and let the chips
9 fall where they may. I think we have all got
10 questions. I mean, I think the homeowners
11 associations have got a lot of issues. And
12 let's get on with it then.

13 CHAIRMAN HOOD: Okay. Mr. May?

14 COMMISSIONER MAY: I could go a
15 couple of different ways here. I mean, I
16 could see doing the, you know, proceeding
17 tonight and, you know, let what happens --
18 what is going to happen, happen. But I could
19 also see just doing the presentation and cross
20 examination and then continuing the hearing to
21 another date, so that we can take it up from
22 there.

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1 And if there are revisions at that
2 point to the proposal, we could review them at
3 that point.

4 VICE CHAIRMAN JEFFRIES: I think
5 that's exactly what -- you know, I think your
6 latter point is what's going to happen by the
7 time we get out of here with all the parties
8 and so forth. I think that's exactly what is
9 going to happen anyway.

10 COMMISSIONER MAY: Okay.

11 CHAIRMAN HOOD: Okay. Here is
12 what we're going to do. We're going to go
13 ahead and move forward with the applicant's
14 case and we are going to have cross
15 examination. We will do an evaluation at that
16 time and we'll go from there. I just hate to
17 see us keep moving down a road and anyway,
18 let's go ahead and do that.

19 Ms. Schellin, do we have a backup
20 date? We'll do a --

21 MS. SCHELLIN: Yes.

22 CHAIRMAN HOOD: Since the

1 community is here, we'll do an evaluation
2 about 9:00 or 9:30 and see how far we're going
3 to get within reason.

4 MS. SCHELLIN: I have three dates
5 in January that are available.

6 CHAIRMAN HOOD: Okay. Could --

7 MS. SCHELLIN: The 8th, the 15th and
8 the 22nd.

9 CHAIRMAN HOOD: If we needed, Mr.
10 Feola, to come back for something, I don't
11 know whether it's going to be a second hearing
12 or what now, but if we need to come back to
13 continue, we just heard three dates, the 8th?

14 MS. SCHELLIN: 15th and 22nd.

15 CHAIRMAN HOOD: 22nd. And I see
16 Ms. Gates coming to the table. Any one of
17 those dates work? I mean, you know, the 8th,
18 15th, check your calendars. Ms. Gates?

19 MR. FEOLA: I'm checking.

20 MS. SCHELLIN: January.

21 MS. GATES: Mr. Chairman, I'm
22 uniquely affected here. My term on ANC -- oh,

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1 I'm sorry, Alma Gates, ANC-3D, Vice Chair. My
2 term on the Commission ends on December 31st.
3 I would be more than happy to continue
4 representing the Commission, but I think -- I
5 don't know how that plays out.

6 CHAIRMAN HOOD: I think in the
7 letter, Commissioner Gates, I saw today, what
8 the ANC had submitted, they -- maybe you can
9 go back and ask them because of what happened,
10 if they can just -- I don't know from a legal
11 standpoint, you're right. I don't know. I
12 mean, you've already -- we are already in the
13 case. We're just continuing the case. It's
14 just that your ANC Commission ends.

15 Do you have a good relationship
16 with the person who is coming behind you?

17 MS. GATES: He has never been to a
18 Zoning case.

19 CHAIRMAN HOOD: I wonder what --

20 MR. FEOLA: Mr. Chairman, the
21 applicant wouldn't object to Ms. Gates
22 continuing.

1 CHAIRMAN HOOD: Yes, I think Ms.
2 Gates raises a valid point. She is coming
3 down now as the representative, the Vice Chair
4 of 3D. I think she brings a good point. I
5 don't know legally. That's out of my realm.
6 I wouldn't have -- I don't think my colleagues
7 and I could -- we wouldn't have any objection.

8 MR. FEOLA: I suspect the ANC
9 should pass another resolution.

10 CHAIRMAN HOOD: That's where I was
11 going. If they would do that --

12 MR. FEOLA: The ANC can be
13 represented by other than a sitting member.

14 VICE CHAIRMAN JEFFRIES: I thought
15 there was more than one member listed.

16 MS. GATES: There is. However,
17 our case is rather lengthy.

18 CHAIRMAN HOOD: Do we have
19 anything in December?

20 MS. SCHELLIN: No.

21 CHAIRMAN HOOD: I'm being in my
22 ear, I can't -- I try to accommodate

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1 everybody. I guess I'm missing the
2 accommodation there. I was thinking we could
3 do a Wednesday, but when I start looking at
4 the Wednesdays of this month, that's not going
5 to work.

6 So, Ms. Gates, what we'll do,
7 let's see how far we go and we may have to get
8 you to go back to your ANC and see if they
9 will let you continue, since you have already
10 started in this case.

11 MS. GATES: Perfect.

12 CHAIRMAN HOOD: A resolution to do
13 that. Okay. Thank you for bringing that to
14 our attention.

15 MS. SCHELLIN: Did we decide which
16 day?

17 CHAIRMAN HOOD: No, no.

18 MS. SCHELLIN: We haven't? Okay.

19 CHAIRMAN HOOD: Definitely not
20 December.

21 MR. FEOLA: Mr. Chairman, Mr.
22 Chairman?

1 CHAIRMAN HOOD: Yes.

2 MR. FEOLA: The only -- as my
3 client has indicated, we would probably do
4 better with a later date, only because if
5 there are going to be changes, with the
6 holidays, it would be very difficult. Now,
7 our architect tells me he is not available on
8 the 22nd.

9 CHAIRMAN HOOD: Well, what we'll
10 do is when we get to the end, let's just see
11 how far we get tonight and then we will come
12 back and deal with it at that time. Mr.
13 Tucker, if you can come forward? And then
14 we're going to go ahead and hopefully get
15 started, because if not, we'll be here until
16 the 22nd.

17 MR. TUCKER: Just a quick comment,
18 Mr. Chairman. In our discussions with the
19 applicant over these many months, they have
20 always stated and perhaps they have changed
21 their mind tonight, but they have always
22 stated that 37 townhomes is the absolute

1 minimum that they can put forward in their
2 plan.

3 And looking at the conditions that
4 have been laid out by the ANC, the PCA and the
5 Canal View Homeowners Association, they --
6 that doesn't fit. I mean, our conditions
7 would require, in my opinion, that the density
8 be reduced some number of townhomes.

9 CHAIRMAN HOOD: Mr. Tucker?

10 MR. TUCKER: If that --

11 CHAIRMAN HOOD: Mr. Tucker, there
12 is going to be an appropriate time for us to
13 hear from you on that.

14 MR. TUCKER: Yes, sir.

15 CHAIRMAN HOOD: I don't see where
16 that is going to help us to move along --

17 MR. TUCKER: Okay.

18 CHAIRMAN HOOD: -- in this case or
19 I don't see the relevance, because that is
20 testimony, as far as I'm concerned, right, at
21 this point.

22 MR. TUCKER: I'm sorry. Yes, sir.

1 The only reason I mentioned it was in the
2 event it helped make some decision. I beg
3 your pardon.

4 CHAIRMAN HOOD: No, no problem.
5 You have been a big help. Thank you. And I'm
6 not saying that sarcastically. I appreciate
7 what you have done, you laid this out and some
8 other things, but we appreciate it. We need
9 to get started.

10 Mr. Feola, if you could begin?

11 VICE CHAIRMAN JEFFRIES: And you
12 can also do an abbreviated presentation, too,
13 you know. You don't have to take the whole 60
14 minutes, but if you want to, go right ahead.

15 MR. FEOLA: There is a football
16 game on tonight, isn't there?

17 CHAIRMAN HOOD: Well, let me just
18 say this, since you mentioned that. None of
19 us here are interested in tonight's game. We
20 were interested in the one yesterday.

21 MR. FEOLA: I saw that one. It
22 sounds like the hearing might turn out like

1 that, too.

2 CHAIRMAN HOOD: Well, just in
3 case, you know, it went my way yesterday.

4 MR. FEOLA: Thank you, Mr.
5 Chairman. Again, my name is Phil Feola with
6 Pillsbury Winthrop Shaw Pittman. And we are
7 here on behalf of Saimac, LLC, which is the
8 property owner of the subject site. It's a
9 special purpose entity which was formed by the
10 Athena Group, a nationally renowned real
11 estate developer out of New York City.

12 To redevelop a 2.7 acre site on
13 MacArthur Boulevard, the majority of which was
14 approved by this Zoning Commission as an R-5-A
15 PUD in 1970, for an institutional use, a 200
16 bed psychiatric hospital with 200 parking
17 spaces. In its most recent incarnation, it
18 was known as Riverside Hospital. That
19 hospital has since closed.

20 The proposal which you will hear
21 described tonight is to redevelop the site as
22 an environmentally sensitive for-sale

1 townhouse community that comports with the
2 requirements of Chapter 24 of the Zoning
3 Regulations and approval of which is
4 consistent with the District of Columbia
5 Comprehensive Plan.

6 We have five witnesses. I don't
7 think we will take our full hour and the five
8 witnesses are Lee Saltzman, who is Chief
9 Operating Officer of the Athena Group; Jack
10 McLaurin from the Lessard Group Architects;
11 Dan Dove from Studio 39 Landscape Architect;
12 Marty Wells of Wells and Associates; and Gary
13 Cohen of Wilco Residential.

14 And with that, we would like to go
15 into the presentation. Mr. Saltzman?

16 MR. SALTZMAN: Okay. Good
17 evening, Commissioners. Am I on? Yes. Good
18 evening, Commissioners. My name is Lee
19 Saltzman. I'm the Chief Operating Officer of
20 the Athena Group. We are a real estate
21 development, investment and operating company
22 that was formed in 1993. As you can see from

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1 the locations that we have listed up on the
2 slide, we are primarily active in the eastern
3 seaboard, although throughout the eastern
4 seaboard, although we also have a few projects
5 located out west.

6 Over the years, one of the
7 particular expertise that our firm has
8 developed is on urban infill projects. And so
9 I just wanted to show very quickly a few
10 slides of some of the projects that we have
11 recently completed in the urban infill space.

12 First is the 903, a 330 unit
13 project in the heart of Providence, Rhode
14 Island, roughly two blocks from the Providence
15 Place Mall right in the center of town.

16 Second, the Rob Clark in Los
17 Angeles in what is known as the Beverly Hills
18 Adjacent Space. This is a 105 unit project,
19 approximately, two blocks from Cedars-Sinai
20 Medical Center, a very urban community.

21 And finally, I'll show you a
22 project that we completed earlier this year on

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1 Central Park North in Manhattan, 48 units.
2 This project is -- was located right at the
3 top, at the northern end of Central Park on
4 110th Street. We worked very closely with the
5 community, with the Harlem community, which,
6 as you can imagine, is as sensitive as any
7 community in the country to development and
8 the integration of development in the
9 community, particularly given the changes that
10 have occurred there over the last 5 to 10
11 years.

12 VICE CHAIRMAN JEFFRIES: Was it 5th
13 Avenue?

14 MR. SALTZMAN: No, that's Lenox.

15 VICE CHAIRMAN JEFFRIES: Oh,
16 Lenox.

17 MR. SALTZMAN: Over on 110th Street
18 and Lenox Avenue.

19 VICE CHAIRMAN JEFFRIES: Lenox,
20 oh, I used to live a block from there. Okay.

21 MR. SALTZMAN: And we also worked
22 very closely with another major constituency

1 in that neighborhood, the Central Park
2 Conservancy, which is very concerned about
3 anything that is going up at, near or close to
4 the park.

5 And so we are proud to say that
6 this project has won a number of awards and it
7 is a perfect illustration how we have worked
8 successfully with communities in the past.

9 Notwithstanding all of that
10 experience, we felt it was crucial in this
11 situation to make sure that we had local urban
12 infill expertise on our team. And so we
13 formed a strategic alliance with Wilco
14 Residential and Gary Cohen bringing them on as
15 our associate developer and project manager.
16 And I will show you a few of the examples of
17 some of the work that they have done here in
18 the local community.

19 First, Jefferson Row located at
20 Dupont Circle; second, The Escalade located in
21 the Capitol Hill area; and finally, the
22 Providence Project which is located in the

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1 Shaw District.

2 With respect to the history of our
3 project, when this site was first brought to
4 our attention, we became extremely
5 enthusiastic and excited about the opportunity
6 to do an urban infill project in the District
7 of Columbia. We -- the -- first off, we
8 considered that it makes sense to continue the
9 present institutional kind of use on the
10 property or look to something that would fit
11 in better, integrate better, be more
12 consistent with the community feel.

13 And we rapidly concluded that a
14 residential development was going to be the
15 best type of development for this site. We
16 then decided well, did we want to do
17 condominiums, did we want to do townhomes?
18 What really makes the most sense for this
19 site?

20 We even looked at an as-of-right
21 plan, but what really came out was that by
22 doing the townhomes as opposed to condos or

1 single -- or all single-family detached, we
2 were able to come up with something that
3 really was consistent with and integrated with
4 the neighborhood in terms of providing open
5 space and other amenities as we will show you
6 as we continue the presentation.

7 As you may be aware, our -- and as
8 I'm sure you're aware, our original plan
9 called for 41 townhomes. But early on in our
10 communication with the community and our
11 community outreach, it became clear that the
12 density, the number of homes was an issue that
13 was important to the community.

14 Our approach in everywhere that we
15 have gone is to try to embrace those concerns
16 and not react in a piecemeal way. So we went
17 right back to the drawing board right from the
18 beginning and we knocked off, you know, 10
19 percent of the units, which is not
20 insignificant, to bring it down to 37 as
21 opposed to negotiating one unit at a time.

22 And we are proud of this. Our

1 goal is to produce a project that we can be
2 proud of. That means an economically
3 profitable and feasible project, an urban
4 infill development that will add value for the
5 buying homeowners, the neighborhood and the
6 surrounding community through our embrace of
7 Smart Growth principles, including treatment
8 of the open space and the environment.

9 And I think that's what you will
10 see in the balance of the presentation
11 tonight.

12 MR. FEOLA: Thank you, Mr.
13 Chairman. Our next witness is Jack McLaurin
14 of the Lessard Group.

15 MR. McLAURIN: Good evening.
16 Again, my name is Jack McLaurin with the
17 Lessard Group. And I have the daunting
18 pleasure of coming before you tonight. I
19 appreciate the opportunity.

20 The first thing I would like to do
21 is orient you to the exact location of the
22 site. The site is over here with the red dot.

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1 You have Canal Road to the south, MacArthur
2 Boulevard, Foxhall, Georgetown University, Key
3 Bridge.

4 Zooming in on it a little bit
5 tighter, this is again MacArthur Boulevard,
6 Foxhall coming up this way, north is this
7 direction. Whoops, excuse me, Canal Road on
8 the bottom. And one of the very interesting
9 things about this site is the context that it
10 sits in. It's 2.77 acres. To the school, you
11 have an institutional use of a school. You
12 have, as mentioned, the Canal View
13 Association, which is a single-family detached
14 community.

15 You have a retail structure over
16 here on the corner at the intersection of
17 MacArthur. You have townhomes. You have the
18 two single-family homes on Lingan Way. Just
19 to clarify, Lingan Road is the public right-
20 of-way, which transitions into Lingan Way,
21 which is a private street.

22 Across the street on MacArthur is

1 again more apartments and townhomes, really
2 all the way up and down the street. This is
3 a bird's-eye, which starts to give you a
4 better idea of the context in some of the
5 maps. A lot of flat roof, three story, four
6 story apartment buildings, the single-family
7 dwellings over here, the school, the ballfield
8 and the parking lot, the retail building over
9 here.

10 The site is very challenged
11 topographically. It slopes, approximately, 30
12 feet from MacArthur Boulevard to the back of
13 the site. The approximate spot elevation of
14 107 on the sidewalk of MacArthur Boulevard
15 down to about 75 at its lowest point. The
16 bulk of the back of the property here is about
17 at an 85.

18 The Canal View Association over
19 here is held up by a very large retaining wall
20 in some spots about 30 feet. So you will see
21 an elevation of 103 here. So you know, when
22 we talk about, you know, the future elements

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1 of height and density, we have to keep in mind
2 that this community is really detached, even
3 though they are in the same zone on a 2D piece
4 of paper, you're looking at more than a 30
5 foot spread topographically.

6 As we showed a little bit, some
7 existing conditions. You have a subterranean
8 below-grade garage. This is the lowest point.
9 This is that retaining wall that I was talking
10 to you about. So you are at about a .75 down
11 here. You are at about a 103 up here. These
12 two red lines represent the height of the
13 wall.

14 If you could see the base of the
15 wall here, then you have the approximate
16 location of the top of the wall here. This is
17 that home on Canal View. If you can see the
18 small little key plan, this home right here is
19 this home right here. So you know, these
20 houses are towering above. There is a very
21 large, great discrepancy and this wall on the
22 Canal View Association property is, you know,

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1 10, 15 years-old.

2 VICE CHAIRMAN JEFFRIES: Excuse
3 me, Mr. McLaurin.

4 MR. McLAURIN: Sure.

5 VICE CHAIRMAN JEFFRIES: Can you
6 show the perspective, I mean, where we are
7 looking from the site plan?

8 MR. McLAURIN: Here?

9 VICE CHAIRMAN JEFFRIES: Yeah.

10 MR. McLAURIN: You are standing --
11 let me go back. You are standing right --
12 there is a trash enclosure right here.

13 VICE CHAIRMAN JEFFRIES: Uh-huh.

14 MR. McLAURIN: So I believe you
15 are standing there kind of looking this
16 direction.

17 VICE CHAIRMAN JEFFRIES: Okay.
18 Okay.

19 MR. McLAURIN: Okay. So there is
20 that trash enclosure.

21 VICE CHAIRMAN JEFFRIES: Um-hum.

22 MR. McLAURIN: So I took this shot

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1 right here of the garage, which is right here,
2 and then just spun around to go directly that
3 way.

4 VICE CHAIRMAN JEFFRIES: Okay.

5 MR. McLAURIN: So again, this
6 house that you see up here on top of the wall
7 is this house. So this entire cul-de-sac and
8 these houses are held up by that wall.

9 There is a wetlands on the
10 property. There is two forms of wetlands.
11 There is a culvert over here. It's not a wet
12 culvert. It is dry and I'm assuming fills up
13 and dissipates at a rain event. Then you have
14 a linear wetlands in the form of a stream on
15 the back of the property. I'll point to the
16 property.

17 The red lines are storm pipes,
18 existing storm pipes that feed that wetland.
19 This stream here, there has been conversation
20 about a spring on this wetlands. This stream
21 is actually fed by this pipe right here, which
22 is an out-fall, which collects storm water

1 upstream here. So it's not water from our
2 property.

3 There are a couple of other pipes
4 associated with the hospital that daylight
5 down into this area over here. We do have our
6 wetlands consultant here tonight to answer any
7 of your questions. He is not going to have
8 any formal testimony, but he is certainly
9 available.

10 These are some photographs of the
11 wetlands. I am now looking east and this is
12 the base of that retaining wall. So this is
13 the little linear stream that we are talking
14 about right here. I think those flags mark
15 the edge of the stream. You have your culvert
16 down there on the far southeastern part of the
17 property.

18 Another photograph is in a large
19 version, so this stream is, essentially, very
20 eroded. This is looking west along the
21 property line. The Canal View Association is
22 over here and then this is the hospital

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1 property over here, so you can see it's very
2 overgrown and wooded.

3 This is our proposed plan. One of
4 the first major decisions to be made in
5 designing the proposed plan is the home type
6 that would be used in order to address these
7 topographical issues on the site be compatible
8 with the surrounding neighborhood, preserve as
9 much open space as possible, as well as meet
10 the market demands.

11 Attached single-family homes or
12 townhomes were selected as the home design
13 prototype. Townhomes allow us great
14 flexibility to work with the existing
15 topography stepping down the site and
16 minimizing the disturbance to the natural
17 grade.

18 The townhome also allow us to
19 cluster the homes and preserve large amounts
20 of open space in consolidated areas. We have
21 a central park here in the center of,
22 approximately, 7,750 square feet. We have an

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1 open space buffer park on this side, which
2 contains a rain garden of, approximately,
3 12,720 square feet, which is just about a
4 third of an acre.

5 And then we have the preserve
6 wetlands area along here and a butterfly
7 overlook in the open space behind these two
8 houses over here of, approximately, 18,550
9 square feet, which is shy of a half an acre.
10 So there is substantial consolidated open
11 space on the property.

12 Townhomes will allow us to provide
13 enclosed parking garages for each home, which
14 is very important in this marketplace. You
15 would hear much discussion tonight about the
16 appropriateness of townhomes in this location.
17 But as you will see in some upcoming
18 photographs of the immediate neighborhood,
19 townhomes certainly are a compatible housing
20 type.

21 The proposed plan utilizes two
22 different styles of townhomes: Alley-loaded

1 townhomes, which are located at the front on
2 MacArthur Boulevard and the internal park and
3 to minimize curb cuts and driveways off of
4 MacArthur Boulevard and the internal, and
5 front-loaded townhomes with rear yards, which
6 surround the perimeter of the site adjacent to
7 the surrounding neighbors and avoids an alley
8 condition facing the adjoining neighbors.

9 The site essentially dictates the
10 form of the townhomes and which style goes
11 where. The site is accessed by a single curb
12 cut, which is slightly west of the existing
13 curb cut. The main circulation road is a
14 private road of 20 feet in width, with
15 parallel parking in certain areas. This road
16 width has been reviewed by DDOT and FAR
17 Emergency Medical Services Department and
18 found to be acceptable. And it is consistent
19 with many Smart Growth strategies and the
20 utilization of land.

21 The point is to put that space
22 into landscaping rather than pavement. There

1 is a -- one of the conditions that you will
2 see is to turn our 20 foot road into a 25 foot
3 road. From a design practice standard, 20
4 foot is adequate for two-way travel and we
5 would rather put that 5 feet into open space
6 and landscaping rather than impervious area,
7 which only just increases storm water runoff.

8 The proposed plan incorporates a
9 dead end in front of the two existing homes on
10 Lingan Way. That's this right here. So what
11 is currently a dead end coming from the east
12 will now be a dead end coming from the
13 internal part of our site.

14 This design is a result of much
15 collaboration between our -- between the
16 applicant, our design team and the two
17 neighbors on Lingan Way and will result in a
18 much more desirable living environment for
19 these residents.

20 Right now, that access to their
21 property is via a 12 foot wide road with storm
22 water catch basins and every utility known to

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1 mankind, so it's not a pleasant experience for
2 them. They will now access their new homes
3 from our new private street ending in a motor
4 court design complete with specialty pavers
5 and additional landscaping.

6 These two homes will become a part
7 of the homeowners association with full access
8 to the development. You will hear much
9 discussion tonight about density and the
10 appropriateness of our proposed plan. We are
11 proposing 37 units on 2.77 acres. That
12 calculates to, approximately, 13 units to the
13 acre which is consistent with low density as
14 defined by the District's Comp Plan and is
15 also consistent with the densities in the
16 surrounding area with the apartment buildings
17 and other townhome communities.

18 Even though this density has been
19 supported by the Office of Planning in their
20 report, you will hear much debate about the
21 appropriateness of the density as it relates
22 to the idea of single-family homes, which we

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1 acknowledge do exist in the community. But
2 like I said, so do apartment buildings, so do
3 condominium buildings, so do retail buildings
4 and so do townhomes.

5 This is what makes this
6 neighborhood as well as most other areas of
7 the District so vibrant. This mixture of
8 uses, densities, housing types and
9 architectural styles is what makes the
10 District such a wonderful place to live, work
11 and play.

12 Townhomes at our site and the
13 densities we propose are completely
14 appropriate and you will see that as our site
15 has edges and boundaries. These edges and
16 boundaries have all been designed with the
17 adjoining property in mind in both height and
18 scale.

19 Canal Park cannot be viewed as a
20 number in a calculation alone. We think it's
21 about great design and creating a sense of
22 place.

1 This is the site section, what is
2 cut along -- which is cut along the red line
3 on this key plan right here with MacArthur
4 Boulevard on the right, the wetland buffer on
5 the left and the central park in the center.
6 And again, that central park is about 7,750
7 square feet.

8 As mentioned before, the townhome
9 prototype gives us the ability to work with
10 the existing grade and minimize the amount of
11 disturbance. The townhomes are able to step
12 down the slope as well as step side to side
13 without the use of basements and basically sit
14 on top of the terrain without the need of
15 consuming retaining walls on each and every
16 lot, which a single-family home community
17 would require.

18 It has also allowed us to provide
19 a 2.5 story facade on MacArthur Boulevard by
20 utilizing a home design with a buried front
21 right here under my cursor. The homes on
22 MacArthur Boulevard will be, approximately, 32

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1 to 36 feet in height, which is compatible with
2 the adjoining properties.

3 The proposed plan also
4 incorporates many Smart Growth principles
5 which I'm sure you are familiar with and which
6 are also critical when designing any new
7 infill development such as Canal Park into an
8 existing community. These principles are
9 consistent with the principles as outlined by
10 Smart Growth Alliance.

11 The first goal or principle is to
12 create a range of housing opportunities and
13 choices. This provides quality housing for
14 people of all income levels and is an integral
15 component in any Smart Growth strategy. Canal
16 Park will offer homes ranging from 1,500 to
17 4,300 square feet.

18 In addition, we have two
19 affordable units which are located here and
20 here on MacArthur Boulevard. I might add that
21 the location of these units is a result of
22 collaboration with the Office of Planning and

1 their recommendations and concerns as it
2 relates to the aesthetics and the very
3 appropriate goal of having these affordable
4 homes seamlessly integrated into the fabric of
5 Canal Park.

6 Other Smart Growth principles
7 creating walkable communities, encouraging
8 community and stakeholder collaboration,
9 foster distinctive attractive communities with
10 a strong sense of place, make development
11 decisions predictable, fair and cost-
12 effective, for a community to be successful in
13 implementing Smart Growth, it must be embraced
14 by the private sector, preservation of open
15 space in critical environmental areas,
16 strengthen and direct development towards
17 existing communities and taking advantage of
18 compact building design.

19 Smart Growth principles provide a
20 means for communities to incorporate more
21 compact building design as an alternative to
22 conventional land consuming development.

1 On the slide above you is a list
2 of criteria for PUD application. I'm not
3 going to read each one, but we do meet or
4 exceed each of the requirements for a PUD.

5 What I would like to do now is
6 turn it over to Dan Dove with Studio 39
7 Architecture.

8 MR. DOVE: Thanks, Jack. Good
9 evening. My name is Dan Dove and I'm a
10 landscape architect with Studio 39. As Jack
11 had mentioned before, the site plan allows for
12 several opportunities for significant public
13 open space. In addition, we are incorporating
14 green design principles as well as including
15 high quality hardscape materials and providing
16 extensive landscaping on-site.

17 The first items I would like to
18 talk about to just sort of give a general
19 overview of the on-site amenities that we are
20 providing and then get into more of the site-
21 specific designs later on.

22 Our overall design includes

1 bricked sidewalks. Not only on MacArthur
2 Boulevard, but throughout the whole site as
3 well. Brick sidewalks are typically a higher
4 quality of paving material and the texture and
5 patterns are more in scale for pedestrian use.

6 Every street throughout the site
7 will also have an addition of street trees
8 that will be selected from the Urban
9 Forestry's recommended tree list. The alleys,
10 driveways and the road front -- and the road
11 in front of Lingan Way -- Lingan homes will
12 have a specialty paving to create a
13 cobblestone feel to the roads and entrances to
14 the garages.

15 Every individual home will have
16 its own design landscape plan depending on its
17 orientation of the home on the site. We also
18 have provided an extensive buffer around the
19 entire perimeter to provide screening of the
20 development from the adjoining neighbors. The
21 central focal feature park, as Jack had
22 mentioned before, is around 7,700 square feet.

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1 The design intention is to provide
2 neighbors with a passive recreational space
3 that features multiple bench seating areas,
4 ornamental tree growth for shaded seating
5 areas, a large focal feature or sculpture
6 element to create a centralized gathering
7 space.

8 The large open space park on the
9 western side of the site was expanded to
10 create an active recreational area for the
11 residents as well as addressing the concerns
12 that the existing neighbors had for the
13 proximity of the proposed buildings. The
14 square footage of that park, as Jack
15 mentioned, is 12,700, which is an increase of,
16 approximately, 5,000 square feet from the
17 previous submission.

18 Within this park, there will be a
19 walking trail, bench seating, a substantial
20 mixture of plantings, including evergreen
21 trees for privacy and large assiduous trees to
22 provide shading in seating areas. A rain

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1 garden is also proposed in this area.

2 At the southern portion of the
3 site, we are creating an overlook passive
4 recreational space intended not only to
5 provide the residents with an additional
6 seating area, but also to provide them with an
7 overlook into a bird and butterfly habitat.

8 At this point, I would like to
9 talk about the other amenities we are
10 providing on the site design, specifically the
11 green design elements. I want to point out
12 that these design elements were created with
13 our extensive collaboration with the
14 Department of the Environment. These designs
15 have been presented to them and have gotten
16 their full support.

17 The intentions of these green
18 elements are to provide numerous benefits to
19 the environment, including groundwater
20 recharge, assisting with flood control,
21 cleansing and removal of excess pollutants
22 from entering our estuaries providing water

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1 cooling benefits for the reduction of storm
2 water runoff and the reduction of the urban
3 heat island effect.

4 The first component of the green
5 design was to incorporate the same concept
6 that was used in the Chicago Green Alley
7 Paving Program. We are providing a 5 foot
8 wide pervious concrete pavers in the center of
9 the alley to capture the rain water. The rain
10 -- the alley will then be sloped away from the
11 units towards the center of the alley. The
12 water will then infiltrate through the
13 pervious paving and either recharge the
14 groundwater and any excess water will then be
15 piped into the proposed rain garden in the
16 western park.

17 This design will capture,
18 approximately, 5,300 square feet of paving
19 surface. I also want to point out that all
20 the parking spaces that are on-site will be
21 constructed with pervious paving as well.

22 The next design component we are

1 presenting is the rain garden in the open
2 space park. Essentially, the rain garden
3 would be planted with a variety of native
4 plants and ornamental grasses that will help
5 to clean and remove excess nitrates and other
6 pollutants from entering the Potomac River
7 Drainage Basin.

8 The rain garden will be sized
9 accordingly and it will be constructed with a
10 combination of topsoil, composted leaves and
11 a drainage gravel that will allow the water to
12 be stored for less than 24 hours -- 48 hours
13 as it infiltrates the ground and helps cleanse
14 and recharge the groundwater.

15 You can go to the next slide. I
16 want to include this slide to give you an idea
17 of the amount of open space that we are
18 providing on-site. Right now, currently, the
19 amount of open space provided will be 51
20 percent. We also have another study where we
21 had studied the actual amount of pervious
22 area, which is 46.6 percent of the site will

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1 be pervious.

2 The 51 percent is the actual
3 square footage of the open space recreational
4 area we are providing. This includes the
5 pedestrian sidewalks throughout the site, the
6 parks, the residential backyards, the wetland
7 overlook and the buffer areas.

8 Okay. The final green design
9 principle we are incorporating into this
10 project is the restoration and cleansing of
11 the wetlands. In our design concept, we are
12 proposing the hand removal of existing vines,
13 weeds and vegetation and replacing them with
14 native trees, shrubs, perineals and grasses.

15 It is our intention that the new
16 native vegetation will be more environmentally
17 sound than what exists today. The new plant
18 material that once established will also help
19 to strengthen the soil stability and will
20 provide not only an aesthetically pleasing
21 environment for the residents, but provide a
22 habitat for various types of birds and

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1 butterflies. We have submitted a list of
2 plants that we are proposing in the PUD
3 submission.

4 Also, I would like to -- oh, I'm
5 sorry, can you go back one? I would also like
6 a real response to the ANC's expert's, Mrs.
7 Moore, letter. We agree that it is important
8 for proper erosion and sediment control
9 measures to be taking place during
10 construction to help preserve the stream at
11 the back part of the site.

12 We feel that with these measures,
13 in addition to the planting material that we
14 are proposing in the stream, will help to
15 preserve the streams conditions for future
16 use.

17 Let's see, as Jack mentioned
18 before, there is about a 30 foot drop in grade
19 from MacArthur Boulevard to the lower portion
20 of the site. In order to meet ADA
21 accessibility on the streets, on the internal
22 streets and sidewalks, we are going to have to

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1 add a retaining wall at the lower portion of
2 the site.

3 The wall height will vary from
4 left to right 2 feet to 14 feet at the right
5 hand side. The graphic above shows this wall
6 and elevation to give you a better
7 understanding of the height in relation to the
8 buildings as well as a graphic of the
9 enhancements to the landscaping we are
10 proposing.

11 The reasoning behind the 2 feet in
12 the left hand side versus the 14 foot is that
13 if you look in -- right there at that point,
14 that's where the culvert area is. Where Jack
15 had shown before, there is that pipe that
16 comes and daylights right there. So at that
17 point, you will have a retaining wall, head
18 wall with a culverted pipe. So then we will
19 only need a 2 foot area back in there.

20 The image at the bottom of the
21 slide shows our relation of our proposed
22 units, their backyard spacing green and the

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1 retaining wall close to the wetland area. The
2 darker wall at the bottom of the image is the
3 existing 30 foot timber retaining wall on the
4 neighboring development's property that abuts
5 the wetlands and that's where Jack is trying
6 to show that there is that 30 foot drop right
7 there at that one point closest to that
8 wetland area.

9 Mike Goodman is a civil engineer
10 on this project and he is here to answer any
11 further questions we have on the storm water
12 system we are proposing, but I wanted to give
13 you a brief synopsis of our storm water
14 concept.

15 This slide is a basic diagram of
16 our storm water management design and how the
17 water will be stored, cleansed and treated on-
18 site. The light blue graphic on the site
19 represents the pervious pavers locations we
20 are proposing. The one at the top being the
21 pervious alley, the Green Alley Program, the
22 rest of them are just the parallel parking and

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1 head-in parking spots on-site.

2 To the western side shows the
3 location of the rain garden and how all the
4 elements will be interconnected through the
5 site. You can see that the pervious area and
6 the green alley paving is connected to the
7 pipes that go into the rain garden, but then
8 will be discharged down into the storm water
9 or to the D.C. standard sand filter, cleansed
10 and treated there, then discharged out into
11 our wetlands where we are proposing native
12 vegetation that will also help cleanse the
13 water before it goes into the out-fall at the
14 south end of the site and then discharged out
15 into the water.

16 Here is a slide just to show us an
17 example of the rain garden type design that we
18 are proposing. It kind of gives you an idea
19 of the depth of the planting material as well
20 as the type of soils that we will be using.

21 The other images are some pictures
22 of established rain gardens and how they can

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1 be aesthetically pleasing as well as
2 environmentally beneficial to the site.

3 LEED ND is a new program that has
4 been -- that is being established to develop
5 a national set of standards for neighborhood
6 location and design based on the combined
7 principles of Smart Growth, New Urbanism and
8 Green Building. LEED ND places emphasis on
9 the design construction elements that bring
10 buildings together into a neighborhood and
11 relate the neighborhood to its larger region
12 and landscape.

13 LEED ND is still in its pilot
14 program and the checklist is still a work in
15 progress. We did, however, take a look at
16 this checklist and the relation to our
17 project. In our preliminary findings, we are
18 able to achieve 34 points with the opportunity
19 to reach certification level once we get
20 further into our design process.

21 Thank you very much. I appreciate
22 your time. I can bring Jack back to talk

1 about the architecture.

2 MR. McLaurin: I know time flies
3 when you're having fun, but I'm not sure the
4 clock is working there. So it's -- Phil told
5 me to slow down my talk, but maybe I still
6 need to slow it down.

7 I would like to talk to you right
8 now about the concept of the architecture.
9 This is a very unique site. The Palisades
10 neighborhood and the Foxhall neighborhood is
11 a conglomeration of lots of different building
12 masses and architectural styles. You have
13 single-family duplexes with porch fronts. You
14 have three story and three and a half story
15 apartment buildings, non-descript and any kind
16 of style.

17 You have very plain brick
18 structures like this. You have, you know,
19 traditional, colonial, soft colonial, gable
20 roof townhomes. You have front-loaded
21 townhomes. This is the backside of the retail
22 building. This is the corner of Lavarock and

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1 MacArthur Boulevard, which is one of the
2 single-family homes that is actually built in
3 a duplex configuration, but it is sort of a
4 Craftsman siding, shake shingle with stone
5 architecture.

6 So the architecture is extremely
7 eclectic and I do respect Mr. May's comments
8 and I would love to, you know, sit down with
9 him with a roll of bum wad one of these days
10 instead of the formality of this, because
11 often it is a dialogue and it is a very
12 challenging project right here.

13 As you can see, there is not just
14 one distinct architectural style to emulate
15 nor would it be appropriate to do so. It was
16 the goal of the design team to develop an
17 architectural style that would be familiar to
18 the future purchasers of the community that
19 would represent a sense of residential
20 elegance that Athena is trying to put forth
21 with this project and that would be compatible
22 with the surrounding neighborhood.

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1 The underlying styles that we
2 decided to work with are the Georgian and
3 Federal styles which are prevalent in many
4 parts of Georgetown and can be found
5 throughout the Foxhall and Palisades
6 community.

7 So I think what we are trying to
8 do is come up with an architectural style that
9 is residential in nature and that conveys a
10 sense of elegance. The potential price point
11 and the target market for these are going to
12 require some sense of elegance. And in my
13 experience, traditional architecture, I'll
14 call it nostalgic architecture, architecture
15 that people understand and does not need to be
16 explained to them is often successful in
17 trying to hit a target market like that.

18 The building that you see in front
19 of you here is the building that fronts
20 MacArthur Boulevard and this is where we have
21 buried the fronts of the units here. This is
22 the alley in the back. We have buried the

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1 fronts of the units to present a 2.5 story
2 street face with the roof on top. So it's
3 still a four story townhome, but the
4 streetscape on MacArthur Boulevard will be 2.5
5 stories.

6 This is one of the impressionistic
7 water colors that we do that has been deemed
8 by the Zoning Commission in times past, but,
9 you know, they are meant to just present a
10 feeling. It's not meant to be a technical
11 drawing of any sense, but it's just meant to
12 kind of give you a sense of feeling or a theme
13 as you are going down MacArthur Boulevard.

14 Building elevation. This is
15 number two. This is the building that faces
16 the park and it is a flat roof parapet style
17 architecture with a loft level setback. This
18 is the loft level setback. This is the alley.
19 This is the park over here. And it is a
20 parapet architecture because we're trying to
21 keep the roof terraces to the front. South is
22 down here in the bottom right hand corner.

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1 So rather than like on the
2 previous elevation where we have the roof
3 terraces in the rear, in the alley, that still
4 faces south, which is going to be nice. So we
5 try to keep them facing south. And as you
6 have seen in the past photographs, there is
7 plenty of context for parapet architecture.

8 Articulated bays and a variety of
9 fenestration patterns. This is a rendering of
10 the central park with the building behind.
11 This is what we call Building 3. You have
12 seen conversation of Building 3 in some of the
13 paperwork you have in front of you. That's
14 this building right here, which is directly
15 adjoining where -- one of the closest
16 buildings to the Lavarock Association Canal
17 View.

18 There is about 39.7 feet from the
19 back of our wall, back of our house to the
20 property line and it is a three story. This
21 is one of the buildings where we have
22 completely knocked off a floor and removed the

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1 roof terraces for privacy reasons. This is
2 the property line right here. There is that
3 39 foot setback and you will see this is an
4 approximate dimension of one of the Canal View
5 homes.

6 So we are, approximately, 30 feet
7 in height to the midpoint as the method of
8 measurement. So we are lower than the
9 adjoining townhomes or excuse me single-family
10 homes.

11 This is a typical front-loaded
12 building with the idea of providing rear yards
13 to face the adjoining property, specifically
14 this is No. 6. Because we are face -- or
15 backing up to the adjoining properties, we
16 spent a lot of time working with the
17 articulation in the back, a combination of
18 brick veneer, some of the cast stone, block
19 product, which we have samples of here,
20 cantilevered painted trim base, hardy plank
21 siding.

22 We have iron balconies and

1 walkouts and awnings and then the roof
2 terraces on the rear over here. And you know,
3 the fronts are a little bit more traditional
4 and the rears are not. The rears, you know,
5 are going to have somewhat of a southern
6 orientation, so we did really maximize the
7 glass in the back of these.

8 You know, we're not trying to be
9 very little, you know, because there is not an
10 obvious contact to work with, you know, so we
11 feel like we have a little bit of freedom in
12 design.

13 Building height.

14 VICE CHAIRMAN JEFFRIES: Excuse
15 me. Can you --

16 MR. McLAURIN: Sure.

17 VICE CHAIRMAN JEFFRIES: -- go
18 back to that one?

19 MR. McLAURIN: Sure.

20 VICE CHAIRMAN JEFFRIES: So the
21 garage doors are facing the central park?

22 MR. McLAURIN: Yes.

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1 VICE CHAIRMAN JEFFRIES: Okay,
2 okay.

3 MR. McLAURIN: They are right
4 here.

5 VICE CHAIRMAN JEFFRIES: I just
6 wanted -- okay, great. Thank you.

7 MR. McLAURIN: They are right
8 there. And that's typical of this building
9 and this building right here. I know it's
10 very hard to see. This building and this
11 building here, the previous slide I showed you
12 was that building, which is the three story.

13 VICE CHAIRMAN JEFFRIES: Okay.
14 And the garage doors are facing the Canal?

15 MR. McLAURIN: No, no.

16 VICE CHAIRMAN JEFFRIES: They're
17 not?

18 MR. McLAURIN: No.

19 VICE CHAIRMAN JEFFRIES: They are
20 opposite? Okay.

21 MR. McLAURIN: Yeah. So, I mean,
22 it's all the garage doors around the edges

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1 here face --

2 VICE CHAIRMAN JEFFRIES: Okay.

3 MR. McLAURIN: -- interior to the
4 site.

5 VICE CHAIRMAN JEFFRIES: Okay,
6 great.

7 MR. McLAURIN: If I had a garage
8 door facing the adjoining association side, we
9 would have an alley condition --

10 VICE CHAIRMAN JEFFRIES: Right,
11 right, right. Okay.

12 MR. McLAURIN: -- facing them,
13 which is what we were trying to avoid. So
14 instead, we wanted to front-load these, you
15 know, which is a less urban design prototype,
16 but as you have seen in the community, there
17 are lots of examples of front-loaded townhome
18 products out there.

19 VICE CHAIRMAN JEFFRIES: I guess
20 I'm just looking at the perspective that you
21 showed of the central park.

22 MR. McLAURIN: Um-hum.

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1 VICE CHAIRMAN JEFFRIES: And it
2 gave the appearance of a very more pedestrian
3 looking, you know --

4 MR. McLAURIN: It's exactly that.
5 And let me go to the slide. So the building
6 you see on the perspective is this building
7 which front door is facing this part. I don't
8 want garage doors facing this part.

9 VICE CHAIRMAN JEFFRIES: Um-hum.

10 MR. McLAURIN: I have a street
11 that is now a buffer to the garage doors on
12 the other side. Okay. So these homes are
13 pedestrian.

14 VICE CHAIRMAN JEFFRIES: Um-hum.

15 MR. McLAURIN: You know, they want
16 to connect to the park. They are going to
17 have their own little front yards, maybe
18 little wrought iron fences to define the
19 public and the private spaces. But their
20 front doors come out of the park. The front
21 doors on the other side come out onto the
22 right-of-way on to the street.

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1 The building height is of major
2 concern on the community and certainly relates
3 to the perception of density. The above
4 images are photographs of buildings taken in
5 the immediate neighborhood of Palisades. You
6 will see a variety of heights and massing as
7 well as a mixture of adjacencies and
8 relationships.

9 The photograph in the upper left
10 hand corner shows a single-family detached
11 home directly adjacent to an apartment
12 building. You will also note that much of the
13 Palisades has extreme slopes which mandate
14 retaining walls and increases the actual and
15 perceived heights.

16 For example, here this is almost
17 directly across the street, example here. So,
18 you know, your actual and perceived building
19 heights are certainly increased. There is a
20 perception that our proposed townhomes will
21 exceed heights commonly found on the
22 neighborhood, but, as you can see, many

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1 buildings are in excess of 40 feet whether or
2 not they are built with retaining walls.

3 You will also note that our
4 buildings have been designed with the
5 immediate adjacencies in mind. I mentioned
6 before our edge conditions. Green denotes 30
7 to 35 feet in height, approximately, that's
8 our building here. So direct adjacencies we
9 took a floor off.

10 MacArthur Boulevard, even though
11 we have buildings in excess of 40 feet across
12 the street, we wanted a smaller, you know, 2.5
13 story facade here. The -- our adjoining
14 neighbors here on Lingan Way are in excess of
15 40 feet, so we have -- that's the direct
16 adjacency here. And this is an apartment
17 building, but, you know, we have our internal
18 -- all of our height is essentially oriented
19 inward.

20 More examples here. different
21 garage conditions, flat roof. You will see
22 this is four stories, one, two, three, four.

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1 This is closer to Foxhall going up Foxhall.
2 Again, three and a half story apartment
3 buildings, three story apartment buildings.

4 This is the house that is
5 immediately adjacent to our property right
6 there. It is a beautiful house. It has a
7 Craftsman architecture, some stone at its
8 base, shake shingles. It's a four story house
9 and it's in excess of 40 feet. But this house
10 is specifically here. The house next to it is
11 a very sister architecturally, so they are
12 very similar to each other, but they are
13 beautiful houses.

14 Enlarged building elevations to
15 try to give you a sense of the details. It is
16 very hard, in projects I have presented to you
17 in the past, to kind of get the quality
18 through on the drawings. So I decided to blow
19 up some of these details and make them a
20 little more legible. Louvered shutters with
21 hardware precast peds and sills.

22 This is an enlargement of another.

1 We have cast stone, 1 foot x 2 foot x 4 inch
2 thick true masonry cast stone, wrought iron,
3 juliette balconies, cast stone features, full
4 brick veneer fronts, dentils.

5 This is emulating one of the units
6 on MacArthur Boulevard with the buried fronts.
7 Again, wrought iron stoops, cast iron, full
8 brick, precast surrounds, 9 over 9 panes. The
9 sides have a variety of materials and shapes
10 based on the unit. This is Building 5 which
11 is the two units adjacent to the two homes,
12 the two single-family homes.

13 And what I have done here is
14 incorporate the cast stone base with the brick
15 veneer, but introduced hardy siding, frankly,
16 for the idea of trying to bring the height and
17 the mass down and introduce a little bit more
18 color onto the facade. You know, all full
19 brick is not necessarily a good thing. So
20 this is an idea of closing the gable and
21 trying to bring the height down a little bit.

22 This is a horrible photograph of

1 our color material board, which is why we
2 bring the live and in-person version here.
3 Right now, we have at least four brick
4 pallets. We have cemetitous hardy. You will
5 see shutter colors and door colors, Stateline
6 shingles. Rich, can you hold this up?

7 This is our -- a couple of little
8 precast samples on this Board right here, but
9 we brought in --

10 VICE CHAIRMAN JEFFRIES: We can't
11 see it, so don't worry about it.

12 MR. McLAURIN: Well, let me just
13 hold it up to you.

14 VICE CHAIRMAN JEFFRIES: Okay.

15 MR. McLAURIN: Because this guy
16 sweated himself to bring it over here.

17 VICE CHAIRMAN JEFFRIES: We can
18 see it, I mean, once the light comes on we
19 can.

20 MR. McLAURIN: Yeah, we have a
21 rock face and a smooth and or excuse me, the
22 cast stone and a smooth rock face. Thanks,

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1 Rich.

2 Universal design. I mentioned our
3 target market, you know, bringing in some
4 universal design characteristics that buyers
5 can choose from. Aging in place, barrier-free
6 for people of all abilities, Green Building
7 Standard. Dan mentioned the community and the
8 site. We are going to achieve a Bronze Level
9 of Certification using the ICC NAHB National
10 Green Building Standard, which affects not
11 only the building that you build, but how
12 people live in the building afterwards. So
13 this -- we're going to achieve a Bronze Level
14 Certification there.

15 I would like to turn it over to
16 Marty Wells to talk about traffic.

17 MR. WELLS: Good evening.

18 CHAIRMAN HOOD: Good evening.

19 MR. WELLS: My name is Marty
20 Wells. I'm President of Wells and Associates.
21 And Chris Kabatt and I and our firm were
22 retained by the applicant to evaluate the

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1 transportation impacts of the PUD that is
2 before you this evening.

3 Our Traffic Impact Study is
4 included as Tab C in your -- in the
5 application. You won't be surprised and I was
6 not surprised that our results in this study
7 were consistent with other studies we have
8 done in this area, as well as the Palisades
9 Traffic Impact Study, which was commissioned
10 by DDOT.

11 The site is situated at 4460
12 MacArthur Boulevard, which is between Foxhall
13 Road and Q Street. MacArthur is classified by
14 DDOT as a principal arterial. It carries
15 roughly 1,400 peak hour trips during the
16 morning commuter peak hour of 7:30 to 8:30.
17 It carries roughly 900 to 1,000 vehicles
18 during the p.m. commuter peak hour of 6:00 to
19 7:00.

20 MacArthur connects the Palisades
21 and points to the west and north in Maryland
22 to Georgetown, the Whitehurst Freeway and Key

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1 Bridge via Canal Road. The speed limit is 25
2 miles an hour and curb parking is allowed on
3 both sides of the street.

4 We observed vehicle queues on
5 MacArthur and we found that or we observed
6 that on southbound MacArthur, that is heading
7 into the city, that the queues backed up on
8 MacArthur from Foxhall occasionally to our
9 site driveway and occasionally to Q Street.
10 That's due to the significant volume that
11 MacArthur carries and the capacity constraint
12 here at Foxhall and MacArthur.

13 Next slide. This is -- may not be
14 easy to read, but there is public
15 transportation service in the area. It's the
16 D Series Metro Bus routes. D3, 6 and 5
17 operate in this area and it is a viable
18 choice, alternative choice for new residents
19 to take the bus as opposed to driving.

20 Next slide, please. This site,
21 the subject site, currently is occupied by the
22 Riverside Hospital. It's vacant now. There

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1 is a Certificate of Need for 120 beds. At the
2 time we took our traffic counts, we believe
3 about 25 to 50 of those beds were occupied,
4 was in the process of phasing out its
5 operation.

6 There are 200 parking spaces that
7 served the hospital. The hospital has a
8 single curb cut, which, as Jack has mentioned,
9 will be relocated, approximately, 75 feet to
10 the west or northwest on MacArthur. The
11 driveway counts that we took indicated that
12 the hospital, during the commuter peak hours
13 now, in the morning generated about 24 trips
14 and then in the afternoon about 15 trips.

15 The peak at the hospital, the
16 driveway itself, which occurred earlier than
17 the commuter peaks, were 24 trips -- excuse
18 me, 29 trips at 7:00 to 8:00 in the morning
19 and 42 at the hospital peak of 3:30 to 4:30.

20 We estimate that when 120 beds
21 were occupied as opposed to the 25 to 50 when
22 we took our counts, it would have generated

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1 roughly 36 to 115 peak hour trips. So why am
2 I boring you with all these numbers? I'll
3 tell you in just a moment.

4 The 37 townhomes would be served
5 by 66 parking spaces. You know the count of
6 one car and two car garages and on-street
7 parking. Compare the 66 spaces with the 200
8 spaces that the hospital had. The Zoning
9 Ordinance requires one parking space per
10 townhouse. So that would be 37 parking
11 spaces.

12 With 66 spaces, we feel we have
13 more than enough parking to satisfy the
14 demands of these residents without spill-over
15 parking into the adjacent communities around
16 MacArthur Boulevard.

17 We conservative -- here is why I'm
18 telling you about the hospital. We
19 conservatively estimated that, if you can go
20 to the next slide, the 37 townhouses would
21 generate about 26 -- no, 25 morning commuter
22 peak hour trips and 29 p.m. peak hour trips.

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1 These numbers are small. They are
2 small when compared to the number of trips
3 that the hospital generated. They are very
4 small when compared to the amount of traffic
5 on MacArthur Boulevard. The blue bars here
6 are the estimated hospital trips. And you can
7 see that 115 in the morning, hospital trips,
8 is a lot more than 26 for these townhouses.
9 And you get it for the p.m. peak hour, too.

10 The next slide. In terms of the
11 proverbial drop in the bucket, this is the 25
12 trips or so in the morning. When you look at
13 it and when it's split east and west on
14 MacArthur Boulevard, the yellow bar shows the
15 very small -- less than 1 percent of all the
16 1,400 trips in the morning and in the
17 afternoon it's about 1.6 percent.

18 And as you have heard me testify
19 in previous cases, traffic counts can change
20 or vary, fluctuate plus or minus 10 percent
21 day to day just based on normal fluctuation.
22 So this is well within the range of daily

1 variations. And that concludes my very simple
2 traffic analysis.

3 MR. FEOLA: Thank you, Mr.
4 Chairman. Our last witness is Gary Cohen of
5 Wilco Residential.

6 CHAIRMAN HOOD: You know, Mr.
7 Feola, before we leave Mr. Wells, I thought we
8 were going to hear a little bit about the
9 street. Maybe this connectivity that -- we
10 have a letter from Council Member Shay. I
11 wanted to hear something about that, too, in
12 the presentation. I'm not sure who actually--
13 is somebody going to do that?

14 MR. COHEN: Yes, I can address
15 that.

16 CHAIRMAN HOOD: Oh, okay, good.

17 MR. COHEN: It's actually part of
18 my --

19 CHAIRMAN HOOD: Oh, I'm sorry.

20 MR. COHEN: Yeah.

21 CHAIRMAN HOOD: I thought maybe --

22 MR. WELLS: There are many

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1 talented people on our team.

2 CHAIRMAN HOOD: Oh, okay. Good,
3 good. Fine job, Mr. Wells. Thank you.

4 MR. COHEN: That's all right.
5 Good evening, Commissioners. My name is Gary
6 Cohen. I am the President of Wilco
7 Residential, an associate developer for Canal
8 Park. I am very proud of this project,
9 especially with the work that we have done
10 with the D.C. agencies, the community outreach
11 and the community need to create a really
12 strong proposal which I think will have a
13 long-term positive benefit for the surrounding
14 community.

15 In terms of the community
16 meetings, we have had 40 plus of these
17 meetings and presentations with local ANC,
18 Canal View Homeowners Association, Lingan Way
19 residents, Palisades Community Association,
20 Foxhall Community Citizens Association and
21 immediate neighbors.

22 Note that these also include

1 recurring meetings. I have had personally
2 with Gene Tucker, President of Canal View, and
3 a couple of meetings with the President of the
4 Palisades Citizens Association, Spence
5 Spencer. I'm sorry, the Palisades Community
6 Association.

7 Furthermore, my team has walked
8 the property with the ANC to discuss and
9 observe the wetlands. I would like to note
10 that my team was given specific direction from
11 the ANC to work closely with our immediate
12 neighbors to discuss any and all concerns they
13 had. I am happy to report that many of our
14 immediate neighbors are satisfied with our
15 current proposed PUD. You will hear from them
16 later on in this hearing.

17 As a result of our outreach and
18 listening to our neighbors, we have made
19 significant changes to the original PUD.
20 These include reducing the number of units by
21 10 percent, 41 to 37, lowering the height of
22 Building 3 by one story. Building 3 is the

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1 row of townhomes closest to Canal View.

2 In addition, we removed the roof
3 terraces from Building No. 3. We added
4 additional green space buffer between our
5 development and Canal View. And we cut off
6 traffic access from Lingan Road, okay, to
7 Lingan Way. I'll get into that.

8 And as -- and in addition, as
9 requested by the residents of Lingan Way, we
10 included then to be part of the Canal Park
11 Homeowners Association.

12 As part of the PUD, we included a
13 public benefits and amenities package. These
14 include two affordable units, greening of
15 Canal Park, which includes restoring and
16 improving the existing wetlands, creating
17 park-like features throughout the development,
18 such as butterfly garden, central park and
19 expansive green buffers, enhancing the storm
20 water management system with permeable pavers
21 throughout the site and rain gardens.

22 We have incorporated universal

1 design options. We have allocated \$50,000
2 towards beautification of MacArthur Boulevard
3 streetscape. We have allocated \$15,000
4 towards the Palisades Community Association
5 Fund. We have incorporated a Construction
6 Management Traffic Plan to minimize community
7 disruption during construction. And we will
8 continue to work with the community to educate
9 them on the Traffic Control Plan. I'm sorry,
10 the Traffic Management Plan throughout
11 construction and take their concerns before
12 that becomes official.

13 We are incorporating a First
14 Source Agreement for our contractors. And at
15 the request of DDOT, we're promoting alternate
16 modes of transportation by offering each
17 homeowner the option of having a bike rack in
18 their garages.

19 In addition, we have committed to
20 maintain, at the strong urging of Gene Tucker,
21 President of Canal View Homeowners
22 Association, the structural integrity of his

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1 association's retaining wall throughout the
2 construction process.

3 In conclusion, I would like to
4 identify the D.C. agencies and federal
5 agencies who support our plan: The District
6 Department of the Environment, Water Quality
7 Division and Storm Water Management Division,
8 Office of Planning and the Army Corps of
9 Engineers.

10 The Fire Marshal has -- the
11 District Department of the Fire and Emergency
12 Medical Services also support our plan. We
13 had a meeting with them a couple of weeks ago
14 and they suggested we make decisions for them
15 to support our plan. And what we did is the
16 turning radii that are circled with red, we
17 increased that from 20 to 28.

18 My civil engineering, Michael
19 Goodman, is here and he can speak further to
20 that if you have any questions. And in
21 addition, the Lingan Road -- Lingan Way there
22 was a mountable curb which prevented traffic

1 from going through and the Fire Marshal asked
2 that we put breakable bollards in there
3 instead and we have done that.

4 And just so you understand, the
5 shaded area is Lingan Way, okay, and then
6 that's private owned, that's a private street
7 that we own. And then when it gets not -- you
8 know, and then the black and white further up,
9 that's Lingan Road. The breakable bollard
10 will go right in between that.

11 And I just want to add that, you
12 know, we have worked, as I stated, extremely
13 hard with the neighbors and Canal View
14 Homeowners Association is a large development
15 that is the one affected by this neighborhood.
16 Okay. I spent hours and hours with Gene
17 Tucker and with my team to come up with very
18 presentable plans to present to the Canal View
19 Homeowners Association.

20 We did shadow studies. We
21 presented to them as a group. Okay. This was
22 last spring. Well, last summer or end of

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1 spring, May, they voted. The vote was they
2 can live with the proposed PUD. That was
3 their vote. Okay.

4 So since last spring, my team and
5 I have been moving forward based on that.
6 About a month ago, without me knowing it, they
7 took another vote changing their position.
8 Now, again, I don't know how the process is
9 supposed to work, but, to me, someone that,
10 you know, is working extremely hard with the
11 neighborhood and this community, I don't know
12 how do I respond to that and how does my team
13 respond to that?

14 Okay. I don't think that is a way
15 to collaborate efforts in order for the
16 developer and the community to come to
17 sacrifices and compromises to better the
18 neighborhood. I'm a third-generation
19 Washingtonian. I live here. I've been here
20 my whole life. My grandfather and my father
21 have done many developments in the city.

22 Okay. And Wilco Companies, Wilco

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1 Residential has a very good reputation for
2 preserving a city that people that aren't from
3 here think is a huge metropolis. They think
4 we are a big city. And we are by definition,
5 but there is a charm that the District has
6 that many people understand.

7 Okay. My grandfather understood
8 it, my father understood it and I'm proud to
9 think that I have understood it. The projects
10 I have done in the District and this one,
11 there is a hospital on the site right now. It
12 is abandoned. I want to replace it with
13 something very charming to add to the color of
14 the neighborhood.

15 I used to live down the street. I
16 drive the street all the time. My kids go to
17 school up the street. I'm not going anywhere.
18 I'm going to be here and I want to see this
19 thing be successful. I want to make the
20 community happy. I want to be proud of it,
21 because I want to drive by this and say to my,
22 you know, neighbors at the end of the day,

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1 hey, guys, look what we did together. And we
2 did it because we worked together.

3 And thank you for your time.

4 MR. McLAURIN: Phil, Commissioner
5 Hood, did we answer your question on that dead
6 end before Phil closes?

7 CHAIRMAN HOOD: I'm probably going
8 to go down that line a little more, but that
9 was fine. He alluded to it and I may have
10 some follow-up.

11 MR. FEOLA: Thank you, Mr.
12 Chairman. That ends our direct presentation.
13 I would like to submit into the record a
14 subsequent memo of the -- from the Fire
15 Department which releases its objection. As
16 you know, the first memo from the Fire
17 Department objected to some conditions. We
18 have made some changes and Mr. Cohen spoke to
19 and the Fire Marshal has now found that --
20 found those changes acceptable and no
21 objection to the development.

22 I would also like to submit into

1 the record a letter from DOE to Mr. Cohen and
2 Ms. Brown-Roberts that is not in the record
3 dated September 4, 2008, which also indicates
4 the Department of the Environment's agreement
5 with the development. And we stand ready to
6 be abused.

7 CHAIRMAN HOOD: Well, let me start
8 off. Certainly, we're not going to abuse you.
9 I just have some clarification questions. The
10 Fire Department's issue was the turn around
11 and being able to get emergency apparatus on
12 Lingan Way and other streets. Am I correct?

13 MR. FEOLA: That was what they put
14 in the memo, yes.

15 CHAIRMAN HOOD: I'm just trying to
16 figure out how do we tie into the connectivity
17 on Lingan Way? What is the issue? Whether
18 it's a through street or whether it cuts off?
19 What is the issue? I'm looking here at a
20 letter from Council Member in Ward 3 where
21 supporting the -- cutting off of the
22 connectivity between Lingan Way and Lingan

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1 Road, that connection there.

2 MR. FEOLA: Yes. The property
3 that is in front of Dr. Shaffer and Dr.
4 Sarafian's house, houses, is private property.
5 The road that leads to that private property
6 to their houses is public. But it's only 12
7 feet wide. It's like a back alley. And it is
8 an unsafe road, as you can see the angle as it
9 goes out to MacArthur Boulevard. There is
10 double parking. There is trash trucks. There
11 are dumpsters back there.

12 And it's a pretty unsafe
13 condition. And one of the concerns that, and
14 I'll let them speak for themselves, those
15 homeowners had was to try to cut that off, so
16 that they had a better, safer place for their
17 kids to play and a way to get in and out of
18 their development that didn't go past the
19 dumpsters, etcetera.

20 So they asked us to look --
21 because our original plan had a connection.
22 It made sense to have a connection. The Fire

1 Department felt that they wanted to have that
2 connection as a secondary means of egress, but
3 they agreed to allow us to put collapsible
4 bollards there, so that you or I driving down
5 there would see bollards and we wouldn't want
6 to run over them. But the Fire Department
7 would know that they were collapsible and
8 could run their trucks over.

9 CHAIRMAN HOOD: Now, let's talk
10 about the DDOT letter, the one dated November
11 20th. Do we have anything that came in
12 subsequently to the November 20th letter?

13 MR. FEOLA: We have not received
14 anything.

15 CHAIRMAN HOOD: Okay. Frankly,
16 let's start right off, DDOT does not agree
17 with the applicant's request for a Planned
18 Unit Development. They start off with that
19 and they put some measures in, quite a few,
20 different things they would like to see
21 addressed and it ends in -- well, it does talk
22 about the Fire Department.

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1 You submitted something a few
2 moments ago about that. But then it goes on
3 to say "However, if the Commission votes to
4 approve the application, DDOT strongly
5 recommends the Commission require the above
6 noted measures approved by DDOT for the
7 applicant to receive the Planned Unit
8 Development."

9 And there were some measures,
10 especially, I guess this is page 2. Are you
11 familiar with that letter?

12 MR. FEOLA: Yes.

13 CHAIRMAN HOOD: Okay. I don't
14 want us to have to read down it, but it talks
15 about -- what was one of the things, the --
16 what is it, Metro SmarTrip cards and did we
17 say we were -- were we agreeing to everything
18 that DDOT has here in this letter?

19 MR. FEOLA: We can agree to the
20 conditions, yes.

21 CHAIRMAN HOOD: To everything that
22 DDOT has in this letter?

1 MR. FEOLA: Yes. Except we -- all
2 right. Wait a minute. We need to work with
3 DDOT on the Smart Bike issue. We're not quite
4 sure what they have in mind and where it would
5 go.

6 CHAIRMAN HOOD: Oh, okay.

7 MR. FEOLA: So that's something --

8 CHAIRMAN HOOD: That's an
9 outstanding issue?

10 MR. FEOLA: -- that we would have
11 to continue the dialogue with. We just don't
12 know. We just saw it in writing and we're not
13 quite aware where it is. But all the
14 subsidies for transit and things like that,
15 we're comfortable with.

16 CHAIRMAN HOOD: Mr. Cohen, you
17 were getting ready to respond? Oh, okay.

18 COMMISSIONER TURNBULL: They also
19 mentioned an Zipcar.

20 MR. FEOLA: The Zipcar application
21 fees and --

22 COMMISSIONER TURNBULL: Yeah, that

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1 was mentioned beside the Smart Bike pad. I
2 thought there was reference to providing one
3 Zipcar?

4 MR. FEOLA: No. The Zipcar
5 application fees?

6 COMMISSIONER TURNBULL: One year
7 of car-sharing membership from the applicant
8 is Zipcar.

9 MR. FEOLA: Yes.

10 COMMISSIONER TURNBULL: That will
11 allow Canal Park residents access to a
12 guaranteed revenue car?

13 MR. FEOLA: Yes.

14 CHAIRMAN HOOD: So I guess --

15 COMMISSIONER TURNBULL: Okay.

16 CHAIRMAN HOOD: -- what Mr. Feola
17 is saying, he agrees to everything with the
18 exception of the --

19 MR. FEOLA: We just need to work
20 on the Smart Bike thing. We didn't --

21 CHAIRMAN HOOD: Okay.

22 COMMISSIONER TURNBULL: Yeah, and

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1 I don't think that they have actually picked
2 a spot either. I think they said that they
3 need to work with you on that.

4 CHAIRMAN HOOD: The other thing,
5 Mr. Cohen, first, let me applaud you for 40
6 meetings. Most applicants that I have seen
7 since I been here and in my own neighborhood,
8 the first time, the second time, that's it.
9 So I want to applaud you. I know a lot had to
10 do with the communities engagement and
11 involvement.

12 But you mentioned you had a list
13 of groups up there that you were -- and the
14 Office of Planning, I'm sure, will be able to
15 speak for themselves when we get to them, but
16 I noticed in their recommendation to the
17 Commission -- well, first, it talked about --
18 and this may change. A lot of things seem to
19 be moving.

20 One of the things that stood out
21 and I have highlighted said OP notes that in
22 its current form, the amenity package appears

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1 light when balanced against the flexibility
2 requested. You have added some things that I
3 think -- I think there was some funding going
4 to one of the neighborhood groups?

5 MR. COHEN: I have.

6 CHAIRMAN HOOD: You have added a
7 few things there, so that may have --

8 MR. COHEN: Right. There was
9 \$15,000 that we allocated to the Palisades
10 Community Association and then we allocated
11 \$50,000 to the beautification of MacArthur
12 Boulevard streetscape.

13 CHAIRMAN HOOD: And we're going to
14 get something to show us how that is
15 administered, how that is going to actually
16 take place? We know who is getting the money,
17 but how is it going to be administered?

18 MR. COHEN: Well, I --

19 CHAIRMAN HOOD: Is it going to be
20 administered through those organizations? You
21 want to give them the money direct?

22 MR. COHEN: Well, the Palisades

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1 community, I'm going to give that to them.
2 I'm going to give the \$15,000, they are going
3 to get directly, and then they can spend that
4 however they choose.

5 CHAIRMAN HOOD: Okay. What about
6 the bike racks for each homeowner?

7 MR. COHEN: Right.

8 CHAIRMAN HOOD: Can I get a bike
9 rack?

10 MR. COHEN: Yeah, yes.

11 CHAIRMAN HOOD: I mean, what is
12 that? Just to new homeowners or some of the
13 homeowners that are directly affected?

14 MR. COHEN: The new homeowners
15 that are part of Canal Park.

16 CHAIRMAN HOOD: Okay. New
17 homeowners?

18 MR. COHEN: Correct.

19 CHAIRMAN HOOD: Okay.

20 MR. FEOLA: Mr. Chairman, one
21 thing about the DDOT report that I want to
22 make sure the gist of the first paragraph is

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1 that they are suggesting that there should be
2 connectivity between Lingan Way and Lingan
3 Place, based on the Fire Marshal's position.

4 We think that now that we have
5 satisfied the Fire Marshal, DDOT can speak for
6 itself, that that reservation goes away. But
7 if it doesn't, we still object to the
8 connectivity. We don't think it is
9 appropriate to have that connection.

10 CHAIRMAN HOOD: And I will ask the
11 DDOT representative. I see that he is here,
12 so we'll go from there. I didn't even see him
13 when he came in. So what we'll do is wait,
14 but thanks for responding.

15 Mr. Cohen, again, the list of the
16 -- okay, let's go through the amenities. The
17 list of the people who supported it, you
18 mentioned the Office of Planning, and I'm sure
19 they can speak for themselves, too, but I'm
20 just looking here. "OP has encouraged the
21 applicant to continue to work with the
22 community to resolve these issues."

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1 Normally, when they give us
2 reports, it comes out and specifies that they
3 support it. And I didn't read in the report
4 where they support it. You know, now, I do
5 miss things.

6 MR. FEOLA: Mr. Chairman, in the
7 last paragraph of the first page it says "OP
8 supports the proposed development, but
9 reserves its recommendation for approval,
10 since the applicant is still working with Fire
11 and Emergency Service to resolve the turn
12 around issue." And since we have done that --

13 CHAIRMAN HOOD: So now that we
14 have done that, you think that --

15 MR. FEOLA: And then it goes on to
16 say they believe that the benefits and
17 amenities are light.

18 CHAIRMAN HOOD: Okay.

19 MR. FEOLA: But it says support.

20 CHAIRMAN HOOD: I'm just getting
21 my little few questions out.

22 COMMISSIONER MAY: Normally, they

1 recommend approval as opposed to just saying
2 they support it. But we'll hear from them.

3 CHAIRMAN HOOD: I want to -- we
4 may have one or two architectural questions,
5 so I'm trying to get mine out of the way. You
6 mentioned earlier that some of the conditions,
7 some of them actually are not, I think, within
8 our jurisdiction, I'll be frankly honest, some
9 of the conditions that are being requested,
10 because there are other venues and avenues,
11 especially during the permitting process which
12 take care of some of these conditions.

13 But you mentioned that some of
14 them are show-stoppers or project-stoppers.
15 I forgot exactly how you phrased it. You
16 might have phrased it exactly like that. Can
17 you tell me one or two of them on this nice
18 list that Mr. Tucker has prepared, did you see
19 what Mr. Tucker prepared for us?

20 MR. FEOLA: We have not.

21 CHAIRMAN HOOD: Oh, okay. Well,
22 anyway, just tell me -- this is from Canal

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1 View Homeowners Association. These were
2 conditions regarding the PUD application. And
3 he actually went through and spelled out what
4 was what and which was which and who
5 formulated what.

6 But anyway, let's not use that.
7 Let's just -- tell me which one of those
8 conditions is a show-stopper for you or if you
9 want to name more than one, that will be great
10 or if you want to refer me to something in our
11 package?

12 MR. FEOLA: Well, I think the --
13 there are a couple of problematic conditions.
14 For example, the -- both the ANC and Canal
15 View and I believe Palisades Citizens would
16 like the roads to be 25 feet wide. At the
17 same time, they have asked for an increase in
18 pervious surface.

19 It seemed to me that those are
20 contradictory requirements or requests. And
21 the 25 foot road doesn't give you enough space
22 to park, because 5 feet isn't enough for a

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1 parking space, 5 feet in width, and you still
2 need 20 foot drive aisle. So to me, there is
3 some inconsistency there that we can't
4 resolve.

5 And just to make the roads 25 feet
6 wide without a planning rationale doesn't make
7 a lot of sense to me.

8 VICE CHAIRMAN JEFFRIES: And did
9 DDOT --

10 MR. FEOLA: The reduction of the
11 building heights to three stories require a
12 complete relook at the pro forma and whether
13 or not the project's height was feasible.

14 CHAIRMAN HOOD: What height are we
15 at now? Are we still at 50? I thought we
16 lowered the height? What height are we at?

17 MR. FEOLA: The heights vary from
18 38 feet to 48 feet.

19 CHAIRMAN HOOD: Okay.

20 MR. McLAURIN: Well, that's to the
21 top of the ridge.

22 MR. FEOLA: Commissioners, yes.

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1 CHAIRMAN HOOD: But I thought -- I
2 may have misunderstood. I thought we did away
3 with the fourth story.

4 MR. McLAURIN: No. On one
5 particular building.

6 CHAIRMAN HOOD: Okay. So did that
7 satisfy the issue here that I see? And I'm
8 just trying to see where we -- how far apart
9 are we? I guess that's why I'm having this
10 exercise.

11 MR. FEOLA: Well, I'm looking at
12 Mr. Tucker's list. No. 2 is satisfied. We --

13 CHAIRMAN HOOD: Okay. Let me pull
14 Mr. Tucker's list back out. We have quite a
15 few lists here. Okay. I've got it. No. 2 is
16 satisfied. Okay. Now, No. 2 -- No. 3 --

17 COMMISSIONER MAY: I'm sorry, No.
18 2 is satisfied?

19 MR. FEOLA: Building No. 3.

20 CHAIRMAN HOOD: Yeah, I though
21 that they --

22 MR. FEOLA: Right.

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1 COMMISSIONER MAY: "All other
2 buildings and units shall be limited to 40
3 feet and three stories in height.

4 MR. FEOLA: The second half isn't.
5 I'm sorry, I apologize.

6 COMMISSIONER MAY: Right.

7 MR. FEOLA: I didn't read on.
8 That's the hazard of reading it as you speak.
9 I apologize. That's one that would require a
10 relook at the whole project really.

11 VICE CHAIRMAN JEFFRIES: Mr.
12 McLaurin actually walked through one of the
13 slides and discussed some of the building
14 heights.

15 CHAIRMAN HOOD: Right. But I
16 guess my point of reference, I'm trying to see
17 what the ANC -- I'm actually referencing what
18 the ANC had about 50 feet. And I know that
19 Mr. McLaurin mentioned that something was
20 taken off and I was -- I guess, I was trying
21 to find out was it the concern that I see here
22 where I have under those conditions, so we can

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1 scratch them out?

2 That's why I'm just doing this
3 exercise. I'm not going to do it long,
4 because once we get the architectural
5 questions, I'll be dizzy for the rest of the
6 evening. So I want to go ahead and make sure
7 I get my stuff in.

8 MR. McLAURIN: Well, I think that
9 was a change we made in our collaboration with
10 the association. Mr. Tucker's request is
11 going beyond that. So I believe he is saying
12 not only, you know, the one we did take height
13 off, the story off, he would prefer that every
14 townhome is reduced in height by a story.

15 CHAIRMAN HOOD: I gotcha. Thank
16 you. The other thing is this evening we
17 received, I had my hand on it a little while
18 ago, a letter from the National Park Service.
19 And it talked about, let's see if I can go to
20 it quick -- first, Mr. Feola, have you seen
21 the letter from the National Park Service?

22 MR. FEOLA: I saw it this evening,

1 yes.

2 CHAIRMAN HOOD: Have you had a
3 chance to look at it?

4 MR. FEOLA: Well --

5 CHAIRMAN HOOD: Let's do this.
6 Let's come back to it, so I can refresh my
7 memory on it, because I didn't -- I skimmed
8 through it very quickly. It was talking about
9 the flag and I know that was one of the
10 issues. But let me --

11 MR. FEOLA: I have to say, Mr.
12 Chairman, I know Superintendent Coleman very
13 well. She is a pretty competent woman. I'm
14 a little disappointed that she didn't contact
15 us to ask some of these questions. We have
16 been out in this community for well over a
17 year and, you know, just to send a letter in
18 without -- we would have reflagged it.

19 We have reflagged it for the ANC.
20 If the flags are gone, we'll do it again.

21 CHAIRMAN HOOD: The Army Corps
22 also mentioned the same thing in their

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1 submittal.

2 MR. FEOLA: The Army Corps?

3 CHAIRMAN HOOD: Yeah.

4 MR. FEOLA: No, Army Corps --

5 CHAIRMAN HOOD: Somebody mentioned
6 it. Well, put it like this, somebody else
7 mentioned about the reflagging of the
8 wetlands. I'm not sure exactly. Maybe I
9 called the wrong organization, but somebody
10 did. I do -- when you read so much, you don't
11 know who says what. Somebody did. Maybe it
12 was the community, but somebody did mention
13 it.

14 VICE CHAIRMAN JEFFRIES: And to be
15 supportive of the Chairman, I mean, that's one
16 of the problems when we get these things at
17 the last minute right before we walk in here.
18 We're trying to review them and so forth and
19 there's so many sheets flowing through here,
20 so it's not just the National Park Service,
21 but a lot of individuals, including the
22 applicant. You know, we have gotten some

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1 things tonight. So we just try to work with
2 what we have.

3 CHAIRMAN HOOD: Thank you, Vice
4 Chair Jeffries.

5 MR. FEOLA: Since clearly this is
6 not going to end tonight, we are happy to work
7 with the Park Service to address their
8 concerns.

9 CHAIRMAN HOOD: Okay. And that's
10 why --

11 MR. FEOLA: Including the
12 reflagging the wetlands. We've done it a
13 couple of times.

14 CHAIRMAN HOOD: Okay. I'm almost
15 scared to let go, but anyway, okay. Let me do
16 this. Let me open it up to my colleagues.
17 Any questions?

18 VICE CHAIRMAN JEFFRIES: Well, I
19 mean, why don't we just get right to the third
20 rail of this debate? And that's really the
21 issue around density.

22 CHAIRMAN HOOD: Excuse me one

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1 second. I did not set the clock for myself.
2 I only took five minutes, so what we're going
3 to do, let's do 10 minute rounds.

4 COMMISSIONER TURNBULL: Can I have
5 your clock?

6 CHAIRMAN HOOD: Ms. Schellin, can
7 we do 10 minute rounds, please? Oh, Ms.
8 Hanousek? Okay. Vice Chairman?

9 VICE CHAIRMAN JEFFRIES: Okay.
10 Yeah, mine is not going to take that long.
11 But let's just really, you know, start to talk
12 about, and that's probably the concern for a
13 few of us up here, this whole notion of the
14 density. You know, I'm less concerned about
15 the building heights, particularly given the
16 topography and the steepness of the slight --
17 of the slope -- of the site.

18 But, you know, if you can just,
19 you know, walk us through your rationale for
20 an R-5-A here for residential? And whoever
21 wants to take that.

22 MR. FEOLA: Putting aside --

1 VICE CHAIRMAN JEFFRIES: Your
2 mike.

3 MR. FEOLA: -- the existing PUD --

4 VICE CHAIRMAN JEFFRIES: Right.

5 MR. FEOLA: -- the underlying
6 zoning is split on the site.

7 VICE CHAIRMAN JEFFRIES: Right.

8 MR. FEOLA: The strip of land
9 towards MacArthur Boulevard --

10 VICE CHAIRMAN JEFFRIES: Is R-5-A.

11 MR. FEOLA: -- is R-5-A.

12 VICE CHAIRMAN JEFFRIES: Right.

13 MR. FEOLA: The back side is R-1-
14 B.

15 VICE CHAIRMAN JEFFRIES: Right.

16 MR. FEOLA: The -- so about two-
17 thirds of the site is R-1-B.

18 VICE CHAIRMAN JEFFRIES: Got it.

19 MR. FEOLA: And that little site
20 plan, which is illustrative certainly and it's
21 2-dimensional and it doesn't take in the
22 topography and the like, shows about 26, I

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1 believe, units that could be built on this
2 site.

3 VICE CHAIRMAN JEFFRIES: Um-hum.

4 MR. FEOLA: So we are 11 units
5 higher. However, our development is about
6 20,000 square feet less, less, gross floor
7 area than that site plan. Because the R-5 --
8 the R-1-B allows the equivalent of a 1.2 FAR.
9 Three stories, 40 percent lot occupancy.
10 Okay?

11 VICE CHAIRMAN JEFFRIES: Um-hum.

12 MR. FEOLA: The R-5-A is,
13 obviously, .9.

14 VICE CHAIRMAN JEFFRIES: Go back
15 to the slide again. How many units again
16 between the R-5 -- I mean, it's a split zone
17 underline, but --

18 MR. McLAURIN: It's 26.

19 VICE CHAIRMAN JEFFRIES: 26, okay.

20 MR. McLAURIN: 26 total units.

21 But this next slide that I jump to is an
22 enlarged tabulation that shows the R-5-A and

1 the R-1-B --

2 VICE CHAIRMAN JEFFRIES: Um-hum.

3 MR. McLAURIN: -- on the left hand
4 side is the by-right. On the right hand side
5 is our proposal.

6 VICE CHAIRMAN JEFFRIES: Wait. Do
7 we have the slide?

8 MR. McLAURIN: No, no.

9 VICE CHAIRMAN JEFFRIES: We don't
10 have the --

11 MR. FEOLA: We can --

12 VICE CHAIRMAN JEFFRIES: Mr.
13 Feola?

14 MR. FEOLA: These are the just in
15 case slides.

16 VICE CHAIRMAN JEFFRIES: Yeah,
17 okay. Go on.

18 MR. FEOLA: You know, how do you
19 measure density? You measure density by the
20 number of units. You measure density by gross
21 floor area. We are lower gross floor area by
22 20,000 square feet or 3 or 4 large single-

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1 family houses lower than the matter-of-right.

2 We occupy 30 percent of the site.
3 Matter-of-right allows 40 percent of the site.
4 So we have 25 percent less building coverage,
5 which is another measure of density, if you
6 will. By unit count, yes, we're higher. No
7 question.

8 VICE CHAIRMAN JEFFRIES: Um-hum.

9 MR. FEOLA: But we tried to
10 compact the units to maximize the open space,
11 the environmental issues. So yes, we have
12 more units, less gross floor area, more open
13 space. You know, how do you measure density?

14 VICE CHAIRMAN JEFFRIES: The 40
15 percent is for what zone? That's for R?
16 Okay.

17 MR. FEOLA: R-1-B allows 40
18 percent lot occupancy.

19 VICE CHAIRMAN JEFFRIES: Um-hum.

20 MR. FEOLA: R-1-A or R-5-A allows
21 40 percent.

22 VICE CHAIRMAN JEFFRIES: Got it.

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1 MR. FEOLA: They are both 40 foot
2 high zones also. So we are a little -- we
3 exceed the height of those zones.

4 VICE CHAIRMAN JEFFRIES: Okay.

5 MR. FEOLA: In some of our
6 buildings.

7 VICE CHAIRMAN JEFFRIES: Mr.
8 McLaurin, do you have anything to add to this?
9 I mean, because I -- you know, you, obviously,
10 showed a number of slides in terms of, you
11 know, you were dealing more architecturally,
12 I mean, in terms of the style and so forth.

13 MR. McLAURIN: Well, in planning 2
14 -- but the other thing that we have tried to
15 talk to the community about, that I think you
16 are going to hear from some of the adjoining
17 neighbors, is the proximity to the adjoining
18 neighbors. The by-right is much closer. 20
19 foot rear yards, 25 foot rear yards. We are
20 almost 40 feet.

21 So, you know, that is something
22 that this slide right here can show you what

1 is allowed by-right. That's how tall the
2 building can be, how close to the adjoining
3 neighbor.

4 VICE CHAIRMAN JEFFRIES: Um-hum.

5 MR. McLAURIN: And we are not
6 that. But I think it also goes back to where
7 do you want the space? If you put single-
8 family detached homes on a site that is just
9 topographically challenged, not only -- forget
10 the economics of it, you are going to have
11 retaining walls all over the place. You're
12 not going to have any consolidated open space
13 and I don't think it's going to be a pleasing
14 experience.

15 If this was the only townhome
16 development in the entire Palisades community
17 and everything else was single-family,
18 absolutely I think we have a problem. But
19 there is so much context here. There's so
20 much eclecticism in this community, townhomes.
21 And I want to talk about architecture in terms
22 of style, but the prototype of a townhome

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1 makes complete sense. And you know, we're at
2 a 1 percent FAR, 13 units to the acre.

3 VICE CHAIRMAN JEFFRIES: You were
4 the architect for --

5 MR. McLAURIN: Uh-oh.

6 VICE CHAIRMAN JEFFRIES: -- a
7 recent case before BZA.

8 MR. McLAURIN: Uh-oh.

9 VICE CHAIRMAN JEFFRIES: Weren't
10 you? This is for EYA.

11 MR. McLAURIN: Yes, I was.

12 VICE CHAIRMAN JEFFRIES: Yes. And
13 we -- it was a very -- in fact, that site was
14 very steep as well, okay, and you guys put the
15 buffer at the top that was adjacent to
16 Hillcrest Neighborhood.

17 MR. McLAURIN: Um-hum.

18 VICE CHAIRMAN JEFFRIES: Okay.

19 MR. McLAURIN: In that context on
20 that project, there was a lot more to pull
21 from in terms of that smaller cottage type of
22 home.

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1 VICE CHAIRMAN JEFFRIES: Um-hum.

2 MR. McLaurin: You know, we didn't
3 choose the high-rise context or the garden
4 apartment context.

5 VICE CHAIRMAN JEFFRIES: Um-hum.

6 MR. McLaurin: You know, that was
7 the market, that was the context.

8 VICE CHAIRMAN JEFFRIES: Yeah.

9 MR. McLaurin: You know, this is
10 everything that's going on out here.

11 VICE CHAIRMAN JEFFRIES: Okay,
12 okay.

13 MR. Feola: Mr. Jeffries, excuse
14 me. Before Ms. Steingasser yells at me, I
15 just want to make sure that you understand
16 that this is just a schematic. This is not
17 something that (A) could be -- might be
18 approved by the BZA. This would require a BZA
19 review as a special exception.

20 VICE CHAIRMAN JEFFRIES: Um-hum.

21 MR. Feola: So it's just to show
22 the way --

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1 VICE CHAIRMAN JEFFRIES: That's
2 right, R-5-A, yes, four row houses, right,
3 right, right.

4 CHAIRMAN HOOD: Have you ever
5 heard Ms. Steingasser yell? I have never
6 heard her.

7 VICE CHAIRMAN JEFFRIES: Actually,
8 I have heard her yell.

9 MR. FEOLA: She yells at me all
10 the time.

11 VICE CHAIRMAN JEFFRIES: I've
12 heard her yell. Sorry.

13 MR. FEOLA: Also, if it pleases
14 the Commission, the Office of Planning did ask
15 for a chart to compare matter-of-right zoning
16 parameters --

17 VICE CHAIRMAN JEFFRIES: Um-hum.

18 MR. FEOLA: -- with the site and
19 it if pleases the Commission, we can turn that
20 in now.

21 VICE CHAIRMAN JEFFRIES: Okay. I
22 have three minutes left, right, so let me move

1 really quickly. I think we might have some
2 other questions around the density issue.

3 Mr. Dove, you -- as a question,
4 you said landscape screening. What's the
5 rationale behind --

6 MR. DOVE: The screening?

7 VICE CHAIRMAN JEFFRIES: Yeah,
8 screening. I mean, why would -- I mean --

9 MR. DOVE: It was answering
10 comments that we had gotten from the
11 neighbors. They wanted to have sort of a
12 buffer planting/screening from what -- from
13 our development. Just sort of more of a
14 privacy issue for them. Does that make --
15 does that answer your question?

16 It's an evergreen hedge/tree that
17 will basically provide --

18 VICE CHAIRMAN JEFFRIES: So they
19 want some separation of this development from
20 the rest of the neighborhood?

21 MR. DOVE: Basically, it's a
22 screening, yes, from their houses that are

1 close to us to our houses. Yeah, I mean,
2 basically, they provide some privacy for the
3 existing houses out there now.

4 MR. McLAURIN: And I think it's an
5 enhancement of the wetlands area. There is
6 evidence of newly planted trees attempted by
7 some of the homeowner associations. There is
8 so much -- the wetlands is in such bad shape
9 that there is root rot, you know, that kind of
10 needs to be cleaned up, revegetated and
11 enhanced.

12 And whatever is out there that is
13 going to -- that's legitimate, we're going to
14 keep, but then we're going to enhance it even
15 further really just as a visual screening
16 element.

17 VICE CHAIRMAN JEFFRIES: Okay.
18 And the other question I have is there is
19 street parking across from central park, like
20 visitor parking.

21 MR. McLAURIN: Yes.

22 VICE CHAIRMAN JEFFRIES: How

1 does --

2 MR. McLaurin: There is three
3 locations of visitor parking. On Street A,
4 parallel parking here.

5 VICE CHAIRMAN JEFFRIES: Right.

6 MR. McLaurin: Street B, parallel
7 parking here. And then there is head-in
8 parking right here. All of which are these
9 permeable pavers.

10 VICE CHAIRMAN JEFFRIES: Okay.
11 And it totals how many spaces?

12 MR. McLaurin: 13.

13 VICE CHAIRMAN JEFFRIES: 13.
14 Okay. And the last piece -- that's it. I
15 will comment that, you know, I thought your
16 slides -- I wish we had had a -- we had
17 something in front of us, but I thought they
18 were very informative.

19 MR. McLaurin: Thank you.

20 VICE CHAIRMAN JEFFRIES: So --

21 MR. McLaurin: Every time I come
22 here, I try to learn something.

1 VICE CHAIRMAN JEFFRIES: Yeah,
2 yeah, so, okay. Thank you.

3 CHAIRMAN HOOD: Commissioner May?

4 COMMISSIONER MAY: Okay. I guess
5 sticking with the density issue for a moment,
6 you know, there are all sorts of statistics
7 that were thrown at us here and, you know, I
8 heard 69 percent of the -- well, sorry. I
9 read 31 percent of the site is actually built,
10 so that means 69 percent is open. Is that
11 right? Is that correct? Okay.

12 So how much of that is roads and
13 alleys?

14 MR. DOVE: We have 51 percent of
15 the entire site was open space, not -- I mean,
16 it doesn't include roads and alleys. I don't
17 know if --

18 COMMISSIONER MAY: 51 percent is
19 the actual open space?

20 MR. DOVE: Correct. I haven't
21 studied square footages or anything on the
22 actual roads and alleys.

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1 COMMISSIONER MAY: Okay. Now,
2 someone gave us the statistic that -- of 13
3 units per acre. And that compares well to the
4 Comp Plan for comparable density. Does that
5 13 units per acre include roads and driveways?

6 MR. McLAURIN: No, that's just a
7 gross calculation. It's the overall site.

8 COMMISSIONER MAY: That's the
9 overall site?

10 MR. McLAURIN: Right.

11 COMMISSIONER MAY: So it does
12 include roads and alleys?

13 MR. McLAURIN: Yes, that's right.

14 COMMISSIONER MAY: Okay. So when
15 you compare that to the city's norm in the
16 Comp Plan, does that -- do their calculations
17 of units per acre include roadways and alleys?

18 MR. McLAURIN: I don't know the
19 answer.

20 COMMISSIONER MAY: Okay. My guess
21 is they don't. And this is what I always find
22 troublesome about a PUD development of this

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1 sort. And I'm not sure how I would describe
2 this sort, but, you know, a project similar to
3 this where we don't have rear yards, we have
4 the garages under the houses and everybody
5 backs up to the alley. I mean, I always find
6 that troubling, because I think the alley is
7 not equivalent of open space.

8 And then the roadways themselves,
9 you know, they eat up open space or they are
10 considered open space, but they are really not
11 open space and that's why this feels very
12 dense. And I don't know. I mean, I
13 understand that you may have been able to
14 build more square footage on the by-right
15 scheme, but when I looked at that, I didn't
16 see the kind of density and plan that I see
17 with this scheme.

18 The -- you know, I noticed that we
19 have new drawings or new plans that show
20 whether the affordable units are. Like that
21 drawing there is not consistent with what was
22 submitted to us, I think. You know, what we

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1 have are across the street from each other.

2 MR. McLAURIN: I neglected to
3 point that out. Phil told me twice to make
4 sure when I talked about the location that it
5 is different than what you have in the book.

6 COMMISSIONER MAY: Okay.

7 MR. McLAURIN: Because this is
8 something we worked with Office of Planning.

9 COMMISSIONER MAY: And the extent
10 of permeable paving is different in your
11 plans. At least there was a diagram that
12 showed it in bright blue and it shows the
13 entire alley as permeable paving. And our
14 drawing only shows a trench through the
15 center.

16 MR. DOVE: That's correct. Well,
17 I just wanted to give you a location, an area.
18 You are correct. It's only a 5 foot wide
19 permeable strip.

20 COMMISSIONER MAY: Swath in the
21 middle.

22 MR. DOVE: Basically, yes.

1 COMMISSIONER MAY: Okay.

2 MR. DOVE: In that alley.

3 COMMISSIONER MAY: So I mean, what
4 I was -- one of the things I was concerned
5 about is whether we have the most accurate set
6 of drawings. And so if there is anything else
7 that has changed, we certainly need to have
8 those drawings. And then, of course, the
9 whole presentation that you have given tonight
10 should be submitted. Is that what we just
11 got?

12 MR. DOVE: Yes.

13 COMMISSIONER MAY: Okay, good.
14 Now, some of those things like the LEED ND
15 checklist, I don't know how big that is, but
16 if it's not big enough to read, I would like
17 to get a copy big enough to read.

18 MR. DOVE: I'm make sure we get
19 that to you.

20 COMMISSIONER MAY: Very good.
21 Let's talk about the open space for a second.
22 If I understand correctly in the site plan, we

1 have a -- we basically have two retaining
2 walls opposite each other on the back side
3 there, right?

4 MR. DOVE: Correct.

5 COMMISSIONER MAY: What's the
6 separation between them and how tall does it
7 get?

8 MR. DOVE: We've got a slide that
9 shows dimensions.

10 COMMISSIONER MAY: Okay.

11 MR. McLAURIN: Okay. If you can
12 see this, it's difficult to see the existing
13 retaining wall, but that's right here.

14 COMMISSIONER MAY: Yeah.

15 MR. McLAURIN: 18.4 feet between
16 walls at its most extreme.

17 COMMISSIONER MAY: And how tall is
18 it at its most extreme?

19 MR. McLAURIN: Our wall is 14 feet
20 on the corner, 12 feet right here, the top of
21 the wall 85, it looks like, with a topo of say
22 79 down here. It's -- the further east you

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1 go, is when it hits the 30 foot dimension. So
2 we are, I mean --

3 COMMISSIONER MAY: This is 16 feet
4 roughly, is what you just sort of -- if I did
5 the math.

6 MR. McLAURIN: Sure.

7 COMMISSIONER MAY: So we basically
8 have the equivalent of a very tight alley, 18
9 feet, with 16 feet on each side of it and the
10 stream bed running through it?

11 MR. McLAURIN: Yeah, I do have a
12 section. I didn't specifically point that
13 out, but on one of my other architecturals,
14 oh, it's actually down here.

15 COMMISSIONER MAY: Now, I
16 understand that's the -- I was pointing out
17 sort of the worst moment in that experience.

18 MR. McLAURIN: Yeah.

19 COMMISSIONER MAY: But it does
20 not --

21 MR. McLAURIN: That's it right
22 there.

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1 COMMISSIONER MAY: Yeah.

2 MR. McLAURIN: That is that
3 building.

4 COMMISSIONER MAY: Okay.

5 MR. McLAURIN: Cut through like
6 the second unit in. So this is the other
7 wall, you know, this is them and then this is
8 our's right in here.

9 COMMISSIONER MAY: Okay. It
10 doesn't look quite as bad as I was imagining.
11 I was imagining -- well --

12 MR. McLAURIN: The one thing
13 that's a little bit -- I'm sorry to cut you
14 off, Commissioner May, the other thing that is
15 sort of deceiving is the relationship of our
16 grades, our starting points, you know.

17 COMMISSIONER MAY: I understand
18 that. I guess the basic problem I have is
19 that in laying out this site, what -- you
20 know, it has not just been an exercise in sort
21 of maximizing the number of units that can
22 comfortably fit in, there is also a

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1 sensibility about it that has to do with
2 creating the, you know, comfortable flat roads
3 that we are used to in townhome developments.

4 And I understand that may be
5 important from a certain point of view, from
6 a marketability point of view, but I look at
7 the site and I see, you know, sort of
8 extraordinary terrain. And it is an
9 exceptional site in many ways compared to
10 other things that are happening in the city.

11 And it seemed to me that rather
12 than try to, you know, pluck Georgian and
13 Federal styles out of Georgetown and plant
14 them on the site and flatten out the roads as
15 much as you can and, you know, kind of box in
16 the wetlands and things like that, there was
17 an opportunity to do something that was far
18 more creative and took advantage of the slopes
19 and really made something out of this in an
20 exceptional way.

21 And what I find here is just sort
22 of ordinary development, you know, kind of

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1 extruded out. I mean, I literally have images
2 of the Silly Putty machine where, you know,
3 you push the stuff through and it comes out a
4 certain shape and you cut it off, because the
5 ends of your buildings all look like, you
6 know, they have just been cut off as they got
7 extruded.

8 I mean, if you look at other
9 townhouses that are done in the city,
10 particularly older ones, when you get to the
11 end of a row, it's a special building. There
12 is nothing special about these buildings at
13 the end of the row. And I think you have
14 heard this from me before. But I'm not even
15 into the architectural stuff. I'm still on
16 the landscape.

17 Can you actually walk down to that
18 wetland area from the development? It seemed
19 like it was sort of --

20 MR. DOVE: The only access --

21 COMMISSIONER MAY: -- all

22 enclosed.

1 MR. DOVE: -- point would be
2 closer to the houses next to Lingan. You have
3 like a 33 percent slope around that wall. You
4 could walk down to it there.

5 COMMISSIONER MAY: And it's public
6 and it's open?

7 MR. DOVE: The intention isn't to
8 get people to walk around.

9 COMMISSIONER MAY: I understand
10 what the intention is, but, you know, I was a
11 kid. You were a kid. You know what is going
12 to happen. So is it possible to get down
13 there?

14 MR. DOVE: Yes, sir, it is. And
15 it would be right in that area that Jack just
16 pointed out.

17 MR. McLAURIN: Yes, all along
18 there.

19 MR. DOVE: Right there.

20 MR. McLAURIN: There is no wall.
21 There is no constraint. You know, the wall
22 that holds up the observation area probably

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1 stops right around here.

2 COMMISSIONER MAY: Okay.

3 MR. McLAURIN: And it's just the
4 grade. The retain -- we are using the
5 foundation of the house as retaining walls
6 along that side.

7 COMMISSIONER MAY: Okay. All
8 right. On the LEED ND checklist, I'm sorry,
9 I'm just sort of bouncing around, but I'm
10 trying to make the most of my time, 44 points
11 and maybe enough -- may be able to get high
12 enough for certification. So what do you need
13 for certification?

14 MR. DOVE: There's still some
15 questionmarks about --

16 COMMISSIONER MAY: No, I mean,
17 what level do you need to get?

18 MR. DOVE: 40.

19 COMMISSIONER MAY: 40.

20 MR. DOVE: You need 40 points.

21 COMMISSIONER MAY: And that's just
22 to get certified. That's not even to get to

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1 Silver?

2 MR. DOVE: That's correct.

3 COMMISSIONER MAY: Okay. It's not
4 particularly impressive. All right. Over to
5 architecture for just a second. Again, sorry
6 for bouncing around. The houses that face on
7 MacArthur Boulevard, which you referred to
8 buried fronts, I mean, that's essentially a
9 basement condition or a cellar condition at
10 the front end of the house? We don't need to
11 see the slides. I'm just asking you the
12 question. That's essentially the same, right?

13 MR. DOVE: Yes.

14 COMMISSIONER MAY: There is some
15 exposed front there, right?

16 MR. DOVE: Yes.

17 COMMISSIONER MAY: Did you ever --

18 MR. DOVE: About 4 feet or so.

19 COMMISSIONER MAY: -- think about
20 putting windows in there?

21 MR. DOVE: Potentially, yeah.

22 COMMISSIONER MAY: Okay.

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1 MR. DOVE: But --

2 COMMISSIONER MAY: That's a good
3 thing that's done commonly with the townhouses
4 in Washington. I'm surprised it's not there.

5 MR. DOVE: Agreed. The only
6 problem potentially is, you know, we will have
7 side approach stoops, because of how high
8 we're out. We can't go straight out with the
9 stoops, because of the approximate to the
10 right-of-way.

11 COMMISSIONER MAY: It all has to
12 do with how you have laid out the site plan,
13 how you have constrained yourself in other
14 areas.

15 MR. DOVE: That's right.

16 COMMISSIONER MAY: So it's --
17 there are ways around that, too. A side
18 approach stoop doesn't necessarily have to be,
19 you know, a solid thing necessarily either.
20 I mean, there are ways to deal with that. So
21 I mean, you could even have an iron stoop that
22 runs across in front of windows that has been

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1 done, too. It's common in some cities.

2 What is this NAHB standard that
3 you have got bronze? I have never heard of
4 that before. Can somebody provide us some
5 information on what that standard is?

6 MR. McLAURIN: We have provided a
7 checklist to the Office of Planning.

8 COMMISSIONER MAY: I've seen the
9 checklist.

10 MR. McLAURIN: Yeah.

11 COMMISSIONER MAY: I just don't
12 know what the standard is and what goes into
13 that, what the thinking is.

14 MR. McLAURIN: It's a standard
15 that became live earlier this year. It is
16 developed by the International Code Council,
17 the ICC, and National Association of Home
18 Builders.

19 COMMISSIONER MAY: Okay. Can we
20 get some information on that, because I think
21 we are all --

22 MR. McLAURIN: Sure.

1 COMMISSIONER MAY: -- fairly
2 familiar with LEED, but we are not familiar
3 with that standard. And we're not supposed to
4 do our own research on these things.

5 MR. McLaurin: Absolutely, I'll be
6 happy to provide it.

7 COMMISSIONER MAY: I just have one
8 last question.

9 CHAIRMAN HOOD: You only have one
10 last question?

11 COMMISSIONER MAY: One last
12 question.

13 CHAIRMAN HOOD: You don't want to
14 do another round?

15 COMMISSIONER MAY: Well, maybe,
16 but --

17 CHAIRMAN HOOD: But if you've got
18 one last question --

19 COMMISSIONER MAY: One. Maybe
20 I'll be done. I could be done by now.

21 CHAIRMAN HOOD: Well, I don't
22 know, you know. Sometimes -- well, one last

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1 question, then we have to do another round, so
2 I'm trying to balance which one would be
3 better or advantageous.

4 COMMISSIONER MAY: Okay. Go
5 ahead.

6 CHAIRMAN HOOD: Just go ahead with
7 your one last question.

8 COMMISSIONER MAY: I just want to
9 know what an individual bike rack is in the
10 houses. What is that? I mean, is that just--
11 I mean, if I put a bike in my garage, I don't
12 put it in a rack. What is it?

13 MR. COHEN: With discussing this
14 with Jeff Jennings at DDOT, these are some of
15 the things that came up. And it's -- we
16 wanted help to promote alternate modes of
17 transportation. So an idea we had was, okay,
18 we will offer each home buyer a bike rack that
19 they can put up in their garage, you know,
20 sort of like a spacing --

21 COMMISSIONER MAY: Oh, like a
22 hanging rack?

1 MR. COHEN: -- a space saver bike
2 rack.

3 COMMISSIONER MAY: Okay. Got it.

4 MR. COHEN: To --

5 COMMISSIONER MAY: That's all.

6 MR. COHEN: Okay.

7 COMMISSIONER MAY: Thanks.

8 CHAIRMAN HOOD: Okay.

9 Commissioner Turnbull?

10 COMMISSIONER TURNBULL: I was
11 going to say I'm familiar with the stackable
12 bike racks that you can stick up and you can
13 put three on, three in a row. Okay.

14 Commissioner May brought up a
15 couple of things that I had that were on my
16 mind is that in the review, the -- I call it
17 a canyon between the two retaining walls. And
18 you have described that maybe it isn't as much
19 of a canyon as what I thought.

20 But what happens at the top of
21 your retaining wall?

22 MR. DOVE: As far as a railing or?

1 COMMISSIONER TURNBULL: Yeah. I
2 mean, does --

3 MR. DOVE: There will be a
4 guardrail, like an ornamental --

5 COMMISSIONER TURNBULL: 3.5 feet
6 above the --

7 MR. DOVE: Yes, sir.

8 COMMISSIONER TURNBULL: Okay. I
9 was just concerned that I'm not sure what's on
10 the other one. I don't care what's on the
11 other one, but I care what's on your's.

12 MR. DOVE: We'll make sure it's
13 there.

14 MR. McLAURIN: Guardrail or
15 landscaping, the code will allow you if you
16 can't get to the edge, you can do a dense
17 hedge row or something like that or maybe
18 both.

19 COMMISSIONER TURNBULL: Now, are
20 you lighting anything around there? You're
21 not lighting this creek area? You're not
22 doing anything, right?

1 MR. McLAURIN: No.

2 COMMISSIONER TURNBULL: Okay.

3 MR. McLAURIN: Just lights,
4 lanterns on the doors.

5 COMMISSIONER TURNBULL: And is
6 there lighting by this Overlook Plaza? You've
7 got some low lighting or what?

8 MR. DOVE: Yes. We can provide
9 low lighting. We haven't studied it a whole
10 bunch, but, yeah, we could put wall lighting
11 and things like that to keep -- to light that
12 area, bollards or something.

13 COMMISSIONER TURNBULL: Okay.
14 Going back to the alley between Buildings 1
15 and 2, which has the Chicago, the Green Alley,
16 as we have pointed out, it was a little -- it
17 is hard to see in your little blue diagram.

18 MR. DOVE: I understand.

19 COMMISSIONER TURNBULL: And you
20 really only have a 5 foot permeable space down
21 the center. All the downspouts and on the
22 driveways and flow toward this permeable?

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1 MR. DOVE: Is that what --

2 MR. McLAURIN: No. Yeah, they
3 will all be piped. Every downspout will be
4 collected.

5 COMMISSIONER TURNBULL: Oh, it
6 will be collected. So they are going to be
7 going into the ground and then to a pipe and
8 then taken away.

9 MR. McLAURIN: Filtered.

10 COMMISSIONER TURNBULL: Okay.
11 What is the width of the alley?

12 MR. McLAURIN: It's a 20 foot
13 drive aisle. Then there is 4 feet additional
14 on each side, so it would be 28 building to
15 building.

16 COMMISSIONER TURNBULL: And the
17 buildings at that point are four story high on
18 either side?

19 MR. McLAURIN: One side is three
20 stories. The other side is three stories with
21 a roof. So, you know, it's a cornice line at
22 three stories on both sides.

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1 COMMISSIONER TURNBULL: Okay. And
2 are there balconies? I couldn't -- I didn't
3 recall seeing any balconies. I saw some
4 railings across some windows.

5 MR. McLAURIN: There could be a
6 cantilevered deck say about 4 feet deep.

7 COMMISSIONER TURNBULL: Okay. I
8 know we have gone through this before on this
9 Zoning Commission where we have seen rather
10 tight little alleys, so I'm just concerned
11 about the overall effect that this is one of
12 their two principal views and they are looking
13 out into this alley. So I'm just concerned
14 about the aesthetic look, the lifestyle look
15 of these people looking out into this.

16 MR. McLAURIN: I understand and
17 what I tried to describe in laying out the
18 plan was the plan really wants alley product
19 on the site to face MacArthur and face the
20 park. So it sort of calls for an alley
21 situation and the other units kind of call for
22 a front-loaded, so that we can be respectful

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1 to the neighbors and create rear yards.

2 You know, sometimes you will see
3 us come in front of you with an entire alley-
4 loaded solution, because that's what we think
5 the market wants. In this particular case,
6 the alleys are the smaller units, which
7 expand, you know, the range of incomes and the
8 housing opportunities, but the idea of the
9 project was a luxury community.

10 The other townhome are 29 feet
11 wide, you know, and 3,800 square feet, 4,000
12 square feet, you know, going back to the idea
13 of density. I mean, those are big, big luxury
14 units.

15 COMMISSIONER TURNBULL: Did I
16 understand from what you said earlier, I
17 wasn't sure, that the parking area on the --
18 the on-street parking, is that permeable
19 paving?

20 MR. McLAURIN: Yes, sir, it is.

21 COMMISSIONER TURNBULL: And that's
22 about how many spaces, like 26?

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1 MR. McLAURIN: 13.

2 COMMISSIONER TURNBULL: Oh, 13
3 spaces.

4 MR. McLAURIN: Right.

5 COMMISSIONER TURNBULL: Okay. Do
6 you have a section, you have I think it is
7 Building 6, with the adjacent neighbors? You
8 had one where you showed originally you had
9 the yellow little buildings off in that area.
10 What's the grade separation there and what's
11 the distance between those buildings and your
12 Building 6? Do you know?

13 MR. McLAURIN: I don't have a
14 section there. Our engineer is going to see
15 if he can help us with that.

16 COMMISSIONER TURNBULL: Okay. And
17 I understood that the -- on our drawings that
18 you called for horizontal siding and it's
19 hardy plank?

20 MR. McLAURIN: That's hardy plank.
21 That's right.

22 COMMISSIONER TURNBULL: Okay.

1 MR. McLaurin: I believe that
2 grade, by the way, Mike is looking at, I'm
3 pretty sure it's consistent on both sides of
4 the property. Those townhomes, you know, on
5 the adjoining property, if I remember right,
6 do step down, so I think along that property
7 line, I believe it is fairly consistent grade.

8 COMMISSIONER TURNBULL: Okay.
9 What's at the back of those? Is there a
10 terrace then at the back of that house? Is
11 there a backyard of some sort?

12 MR. McLaurin: It will be a yard.

13 COMMISSIONER TURNBULL: It is a
14 yard.

15 MR. McLaurin: And then there will
16 be a small walkout deck.

17 COMMISSIONER TURNBULL: And how --

18 MR. McLaurin: On the level up.

19 COMMISSIONER TURNBULL: -- long is
20 that, about 10, 15 feet?

21 MR. McLaurin: How wide is the
22 deck?

1 COMMISSIONER TURNBULL: Yeah.

2 MR. McLAURIN: Maybe 12.

3 COMMISSIONER TURNBULL: Oh.

4 MR. McLAURIN: Again, it's a 29
5 foot unit. You don't need a deck that is 29
6 feet wide.

7 COMMISSIONER TURNBULL: Right.

8 MR. McLAURIN: If I go back to one
9 of the rear elevations, whoops, right here,
10 actually, yeah, more like 10 feet. 10 feet
11 right in there, so that would be the deck area
12 and the rest of that would be, you know, a
13 bay, a trimmed bay of some sort. This is
14 building -- the back of Building 6 that you
15 are talking about.

16 COMMISSIONER TURNBULL: Right.

17 MR. COHEN: No, he's talking about
18 this, the relationship between these two.
19 These two.

20 COMMISSIONER TURNBULL: I guess
21 while he is still looking, when you say veneer
22 brick, you are talking the standard normal

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1 veneer brick? You're not talking the half-
2 inch thick brick?

3 MR. McLAURIN: It's not lincoln
4 stick.

5 COMMISSIONER TURNBULL: Okay.

6 MR. McLAURIN: It is true masonry
7 veneer.

8 COMMISSIONER TURNBULL: Okay. All
9 right. I just wanted to be clear.

10 MR. McLAURIN: The precast as well
11 is 4 inch thick.

12 COMMISSIONER TURNBULL: It's
13 nominal?

14 MR. McLAURIN: The precast is big
15 blocks up there, that's right.

16 COMMISSIONER TURNBULL: Okay.
17 Nominal stone.

18 MR. McLAURIN: That's right.

19 COMMISSIONER TURNBULL: Okay. I'm
20 looking.

21 MR. McLAURIN: Nothing against
22 lincoln stick, but --

1 COMMISSIONER TURNBULL: No, I
2 know, but we have seen that here, too, so,
3 let's see. I had -- oh, the roof terraces.
4 On some of the perspectives they just look
5 like these little cut off -- do you have any
6 better views of -- from what I've been looking
7 at of what those terraces look like? It's
8 sort of like you just kind of truncated part
9 of it and architecturally, you've got this one
10 language going on below that and all of a
11 sudden you have these truncated. The roof
12 line goes back. What's at the back? Is that
13 hardy plank back there?

14 MR. McLAURIN: The back is hardy
15 plank. And I think I understand what you are
16 talking about. The idea of the roof terrace
17 is really to maintain it across the entire 29
18 feet, okay? What we have done on the ends in
19 order to preserve the symmetry of the ends
20 with the shape of the roof --

21 COMMISSIONER TURNBULL: You
22 brought the roof down.

1 MR. McLaurin: That's right, for,
2 you know, 2 or 3 foot dimension, which, you
3 know, provides a screening effect from the
4 public view over here. There will be a 42
5 inch high parapet wall between the units. You
6 know, from our experience privacy, you know,
7 6 foot walls aren't necessarily needed in this
8 type of situation.

9 Commissioner Turnbull: I wish you
10 had a blow-up of that and maybe that's
11 something you could provide for us or what it
12 looks like. It just seems like it's a whole
13 new language and -- but if you could get that
14 to us?

15 MR. McLaurin: Yeah, just -- I
16 would be better off providing photographs of
17 similar designs.

18 Commissioner Turnbull: Okay. As
19 long as it's comparable.

20 MR. McLaurin: But again, it's not
21 something that is visible from the public. I
22 mean, it would be visible from adjoining

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1 neighbors, you know, that we are backing up
2 to, but, you know, to continue a roof down, at
3 this particular point, you know, doesn't
4 necessarily result in a more usable type of
5 deck. Now, I'm all whacked out here.

6 COMMISSIONER TURNBULL: Well, on
7 Building 4, you took them off of Building 4,
8 but Building 4 right next to it has the one
9 which sort of look back, although they are not
10 directly looking at the neighbors, although
11 the end unit is close to that.

12 MR. McLAURIN: But again, Canal
13 View starts getting higher and higher and
14 higher as well, you know. The canyon effect
15 you are talking about --

16 COMMISSIONER TURNBULL: Yeah. No,
17 okay.

18 MR. McLAURIN: -- isn't the whole
19 length of the property line. The canyon
20 effect is only a portion of the property line.
21 And the Canal View starts to get up higher and
22 higher and higher.

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1 COMMISSIONER TURNBULL: Okay.
2 Well, you have got a point there. Now, I
3 wanted -- I didn't care about -- I mean, we
4 have had a lot of drawings to look at here,
5 but on the Water Management Plan, you were
6 talking about filtering the water. Did I
7 understand you are actually -- it's supposed
8 to be cleaner than what it picks up? Are
9 there filt -- I was looking at some of the
10 drawings that showed from an engineering, but
11 is there an actual filtration bed?

12 There is one down by the wetlands
13 or something, I think, or is it on the other
14 one?

15 MR. GOODMAN: I'm Michael Goodman,
16 the civil engineer on the project. There is
17 actually, like we're saying, several different
18 types of storm water management that we are
19 proposing. One is a rain garden that would
20 filter some of the runoff from the rear-loaded
21 townhomes as well as the alley way. The other
22 thing that we are doing is the standard D.C.

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1 Sand Filter and that's down in that corner
2 down there.

3 The D.C. Sand Filter is what would
4 meet your typical Department of the
5 Environment requirements for storm water
6 management for the site.

7 COMMISSIONER TURNBULL: Now, is
8 that picking up basically all of the water
9 from the site then?

10 MR. GOODMAN: That's correct.

11 COMMISSIONER TURNBULL: Okay. All
12 right. Thank you.

13 CHAIRMAN HOOD: Okay. Again,
14 colleagues, I apologize for not putting myself
15 on the clock. I have been informed I didn't
16 do that, so we're going to do a 6 more minute
17 round, 6 minutes. A 5 minute round. So while
18 we are doing that, I will not -- actually, I
19 will not, since I apparently have taken my
20 time previously.

21 Let me just ask this, let's try to
22 get a reference point of where we are. I

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1 think -- will this be the last round? I think
2 this is going to be the last round for us.
3 Okay. So going on that note, we will try to
4 do cross exam. We will do cross examination
5 on all. I have four parties in support.

6 I mean, three parties in support
7 and the ANC in support with conditions. We
8 will do cross exam. We're going to try to get
9 through that tonight. We may have to stop, at
10 that point, and go to the Office of Planning.

11 Let me ask this. Is there any
12 individual witness that just will not be able
13 to make it back, we haven't decided a day, I
14 don't know what date it is? I know that's
15 crazy. You can tell it's getting late. Why
16 don't we get to that? What I don't want to
17 happen is the citizens that sit here all day
18 and then we ask all the questions and they
19 don't have an opportunity.

20 So if someone feels that way
21 before we get ready to do cross examination
22 and you want to testify individually, please,

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1 do that, because I have sat there, too, so I
2 know how it is to sit here all day and not be
3 able to testify. So let's do that. Let's try
4 a 5 minute round.

5 VICE CHAIRMAN JEFFRIES: And I
6 promise I will not -- I just have a question
7 and a statement. For Mr. McLaurin, if you
8 look at the supplemental submission, October
9 30th, page 13, the concept image. Can you
10 indicate where I'm going to see this view?

11 MR. McLAURIN: My page 13 is
12 something completely different. I don't know.

13 VICE CHAIRMAN JEFFRIES: No,
14 that's it. It's a concept image. I think I
15 saw it here.

16 MR. McLAURIN: Oh, oh, okay. I'm
17 sorry.

18 VICE CHAIRMAN JEFFRIES: And 2 --

19 MR. McLAURIN: The one on the
20 left.

21 VICE CHAIRMAN JEFFRIES: -- 3C,
22 yeah.

1 MR. McLaurin: Okay. All right.

2 VICE CHAIRMAN JEFFRIES: Where am
3 I going to -- show me where we are going to
4 see this within.

5 MR. McLaurin: That will be the
6 front aprons on the front-loaded units over
7 here. So I mean, the idea and Mr. May alluded
8 to it before we began our presentation, it is
9 a tight setback. The intention is not to
10 allow people to park on that side. It is
11 certainly a reduction in impervious area,
12 which, you know, we could push those
13 buildings, you know, one way or the other. We
14 are either going to -- you know, in order to
15 get 20, 18 foot, 20 foot dimension in there.

16 We have had success with this type
17 of thing and people park in their garages.

18 VICE CHAIRMAN JEFFRIES: It's just
19 the feeling is just there is some level of
20 confusion to me in this central park. I mean,
21 I look at the circle and I look at the
22 pedestrian park and then I'm looking across

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1 and I'm looking at this concept.

2 It just -- you know, it seems like
3 the park wants to be one thing, but then you
4 look across the way and there is sort of an
5 alley-like quality to it. And it just sort of
6 seems to detract from, I think, this beautiful
7 perspective here that does not really capture
8 this concept image about what people will
9 really be seeing. So that's one concern.

10 And then if you can go to the
11 elevation at MacArthur Boulevard, you know, I
12 clearly understand, you know, obviously, the
13 market reasons. I don't even think it's that
14 one. It's probably the other one. But yeah,
15 okay.

16 I mean, it just appears to be a
17 little overly accessorized here. I mean, just
18 lots of windows, lots of cornices, lots of --
19 and it just seems that it gives the appearance
20 of sort of density and so forth. And I don't
21 know what you can do about this. I will say
22 for the record that -- I mean, I won't

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1 withhold my support because of this, but I
2 just use this as a comment.

3 It just seems that, you know, the
4 articulation of the facade, it just seems to
5 add to what appears to be just somewhat of a
6 dense development. And there is another one,
7 too. There is another elevation that has even
8 more windows. Maybe it's the back. Keep
9 going. Right there.

10 MR. McLAURIN: Oh, the one on the
11 back.

12 VICE CHAIRMAN JEFFRIES: Yeah,
13 yeah. You know, it just -- again, I
14 understand you need to have windows and light
15 and you have to sell the units and I
16 understand that, but to me it just really adds
17 to the concern that it gives the appearance
18 that this thing is looking somewhat dense.

19 Now, obviously, I know that we
20 don't experience these developments head-on in
21 elevation, that, you know, we experience them
22 in perspective, but that's just a concern I

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1 have. But my real concern is just really the
2 treatment of the central park and how it
3 really happens as opposed to, you know, this
4 beautiful impressionistic drawing you have
5 here.

6 I just don't know if it is going
7 to quite come off the way that it is looking
8 there.

9 MR. McLAURIN: Can I just add a
10 comment to your -- going back to the elevation
11 here. We try to follow certain rules
12 architecturally. The flush units are three
13 bay facades, three windows. If I make them
14 two, my mass to void ratio, you know, I have
15 too much mass, not enough void in terms of the
16 fenestration pattern, even though we have
17 shutters.

18 And maybe the shutters aren't
19 appropriate on this particular elevation,
20 which, you know, kind of adds to the busyness.

21 VICE CHAIRMAN JEFFRIES: The mass
22 is not always a problem though, I mean.

1 MR. McLAURIN: You know --

2 VICE CHAIRMAN JEFFRIES: Yeah.

3 MR. McLAURIN: -- but then what we
4 have tried to do on the other units is we now
5 have bays. We have two story bays with iron
6 sort of, you know, juliette tops to them. And
7 then we have three story bays. When you
8 introduce a bay for the sake of breaking up
9 the facade and not having this plain facade,
10 now it changes my fenestration pattern.

11 I have a single stack on top of
12 the door and then I have, you know, two twins
13 that are kind of stacked up, you know, so we
14 think it makes sense from that standpoint and
15 then, you know, that was the purpose of doing
16 these was to really try to zoom in a little
17 bit more on the details and the quality and
18 the richness of it.

19 And you know, I understand your
20 comment on the mass to void or the -- maybe
21 overly ornamented, but when you see them
22 built, drawings are difficult to try to do

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1 that. You know what I'm saying? Maybe?

2 VICE CHAIRMAN JEFFRIES: I'm done.

3 CHAIRMAN HOOD: Commissioner May?

4 COMMISSIONER MAY: All right. I
5 was kidding before about not having any more
6 questions. I'm glad Commissioner Jeffries
7 brought up the concept drawing on page 13,
8 which shows the garages and the door and the
9 garage and the door and the garage and the
10 door and so on. I mean, I just think that's
11 awful.

12 I mean, I'm sorry. You know,
13 garages on the front of the building I just
14 really think are just very, very unattractive
15 and I'm not sure about the safety of it. I
16 have never, you know, looked at that issue,
17 but I just have a hard time accepting that.
18 And I'm not sure that there is anything that
19 you can do to fix it for me, frankly.

20 I'm wondering about where
21 stylistically the roof profile comes from,
22 because you've talked about Federal and

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1 Georgian and here we have sort of a Dutch
2 Colonial roof profile.

3 MR. McLAURIN: Well, I think the
4 Mansford or Gambrel shape is something that
5 you have seen in some Georgians. I mean, it
6 could be an interpretation.

7 COMMISSIONER MAY: Not in this
8 neighborhood though. I mean, it just seems a
9 little odd, I mean.

10 VICE CHAIRMAN JEFFRIES: Is it a
11 marketing thing? I mean, you did mention
12 that.

13 MR. McLAURIN: No. To be honest
14 with you, you know, I think it's trying to
15 pick up on some of the Brownstone elements.
16 You know, and that is a shape that you would
17 see in Brownstone architecture as well as flat
18 roofs and parapets, but it's purely aesthetic.
19 You know, you certainly get more usable square
20 footage up there, but that's not why we did
21 it.

22 COMMISSIONER MAY: You asked the

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1 last questions. He's stealing my time, that's
2 all.

3 VICE CHAIRMAN JEFFRIES:

4 Territorial.

5 COMMISSIONER MAY: The -- you
6 know, I guess what it adds up to, you know,
7 one of the elevations you've already showed is
8 that you have, you know, where you reverse
9 your strategy or you are consistent with your
10 strategy that you have those rooftop decks on
11 the south side and that means that it's on the
12 front side of some of those buildings.

13 And then when you get to the end,
14 you wind up with this odd condition where you
15 have got a rooftop deck and it has got a half
16 of a Gambrel roof, you know, coming to the
17 front facade. I mean, it's all -- it just
18 doesn't seem to be very well composed as a
19 whole. And I mean, I'm not sure what else to
20 say about it, other than that it seems very
21 awkward to me.

22 That goes also to the detailing

1 that occurs around the windows. I mean, you
2 have this assortment of things like shutters
3 which, you know, if you are not going to have
4 a shutter that closes and protects the house
5 from the wind, I don't know why you have a
6 shutter any more. I just think as a
7 decorative element. I think it's meaningless
8 and doesn't really add much.

9 Similarly, the cast stone
10 surrounds, you have got cast stone surrounds
11 and you have got these heavy lintels. Are
12 they all cast? I mean, the arch one that we
13 see there over the doorway, is that a cast
14 stone?

15 MR. McLAURIN: Yes.

16 COMMISSIONER MAY: And it's
17 supported by a stone bracket piece at the top
18 there?

19 MR. McLAURIN: That's right.

20 COMMISSIONER MAY: Boy, I mean, it
21 just seems really, really heavy. And I think
22 aesthetically it just -- there is a refinement

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1 to the facades that just isn't there. I mean,
2 it just seems like, you know, people like
3 cornices and they like curves and they like
4 brackets, so let's put some on.

5 I mean, I can see doing some of
6 that. I mean, doing it nicely around a window
7 or rather a door more properly in wood or even
8 fypon, you know. I mean, I think that can
9 work very well, because you never know that
10 it's not wood, it's fypon. I'm just -- I thin
11 it's not really very well composed in the
12 facades.

13 Are any of these brick facades
14 going to be painted or are they all going to
15 be natural brick?

16 MR. McLAURIN: They will all be
17 natural.

18 COMMISSIONER MAY: Okay. What's
19 the grade of the brick? I mean, is it a high
20 finish grade or is it a medium grade? Because
21 sometimes, you know, you can get a really
22 cheap brick and it doesn't form well, it

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1 doesn't show well, it winds up being
2 inconsistent with the quality of the rest of
3 the facade.

4 MR. McLAURIN: Yeah, I mean, I'm
5 sure with -- we haven't -- we don't have the
6 actual model number. I mean, what we're
7 trying to show you here is what the bricks are
8 going to look like, you know, in terms of
9 color ranges and all that.

10 COMMISSIONER MAY: Okay.

11 MR. McLAURIN: We haven't selected
12 a manufacturer.

13 COMMISSIONER MAY: Can you bring
14 the bricks up, because I would like to take a
15 look at that? Because what I saw before was
16 a lot of variation in the shape and the form
17 of it, which to me doesn't conjure the same
18 kind of quality and level of finish that you
19 have with these cast stone pieces. And that's
20 why I'm concerned. Thank you very much.

21 MR. McLAURIN: Yeah, I mean, what
22 we see here is -- I mean, these are all sort

1 of unevenly formed bricks. They are not a
2 very fine sharp faced brick, which if you are
3 going to go for the stone facade look, that
4 has been done successfully in some relatively
5 recent projects --

6 VICE CHAIRMAN JEFFRIES: Don't
7 leave that thing up here like that. I mean,
8 did you --

9 COMMISSIONER MAY: I'm still
10 looking at it.

11 VICE CHAIRMAN JEFFRIES: Oh, okay.
12 Because I'm not looking at it.

13 COMMISSIONER MAY: He's taking
14 more of my time.

15 VICE CHAIRMAN JEFFRIES: Oh, okay.

16 COMMISSIONER MAY: I just -- you
17 know, I think that you need to have a very
18 high quality, fine, sharp edged brick if you
19 are going to have a natural brick. And that's
20 not what I see here. What I see here is a
21 relatively low grade brick.

22 MR. McLAURIN: I'm not sure it's

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1 low grade. I mean, it's a molded brick. It's
2 not a wire cut brick. You are talking about
3 a wire cut brick.

4 COMMISSIONER MAY: Yeah, probably,
5 probably. But it's -- but the thing is it's
6 a different look and feel.

7 MR. McLAURIN: That's right. But
8 that could be a very expensive brick though.

9 COMMISSIONER MAY: You're right.

10 MR. McLAURIN: I don't think that
11 is --

12 COMMISSIONER MAY: You're right.
13 It could be, but it's -- again, it's sort of
14 contrary to the image. I mean, I'm picturing
15 a very fine, you know, sharply tooled joint
16 and just not a -- not the sort of rustic feel
17 that you get from bricks like this.

18 I guess the only other thing to do
19 is to see the other material that you have
20 there as well. Thanks.

21 CHAIRMAN HOOD: Commissioner
22 Turnbull, do you have any questions?

1 COMMISSIONER TURNBULL: Thank you,
2 Mr. Chair.

3 COMMISSIONER MAY: I changed my
4 mind. I have one more question.

5 COMMISSIONER TURNBULL: Oh, I
6 yield to --

7 COMMISSIONER MAY: On the siding,
8 you have this woodgrain.

9 MR. McLAURIN: It will be smooth.

10 COMMISSIONER MAY: It's going to
11 be smooth?

12 MR. McLAURIN: Right. They don't
13 make -- I can't get a sample that is a smooth
14 sample.

15 COMMISSIONER MAY: Okay. That's
16 what I wanted to talk about. Thank you.

17 MR. McLAURIN: Do you want me to
18 take that off?

19 COMMISSIONER TURNBULL: Thank you.
20 Well, I guess I'm not going to repeat a lot of
21 the comments that Commissioner May and
22 Commissioner Jeffries have already quite

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1 clearly discussed. But I think the feeling
2 that we're getting is that they feel that some
3 of this is almost suburban.

4 We see a lot of these suburban
5 developments and there is too many being
6 developed like this in the suburbs. And I
7 guess my only -- and I'm just trying -- I
8 think where they might be coming from is like
9 on Building 1 and 2, you only want to see --
10 here is an urban setup where you almost have
11 a garage entrance and that whole first floor
12 is covered with a concrete deck and it's green
13 up on top where the first floor is.

14 I'm just saying that that way you
15 get rid of this alley-like effect and you have
16 a green yard. I think that's the view of the
17 thinking of a more urban development. It --
18 this just seems to be -- and I'm just
19 reinterpreting what I'm hearing from them, is
20 that they almost feel it is too suburban and
21 it's too garage-door oriented.

22 I think you have done a wonderful

1 job trying to -- with the 51 percent. Green
2 space just the same. I think that's a
3 commendable achievement. I think they are
4 just looking that you have got the bar up so
5 far and I think they are hoping that the bar
6 could go a little bit further, that the
7 architecture and the plan would relate more to
8 an urban city, rather than what is normally
9 developed.

10 But I mean, I think the 51 percent
11 is a commendable effort and I guess the
12 question is is it the way it is laid out, is
13 that the most advantageous use of the 51
14 percent? But, Mr. Chairman, I don't want to
15 repeat a lot of the comments that have already
16 been said about the architecture.

17 CHAIRMAN HOOD: Okay. Thank you
18 very much, colleagues. Any last questions?
19 Okay. Good. Okay. Let's do cross
20 examination. And you know, in particular, we
21 will go with the ANC first. Let's go in this
22 order: ANC in support. We have no parties in

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1 opposition, so I'm looking at this as everyone
2 is in support, some with conditions, some with
3 not.

4 But anyway support, we're going to
5 begin with Commissioner Gates has Haas.
6 Hopefully I pronounced your name correctly.
7 Okay. That's good, but it's not correct, but
8 I'll get it correct when you come up here and
9 introduce yourself. Commissioners, if you all
10 can come up and get started with cross
11 examination? Then we are going to have
12 Palisades, Canal View and then Mr. Hitchcock.

13 VICE CHAIRMAN JEFFRIES: Mr.
14 Chairman, may I just add to those who are
15 going to be doing cross, please, no testimony.
16 Just straight questions, just questions,
17 answers. Okay. Just -- it's just that
18 simple. You know, just no testimony, because
19 the Chairman and myself or anyone up here will
20 probably stop you if you start testifying.

21 CROSS EXAMINATION

22 MS. GATES: Mr. Cohen, I think you

1 were the one who said that there had been 40
2 meetings with community. Doesn't it strike
3 you that there must be a problem if we still
4 aren't in agreement and we still need all
5 these conditions?

6 MR. COHEN: Yes.

7 MS. GATES: Thank you. Can
8 somebody talk a little bit about these
9 breakable bollards and how they work and what
10 it means when a fire engine comes to them, do
11 they just run over them?

12 MR. DOVE: No, ma'am. They are --
13 they will have a lock on them and they
14 basically lay down. And the Fire Department
15 will have a key. They will come and unlock
16 the bollard and it lays down and they drive
17 over top of it. They don't run over top of an
18 upright bollard. It will either lay down or
19 they will be able to remove it out of a
20 sleeve.

21 MS. GATES: Okay. So now you have
22 these semi-permanent structures in the middle

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1 of the street that people have been using to
2 get to and from the back of the property.
3 Maybe their guests park there, that kind of
4 thing. How is that going to affect these
5 people? I'm talking about the Shaffers and
6 the Sarafians in the future.

7 MR. DOVE: They will access it
8 from our -- their guests and they will access
9 it from our site. They will come in on that
10 road and they will have access that way.

11 MS. GATES: So we're inviting
12 their guests into this development for parties
13 and stuff? And will they also use the 13 on-
14 street parking spaces that may now be 12 if we
15 have a Zipcar?

16 MR. DOVE: I guess, yes. I think
17 that's what we are thinking. Yes, they will
18 be able to do that.

19 MS. GATES: And I don't think we
20 talked about the width of Langan Way.

21 MR. DOVE: Okay.

22 MS. GATES: What is it?

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1 MR. DOVE: Oh, Lingan Way is the
2 part that we own. 24? Whatever the existing
3 condition is, but what -- we're looking it up
4 right now and we'll tell you exactly.

5 CHAIRMAN HOOD: Okay. They are
6 going to come back to that.

7 MS. GATES: Maybe Lingan Way and
8 Lingan Road, I'm sort of confused about which
9 is which.

10 CHAIRMAN HOOD: Let's just get the
11 width of both.

12 MR. DOVE: Sure.

13 CHAIRMAN HOOD: And we'll come
14 back to that, Commissioner.

15 MR. DOVE: No problem.

16 MS. GATES: I do have just a
17 question about some -- a few statements that
18 Mr. Wells made about the bus and the bus line
19 and the frequency and the dependability of the
20 bus and how likely the neighbors are to
21 actually -- the residents are to use it.

22 VICE CHAIRMAN JEFFRIES: How many

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1 questions was that?

2 MS. GATES: Five.

3 VICE CHAIRMAN JEFFRIES: Did --

4 CHAIRMAN HOOD: Commissioner, if
5 you could start all over? I don't -- did you
6 get all that, Mr. Wells?

7 MR. WELLS: Yes, yes, sir.

8 CHAIRMAN HOOD: Okay. Good.

9 MR. WELLS: I believe my testimony
10 was that there are three bus lines --

11 MS. GATES: Um-hum.

12 MR. WELLS: -- in the D Series. I
13 don't believe I did characterize its
14 dependability or the likelihood that it would
15 be used, but merely that --

16 MS. GATES: Would you like to do
17 that now?

18 MR. WELLS: Um, I'll tell you what
19 I did in our study. We -- I assumed, because
20 engineers are conservative by nature, that the
21 standard ITE or Institute of Transportation
22 Engineers trip generation rates would apply

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1 here. I took no discount for bus use or
2 public transportation, bike, walk, although we
3 are going to encourage those modes.

4 MS. GATES: I really wasn't trying
5 to ask you a trick question about how much,
6 you know, leeway you had taken or anything
7 like that, but --

8 MR. WELLS: I didn't take it as
9 such.

10 MS. GATES: Thank you. The bus,
11 there is one bus that goes in the morning and
12 the evening that is an express bus and the
13 others, do you have any idea how long it would
14 take from Q Street to get to K Street,
15 Connecticut and K?

16 MR. WELLS: I don't know the
17 specific times.

18 MS. GATES: Okay.

19 MR. WELLS: But we could bring
20 that information back to you if the Commission
21 is interested.

22 MS. GATES: Well, we do -- the ANC

1 does have that in our testimony.

2 MR. WELLS: That's good.

3 CHAIRMAN HOOD: Good, you can give
4 us that in your testimony.

5 VICE CHAIRMAN JEFFRIES: Oh, so
6 you knew the answer to that question?

7 MS. GATES: I did.

8 VICE CHAIRMAN JEFFRIES: So that's
9 a trick question.

10 MS. GATES: Also, you talked about
11 the backups to Q Street.

12 MR. WELLS: Right.

13 MS. GATES: And they do exist and
14 we know they exist. But then you also said
15 that this project would be a drop in the
16 bucket. I think we have heard that same
17 testimony for every development that has come
18 up recently, that there won't be any impact.
19 But we are at Level D or F and I --

20 VICE CHAIRMAN JEFFRIES: Get to
21 your question. Get to your question.

22 MS. GATES: What -- I was just

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1 giving a little context, I'm sorry. What do
2 you offer in the way of mitigation?

3 MR. WELLS: Um, we can -- in a
4 case like this, we consider many things.
5 Would a traffic signal be appropriate here?
6 The clear answer to that is no. There is not
7 enough volume. There is not enough vehicles
8 that will go in and out of this driveway to
9 warrant a traffic signal.

10 I think what one does is design a
11 driveway with good sight distances as the
12 District of Columbia Design Standards would
13 require. And frankly, what would happen here
14 is what happens today and what has happened
15 over the past 30 years, there would be a stop
16 sign or you would stop before you enter
17 MacArthur and you would rely -- and during
18 rush hours for that queue, you rely on the
19 courtesy of other drivers to get -- to turn on
20 and off of MacArthur.

21 You could -- one can witness that
22 today. It has happened over the past 30

1 years. And it would happen in the future
2 under this proposal.

3 MS. GATES: And this brings --
4 your answer brings me to my last question.
5 And that is how did you determine that out of
6 25 trips leaving the site, 15 would be going
7 north toward Maryland versus south towards
8 downtown?

9 MR. WELLS: Well, we look at -- I
10 don't know that that is the case. But I can
11 look that up. Yeah, those -- that's two-way
12 traffic volumes that is in and out.

13 MS. GATES: Okay.

14 MS. HAAS: I have a couple of
15 traffic questions.

16 MR. WELLS: Well, I don't think I
17 have answered --

18 CHAIRMAN HOOD: Let's answer that
19 and make sure you are in the mike.

20 MR. WELLS: -- that question.

21 CHAIRMAN HOOD: Let's finish with
22 that question first.

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1 MR. WELLS: We do that by looking
2 at the counts and based on judgment.

3 MS. GATES: Thank you.

4 CHAIRMAN HOOD: Commissioner,
5 could you identify yourself?

6 MS. HAAS: My name is Ann Haas.

7 CHAIRMAN HOOD: Turn your
8 microphone on.

9 MS. HAAS: Ann Haas, H-A-A-S.

10 CHAIRMAN HOOD: Haas.

11 MS. HAAS: I'm the Single Member
12 District Commissioner for this area. It also
13 includes Foxhall Village and Colony Hill.

14 We have got a couple of new
15 developments going up on Foxhall Road and
16 Foxhall feeds to MacArthur and MacArthur feeds
17 to Canal Road. Can you talk about the traffic
18 volumes right now on those three roads?

19 MR. WELLS: I don't -- I can -- I
20 have that data in my file.

21 CHAIRMAN HOOD: I think it is in
22 your report. Am I correct?

1 MR. WELLS: Yeah, we have --

2 CHAIRMAN HOOD: You did comment on
3 it. Right.

4 MR. WELLS: -- peak hour counts.
5 If you want me to --

6 CHAIRMAN HOOD: Just answer the --
7 yeah, just answer, because it's in the record.

8 MS. HAAS: Not peak hours. I'm
9 just looking for like daily traffic numbers
10 for those three roads.

11 MR. WELLS: I would have to come
12 back to you with that.

13 CHAIRMAN HOOD: Let me ask you
14 this and I'm trying to remember, did you
15 encompass that in your report? It's either
16 you left it out or you did. I can't remember
17 which one it was.

18 MR. WELLS: Left out.

19 CHAIRMAN HOOD: The different
20 roads and the different other projects? You
21 did include other projects, I think.

22 MR. WELLS: Foxhall Road is in our

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1 report. The case you are talking about is the
2 development of the Phillips Estate, I believe.

3 MS. HAAS: Well, we also have the
4 Brady Estate. We have got 6 dozen houses
5 going up there and a junior high school.

6 CHAIRMAN HOOD: So your question
7 is? What do you want to do? You want to find
8 out --

9 MS. HAAS: I'm looking at the
10 cumulative traffic volume here. I know right
11 now --

12 MR. WELLS: Yes, we included --

13 MS. HAAS: -- we have serious
14 issues and we're looking at adding to that
15 considerably, so I'm wondering what his --

16 MR. WELLS: We considered the
17 major development projects that we were aware
18 of in the area.

19 CHAIRMAN HOOD: And there was a
20 traffic study done in that area anyway, as --

21 MR. WELLS: Yes, by a very capable
22 firm.

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1 MS. HAAS: And I have a couple of
2 green questions, too. How close is the
3 Potomac River to this property?

4 MR. WELLS: Ah, it's --

5 MS. HAAS: Well, I guess I need
6 your -- where is your -- yeah, okay.

7 MR. WELLS: The Potomac River to
8 the site?

9 MS. HAAS: Right.

10 MR. WELLS: I don't know that. I
11 don't have -- we haven't done that
12 measurement. I could --

13 MS. HAAS: And what about the C&O
14 Canal? How does that enter into this?

15 CHAIRMAN HOOD: That's more of a
16 question I would think, as opposed to the
17 Potomac. And I wasn't sure where you were
18 going. We're trying to get the relevance.

19 MS. HAAS: Well, I'm concerned
20 about the --

21 CHAIRMAN HOOD: Runoff?

22 MS. HAAS: I heard a reference

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1 that the culvert was dry. We visited the site
2 twice and it was not dry. It was wet. I have
3 heard from the Park Service people that --

4 CHAIRMAN HOOD: Okay. Just --
5 here is what we're going to do.

6 MS. HAAS: Yes.

7 CHAIRMAN HOOD: And when it's time
8 to testify, you can testify to that. But
9 right now, we want to ask questions.

10 MS. HAAS: Okay.

11 CHAIRMAN HOOD: Strictly on what
12 they testified to.

13 MS. HAAS: Okay. Well, we will
14 worry about the water issues later, but that
15 is -- they are a concern of mine.

16 I'm wondering about these
17 statistics on the park, the triangular park
18 and then the kidney-shaped park. We heard
19 from the landscape architect earlier that the
20 central park was 5,300 square feet.

21 VICE CHAIRMAN JEFFRIES: Are you
22 on the mike?

1 CHAIRMAN HOOD: Could you come
2 closer to your mike?

3 MS. HAAS: Yeah. That was 5,300
4 square feet for the central park. Now, I'm
5 hearing 7,700. We heard that the kidney-
6 shaped one was 8,300 and now we are hearing
7 12,000.

8 CHAIRMAN HOOD: Well, let's ask
9 the question. Frame your question.

10 MS. HAAS: What are the figures?

11 CHAIRMAN HOOD: What are the
12 figures? Okay.

13 MR. WELLS: The ones we just gave
14 tonight when we testified, those are the
15 correct numbers.

16 CHAIRMAN HOOD: Which were what?

17 MR. WELLS: 12,000 for the kidney-
18 shaped park and 7,700 for the triangle park.
19 And the reason the numbers was a discrepancy
20 is, I mean, we have CAD drawings of this park
21 that were able to get a more sort of accurate
22 number. And when you asked the question at

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1 the ANC, we were just trying to scale off
2 something and give it to you correctly.

3 So I understand there is a
4 discrepancy, but really we are much more
5 accurate now that we have a CAD answer for you
6 instead of --

7 MS. HAAS: Okay.

8 MR. WELLS: -- just --

9 MS. HAAS: And I also have a
10 question for Mr. Feola. At the November 5th
11 ANC meeting when I referred to the Office of
12 Planning's report in terms of contacting other
13 agencies, I mentioned the National Park
14 Service and you made it clear to me that this
15 was not a District Agency.

16 VICE CHAIRMAN JEFFRIES: Well --

17 MS. HAAS: And you said you would
18 contact them and I'm wondering whether you
19 have done so.

20 CHAIRMAN HOOD: Well, we have a
21 letter. They actually contacted us. Well,
22 contacted -- they sent the letter to the file.

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1 And there is going to be some more discussion
2 that's going to take place, but I will yield
3 to Commissioner May.

4 COMMISSIONER MAY: No, I don't
5 have anything specific to report on that. I
6 just want to mention that Mr. Feola previously
7 said that they had not talked to Adrienne
8 Coleman, who was the superintendent of the
9 park adjacent.

10 MS. HAAS: The ANC asked him if he
11 would do that and -- at the beginning of
12 November, so I'm disappointed that that hasn't
13 occurred.

14 CHAIRMAN HOOD: We will take that
15 for testimony.

16 MS. HAAS: Oh, sorry.

17 CHAIRMAN HOOD: Okay.

18 VICE CHAIRMAN JEFFRIES: It's
19 questions.

20 CHAIRMAN HOOD: This is the time
21 for questions. And I'm sure -- actually, I
22 see President Spencer. He is already almost

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1 out of his seat. He is ready to come. He is
2 not rushing you, but he is ready to come, too.

3 MS. HAAS: Okay. I give up. Go
4 ahead.

5 CHAIRMAN HOOD: Any other
6 questions?

7 MS. HAAS: Oh, okay. I've been
8 asked to ask whether the public will have
9 access to these park areas?

10 MR. DOVE: Yes, yes.

11 MS. HAAS: And how will that be
12 guaranteed or codified?

13 MR. FEOLA: If the project is
14 approved, there will be a covenant that runs
15 with the land that incorporates the PUD order.
16 I don't know what else we can say. There are
17 no gates.

18 MS. HAAS: But it's not in the
19 homeowners' agreement now. No?

20 MR. FEOLA: There is no
21 homeowners' agreement now.

22 MS. HAAS: Well, we saw the

1 beginning of something.

2 MS. GATES: It's on the table.

3 CHAIRMAN HOOD: Let's do this.

4 Let's make sure we are speaking into the mike
5 with your question, so we can get it on the
6 record.

7 MS. HAAS: Okay.

8 CHAIRMAN HOOD: Okay. Are we all
9 straight? And again, some of this can be
10 provided for testimony.

11 MS. HAAS: Yeah, and I think it's
12 probably better put that way.

13 CHAIRMAN HOOD: Okay. All right.
14 Is that it?

15 MS. HAAS: Yes.

16 MS. GATES: How far is the central
17 park north site from the park? Your New York
18 development.

19 MR. SALTZMAN: It's directly
20 across --

21 CHAIRMAN HOOD: Could you speak
22 into the mike?

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1 MR. SALTZMAN: It's directly
2 across the street.

3 MS. GATES: Okay. Thank you.

4 CHAIRMAN HOOD: Okay. Again, I
5 want to thank ANC Commission 3, what is it,
6 3D? I lost my paperwork. 3D, yes.

7 MS. GATES: I do have one other
8 little question.

9 CHAIRMAN HOOD: Sure.

10 MS. GATES: At which point you --
11 did you all come to the ANC in early November?

12 MR. COHEN: Yes.

13 MS. GATES: Yes. And again --
14 yes?

15 MR. COHEN: Right.

16 MS. GATES: And did we not --

17 MR. COHEN: Yes.

18 MS. GATES: -- see the affordable
19 units in Buildings 1 and 2?

20 MR. COHEN: You did. That is
21 correct.

22 MS. GATES: And have they now

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1 moved and when and why did that happen?

2 MR. COHEN: They moved -- we met
3 with Office of Planning and they recommended
4 and suggested that they would like to see them
5 relocated to where they are now.

6 MS. GATES: Okay. So that's a
7 question for them later. Thank you.

8 CHAIRMAN HOOD: Okay. We thank
9 the ANC. Let's go with President Spencer,
10 Palisades.

11 MR. FEOLA: Mr. Chairman, just on
12 that point because -- the Office of Planning
13 did not recommend those locations. What the
14 Office of Planning recommended was that we
15 relook at where they were located and they
16 didn't specify any recommendation.

17 CHAIRMAN HOOD: Okay.
18 Commissioners, did you all get that? Okay.
19 Okay. President Spencer, you can --

20 CROSS EXAMINATION

21 MR. SPENCER: I only have three
22 brief questions. Is it possible -- do our

1 excellent colleagues in the -- can I yield my
2 time?

3 CHAIRMAN HOOD: No. You --

4 MR. SPENCER: The balance of my
5 time and I'll ask just a question.

6 CHAIRMAN HOOD: We agreed you are
7 the -- no, we don't --

8 MR. SPENCER: Okay.

9 CHAIRMAN HOOD: No time will be
10 ceded, but you are the representative for
11 Palisades.

12 MR. SPENCER: Sure.

13 CHAIRMAN HOOD: You want to yield
14 it to somebody else to --

15 MR. SPENCER: No, no, no. I just
16 have three questions and I know I won't go
17 through my time, but I'll be very quick.

18 CHAIRMAN HOOD: Oh, don't worry
19 about it. Fine, fine.

20 MR. SPENCER: I have a question
21 about traffic, so maybe for Marty.

22 MR. WELLS: Okay.

1 MR. SPENCER: This is sort of a
2 question about parking versus traffic flow on
3 MacArthur Boulevard. And given the number of
4 -- the limited number of parking spaces
5 available within the project itself, what
6 impacts would cars being parked overnight on
7 MacArthur have during the morning rush and any
8 blockage? You know, those streets are
9 normally clear during the rush hour.

10 But is there a problem? What
11 would be the impact of somebody from Canal
12 Park parking on MacArthur overnight and
13 blocking one lane on MacArthur for the morning
14 commute? What would be the consequences of
15 that?

16 MR. WELLS: I suppose they would
17 be the same as if any other resident of the
18 community parked there. However, as I said in
19 my testimony, I think there is ample parking
20 provided within the project. All the units
21 have either one or two car garages and then
22 there, yeah, is on-street parking within the

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1 project itself. So I think we are amply
2 parked.

3 MR. SPENCER: Question No. 2. I
4 guess this goes to Gary. What side agreements
5 or have you completed side agreements with
6 individual neighbors as part of the project?
7 And if so, could you disclose those?

8 MR. FEOLA: I believe cross
9 examination is supposed to be of the testimony
10 given. I don't know what relevance this has.

11 CHAIRMAN HOOD: Well, agreed. I
12 was interested in the answer myself. But
13 actually, it needs to be what they testified
14 to. And maybe you --

15 VICE CHAIRMAN JEFFRIES: You can
16 certainly in your testimony bring that up and
17 they normally will have to retort.

18 CHAIRMAN HOOD: If he was going to
19 answer it, I was going to let him answer it,
20 because I wanted to hear it myself.

21 MR. SPENCER: It's a straight line
22 to the truth here. Thank you very much. The

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1 last thing is just to confirm, the developer
2 is going to provide protection for the
3 retaining wall, the Canal View retaining wall
4 only during the construction period only, not
5 afterwards at all? How long is -- I thought
6 there was a remark made earlier this evening
7 about how -- that you guys would make sure
8 that the retaining wall that the Canal View
9 residents have will be good during the
10 construction phase. Is that correct or am I
11 misunderstanding that?

12 MR. SALTZMAN: Yeah, I think it's
13 more that what we are going to ensure is that
14 what we do on our site will not negatively
15 impact that retaining wall.

16 MR. SPENCER: Okay. Thanks.

17 CHAIRMAN HOOD: Okay. President
18 Spencer, actually, we don't put time limits on
19 cross examination. So that's for the future.
20 Okay. President Tucker, Canal View
21 Homeowners? Mr. Hitchcock, if you want to
22 make your way?

1 MR. HITCHCOCK: Okay.

2 CROSS EXAMINATION

3 MR. TUCKER: Just one quick
4 question. The subject of agreements has come
5 up. Are we saying that you are prepared to
6 sit down and work out some kind of agreement
7 about retaining walls and whatever?

8 CHAIRMAN HOOD: Did somebody
9 testify to making changes with the retaining
10 wall? I may have missed that to be frankly
11 honest.

12 VICE CHAIRMAN JEFFRIES: Did you
13 hear --

14 CHAIRMAN HOOD: Did anybody say
15 that?

16 VICE CHAIRMAN JEFFRIES: --
17 something in testimony around this?

18 MR. TUCKER: Mr. Cohen made
19 mention that they -- during the testimony that
20 they had offered to do something to protect
21 the retaining walls. And I have not seen
22 anything like that, so he has mentioned that

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1 before.

2 MR. COHEN: I'm sorry, I'm sorry,
3 but I actually -- I did tell you that as part
4 of our -- when I sent a letter to you and your
5 whole association. That was part of it, so
6 you have seen that before.

7 CHAIRMAN HOOD: So nothing has
8 changed from what was previously done. But I
9 mean, I'm talking about tonight. Did you
10 testify to that in front of us? That's what
11 I'm more interested in.

12 MR. COHEN: The short answer is
13 yes. We will take care of the retaining wall
14 and yes.

15 CHAIRMAN HOOD: Okay. Okay.

16 MR. TUCKER: That's fine. Thank
17 you.

18 CHAIRMAN HOOD: Okay. All right.
19 Thank you, President Tucker. Mr. Hitchcock?

20 CROSS EXAMINATION

21 MR. HITCHCOCK: Thank you, Mr.
22 Chairman. Mr. Cohen, one or two questions for

1 you, if I may. There was testimony previously
2 about Dr. Shaffer and Dr. Sarafian accessing
3 their houses through the new development. Is
4 that correct?

5 MR. COHEN: Yes.

6 MR. HITCHCOCK: And guests coming
7 that way, too, correct?

8 MR. COHEN: Yes.

9 MR. HITCHCOCK: And they will be
10 paying fees to the HOA for that privilege,
11 will they not?

12 MR. COHEN: Yes.

13 MR. HITCHCOCK: Okay. Thank you.
14 A question on the traffic. Currently, is it
15 not true that Lingan Way is a private road to
16 which the only people entitled to be there are
17 Dr. Shaffer, Dr. Sarafian and their families
18 and Athena?

19 MR. WELLS: I believe that is
20 correct, but others will correct me if that's
21 not right.

22 MR. HITCHCOCK: So that is

1 correct. Okay. And that the entrance off of
2 MacArthur at Lingan Road is the only entrance
3 to Lingan Way, correct?

4 MR. WELLS: That's my
5 understanding.

6 MR. HITCHCOCK: Okay. So if one--
7 and if one were to put up the collapsible
8 bollards between Lingan Road and Lingan Way,
9 there would still only be one way in and one
10 way out, only this time it would be MacArthur.
11 Is that correct?

12 MR. WELLS: That's correct.

13 MR. HITCHCOCK: Okay. So if there
14 were no collapsible bollards or no berm, then
15 what you would have is a thoroughfare from
16 MacArthur Boulevard through the project onto
17 MacArthur. Is that not correct?

18 MR. WELLS: I would be hard-
19 pressed to call that a thoroughfare. There
20 would be a connection.

21 MR. HITCHCOCK: There would be
22 access?

1 MR. WELLS: There would be a
2 connection, so it would theoretically be
3 possible for somebody to turn off of MacArthur
4 at one driveway, go through the project and
5 exit on another driveway.

6 MR. HITCHCOCK: And would that not
7 increase the traffic beyond that projected
8 with bollards or something in place?

9 MR. WELLS: Without making a
10 judgment on the likelihood of that, yes. If
11 traffic did do -- go -- make that movement
12 that I just described, that would increase the
13 driveway count.

14 MR. HITCHCOCK: It would increase
15 the traffic beyond that that you projected in
16 this case?

17 MR. WELLS: That's right.

18 MR. HITCHCOCK: Okay. Thank you.
19 I have nothing further, Mr. Chairman. Thank
20 you.

21 CHAIRMAN HOOD: Okay. Thank you.
22 I want to request before we get into how we're

1 going to proceed from here, actually, I didn't
2 think we were going to finish this early. One
3 of the things that was requested by the ANC
4 was one hour. Typically, what we do and I
5 want to hash that out now, so when we come
6 back, there won't be no misunderstandings.

7 Typically, what we do is we offset
8 the parties with the -- divide that up into
9 what we have for the applicant's presentation,
10 which I think was about an hour and 10
11 minutes. So we need to -- I would ask the --
12 and it seems like we're in support. We have
13 some issues that need to be ironed out and my
14 colleagues have some issues that they would
15 like to see come back revised and we're going
16 to get to that.

17 But I just want to let the support
18 parties know even the ones with the conditions
19 or without that collectively an hour and 10
20 minutes and maybe the representatives would
21 ask Commissioner Gates and Haas and President
22 Spencer and Tucker and also Mr. Hitchcock.

1 Mr. Hitchcock, I know you know how we do this,
2 right? You know, divide up the time.

3 I would ask that we work on that
4 before we come back at the later date.
5 Commissioner Gates?

6 MS. GATES: Chairman Hood, I have
7 never been in a hearing before where the ANC
8 was asked to join in with other parties. We
9 are parties of our own. And I would really
10 ask that you respect that.

11 CHAIRMAN HOOD: Well, you know,
12 one thing about it, I think for the past 10
13 years, Ms. Gates, I've been the most -- one of
14 the most fairest Commissioners out here.

15 MS. GATES: I'm not saying you're
16 not.

17 CHAIRMAN HOOD: But for what I'm
18 saying, if I'm wrong, if I'm wrong, then I
19 will stand to be corrected. You may be right.
20 Just give me a chance, you know.

21 MS. GATES: Thank you.

22 CHAIRMAN HOOD: There is a lot

1 that goes on. You may be exactly right, but
2 I know the parties -- you are exactly right.
3 I don't mind being wrong. Now, how much time
4 did you all want? I'm hearing two hours.
5 Now, no, no. Okay. But I would ask the other
6 parties if you could divvy up the time.

7 And I think actually, that was the
8 reason I was operating on that, because I saw
9 that the ANC asked for an hour. You're right,
10 I tried. Well, at least I tried. Okay. But
11 thank you, Ms. Schellin, for correcting me.

12 Okay. So, Mr. Hitchcock and
13 President Spencer and President Tucker, if you
14 could coordinate that? We already have an
15 hour. If you don't need a whole -- if you
16 don't need another hour to get your testimony,
17 that would be great. Okay. Okay.

18 Let's see where we are. Do we
19 have a date and things that were requested?
20 Mr. Feola, you may want to come back. You may
21 have a better record. You know, I think that
22 tonight is not the -- because there is maybe

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1 some changes and we may have more coming
2 together of the parties, if there are some
3 changes that are going to be made, then we
4 will go to the Office of Planning, because
5 they would need to review whatever changes and
6 we may be a lot closer -- well, a little more
7 closer than where we are tonight.

8 Would you agree with that, Mr.
9 Feola?

10 MR. FEOLA: Yes, sir.

11 CHAIRMAN HOOD: Okay.

12 MR. FEOLA: Yes, I would.

13 MS. SCHELLIN: Okay.

14 CHAIRMAN HOOD: Can somebody --
15 Mr. Feola? Okay. Let's get the date.

16 MS. SCHELLIN: Yeah, I believe Mr.
17 Feola said that their architect would not be
18 available on the 22nd of January. Is that
19 correct?

20 MR. FEOLA: Yes, ma'am.

21 MS. SCHELLIN: Okay. How about
22 January 15th?

1 MR. FEOLA: The 15th is okay for
2 our team, yes.

3 CHAIRMAN HOOD: The 15th is --

4 MS. SCHELLIN: Everyone is shaking
5 their heads.

6 CHAIRMAN HOOD: -- not good. All
7 my colleagues, are you all alright with the
8 15th?

9 MS. SCHELLIN: You're not here?

10 CHAIRMAN HOOD: Okay.

11 MS. SCHELLIN: That's not good for
12 you?

13 CHAIRMAN HOOD: No, it's not good
14 for me.

15 MS. SCHELLIN: Okay. Well, how
16 about February 3rd or whatever that first
17 Monday is, that would be better?

18 MR. FEOLA: I'm checking.

19 MS. SCHELLIN: You guys check.
20 February 2nd, I'm sorry. It's a Monday.

21 CHAIRMAN HOOD: Could we move it
22 closer to the 1st. Oh, that won't give you --

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1 you asked for more time.

2 MS. SCHELLIN: Right, because of
3 the holidays, I think they wanted more time to
4 maybe hopefully get with the parties and --

5 CHAIRMAN HOOD: Would anybody be
6 objectionable to a Wednesday? When the former
7 Chair was here, Wednesday was fine. I mention
8 Wednesday and I can't get --

9 MS. SCHELLIN: Wednesday,
10 Wednesday, let's see. How about Wednesday,
11 the 14th?

12 MR. FEOLA: Of?

13 MS. SCHELLIN: January.

14 MR. FEOLA: January? It works for
15 us. It works for us. I don't know if it
16 works for the Commission though.

17 MS. SCHELLIN: Okay.

18 CHAIRMAN HOOD: Okay.

19 MS. SCHELLIN: Palisades?

20 MR. SPENCER: Out of town.

21 MS. SCHELLIN: You're out of town.

22 CHAIRMAN HOOD: Out of town.

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1 Okay. Well, let's move on to February.

2 MS. SCHELLIN: Okay.

3 CHAIRMAN HOOD: I was trying to --

4 MS. SCHELLIN: Okay. February 2nd?

5 Mr. Tucker can't do that. February 5th? I

6 hate to go too far into February, I mean,

7 that's really putting it off for two months.

8 CHAIRMAN HOOD: What about the 9th?

9 MS. SCHELLIN: January 8th is just
10 -- you don't think that's enough time?

11 MR. FEOLA: We'll have to make it
12 do, I mean.

13 MS. SCHELLIN: January 8th?

14 MR. FEOLA: We'll have to do it.

15 That's fine.

16 MS. SCHELLIN: Mr. Hitchcock can't
17 do the 8th. How about the 7th? It's a
18 Wednesday. I'm getting thumbs up. Architect?
19 Ms. Gates? That's not good?

20 CHAIRMAN HOOD: I thought we had
21 originally said the 21st? That date was not
22 good?

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1 MS. SCHELLIN: Right. It wasn't
2 good for Mr. Tucker, I believe.

3 CHAIRMAN HOOD: Okay.

4 MS. SCHELLIN: Somebody wasn't
5 going to -- the 21st is the day after
6 Inauguration. I don't know how that is going
7 to -- I think that might be bad. Too crowded.
8 They are all going to come here. Did we
9 already try the 28th of January? I feel like
10 I have tried every --

11 MR. FEOLA: January 28th?

12 MS. SCHELLIN: Yeah, it's a
13 Wednesday. Oh, Mr. Tucker can't do the 28th.
14 Oh, gosh.

15 MR. FEOLA: We can do January 7th
16 or 8th, I forget who, if anybody --

17 MS. SCHELLIN: Somebody, I think
18 the ANC, said that was bad for them.

19 VICE CHAIRMAN JEFFRIES: January
20 7th. Did someone have a problem with January
21 7th? Oh, oh.

22 MS. SCHELLIN: No, February 9th we

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1 can't do it.

2 VICE CHAIRMAN JEFFRIES: Okay.
3 January 7th, that's the date.

4 MS. SCHELLIN: January 7th.

5 VICE CHAIRMAN JEFFRIES: Yes.

6 MS. SCHELLIN: Everyone is saying
7 thumbs up?

8 VICE CHAIRMAN JEFFRIES: That's
9 the date.

10 MS. SCHELLIN: The ANC is okay
11 with that?

12 VICE CHAIRMAN JEFFRIES: Yep,
13 that's the date.

14 MS. SCHELLIN: Okay.

15 VICE CHAIRMAN JEFFRIES: Okay.

16 MS. SCHELLIN: Okay.

17 VICE CHAIRMAN JEFFRIES: All
18 right.

19 MS. SCHELLIN: January 7^h which is
20 a Wednesday at 6:30 p.m. continuation.

21 CHAIRMAN HOOD: Okay. So January
22 7th. Do we have a hearing on the 6th?

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1 MS. SCHELLIN: No the 5th, Tuesday
2 is the 6th.

3 CHAIRMAN HOOD: Oh.

4 MS. SCHELLIN: You might have one
5 with BZA.

6 CHAIRMAN HOOD: So we have one on
7 the 5th and we have a hearing on the 8th. Ms.
8 Schellin, do we have a hearing on the 8th
9 also?

10 MS. GATES: No.

11 CHAIRMAN HOOD: Oh, okay. That
12 will take care of it. Okay. Let's leave the
13 8th open. We will use that as our Wednesday,
14 right. Okay. So January the 7th at 6:30 or
15 do we want to start at 6:00? 6:30, let's
16 leave it at 6:30.

17 Okay. Let's see what -- let me
18 ask my colleagues if there is something that
19 was not mentioned that you were looking for,
20 a change that we would like to see, let's do
21 it at this time.

22 VICE CHAIRMAN JEFFRIES: Yeah. I

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1 would like to see a volumetric study showing
2 this proposed development in the context of
3 this overall neighborhood. You know, you
4 don't, obviously, have to give a lot of
5 detail. I mean, it's just really just a
6 volumetric study in perspective or however you
7 want to do it.

8 But I just want to see, generally,
9 what this thing looks like in the context and
10 not from just bird's-eye view or an elevation.

11 CHAIRMAN HOOD: Okay. Mr. --
12 anybody else?

13 COMMISSIONER MAY: Yeah.

14 CHAIRMAN HOOD: Commissioner May?

15 COMMISSIONER MAY: I just want to
16 mention thank you very much for the slide
17 presentation. I got to look more closely at
18 some of these slides. And in particular, I am
19 intrigued by the couple of projects that, I
20 guess, these are Wilco projects, were
21 developed, the Jefferson Row and The Escalade,
22 in particular.

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1 And the reason I'm interested in
2 these is that just looking at the front
3 elevations on both of these, I mean, it's two
4 strikingly different styles, but it seems to
5 be of a level of finish and clarity that I
6 think is pretty good. And it's -- you know,
7 I mean, again, it's stylistically very
8 different from what was here, Jefferson Row
9 and The Escalade.

10 I can't see it very well to
11 understand, you know, how well the brick is
12 laid up and all that sort of stuff, which is
13 often, you know, a determinant, because I've
14 seen some brick row house developments where
15 just the brick work itself is not done very
16 carefully and the joints are uneven and, you
17 know, the curves over the windows are not --
18 you know, aren't well-centered and all that.

19 But I mean, these seem to look
20 pretty good to me. And so what I'm -- I guess
21 what I would be -- what I would encourage is
22 if there are other representative images of

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1 the kind of finish that you would be looking
2 to create on these buildings, it would be
3 helpful to see that.

4 Because what we are seeing, what
5 I'm seeing in the elevations, you know, as
6 they are drawn, the way they are drawn, gives
7 me really no confidence that it's going to
8 give you the sort of coherent, cohesive well-
9 thought out design. And I mean, to some
10 extent, that's a matter of the detailing, so
11 it would be helpful to see the kind of finish
12 that you are hoping to achieve.

13 And even -- it may even be just
14 more pictures of the other building, you know,
15 those buildings, so that we don't see them so
16 sort of obliquely and sharply or from a
17 distance and see them a little bit more up
18 close. That might be helpful.

19 I also would encourage that there
20 be some more attention paid to the elevations
21 of the buildings and, but, you know, it's up
22 to you how you take my criticism on that

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1 point.

2 VICE CHAIRMAN JEFFRIES: Well,
3 that makes three of us saying -- having
4 criticisms about the elevation. So I would
5 implore you to revisit that.

6 COMMISSIONER TURNBULL: I think
7 Mr. McLaurin was going to get some photos of
8 the cutbacks or some other projects with
9 cutbacks. Okay.

10 CHAIRMAN HOOD: I think one of my
11 colleagues, I'm not sure who it was mentioned
12 about the word was heavy, was it heavy
13 material? The heaviness, heavy?

14 VICE CHAIRMAN JEFFRIES: The
15 elevations?

16 CHAIRMAN HOOD: No, something
17 about the heaviness. How you have the vinyl,
18 the brick and the -- I guess the breakup.

19 COMMISSIONER MAY: Well, I talked
20 about the window surrounds being the stone and
21 with the stone brackets and the lintels over
22 them and that it all seemed a bit heavy. But

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1 then also Commissioner Jeffries was talking
2 about the facades and how many -- you know,
3 how much window you had versus how much brick
4 you saw and so on. So I'm not sure what the--

5 CHAIRMAN HOOD: So I guess are we
6 going to ask them, are we asking them also to
7 provide that?

8 COMMISSIONER MAY: Well, I mean, I
9 think that there is a lot of work that can be
10 done on the facades. You know, on the one
11 hand, simply them, but also to make them --
12 just have them make more sense. I mean, if
13 you look at them carefully, you know, window
14 eye openings don't align from floor to floor.

15 You know, some of them show us
16 where the -- where things like downspouts go,
17 which is -- you know, I mean, I'm sounding
18 like a broken record on that one. And it may
19 seem like a trivial point, but it is an
20 important part of the facade, particularly
21 when you have to bring water off in that
22 direction, because your roof slants in that

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1 direction.

2 It's not like a typical flat
3 townhouse where all the water goes to the back
4 and you don't have to worry about it. But,
5 you know, that kind of detailed thinking and,
6 frankly, drawings that show us that, very
7 clearly, would be helpful.

8 I mean, you know, what we get is
9 or what we have here is a series of drawings
10 that are, you know, more about image than
11 about the sort of precision of what we will
12 actually see. And you know, I see things
13 like, you know, lintels which are, you know,
14 kind of a built up cornice-shaped lintel and
15 they extend very far off to the sides of the
16 windows.

17 And I don't know if that's just
18 the way they are drawn or whether they are
19 really that disproportionate to the opening.
20 And so I think having some of that stuff
21 thought out more clearly and drawn more
22 clearly would be helpful. And frankly, some

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1 study of other examples that you are trying to
2 emulate would also be helpful.

3 You know, I have been through this
4 process before of designing elevations like
5 this and, you know, it's -- very often it's a
6 matter of studying all of these different
7 facades and taking lots of pictures and seeing
8 what works and what doesn't work. And what
9 I'm getting here is the sort of impressionist
10 vision of it and I don't know -- I don't
11 really know what I'm getting. But what I'm
12 seeing isn't making me feel very good.

13 CHAIRMAN HOOD: And you know, my
14 only comment, I don't usually say a whole lot
15 about architecture with my architectural
16 colleagues, but I don't want to make sure --
17 I want to make sure that we do not, and I'm
18 sure we are not, stifling a new-age
19 architecture.

20 We had a case previously and it
21 reminds me of some architecture I see here
22 tonight and I'll just leave it at that. I

1 will yield to my colleagues who know this
2 subject best. But I don't want us to stifle
3 also the new-age of architecture, if this is
4 so, if this is it. I don't know.

5 But you know, I have seen a lot of
6 this. I don't know if this is new-age.

7 VICE CHAIRMAN JEFFRIES: Well, you
8 know, I think that Commissioner May and I are
9 saying the same thing. You know, my concern
10 with the elevations again is, you know, I
11 think that Mr. McLaurin has, you know, studied
12 and so forth and he is comfortable with, you
13 know, the style of architecture that he is
14 putting forth.

15 But I'm just again concerned about
16 the number. There's just -- it just seemed
17 over accessorized to me. I mean, it's just a
18 lot and I think it accentuates, you know, this
19 whole question of density, you know. And I
20 think it exposes it and I just think that, you
21 know, there should be some thought given to
22 perhaps -- you know, Commissioner May brought

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1 up the shutters.

2 You know, there's just so many
3 things going on and then it's dense on top of
4 it. I just think it really, you know, exposes
5 or overly exposes a potential problem.

6 The other thing I wanted to talk
7 about again is these garage openings off the
8 central park. I don't really know what you
9 can really do about that. You can give some
10 thought. I don't know what you -- how you can
11 make it more intimate, some landscaping, I
12 don't really know if you can do anything.

13 But if you could just sort of
14 revisit that and see if there is anything you
15 can do to just sort of soften that and make it
16 not look sort of alley-like across from this,
17 what looks to be, very elegant park.

18 COMMISSIONER MAY: If I could just
19 follow on on the subject of the architecture
20 for a second? I mean, clearly, what we are
21 seeing is an attempt to have a particular type
22 of image for these homes. And it's an image

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1 that I can picture, in fact, in particular, in
2 some of the developments that have occurred
3 not far from this neighborhood as opposed to
4 what is happening in other parts of the city
5 which seem to be a little bit looser and more
6 modern, right, more contemporary.

7 And, you know, I guess that's
8 okay, but the thing is that what we -- what
9 I'm seeing here is a rendition of that sort of
10 style and sophistication and, you know, the
11 solidity of stone and brick. I mean, it's
12 getting lost in the way it is being detailed.
13 And I think, you know, there are ways to do
14 that and do it, you know, exceptionally well.

15 And it doesn't require having, you
16 know, stone surrounds on all of the windows.
17 And it doesn't require having shutters and
18 things like that. It comes from the way the,
19 you know, brick and the stone are actually
20 detailed and laid out. You know, there are
21 some very fine examples of relatively simple
22 and very rich facades across the city.

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1 And, you know, most of the best
2 examples are historic, but they are certainly
3 there to be found. I mean, Mr. McLaurin
4 talked about a nostalgic architecture. I
5 mean, I can understand that as an image and
6 it's something that sells, but, you know, what
7 we are at risk of here is getting just sort of
8 historicist, you know, kitschy architecture.
9 And that's not really what you want to try to
10 do or sell.

11 VICE CHAIRMAN JEFFRIES: My
12 suspicion is that the applicant -- what's
13 really driving these designs is really
14 marketing. I mean, that's my suspicion in
15 terms of the area and location and the price
16 point of these units. I mean, I know that Mr.
17 McLaurin said perhaps not quite, but my
18 suspicion is that this is what's really
19 driving it.

20 You know, so I'm not going to get
21 into that whole discussion about your type of
22 architecture, but I'm just really looking at

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1 execution and that's what I'm more focused on.

2 CHAIRMAN HOOD: All right. Mr.
3 Turnbull?

4 COMMISSIONER TURNBULL: I think
5 let me just -- I don't want to spoil this, but
6 let's not -- what are we asking them to do?
7 Are you asking them to change plans and
8 drawings? Because really the next hearing is
9 a continuation of this hearing. I don't
10 disagree with some of your comments, but are
11 you saying -- I don't want to have these
12 people go back and do drawings and start Part
13 1 of this hearing all over again.

14 VICE CHAIRMAN JEFFRIES: Well --

15 CHAIRMAN HOOD: I actually thought
16 we knew that going in. And I thought we had
17 some headway. I'm not sure if that -- I
18 think, at least the tone that I heard earlier
19 has maybe settled down a little bit, because
20 I really -- that's why I didn't want to move
21 forward.

22 But I think that they want some

1 tweaking. I don't know if --

2 VICE CHAIRMAN JEFFRIES: Yeah, let
3 me -- yeah. I thought that Mr. McLaurin did
4 a very good job of the presentation, giving
5 the information and so forth and, you know,
6 I'm more sensitive to the topography. So I
7 have thought a little bit. I'm not, you know,
8 as strident as I was when I walked in here.

9 But I would like for you to
10 revisit some of the design of the elevations.
11 I don't think I'm personally asking you to
12 just wipe the slate clean and start all over,
13 but, you know, I think some of the comments
14 that Commissioner May has talked about, you
15 know, perhaps looking at some of the massing,
16 looking at the lintels, looking at all the
17 surrounds and, you know, maybe just, you know,
18 you can do that without having to really start
19 from scratch is fine.

20 And then the same thing with the,
21 again, garages off that park, if you can
22 revisit that. There might be you can't do

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1 anything with it and you will come back and
2 say we can't do anything with it and we will
3 have to judge it there. But you know, I am
4 not -- I'm certainly not -- I'm not telling
5 them to go back and start from scratch.

6 I'm just telling them to sort of
7 revisit some things and come back. I mean,
8 that's what I'm saying.

9 COMMISSIONER TURNBULL: I just
10 want to make sure that the applicant
11 understands. I don't want to have him jump
12 through hoops to put out a whole bunch of new
13 drawings that we have to now review and then
14 the ANC and everyone else has to look at also.

15 I mean, we are at a point in the
16 hearing where our next point is going to be
17 asking for the ANC and the other associations
18 to comment on this night's hearing. So I'm
19 just saying how far are we asking them to
20 tweak this?

21 VICE CHAIRMAN JEFFRIES: Well, I
22 have stated mine. I don't know if

1 Commissioner May --

2 COMMISSIONER MAY: You know, some
3 of the essential issues with this project, I
4 think, are not going to get resolved between
5 now and whenever the hearing date is. I mean,
6 you know, I still have questions that are
7 unsolved for me having to do with the, you
8 know, density and the layout and some of the
9 court issues like the garages on the fronts of
10 the buildings.

11 I mean, however, given that it is
12 what it is and it's not going to change that
13 much between now and when we see it again, at
14 the very least, I think that there is
15 significant work that can and should be done
16 to the elevations of these buildings. And
17 some thought given to some of the other
18 criticism, frankly, because there may be --
19 maybe there are some other things that can be
20 done to deal with some of the uncomfortable
21 conditions that exist with the way the site
22 has been laid out.

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1 I don't know. I'll leave that up
2 to them. I am perfectly -- I am really
3 actually quite open. I've got to get further
4 away from the mike. I'm quite open to the
5 idea of seeing new drawings when we get
6 together again, because we're going to want to
7 see them eventually anyway.

8 I mean, you know, it's not
9 uncommon at the end of the hearing for us to
10 require additional information and ask for
11 some revision, you know, why not get it at a
12 point when we can still talk about it?

13 CHAIRMAN HOOD: Okay. Mr.
14 Turnbull?

15 MR. CREWS: Mr. Chairman?

16 CHAIRMAN HOOD: Mr. Crews, this
17 ain't the time.

18 MR. CREWS: Well, I'm sorry, but--

19 CHAIRMAN HOOD: Mr. Crews, this is
20 not the time and you are out of order. Mr.
21 Turnbull?

22 COMMISSIONER TURNBULL: I just

1 wanted to make it clear that the applicant
2 understands what they are expected to produce.

3 CHAIRMAN HOOD: I think your point
4 is very valid and that's what we need to get
5 out here, so we can be on one accord.

6 VICE CHAIRMAN JEFFRIES: Well, why
7 don't you say what you are looking for?

8 COMMISSIONER TURNBULL: I said the
9 one thing that I thought. I want to see what
10 those cutbacks look like.

11 CHAIRMAN HOOD: But I think your
12 issue is about --

13 COMMISSIONER TURNBULL: I mean,
14 you have already made comments about the
15 architecture. If you want to have different
16 elevations done, that's fine.

17 VICE CHAIRMAN JEFFRIES: Um-hum.

18 COMMISSIONER TURNBULL: And I
19 think as we all said earlier, there are some
20 things that we all don't like. But I just
21 want to know -- I just want to make sure the
22 applicant isn't spinning his wheels doing a

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1 lot of other things that he isn't expected to
2 do.

3 CHAIRMAN HOOD: Well, let me ask.
4 Hold on. We're going to deal with this up
5 here first before we send the wrong message.
6 Let me ask this. Does anyone see the
7 applicant needing to start from scratch? I
8 can tell you that I do not.

9 VICE CHAIRMAN JEFFRIES: I do not.

10 COMMISSIONER MAY: I would love
11 it, but I'm not going to get that.

12 CHAIRMAN HOOD: I'm counting the
13 votes there. Okay. Now, and I'm not saying
14 that to discount Commissioner May. I'm just
15 trying to find out, so we can get them a
16 reference point. Short of that, Commissioner
17 May, other than what you have already
18 expressed, is there anything else that you can
19 send to the applicant, so maybe they can gain
20 a little more of your support? I think the
21 screen has gotten tired of us, it's going back
22 up.

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1 COMMISSIONER MAY: You know, I'm
2 not sure what could be done with the site plan
3 to address what i think are some of the
4 fundamental problems of the project. I mean,
5 the fundamental problems of the project, for
6 me, are, you know, the perceived density. I
7 won't even say that it's the actual density,
8 but it's the perceived density, what we feel
9 is the number of units and how close
10 everything is and so on.

11 It's the relationship of the cars
12 to the development and so that's the garages.
13 It's the alley entrances, things like that,
14 which I'm not entirely comfortable with
15 either. And then those, I think, are the sort
16 of fundamental things that require really
17 looking carefully at the plan.

18 I don't know if there are ways for
19 them to address that or not, whether they can,
20 you know, squeeze a few units or, you know,
21 push them in different directions. I'm not
22 sure what can be done with the overall massing

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1 and layout to address that.

2 But if they can figure out some
3 way to reduce that feeling of density, if they
4 can find a way to be -- I think, frankly, to
5 treat the creek or whatever it is at the back
6 of the site differently, rather than sort of
7 boxing it in with these walls, I mean, you
8 know, I would be very interested in that.

9 And at the very least, the
10 elevations have to be well-composed and,
11 frankly, they are not now. So, you know,
12 maybe if there were enough progress in some of
13 those areas, I would come around, but it's
14 very hard to say. I mean, what it is right
15 now, it's very hard to support.

16 VICE CHAIRMAN JEFFRIES: Mr.
17 Chair, do you -- perhaps we should hear from
18 the applicant to get their impression of what
19 they are hearing?

20 CHAIRMAN HOOD: Well, I wanted to
21 make sure we did, in fact, go there, because
22 also from what I'm hearing now, I do want to

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1 make sure that the parties and everyone has
2 ample time to be able to look at if there are
3 any major design changes. And some of that
4 stuff is going to have to come into play.

5 And this is what we talked about
6 three hours ago. We're right back where we
7 were three hours ago. You know, Mr. Feola,
8 the way things were going a few minutes ago,
9 I was going to commend you on us moving
10 forward. But I think I will hold my comments
11 now, because it looks like we're getting ready
12 to have another hearing.

13 But, Mr. Feola, let me see where
14 we are, where you are.

15 MR. FEOLA: Well, I think there
16 are things that we can do and are willing to
17 do to address much of the critique we have
18 heard tonight. And I think the reason I
19 urged, asked the Commission to go forward was
20 just that. We needed to hear what you had to
21 say in order to respond.

22 And I think as I have heard Mr.

1 Jeffries or maybe Mr. Turnbull said, you are
2 going to ask for these things anyway. If the
3 record were closed tonight, based on the
4 critique, you would have asked for them. So
5 let us have the opportunity to give them to
6 you and get more feedback from you, from the
7 community, from -- to find out if we have
8 satisfied to a degree of an approval.

9 CHAIRMAN HOOD: Now, let me --

10 MR. FEOLA: We've heard it all,
11 including, as Mr. May just pointed out, some
12 of the concerns about the feel of density. I
13 mean, we heard it all.

14 CHAIRMAN HOOD: Now, the way I see
15 us dealing with this moving forward, as this
16 Commission has done in the past, any changes
17 that are given to us or to the community, we
18 respond on those limited changes, not on the
19 whole everything else that comes into the
20 record.

21 MR. FEOLA: Yeah.

22 CHAIRMAN HOOD: So if all of us

1 work on moving in that fashion and if you can
2 identify when you give us those presentations
3 what those changes are, so everybody is on the
4 same page.

5 MR. FEOLA: Yes, I certainly can.
6 But I think Mr. Turnbull is right. I think
7 the opening part of the next hearing will be
8 here are the new elevations, the new -- or the
9 changes.

10 CHAIRMAN HOOD: Um-hum. And we
11 will have to --

12 MR. FEOLA: Otherwise, you're
13 right.

14 CHAIRMAN HOOD: And we will have
15 limited cross examination on that only. And
16 that's why we wanted to hold off with Office
17 of Planning for.

18 Now, the next question I need to
19 know is is that enough time for everybody to
20 review? I mean, you know, this January 7th
21 date, is that enough time with the -- and I
22 really would like to hear from the parties.

1 I see Mr. Crews is chomping to raise his hand.
2 I will hear from you, Mr. Crews, but legally
3 I need to hear from the parties and then I
4 will hear from you, individuals.

5 MR. CREWS: Excuse me, Mr.
6 Chairman, I'm part of assisting 3D.

7 CHAIRMAN HOOD: Are you -- let the
8 ANC -- here is what to do. Let the ANC come
9 to the table. If you have something, give it
10 to the ANC and let them come to the table.

11 MR. CREWS: Attorney Hitchcock was
12 able to talk with his --

13 CHAIRMAN HOOD: He is representing
14 a part --

15 MR. CREWS: -- was representing
16 his thing.

17 CHAIRMAN HOOD: Mr. Crews, I'm not
18 -- you know what, it's 10:30 and I'm going to
19 tell you, I'm not going to debate with you.

20 MR. CREWS: Well --

21 CHAIRMAN HOOD: I have told you
22 the way I want you to move. Move in that

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1 fashion, because at this point, I'm not going
2 to hear from you representing the ANC.
3 Whatever you did, as long as she was that far
4 away, you're all right. Okay.

5 MS. GATES: I'm sorry?

6 CHAIRMAN HOOD: No, I wasn't
7 talking to you, Ms. Gates.

8 MS. GATES: Oh. I'm not sure
9 where this leaves the ANC. Our next scheduled
10 meeting would be the 7th of January. So this
11 would not -- we have taken a vote on plans
12 presented and that's our position. So we're
13 sort of frozen in time now.

14 COMMISSIONER MAY: The ANC would
15 have the opportunity to meet again before we
16 consider any decision making in theory, right?

17 CHAIRMAN HOOD: She said her -- I
18 think she said her next meeting is January the
19 7th.

20 COMMISSIONER MAY: Right. But
21 then we have the hearing on the 7th, but then
22 we would set it up for decision making at some

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1 subsequent point and we could schedule that
2 subsequent decision making meeting --

3 CHAIRMAN HOOD: Oh, before
4 proposed action.

5 COMMISSIONER MAY: -- before
6 proposed action. They would have the
7 opportunity to meet and discuss, you know,
8 what was presented at the second hearing and
9 what was discussed.

10 CHAIRMAN HOOD: But I say her
11 point is she wanted to relay it -- you would
12 like to relay it to us, is that correct?

13 MS. GATES: Yes. Thank you.

14 CHAIRMAN HOOD: Okay.

15 MS. GATES: Also, I mean, does
16 that mean that at the next hearing we would
17 not have an opportunity to ask for things to
18 be changed like the distance of these patios
19 to the wetlands or something to that effect?

20 CHAIRMAN HOOD: Most of what --
21 the reason we're even going through this
22 exercise now, first of all, my colleagues and

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1 I have had issues. So basically, our issues,
2 because we're the ones who are going to be
3 making the vote. And we understand what the
4 community has asked for and we're going to
5 evaluate that in our deliberations.

6 We already had it under
7 consideration. This is a way for the
8 applicant to fine tune some of what he has
9 heard from us and hopefully, possibly, because
10 they have been working with you all a lot
11 longer than they have been working with us, so
12 hopefully they will incorporate some of that,
13 if doable.

14 But as Mr. Feola mentioned
15 earlier, some of this is a show -- I keep
16 saying a show stopper, but I don't think he
17 said it that way. Some of this is a project
18 stopper, some of those conditions. So they
19 have already heard some of your conditions.
20 Maybe they can incorporate some of them with
21 what they heard from my colleagues tonight.

22 So I don't know. You know, it's

1 almost like trying to find it in the dark.
2 I'm not sure how it's going to come back, I
3 just know I'm trying to set up a procedure and
4 a process in which we are going to be able to
5 deal with it and be fair to all parties and
6 everyone involved.

7 MS. GATES: Thank you.

8 CHAIRMAN HOOD: Okay. Okay. Mr.
9 Feola, do you have a summation of, I'm not
10 going to ask you for a list, what is asked
11 for? Now, we have already established that we
12 are not starting from scratch.

13 MR. FEOLA: I believe I do.
14 Specifically, a volumetric study putting the
15 project in the context of the whole
16 neighborhood. I won't go into this, the
17 details of that. I've got a lot of notes
18 about that. The levels of finish and clarity,
19 picking up on the Jefferson Row Project and
20 The Escalade Project that Wilco has developed.
21 Looking at images of building
22 finishes in that context, hoping that we --

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1 what we hope to achieve. Simplification, and
2 that's just my word, of the building facades,
3 making them read -- making them make more
4 sense and bring them together.

5 Look at the garage openings and
6 whether anything can be done to either
7 eliminate them, soften them, change them in
8 some way, so that -- especially as they affect
9 the central park, face the central park.

10 VICE CHAIRMAN JEFFRIES: The
11 architect might be -- I mean, the architect
12 might be able to do some minor things to just
13 sort of help.

14 MR. FEOLA: I actually have an
15 idea.

16 VICE CHAIRMAN JEFFRIES: Yeah,
17 yeah, but anyway.

18 MR. FEOLA: Execution of the
19 architecture which goes back to the facades,
20 kind of executing it in a way that you can
21 read it and understand it. Dealing with the
22 perceived density and the relationship of cars

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1 to the development in the alleys and the
2 garages.

3 And one note I made to myself to
4 contact the Park Service, but that's not
5 something that the Commission asked for to
6 deal with Superintendent Coleman.

7 MR. McLAURIN: And the photos for
8 Commissioner Turnbull.

9 MR. FEOLA: Oh, yeah, I'm sorry.

10 MR. McLAURIN: The photos.

11 MR. FEOLA: I got that down.

12 Sorry.

13 CHAIRMAN HOOD: Okay. I think in
14 all fairness, what has been asked for and the
15 comment period as Ms. Gates is going to be
16 needing, we're going to try to look at
17 February the 12th. Okay. And hopefully that
18 doesn't alarm everybody. But that will take
19 care of some of that comment period that you
20 asked for, Commissioner, I think.

21 Is February the 12th okay with
22 everyone? And let me ask the applicant, is

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1 that a problem pushing it back to February the
2 12th?

3 MR. FEOLA: We're checking, Mr.
4 Chairman.

5 CHAIRMAN HOOD: And again,
6 Commissioner Gates, we -- yeah.

7 MR. FEOLA: Actually, February 12th
8 is better for us for -- given all that --

9 MS. SCHELLIN: Mr. Hitchcock, you
10 free?

11 MR. HITCHCOCK: My wife is not.

12 MS. SCHELLIN: I think we have got
13 the majority, so --

14 CHAIRMAN HOOD: February 12th.

15 MS. SCHELLIN: -- and it's far
16 enough away maybe he can get his client here.

17 CHAIRMAN HOOD: Can we also come
18 up with a time frame of submissions?

19 MS. SCHELLIN: Yes.

20 CHAIRMAN HOOD: And let's work on
21 the time frame now.

22 MS. SCHELLIN: Okay.

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1 CHAIRMAN HOOD: And also for the
2 parties to be able to respond. And,
3 Commissioner Gates, you're going to work with
4 your ANC to see if you can continue, you know,
5 at least to present in front of us.

6 MS. GATES: Thank you. And I
7 think one point that is important is if we
8 really are going to move forward with this
9 list, it would be helpful if we could have it
10 earlier than later.

11 CHAIRMAN HOOD: We're getting
12 ready to do a response time and we're going to
13 do some dates now.

14 MS. GATES: Okay.

15 CHAIRMAN HOOD: So we're going to
16 work that out.

17 MS. GATES: Okay.

18 MR. FEOLA: Making it February 12th
19 is helpful in that sense, too.

20 MS. GATES: Yeah.

21 MS. SCHELLIN: How much time do
22 you guys think you're going to need? Six

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1 weeks, five weeks?

2 MR. FEOLA: Well, what day are you
3 looking at, that would be easier? What day,
4 Ms. Schellin, are you looking at?

5 MS. SCHELLIN: Can you do it by
6 January 16th? That would allow the parties
7 two weeks.

8 MR. FEOLA: I'm sorry, if the
9 hearing is on the 12th, they said, of
10 February.

11 MS. SCHELLIN: We have to have
12 time to get our packages to the Commissioners,
13 so they can read everything before they come.

14 MR. FEOLA: I understand. I'm
15 just --

16 MS. SCHELLIN: So I'm backing it
17 back, giving -- we need to have everything in
18 our office by February 2nd, so that would
19 give --

20 MR. FEOLA: Well, given that the
21 party -- other parties haven't testified yet,
22 if we gave them -- gave it to them the same

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1 time we gave it to the Commission, they would
2 have 10 days to formulate an opinion. Is
3 that --

4 MS. SCHELLIN: Chairman Hood, do
5 you want the parties -- just to clarify. Do
6 you want the parties to respond at the hearing
7 or are you expecting them to respond prior to
8 the hearing?

9 CHAIRMAN HOOD: I would actually
10 like for them to respond prior.

11 MS. SCHELLIN: That's what I
12 thought.

13 CHAIRMAN HOOD: And that will give
14 them an opportunity and us to be able to
15 digest, before we get here, what their
16 comments are. So if we could work that out?

17 MS. GATES: Chairman Hood, the ANC
18 meeting would be February the 4th. How does--
19 I think we are around --

20 CHAIRMAN HOOD: Yeah, we're behind
21 the full -- we're on the 12th. We're saying
22 February 12th, right?

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1 MS. GATES: No, no, but that would
2 give us a chance then to take a vote on the
3 4th. Does that get our stuff to you in time?

4 CHAIRMAN HOOD: No, that actually
5 wouldn't. I don't think so. Because if they
6 take it on the 4th, that would be the one
7 thing that we could take in.

8 MS. SCHELLIN: Just the ANC?

9 CHAIRMAN HOOD: The ANC only. If
10 you get it to us that night, we'll all get
11 here early and read it.

12 VICE CHAIRMAN JEFFRIES: You guys
13 going to have a special meeting?

14 CHAIRMAN HOOD: No, they're going
15 to have a meeting.

16 VICE CHAIRMAN JEFFRIES: Oh, oh, a
17 special meeting.

18 MS. SCHELLIN: But is that going
19 to work for you guys, Phil?

20 MR. FEOLA: I don't know.

21 MS. SCHELLIN: January 16th?

22 MS. GATES: We wouldn't --

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1 MS. SCHELLIN: Well, actually --

2 MS. GATES: -- need it in January.

3 MS. SCHELLIN: So they would --
4 let's see, the 4th, that would put them one,
5 two, the 21st?

6 MR. FEOLA: That would be better.
7 I'm just trying to work through knowing the
8 Christmas holidays and there is a lot of stuff
9 to do.

10 MS. SCHELLIN: Right.

11 MR. FEOLA: So the later the
12 better. The 21st is better than the 16th. The
13 24th would be, you know.

14 MS. SCHELLIN: Okay. So January
15 21st for the applicant to respond to what they
16 heard tonight and then the ANC has until, I'm
17 going to say, the 5th, the day after their
18 meeting, February 5th, to file their report.
19 And the other parties have until February 2nd.

20 CHAIRMAN HOOD: Ms. Gates is
21 laughing. The 5th is --

22 MS. SCHELLIN: Well, usually by

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1 then, I mean, they would have had it for a
2 couple of weeks.

3 CHAIRMAN HOOD: Right. But they
4 are probably --

5 MS. SCHELLIN: So I'm sure the
6 people who --

7 CHAIRMAN HOOD: The 5th is on --

8 MS. SCHELLIN: -- are going to be
9 reading it --

10 CHAIRMAN HOOD: -- a Friday?

11 MS. SCHELLIN: Yes, it's a
12 Thursday.

13 CHAIRMAN HOOD: Could we give them
14 until that Friday?

15 MS. SCHELLIN: We'll give them
16 until Friday.

17 VICE CHAIRMAN JEFFRIES: It's
18 tough down there.

19 CHAIRMAN HOOD: Okay.

20 MS. SCHELLIN: Well, I don't want
21 you to say you got it the night of and didn't
22 get to read it.

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1 CHAIRMAN HOOD: Well --

2 MS. SCHELLIN: So I'm trying to
3 get it to you early.

4 CHAIRMAN HOOD: Thank you very
5 much. Let's say, so we have the dates,
6 everybody. You want to give the dates again,
7 Ms. Schellin?

8 MS. SCHELLIN: Okay. The
9 applicant has until 3:00 on January 21st. The
10 parties in support have until 3:00 February
11 2nd. And the ANC has until noon, February 6th.

12 CHAIRMAN HOOD: Okay.

13 MS. SCHELLIN: And I just want to
14 make sure that the parties understand they
15 need to serve all other parties and file
16 original and 20 copies in our office. Okay.

17 CHAIRMAN HOOD: Okay. So all the
18 parties and everyone, we're all straight,
19 we're all on the same page.

20 Now, let me ask this. I know Mr.
21 Crews wanted to make a statement. Is there
22 any individual that wants to come up and say

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1 something to the Commission? I'm going to
2 allow that at this time.

3 MR. CREWS: Thank you, Chairman
4 Hood. Actually, I was making a statement on
5 behalf of ANC-3D, which in their letter to you
6 indicated that I was going to be assisting
7 them in their presentation.

8 CHAIRMAN HOOD: Okay.

9 MR. CREWS: And so, well, you
10 know, the real problem here is whether or not
11 you are going to have the gumption enough that
12 if you decide that what the further testimony
13 that is coming in is going to send the
14 developer back to the drawing board, we
15 haven't talked about the fact that their 14
16 foot high retaining wall is a foot from the
17 wetland and how are they planning on building
18 that without hurting the wetland?

19 That would be a major reschedule.
20 And I'm just concerned by your procedure that
21 you are going to be hesitant to send them back
22 again, should you decide that that would be

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1 worthy of the Comp Plan policies and of the
2 whole effort to protect wetlands in the
3 District.

4 And so that was my concern about
5 this process of whether or not, you know,
6 sending them back to the drawing board now,
7 whether that is going to raise the bar for you
8 unfairly to the ANC and the neighbors about
9 sending them back to the drawing board, should
10 you decide that there should be like other
11 projects that have been approved in the area
12 and require a 25 foot setback from any wetland
13 for any disturbance.

14 And as you have heard testimony on
15 proposed flood plane regulations, that that
16 would actually be 35 feet. So I'm just --
17 that was my concern initially. And I was here
18 as a representative of 3D. And so that was my
19 concern at the time when you cut me off.

20 CHAIRMAN HOOD: You can have some
21 more time. Are you finished?

22 MR. CREWS: Well, I mean, I'm just

1 -- you know, again, I just want to raise that
2 concern that you are not going to unfairly
3 taint the ability for the ANC and the other
4 parties to present testimony that may require,
5 if you would follow it and follow the
6 precedent that has been set on other
7 developments, to send them back to the drawing
8 board again.

9 CHAIRMAN HOOD: Are you asking me
10 for an answer?

11 MR. CREWS: Yeah.

12 CHAIRMAN HOOD: Okay. Well, I
13 want to thank you for your comments. We
14 appreciate them. We'll take that under
15 advisement. Okay.

16 What we are going to do is move in
17 that fashion, in which we did, for those of us
18 who were here earlier knows that this
19 Commission hesitated to move forward. For
20 those, Mr. Crews and others who may have come
21 in late, and I thought Mr. Crews and I came in
22 together, but I don't know, you know, that was

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1 the issue.

2 MR. CREWS: I was here.

3 CHAIRMAN HOOD: Oh, okay. But
4 that was the issue to begin with. I think
5 this Commission and I really shouldn't
6 respond, but I am. I think this Commission
7 has not hesitated to either turn it down or
8 send it back however many times it has.

9 If you have watched this
10 Commission in the past, I'm not going to call
11 the case, but we have sent it back more than
12 once. Okay.

13 Is there anything else tonight?
14 With that, I want to thank everyone for their
15 participation and I hope that the gap is a
16 little closer than what is when you come back.
17 Thank you so much.

18 (Whereupon, the Public Hearing was
19 concluded at 10:46 p.m.)

20

21

22