

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

-----:

IN THE MATTER OF: :

:

Application of the District : Case No.

of Columbia Primary Care : 05-28B

Association for Final :

Approval of a Planned Unit :

Development and Zoning Map :

Amendment (Square 5055, Lots :

25, 801 and portions of 24 :

and 802)("DCPA Property") :

:

-----:

Thursday,

May 5, 2011

Hearing Room 220 South

441 4th Street, N.W.

Washington, D.C.

The Public Hearing of Case No. 05-28B by the District of Columbia Zoning Commission convened at 6:00 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
GREG SELFRIDGE, Commissioner
MICHAEL G. TURNBULL, FAIA, Commissioner
(OAC)
PETER MAY, Commissioner (NPS)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

The transcript constitutes the minutes from the Public Hearing held on May 5, 2011.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

TABLE OF CONTENTS

Preliminary Matters	8
Report of DDOT	9
Closing by the Applicant	58
Adjourn	75

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

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

2 6:07 P.M

3 CHAIRMAN HOOD: Good evening,
4 ladies and gentlemen. This is the public
5 hearing of the Zoning Commission for the
6 District of Columbia, Thursday, May 5, 2011.

7 My name is Anthony Hood. Joining
8 me this evening are Commissioners Greg
9 Selfridge, Peter May and Mike Turnbull. Vice
10 Chairman Konrad Schlater has recused himself
11 and will not be participating in these
12 proceedings.

13 We are also joined by Office of
14 Zoning staff, Ms. Sharon Schellin and Office
15 of Planning staff, Mr. Lawson.

16 Are you by yourself tonight, Mr.
17 Lawson?

18 MR. LAWSON: I am.

19 CHAIRMAN HOOD: Are we expecting
20 DDOT?

21 MR. LAWSON: I was under the
22 impression DDOT was coming, yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 CHAIRMAN HOOD: Okay. This
2 proceeding is being recorded by a court
3 reporter and is also webcast live.
4 Accordingly, we must ask you to refrain from
5 any disruptive noises or actions in the
6 Hearing Room.

7 Tonight there are two hearings.
8 First, Zoning Commission Case 05-28B which is
9 a request by D.C. Primary Care Association,
10 LLC for approval of a second stage PUD and
11 related map amendment intended to build a
12 health center on property at Square 55 and it
13 is continued from April 18, 2011.

14 Our second Zoning Commission Case
15 05-28C which is a request by Lano Parcel 12
16 LLC for approval of a second stage PUD and
17 related map amendment intended to build a
18 community college on property at Square 55 and
19 it was postponed from April 18, 2011.

20 Notice of both of tonight's
21 hearings were published in the D.C. Register
22 on February 18, 2011 and copies of that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 announcement are available to my left on the
2 wall near the door.

3 The hearing will be conducted on
4 0528B -- will be conducted in accordance with
5 provisions of 11 DCMR 3022 as follows: report
6 of DDOT, rebuttal and closing by the
7 Applicant.

8 The hearing for 0528C will be
9 conducted in accordance with the provisions of
10 11 DCMR 3022 as follows: preliminary matters,
11 Applicant's case, report of the Office of
12 Planning, report of other government agencies,
13 report of ANC 7C, organizations and persons in
14 support, organizations and persons in
15 opposition.

16 The following time constraints
17 will be maintained in this hearing: the
18 Applicant, 50 minutes; organizations, 5
19 minutes; individuals, 3 minutes. Again, this
20 is the second hearing I'm speaking of. The
21 Commission intends to adhere to the time
22 limits as strictly as possible in order to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 hear these cases in a reasonable period of
2 time.

3 All persons appearing before the
4 Commission are to fill out two witness cards.

5 These cards are located to my left on the
6 table near the door. Upon coming forward to
7 speak to the Commission, please give both
8 cards to the reporter sitting to my right
9 before taking a seat at the table.

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

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

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 any time. The staff will be available
2 throughout the hearing to discuss procedural
3 questions. Please turn off all beepers and
4 cell phones at this time so as not to disrupt
5 these proceedings.

6 Will all individuals wishing to
7 testify, please rise to take the oath.

8 MS. SCHELLIN: There's no
9 witnesses in the first case.

10 CHAIRMAN HOOD: Any witnesses for
11 28C? We're fine with the first case.

12 MS. SCHELLIN: Not yet? They're
13 not here?

14 CHAIRMAN HOOD: We'll probably
15 have to do it again.

16 (Witnesses were sworn.)

17 CHAIRMAN HOOD: Thank you, Ms.
18 Schellin. At this time the Commission will
19 consider any preliminary matters. Does the
20 staff have any preliminary matters in the
21 first case which is 05-28B.

22 MS. SCHELLIN: No, sir. We're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 ready to start with DDOT.

2 CHAIRMAN HOOD: The only
3 preliminary matter I have is we want to wish
4 Mr. Phil a happy birthday. Would any of the
5 Commissioners like to sing?

6 Second thought, let's go to Mr.
7 Jennings and let's also acknowledge that Mr.
8 Jennings from DDOT is present.

9 Mr. Jennings, we'll start with
10 you.

11 MR. JENNINGS: Good evening,
12 Chairman Hood and fellow Commissioners. For
13 the record, my name is Jeff Jennings. I work
14 for the District Department of Transportation.

15 I'm going to be joined within the next
16 perhaps 10 to 15 minutes by Associate Director
17 Karina Ricks as well. I think she'll be able
18 to answer a number of questions that may be
19 existing out there.

20 We submitted a supplemental set of
21 comments going back to April 18 is the date of
22 the document. And this was in response, just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to be clear, we're on Case No. 05-28E? B,
2 thank you. So we didn't send a supplemental
3 set of comments.

4 Nonetheless, the Primary Care
5 Association building, we are supporting it and
6 I'm trying to be as brief as possible here. A
7 recently new condition that the Applicant has
8 brought to our attention is dividing the
9 parking lot with ten parking spaces for
10 patients to the D.C. Primary Care Association
11 building. We're not usually, as this
12 Commission knows all too well, we're not
13 usually in favor of furnishing a great deal of
14 parking, but in this particular case, we are
15 aware that those who may be arriving to the
16 clinic certainly may not be able to take mass
17 transit or any other form of transportation
18 and that's the reason why, I think, in our
19 comments going back to April 21, we felt that
20 a certain number of those parking spaces
21 within the Primary Care Association building
22 should be set aside for patients who could and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 will be driving. So the Applicant has
2 informed us that ten parking spaces out of the
3 approximately 65 or so spaces, I believe the
4 last number we had was 69 spaces would be set
5 aside for patients.

6 The other item that I think we
7 were particularly keen on is monitoring the
8 various street frontages being diligent with
9 respect to how long vehicles may be parking
10 there. That's going to take some work from
11 the Applicant and their property management
12 team to ensure that those particular spaces in
13 front are not occupied for a substantial
14 amount of time, by those who may be driving.

15 I think those are really kind of
16 the highlights. And I'm certainly happy to
17 try and answer any questions you may have
18 here. Out of the parking that the Applicant
19 has agreed to provide, we think that there
20 could be more patient parking provided.
21 We're not necessarily asking the Applicant to
22 increase the number of overall parking spaces,

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 but we do think that ten parking spaces out of
2 the say 69 or 65 parking spaces, some more
3 parking spaces could be set aside for the
4 patients who will be arriving here.

5 Thanks.

6 CHAIRMAN HOOD: Okay, thank you
7 very much, Mr. Jennings.

8 Commissioners, do you have any
9 questions of Mr. Jennings?

10 Mr. Turnbull.

11 COMMISSIONER TURNBULL: I wonder
12 if you could continue on with your last
13 comment about 10 out of 69 or whatever. I
14 think the ratio is a little skewed, too. Do
15 you have any

16 -- looking at other facilities like this, that
17 have parking kind of ratios, what do you see
18 as properly more appropriate?

19 MR. JENNINGS: That's a good
20 question because the Applicant has another
21 facility that's just beginning -- under
22 construction or has evolved to a point of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 construction and that one is in Ward 8 on 16th
2 and Galen Streets. So we're not necessarily
3 aware of how many patients or staff may be
4 using personal passenger vehicle to travel to
5 the facility. We do know of another facility
6 that D.C. Primary Care managers and that's in
7 Ward 1 . That's the Upper Cardozo Health
8 Clinic on 14th Street which is located
9 literally above a Metro Station. And we're
10 not aware of how many people may be traveling
11 via car to get to that location either.

12 Nonetheless, 10 parking spaces out
13 of say give or take 65 or 70 parking spaces
14 for patients, it's --

15 COMMISSIONER TURNBULL: Seems
16 minimal.

17 MR. JENNINGS: It could be a
18 little more flexible.

19 COMMISSIONER TURNBULL: Yes.
20 Okay, thank you.

21 COMMISSIONER TURNBULL: Any other
22 questions?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Mr. Selfridge?

2 COMMISSIONER SELFRIDGE: I would
3 just agree with Mr. Turnbull. I don't know
4 where that number came from, but maybe we
5 could hear from the Applicant, although I was
6 surprised that they thought they didn't need
7 any spaces for patients. But it seems a little
8 bit backwards that you've got the staff and
9 the people who work there who are maybe -- I
10 won't speculate on their age, but presumably
11 more healthy than the patients and they're not
12 encouraging them to take the Metro and mass
13 transit and bikes maybe whereas the patients
14 who are probably in worse physical condition
15 and could benefit from the parking are being
16 denied that, being denied those spaces. So
17 I'd be curious to hear a little bit more about
18 that and my initial instinct is that ten is
19 probably not enough in this case.

20 CHAIRMAN HOOD: Any other
21 questions? Commissioner May?

22 COMMISSIONER MAY: This may just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 be a question for the Applicant, but I need my
2 memory refreshed on the number of staff who
3 are actually working there, so we know what
4 the relationship is between the number of
5 staff and the number of parking spaces.

6 MR. BROWN: Mr. May, there are
7 projected to be 80 full-time equivalents
8 staff-wise. The bulk of those will be there
9 from the beginning of the day to the end.
10 There will be some turnover of professionals,
11 but by and large, the majority of those will
12 come in in the morning and leave at the end of
13 the day.

14 COMMISSIONER MAY: If you don't
15 mind, can I continue along this line?

16 MR. BROWN: Sure.

17 COMMISSIONER MAY: And the hours
18 of the clinic are 40 hours a week, so although
19 the staff are going to be there 40 hours a
20 week or is it a longer day on Sundays and are
21 there any weekend hours? I'm just trying to
22 understand whether out of the 80 all of them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 are expected to be there from 9 to 5 Monday
2 through Friday.

3 MR. BROWN: The project schedule
4 and this is in keeping with, for instance, Mr.
5 Jennings has mentioned 16th and Galen which
6 was approved by the BZA and is actually under
7 construction and of a similar size, the hours
8 were going to be projected at something like 8
9 a.m. to 4, 4:30, 5 days a week. Probably two
10 of those days the hours will then be extended
11 until 8 p.m. Also, envisioned is Saturday
12 hours from approximately 8 a.m. to 2. And
13 closed on Sunday.

14 COMMISSIONER MAY: It seems that
15 there are going to be 80 FTEs, it seems
16 unlikely that there would be more than 55, 60
17 at any given moment?

18 MR. BROWN: That's a little beyond
19 my capacity. Can I clarify because I think it
20 will be helpful. One of the things we want to
21 make clear tonight is that we've committed to
22 a minimum of ten visitor spaces so that that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 number could conceivably go higher.

2 COMMISSIONER MAY: Right, and the
3 question is whether we're going to require it
4 to go higher. It would be helpful to know
5 how many people you would expect to be in the
6 building at any given time to understand
7 whether that number of parking spaces is
8 reasonable.

9 I also think it's reasonable for
10 somebody like this to assume that that a large
11 number are going to come, will come by public
12 transportation, so you don't necessarily need
13 the full 102 or whatever that would be
14 required by Zoning. But getting a better fix
15 on what's actually required for staff might be
16 helpful. So you can set that minimum
17 correctly. And if they wind up being under
18 utilized, the spaces can be used for other
19 commercial parkers or something like that.
20 But it seems like even at 59 spaces, I guess,
21 because we're starting at 69?

22 MR. BROWN: That's correct.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 COMMISSIONER MAY: And they've
2 taken off 10, so 59 seems like there's going
3 to be at least one parking space per staff
4 person present at any given moment which
5 doesn't seem like it's the right ratio.

6 MR. BROWN: And what I'd like to
7 do because I think I'm not the right person to
8 testify about this is Mr. Andres is here to
9 walk us through the numbers and how he, based
10 on experience, sees the numbers floating
11 through as far as patients and how they plan
12 to come to the site based on experience so
13 that we see from a demand standpoint, the
14 patient demand standpoint.

15 COMMISSIONER MAY: Right, okay.
16 If you can give that to us in summary form,
17 I'd be happy to hear it.

18 MR. ANDRES: Absolutely, Erwin
19 Andres, for the record, for Gorove/Slade
20 Associates. With respect to basically
21 identifying the patient demand component of
22 the project, what we had done is coordinated

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 with our client to see potentially how many
2 patients they can accommodate, likely within
3 an hour and that number results in 38 patients
4 per hour which corrects my previous testimony
5 at my last hearing where I mistakenly
6 identified it as 15 per hour. But it is in
7 the range of 38 patients per hour. And the
8 way that number is resulting, it results from
9 the fact that there are 42 exam rooms and
10 there are six dental chairs which gets you 48
11 potential spaces to treat somebody. And it's
12 been the experience of DCTCA and Unity that
13 they only achieve realistically about an 80
14 percent actualization of those spaces. So
15 that is the range, especially with no shows
16 and things of that nature.

17 So the working ratio that they
18 have for occupancy within that hour is 80
19 percent so that's where we get the 38 patients
20 per hour. Now we look at the 38 patients per
21 hour, what we were trying to do is just try
22 and figure out how potentially these patients

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 could come, especially given that this is a
2 primary care facility, so in essence, there
3 are ill people, but there are people that
4 aren't as ill as if you would get at an urgent
5 care facility.

6 And then there's also physicals
7 and things of that nature.

8 So with respect to the transit
9 utilization, we've identified a transit
10 utilization of 35 percent which represents 13
11 of those patients taking either Metro rail or
12 Metro bus. There's a combined percentage of
13 15 percent for people taking cabs or people
14 walking from the neighborhood. So that
15 represents roughly about 6 people. Based on
16 our coordination with client, they've
17 mentioned that there's heavy drop offs which
18 is why we've identified some of the on street
19 parking space on Hayes Street as the
20 designated drop off area. So we've identified
21 25 percent of those people who are being
22 dropped off and typically they're being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 dropped off by somebody who drops them off and
2 then goes someplace else.

3 The remaining 25 percent we've
4 projected as people who drop off somebody and
5 also park. So if I were to take my mother who
6 was ill, what I would do is I'd drop her off
7 in the front and then go into parking. Or if
8 I was driving myself and were well, I would
9 obviously drive myself directly into parking.

10 So that number is roughly ten vehicles. So
11 looking at that economy of the way -- of the
12 mode split for this facility, the range that
13 we've identified is approximately ten
14 vehicles.

15 Now obviously, if there are still
16 patients there while -- in the first hour, and
17 they haven't been treated yet, and the next
18 group of patients in the second hour, there
19 would be some overlap where there would
20 potentially not be enough visitor parking
21 spaces. And in order to accommodate that
22 demand, what we've also done is identified an

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 on-street parking supply within the site.

2 In our supplemental submittal,
3 dated May 2, 2011, what we had done is we had
4 identified --

5 COMMISSIONER MAY: Can I
6 interrupt? I'm not sure we really need to
7 know that. I think there's an assumption down
8 the line that the entire area is going to be
9 developed and that this inventory really isn't
10 going to be valid. I mean the number of
11 spaces might be the same, roughly the same,
12 but there's going to be additional demand on
13 it and I think the notion that you're going to
14 rely on on-street parking for this facility in
15 perpetuity, I don't know that it's relevant.
16 So I'm not sure I'm particularly interested in
17 hearing much detail on this. I'd rather move
18 on to other questions with DDOT.

19 MR. BROWN: Could I interject, Mr.
20 May and say this DCPCA is a small part of an
21 overall PUD. Parcel 12 which is the block of
22 Kenilworth Terrace, Kenilworth Avenue, Foote

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 and Hayes, the PUD calls for full build out,
2 1400 parking spaces. The overall PUD calls
3 for 2400 parking spaces serving a whole bunch
4 of different needs, residential, retail.

5 COMMISSIONER MAY: Right.

6 MR. BROWN: So looking at the big
7 picture of the buildout, there is going to be
8 a lot of additional parking, some of which
9 will be commercially oriented. Not in an
10 office building. So to say that we need to
11 get -- if we're going to look at the future,
12 we need to look at the big picture and
13 certainly, Mr. Andres can talk about that, but
14 there's going to be an awful lot of parking
15 resources available and we're talking about
16 for DCPCA's operation a very small additional
17 demand. He was talking in terms of ten
18 patients so that we need to put it in some
19 sort of context.

20 COMMISSIONER MAY: Okay, but my
21 point is simply that when all that build out
22 occurs, we're certainly -- because of DDOT's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 advice on that, we're certainly not going to
2 target for more parking for which there will
3 be demand and there will be assumptions about
4 what the availability of street parking will
5 be overall. And I don't think it's really
6 relevant to count up all of the spaces,
7 particularly those five or six blocks down the
8 road or four or five blocks down the road as
9 being relevant to what you're trying to do
10 right here, right now. Because in perpetuity,
11 there's going to be other people, other
12 demands, other parking needs there.

13 So I mean I personally don't see a
14 need to get into this very much. Maybe my
15 fellow Commissioners disagree.

16 COMMISSIONER SELFRIDGE: I'd like
17 to look at it from the staff demands. I've
18 heard a lot about the patient demands side.
19 What is the staff demand? There's discussion
20 about the need to have parking for all the
21 staff folk, but why is that? And what do you
22 find or did you study the percentage that will

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 be using public transit, the percentage who
2 will be getting a ride from somebody and
3 carpooling. Do you have those numbers, Mr.
4 Andres?

5 MR. ANDRES: With respect to the
6 staff demand, it's our understanding in
7 coordination with our client that parking is
8 used as a recruitment tool in order to
9 provide, in order to get the resources for the
10 recruitment of staff that allows them to be
11 there.

12 With respect to being close --
13 obviously, as part of the plan, we are
14 introducing the opportunity to participate in
15 the Transportation Demand Management Program
16 to be able to shift those employees into
17 transit, but given that this is the first
18 phase of a much larger project, up front you
19 would need more spaces than you typically
20 would.

21 MR. BROWN: And I think Ms.
22 Baskerville who testified earlier, she's the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CEO of DCPCA and in coordination with Unity
2 who will be the operator, I think can provide
3 some more detail on the issue of employee
4 parking.

5 COMMISSIONER MAY: I'm not
6 particularly interested in that at this
7 moment. We've heard the argument. It's part
8 of what you do to recruit. We also have DDOT
9 saying that the parking shouldn't be free and
10 you should be charging for it from their
11 perspective.

12 MR. BROWN: Perhaps I can clarify.
13 The employees will be charged market rate.

14 COMMISSIONER MAY: Okay, that's
15 good to know. Then I don't really need to
16 know too much more on that subject at this
17 moment.

18 I would rather go back to DDOT and
19 ask them the rest of my questions.

20 MR. BROWN: Okay.

21 COMMISSIONER MAY: So the thing
22 that's missing from the report is the topic of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a lot of discussion from the initial hearing
2 which is the fact that there's not a lot of
3 access to this area by car. There are only a
4 few access points and they're pinch points and
5 there have been traffic issues at those pinch
6 points having to do with construction and so
7 on. Much of that has been completed. I don't
8 know if it's all been completed, but I just --
9 I think there's still an underlying concern on
10 the part of the neighborhood that this is just
11 a hard neighborhood to get in and out of and
12 it's going to get worse when we start building
13 a lot of these PUDs. So I'm interested in
14 hearing what you have to say.

15 There are probably more specific
16 questions related to that, but I have to go
17 look through my notes a little bit more
18 thoroughly. So anyway, if you can speak to
19 that as a general topic, I'd appreciate it.

20 COMMISSIONER TURNBULL:
21 Commissioner May, I think what I wanted to add
22 is something that was brought up by some of

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the residents from Eastgate Gardens who gave a
2 litany of half hour, 45 minutes or more just
3 to get out of their neighborhood to move
4 around. I think that was one of the key
5 issues, that there was so much frustration in
6 the neighborhood about just trying to get out
7 of their neighborhood and they're very
8 concerned about the additional traffic that's
9 going to be added.

10 CHAIRMAN HOOD: Let me also add to
11 and ask this question. I think this is real
12 key for all of us.

13 I would like for DDOT to do some
14 research on the Stone Soul Picnic. I don't
15 know if you're familiar with that, was in that
16 area. If you are, tell me what happened,
17 because I can guarantee you, Stone Soul Picnic
18 was over there, I think, one time and
19 unfortunately, I was a recipient that's been
20 over there. So I understand exactly what
21 they're talking about. There have been some
22 modifications in that area. If you don't know

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 where Stone Soul Picnic is, I want you all to
2 look it up and come back and let us know if
3 there has been some mitigation methods to deal
4 with that. That's a real live situation.

5 And what's getting ready to
6 happen, that egress one way in and one way
7 out, it's a big deal in that area and we've
8 heard that loud and clear. So include that in
9 your answer. Thank you.

10 MS. RICKS: So Jeff has allowed me
11 in this meeting, generously. So I think
12 there's a little bit of an oddity in this case
13 also that we just have to sort of call out
14 which is that we're talking about a second
15 stage processing, but we know that there's a
16 PUD modification that is also a topic here.

17 The impacts of the DCPCA are
18 relatively modest and there are traffic
19 problems in the neighborhood and it is a
20 limited access to the area right now. But the
21 real impacts are much more profound when the
22 full PUD is going to be realized and I think

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that the proposed expansion of the office
2 space in the PUD also will bring peak hour
3 trips to this area so it's a little bit
4 difficult to answer that question in the
5 context of the second stage processing for the
6 DCPCA when really the bulk of the impacts are
7 going to be associated with the larger PUD.
8 And I guess we'll hear it at another hearing.

9 But you are right. There's one
10 way in and one way out. Well, there's two
11 ways out, one way in to the neighborhood and
12 we have made some recent changes to those
13 access points. Thanks to the community, as
14 our supplemental report, I think indicated and
15 went back and checked if the timing, the
16 signal timing had been properly implemented
17 with the new construction. That was recently
18 done in the Nanny Helen Burroughs, Kenilworth
19 Avenue, Kenilworth Place area and it had not
20 been implemented at the time of our last
21 hearing. So some adjustments have been made
22 in the interim. Some adjustments still remain

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to be done with that signal timing. So that
2 is still a little bit of a work in progress
3 that should alleviate some of the impacts, but
4 it is still a challenging location just given
5 the context and the access points for this
6 area.

7 CHAIRMAN HOOD: Okay, and I
8 understand this is the second stage and we're
9 just dealing with DCPCA. I understand all of
10 that, but I'm just wondering -- we're building
11 to the impact and if you have been in that
12 traffic over there when Stone Soul Picnic was
13 there you will understand. So I just want you
14 all to research that.

15 Let me ask about the letter and
16 maybe you can work in tandem. Let me go to
17 the Applicant. Have you all seen the DDOT
18 that we received, right?

19 MR. BROWN: You're referring to
20 the one --

21 CHAIRMAN HOOD: The one for this
22 case.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BROWN: April 21st, yes.

2 CHAIRMAN HOOD: So you're in
3 agreement with everything they ask for like
4 the loading management plan and I don't know
5 if you submitted that in this tonight or what.

6 Something else they asked for, transportation
7 coordinator and some other things.

8 MR. BROWN: We've adopted the
9 issues that were in the DDOT report and we
10 laid that out in our filing that occurred
11 money.

12 CHAIRMAN HOOD: So it's in here.
13 May 2nd?

14 MR. BROWN: Yes.

15 CHAIRMAN HOOD: Okay.

16 MR. BROWN: Mr. Andres is
17 certainly prepared to walk you through the
18 details of that. The one change and it's
19 significant, since the May 2nd filing was our
20 commitment to provide the minimum of ten
21 patient visitor parking spaces in the
22 underground facility. So other than that, I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 think our submission was comprehensive.

2 CHAIRMAN HOOD: Okay. I don't
3 know when everybody else got theirs, but I got
4 mine tonight, so help me out, there's a little
5 discussion. That's why I'm doing this.

6 Let me just ask this question, Mr.
7 Andres. How many people usually ride bicycles
8 to the doctor's office? I'm just curious.

9 MR. ANDRES: Well --

10 CHAIRMAN HOOD: I know Peter does.
11 He's unique. He rides to church and
12 everywhere else. I understand that.

13 MR. ANDRES: For patients,
14 probably very few. But for staff or for
15 people who are there on a daily basis, chances
16 are it would be
17 -- depending on where they lived, that number
18 would be greater.

19 CHAIRMAN HOOD: So this is more
20 geared towards the staff, correct?

21
22 MR. ANDRES: Some of the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 additional TMP elements that DDOT had
2 identified, yes, absolutely.

3 CHAIRMAN HOOD: But it's also open
4 to some patients?

5 MR. ANDRES: It is open to some
6 patients. Unfortunately, it's my
7 understanding that the showers are available
8 only for the employees, so if you're a patient
9 and you bike here.

10 CHAIRMAN HOOD: Somewhere in the
11 recommendations, they had conditional approval
12 and they have some bullet points on page four.

13 Could you walk me through that and with the
14 exception of the bikes, we've already talked
15 about that. Can you just walk me through some
16 of the bullet points briefly?

17 MR. ANDRES: Absolutely, the
18 loading management plan, we've identified in
19 our May 2nd submittal which you do have before
20 you. And with respect to the loading
21 management plan, we've identified curb space,
22 curb space both on Kenilworth Terrace as well

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 as on Hayes Street. The curb space on
2 Kenilworth Terrace, in the previous hearing,
3 I've identified it as where the loading for
4 the deliveries would occur. And those
5 deliveries would be smaller box trucks. You'd
6 have your FedEx, UPS, your medical supplies
7 and again, those are smaller box trucks or
8 vans.

9 And with respect to the loading
10 area on Hayes Street, we've identified an area
11 for short-term passenger drop off or pickup.
12 And that space is again geared to address taxi
13 drop offs, Metro access drop offs, and also
14 the space that's available in the event that
15 an emergency vehicle has to be called to pick
16 up somebody who was suddenly diagnosed with --
17 who would require urgent care.

18 So with respect to our plan, we've
19 identified staff members who would be
20 responsible to make sure that those two
21 spaces, both the loading space on Kenilworth
22 Terrace, and the passenger loading space on

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Hayes Street is not abused. There would be
2 somebody responsible for both inventory
3 control to make sure that the deliveries come
4 in, as well as making sure nobody is sitting
5 out in their car waiting for somebody for an
6 extended period of time. Similar to that
7 short-term passenger drop off loading area is
8 similar to the condition that you have for
9 some of the public and private schools in the
10 District.

11 CHAIRMAN HOOD: I'm going to speed
12 up a little bit. I don't need to talk unless
13 somebody else wants to hear. Bullet point two
14 and three and four, I understand that. Let's
15 look at -- let me go to DDOT. Let's look at
16 the last two bullet points, the incentives and
17 also if you could talk about -- I'm curious
18 about the annual meeting.

19 I can give you a suggestion right
20 now with what's going to happen at 70. I'm
21 trying to figure out what are we trying to
22 achieve at the annual meeting? If you can

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 answer -- and we'll start with the District
2 first.

3 MR. JENNINGS: So the incentives
4 for healthcare professionals to participate in
5 a carpool, where it is parking in a different
6 area of the garage that's closer to a door
7 which is oftentimes recommended by our
8 Transportation Demand Management Coordinator
9 here at DDOT. You can do free parking as a
10 matter of fact, discounted parking, however
11 you wish to do it as far as if money is
12 involved to make it that much more attractive
13 to carpool.

14 CHAIRMAN HOOD: I actually like
15 that, Mr. Jennings, but let me ask you this.
16 How many people, I'm just curious. Are we
17 looking at four people carpooling or is it
18 two?

19 MR. JENNINGS: Our preference
20 would have the most number of people in a
21 carpool. If you can do four, that's
22 fantastic. If it has to be three, that's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 okay. Two, not as good as going as three or
2 four.

3 CHAIRMAN HOOD: I think though in
4 the discussions as this evolves, I think it
5 would be good to -- if you have four, I think
6 that incentive should really be there. If you
7 have three, it would be lesser, and if you
8 have two -- I mean you guys are the experts,
9 not me. I'm just looking at this and trying
10 to see how we can lessen the impacts if this
11 is approved.

12 And let's talk about the annual
13 meeting.

14 MR. JENNINGS: This is something
15 that we oftentimes will ask for applicants to
16 do. I've spent a lot of time before the BZA
17 and one of the things that I sometimes will
18 insert inside of our reports is having an
19 applicant that may have some transportation
20 impacts on a neighborhood meet annually with
21 the local ANC, if there are other civic
22 associations and civic organizations for them

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 to meet with, we'd be all for it as well.
2 Whether they provide documented transportation
3 evidence as to what their mode split is, how
4 much of an effort they're making on certain
5 items, we'd be all for that as well.

6 CHAIRMAN HOOD: If this thing
7 moves forward, I would really like to see
8 those things kind of nailed down a little
9 more. I think especially the impacts of four
10 people riding in the car, I think that's great
11 as far as an incentive. So anyway, I'll be
12 looking to see how that evolves and how we
13 basically develop that more than what we have
14 here tonight.

15 MR. JENNINGS: As far as a carpool
16 is concerned, to do a ZIP Code share usually
17 how institutions get a carpool system going.
18 You may live in 20007. I may live in 20009.
19 We didn't even know that we lived that close
20 to each other and before you know it, I'm
21 driving one week and you're driving the next
22 week type of thing. So

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 a ZIP Code share is relatively elementary
2 forward stuff.

3 CHAIRMAN HOOD: I'm actually
4 familiar with a lot of that, so I'm glad to
5 see that you all are proposing that for the
6 site.

7 And it would be good to see a lot
8 more of that in others.

9 Any other questions of DDOT,
10 Commissioners? I know we did include the
11 Applicant also, because we're trying to fine
12 tune. Any other questions?

13 MR. JENNINGS: Commissioner,
14 Chairman, I think one of the things that we do
15 want to reinforce in this project is the pay
16 parking and whether it's staffed and someone
17 is on-site at that location in making sure
18 that patients should by far, we think get a
19 discount as far as parking in that garage if
20 they do have to drive or get dropped off. But
21 that garage should certainly be staffed or
22 there should be some type of control in place

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 as far as paid parking is concerned.

2 The other item I think that we do
3 want to be on record with saying is this
4 should be for D.C. Primary Care Association.
5 This should not necessarily be for CCDC next
6 door or an office building as part of Lano
7 Parcel 12 is built and they are just extremely
8 overflowed with people who request parking.
9 And all of a sudden DCPCA says you know what,
10 we've got a lot of staff that take off at 12
11 o'clock in the afternoon and people may park
12 on the street and then shift their car. We
13 see a lot of these types of things where the
14 parking is perhaps over built. We want to do
15 an additional revenue stream on the side. We
16 just happen to see too much of this. So we do
17 want to make sure that these 69 or so, 70
18 parking spaces remain for the Primary Care
19 Association.

20 CHAIRMAN HOOD: Mr. Jennings, I
21 think and I like that and I agree with you,
22 but also I think, if I understand Mr. Brown

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 correctly, he agreed with everything you said.

2 MR. BROWN: That's correct. This
3 parking will not be for non-DCPCA people.
4 They're not in the business of running a
5 commercial parking lot.

6 One piece of clarification.
7 Patients, and this is something Unity and
8 DCPCA feel very strongly about, patients who
9 come here will not be charged for parking.
10 They feel strongly that given their patient
11 demographics, that charging them for parking
12 would be inappropriate. Market rate for the
13 employees who will pay other than on a daily
14 basis, so that this is not going to be an
15 operation set up to collect money from
16 parkers. It will be automated and key cards
17 and validations for patients. So this is not
18 set up for any kind of a commercial
19 enterprise.

20 CHAIRMAN HOOD: Thank you. Any
21 other questions, Commissioners?

22 Do we have any cross examination

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 from 7D, ANC 7D? Is the ANC -- I'm sorry,
2 Commissioner Seaward, do you have any cross
3 examination of DDOT? Do you have any cross
4 examination? Okay.

5 We were so involved in a three-way
6 triangle here. Ms. Seaward will you come up
7 and we'll accept your cross.

8 MS. SEAWARD: Hi, my name is
9 Willette Seaward, ANC 7D Chairperson. And my
10 question is to DDOT regarding the timing of
11 the signal. What has been done and what else
12 needs to be done according to your testimony?

13 MS. RICKS: I don't know that we
14 are prepared to give all of the specifics on
15 it, Ms. Seaward, but we'd be happy to give you
16 a memo on that. From what our signal team has
17 indicated, they have put in a -- there were
18 some loop detectors that were not operational.

19 Those loop detectors have now been corrected
20 and they're now operating. There's some
21 additional phasing that needs to be adjusted
22 in the signal. Some of that and some

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 approaches has been corrected. Now I can't
2 tell you exactly which adjustments have been
3 made. But I'd be happy to get back with our
4 signal team and have them do a report for you,
5 if you'd like.

6 MS. SEAWARD: Okay. Now you
7 haven't testified about this, but my concern
8 is the pedestrian bridge. Will I be able to
9 bring that in?

10 CHAIRMAN HOOD: I may have missed
11 it. Did somebody bring up the pedestrian
12 bridge?

13 MS. SEAWARD: No, they have not.
14 So I won't be able to bring that in.

15 CHAIRMAN HOOD: We cross examine
16 on what they testified. I don't know.
17 Sometimes I miss things. If they spoke about
18 it, you can do cross. If they didn't speak
19 about it -- or it's not in their report.

20 MS. SEAWARD: Okay, you spoke
21 about the ten parking spaces set aside for the
22 patients. With this proposed plan being

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 transit at a Metro, how does that relate to
2 the number of spaces?

3 MR. JENNINGS: How does that
4 relate? The development -- we delivered our
5 comments and reviewed this particular proposal
6 knowing that it's a transit-oriented
7 development being as close to a number of
8 different bus lines, being less than say a
9 quarter of a mile, just across the street so
10 to speak, across Kenilworth from the Metro
11 Station.

12 So knowing that you have these
13 mass transit amenities almost literally at
14 your door step. That factors in quite a bit.

15 We also are aware of other D.C. Primary Care
16 Association facilities and how they operate.
17 We've done observations at the Upper Cardozo
18 Health Clinic on 14th Street, just south of
19 Irving Street. And we're aware of how many
20 patients arrive via mass transit. So that
21 certainly played into how we're looking at the
22 number of parking spaces, whether we're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 satisfied or not with the ten spaces.

2 I think we pretty much summed it
3 up earlier with we're not completely satisfied
4 with those minimal ten spaces. I think the
5 minimum number of spaces should be increased.

6 Does that answer your question?

7 MS. SEAWARD: You were talking
8 about, I guess, car or van sharing. What type
9 of measures does DDOT put in for those types
10 of programs?

11 MR. JENNINGS: You said car
12 sharing or van sharing?

13 MS. SEAWARD: Correct.

14 MR. JENNINGS: I'm not necessarily
15 familiar with van sharing. Oh, a van pool.
16 Okay. I'm sorry. So car sharing or car
17 pooling, I'm not sure what you're trying to --

18 MS. SEAWARD: Car pool, car
19 sharing.

20 MR. JENNINGS: They're two
21 completely different animals, so to speak. So
22 with a car pool, I may work at the D.C.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Primary Care facility and it's a brand new
2 facility and you may be a new employee and we
3 would share our residential address
4 information with the Human Resources
5 Administrator and they would be able to
6 combine that information and deliver who's
7 within car pool distances. So I may live
8 relatively close to you and we would be able
9 to carpool, as I mentioned to the Chairman a
10 little bit earlier. That's one way of
11 carpooling, an organized car pool.

12 Car sharing is if you had a
13 Zipcar, for example, and that's just one
14 particular brand. There are others out there
15 on the street or in a private parking lot.
16 These employees would be able to use that
17 Zipcar or that particular car sharing vehicle.

18 I think Karina may want to comment further
19 here, too.

20 MS. RICKS: If I could just maybe
21 answer it in a different way. DDOT would not
22 really be involved in the arrangement of car

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 sharing or -- car pooling or van pooling
2 arrangements. It would be expected to be part
3 of a submitted and approved transportation
4 demand management plan that the Applicant and
5 their tenants would arrange. And so we would
6 hope that we would see progress reports and
7 performance reports based on the adherence to
8 that plan, but it would be something the
9 Applicant would arrange. The Applicant would
10 propose to DDOT.

11 We do have a TMP program that is
12 there to assist any employer in an employer
13 outreach program to structure these types of
14 things. And so DDOT would offer that
15 assistance, but DDOT wouldn't be directly
16 involved in any car sharing or car pooling or
17 van pooling arrangements.

18 MS. SEAWARD: My next question to
19 DDOT was I think you mentioned about the staff
20 and the bike rides. I'm not sure -- was it
21 you?

22 MR. JENNINGS: I think we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 mentioned some bike facilities earlier. I
2 think one of the Commissioners might have
3 asked about it, too.

4 MS. SEAWARD: Okay, how many bike
5 spaces will be available for both the patients
6 and/or the staff? Are they in the same
7 location?

8 MR. JENNINGS: We would expect
9 there to be some covered bike parking which
10 presumably would be inside the garage. And
11 there would be visitor bike parking spaces
12 which would align -- would front on Kenilworth
13 Terrace.

14 MS. SEAWARD: Would DDOT have in
15 the program with the bike sharing now, how do
16 you see that this would be an added amenity to
17 the particular project? Because I believe the
18 bike sharing is a low rideage. Do you know
19 the numbers for that?

20 MR. JENNINGS: I think Karina is
21 going to take this one.

22 MS. RICKS: Yes, so it's true that

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 in the stations that we have these -- there's
2 fewer usage than we've seen in other stations.

3 But what we found with the bike sharing
4 program is that it's all about the density of
5 stations. And that's what really makes the
6 system work well.

7 So what our goal would be is to
8 increase the number of stations east of the
9 river so that there are more stations at the
10 destinations that people would want to travel
11 to and from in Ward 7 and Ward 8. And we do
12 believe that this is a very viable mode of
13 transportation. It's a very affordable mode
14 of transportation. It's very reliable in the
15 travel times and healthy to boot.

16 So although we have seen low
17 ridership right now, the system is not at all
18 of the size or the density that we would
19 ultimately like to see east of the river. So
20 we do encourage additional participation in
21 helping us to add stations to that system.

22 MS. SEAWARD: With this being a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 new project, how do you see the community
2 being impacted by the additional traffic?

3 MS. RICKS: I'm sorry. I'm not
4 sure I follow that.

5 MS. SEAWARD: With this being a
6 new development how do you see the community
7 being impacted by the additional traffic?

8 MS. RICKS: With the overall PUD,
9 we think that there will be substantial
10 traffic impacts as we indicated in our report
11 for Lano Parcel 12, that probably deserve a
12 higher level of mitigation than has been
13 offered right now with that proposed
14 modification to the PUD.

15 With this project alone, with the
16 DCPCA and without the changes in the proposed
17 mix of land uses and locations of the PUD, we
18 don't believe that this project alone will
19 provide -- introduce an onerous level of
20 traffic. I think the majority of the patient
21 visits in particular will be in the off-peak
22 times when traffic congestion tends to be a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 bit less and what we've seen generally in the
2 health care industry is that the PM rush tends
3 to be more staggered and also a little bit
4 less impact both on some other land uses. I
5 don't know if that answers your question.

6 MS. SEAWARD: Yes, and I'm sure
7 you're not able to answer this question, but
8 Commissioner Hood had spoke to you about doing
9 a research on the Stone Soul Picnic, so I
10 would like to see a research on that as well,
11 because I live there and I know what it was
12 about.

13 I'd like to ask the gentleman here
14 who was talking about the bikes in relation to
15 their employees or the staff. What is the
16 incentive for them to use bikes to come into
17 their job versus driving and paying a market
18 rate?

19 CHAIRMAN HOOD: I see everybody
20 looking at me. Typically, we just cross
21 examine DDOT.

22 MS. SEAWARD: Oh, is this just

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 DDOT?

2 CHAIRMAN HOOD: Because we asked
3 them to speak. So you can cross examine them
4 now. Yes.

5 MS. SEAWARD: Okay. Do they
6 understand?

7 CHAIRMAN HOOD: You can ask them
8 again.

9 MR. ANDRES: I understand the
10 question. The reason why somebody would bike
11 is because depending on where they live, it
12 would be convenient for them, as well as it
13 would probably be in some cases quicker for
14 them to do that. That's why somebody would
15 bike to work.

16 MS. SEAWARD: In your testimony
17 you initially stated that you provided such
18 high numbers of parking spaces for the
19 employees for that to be an incentive to them
20 so why would they want to ride a bike if they
21 have more of an incentive with the number of
22 high parking spaces you do have for them?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 COMMISSIONER MAY: I know I wasn't
2 asked the question but I can give you reasons
3 why a person would want to ride a bike to work
4 instead of driving a car. I have free parking
5 in my office and I ride my bike to work every
6 day I possibly can. It's fast enough. It's
7 convenient. It's healthy. It's better for
8 the environment. Lots of good reasons to do
9 it. Feel free to use that.

10 MR. ANDRES: Thanks, Mr. May.

11 CHAIRMAN HOOD: Is your space
12 still available?

13 COMMISSIONER MAY: I can't charge
14 for it.

15 MS. SEAWARD: Oh, you're using his
16 answer? I'm waiting.

17 COMMISSIONER MAY: She did ask
18 you.

19 MR. ANDRES: The -- why would
20 somebody choose to bike because there are
21 other reasons to choose to bike which includes
22 sustainability reasons, health reasons, and

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 convenience.

2 MS. SEAWARD: Since Ward 7 doesn't
3 have safety bike trails right now, is that
4 something that DDOT will be employing since
5 you are speaking about bike riding in the
6 community and when would that be implemented?

7 MS. RICKS: These are the kind of
8 questions I love. The Marvin Gaye Park trail
9 that is planned is going to be really a great
10 facility for Ward 7 to traverse the entire
11 ward, connect between East Capitol Street and
12 in fact this area.

13 We also have plans for the
14 Anacostia Riverwalk trail that will provide
15 additional connections and also connects to
16 the park side area and then would allow
17 seamless travel from deep into Maryland, all
18 the way along the waterfront and down into the
19 southeast/southwest waterfront area and the
20 connecting trails to the downtown area.

21 We have additional -- we do have a
22 complete streets policy now so that all new

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 streets and particularly the great streets
2 where there are three great streets in Ward 7
3 are all being designed to accommodate all
4 modes of travel safely and comfortably so that
5 includes both Minnesota and Benning Road. In
6 addition, we're working with the Fort Circle
7 Parks with Mr. May and his colleagues, the
8 National Park Service, to ensure that there is
9 safe bicycle travel through the extensive park
10 system that you're lucky to have in your part
11 of the city.

12 MS. SEAWARD: I have a question
13 for the Applicant. You spoke about 39 visits
14 per hour versus the 15 that you initially
15 testified. How many does that equate to per
16 year?

17 MR. BROWN: I'm not so sure. Is
18 that relevant? And certainly --

19 CHAIRMAN HOOD: If you have a
20 calculator, just do it. She asked for 38
21 visits -- just come on, come on.

22 MR. BROWN: I don't have the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 number. We can calculate it. It depends on
2 ultimately the number of hours a week, but if
3 you hold on, we'll figure out a number.

4 CHAIRMAN HOOD: Okay. And that
5 way you can go to your next question.

6 MS. SEAWARD: You spoke about the
7 38 per hour and maybe the overage of maybe if
8 someone has an appointment that can possibly
9 go into another hour or so. How does that
10 equate to the spacing again for those you may
11 only expect to be there for maybe 20 minutes
12 with a physician?

13 MR. ANDRES: In answer to your
14 previous question, according to my math, 38
15 times 8 hours a day times 5 days a week times
16 52 weeks gets me 79,040 patients, but that
17 doesn't include the weekends which is another
18 -- looks like another 624 patients. So
19 roughly, 80,000.

20 CHAIRMAN HOOD: Thank you.

21 MS. SEAWARD: Per year. Thank
22 you. Did you get my next question?

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. ANDRES: No, I was busy
2 calculating.

3 MS. SEAWARD: I was asking about
4 the overage. You had stated 38 and possibly a
5 patient going over the allotted time with a
6 physician, how does that equate with the
7 spacing that they have for the patients? I'm
8 talking about as far as moving patients and
9 people.

10 MR. ANDRES: I've identified that.
11 There is ample on-street parking that would
12 accommodate any over flow related to the
13 patient parking.

14 MS. SEAWARD: And is that ample
15 on-street parking? What's the number?

16 MR. ANDRES: Based on the memo we
17 submitted on May 2, 2011, we had done a
18 parking study and in that parking study we
19 identified that on the streets located on the
20 graphic identified above, there's
21 approximately four blocks of on-street parking
22 west of Hayes Street. So what we did is we

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 focused west of Hayes Street and there is
2 approximately 191 empty spaces throughout the
3 course of the entire day.

4 MS. SEAWARD: You said 100 and
5 what?

6 MR. ANDRES: One hundred ninety-
7 one.

8 MS. SEAWARD: And this is pre-
9 buildout, is that correct?

10 MR. ANDRES: Yes, that's correct.

11 MS. SEAWARD: Is there a
12 calculation for full buildout and the number
13 of spaces?

14 MR. ANDRES: Well, with respect to
15 full buildout, in the event -- it's my
16 understanding that the parking will be
17 incorporated in the building so the number of
18 on-street parking spaces would still likely be
19 in that range.

20 MS. SEAWARD: Those are all my
21 questions for now.

22 CHAIRMAN HOOD: Thank you very

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 much. I just see the Ward 7 School Board
2 Member, oh that's right, she testified in this
3 case.

4 Is there any further cross
5 examination? Okay, do you have any rebuttal?

6 Do you have any closing? We did all that.

7 Do you have any rebuttal and
8 closing.

9 MR. BROWN: Well, one thing. Ms.
10 Baskerville has to leave so that if there are
11 any questions that the Commission may have for
12 her, we'll make her available.

13 CHAIRMAN HOOD: Let me ask, do you
14 have any rebuttal?

15 MR. BROWN: We have prepared more
16 detailed presentation by Mr. Andres and also
17 architect, Mr. Chiribuga, that follows along
18 the lines of what we submitted on May 2nd.

19 I don't think -- and I'll defer to
20 the Commission, I think we've covered the
21 transportation and parking issues to your
22 satisfaction, so I would rather give a

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 presentation we planned for, perhaps ask if
2 there are any other questions.

3 CHAIRMAN HOOD: Do you have any
4 rebuttal?

5 MR. BROWN: We have a presentation
6 prepared --

7 CHAIRMAN HOOD: But your
8 presentation is rebuttal?

9 MR. BROWN: Yes.

10 CHAIRMAN HOOD: Do you want to
11 present that?

12 MR. BROWN: I'm willing to. I
13 don't think it's necessary, but I don't want
14 to leave the Commissioners --

15 COMMISSIONER MAY: I'm sorry, it's
16 the same as your May 2nd memorandum?

17 MR. BROWN: That's correct.

18 MR. ANDRES: Yes, it is.

19 CHAIRMAN HOOD: Does anybody -- I
20 mean that's your option, really. I don't know
21 if it's upon us to tell you whether to give
22 rebuttal or not. The issue is if you want to

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 give rebuttal, it's going to have to be
2 crossed, and we'll ask questions.

3 MR. BROWN: I think there are two
4 issues on the table. I think with respect to
5 the transportation and parking issues, both
6 through our presentation that was filed and
7 the questions that were answered, I think
8 we've covered the bases. And then the other
9 avenue was the additional revisions we've made
10 and answered questions related to the
11 architectural issues which were of particular
12 concern to Mr. May and Mr. Turnbull where
13 we've incorporated some changes. Again, we
14 don't need to go through that, but we've made
15 some changes that are responsive.

16 CHAIRMAN HOOD: So you can just
17 give us your closing.

18 MR. BROWN: Okay. In looking at
19 this and we've been through this and you've
20 devoted quite a bit of time and attention and
21 consideration and given us some great
22 assistance, but looking at this it's not your

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 typical commercial project as it relates to
2 the healthcare center and its needs.

3 It's important for the Parkside
4 community, important to Ward 7 and the city
5 and very strongly supported by the District
6 government, both through the Executive Branch,
7 the Legislative Branch, and probably most
8 importantly and of critical importance,
9 through \$15 million in capital funding.

10 One of the critical elements of
11 that is the timing so that as we've made clear
12 before of the need to keep this process moving
13 so that those funds are not lost to DCPCA.

14 The other thing I'd like to point
15 out and most recently there was a letter that
16 came into the record, I believe within the
17 last day or so from the SMD for ANC 70, Mr.
18 Ross. And it's important while the ANC
19 supported this project going back to October
20 of last year, if you also look more recently,
21 the three Single Member District Commissioners
22 for ANC 70 who are either Mr. Woods, who is

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 the Parkside Commissioner for this site, the
2 Commissioner next door, previously, I think
3 there name is Shria Slaton, and now Mr. Ross.

4 The three most immediately affected and in
5 proximity, ANC Commissioners have all
6 individually come out in support of this
7 project as well as some of the other
8 organizations, Parkside Civic Association,
9 which again I think is a testament to the
10 importance of this to the community.

11 With that I'd like to end but I
12 also ask that given the use or lose nature of
13 the funds, I would request that the Commission
14 close the record and schedule this as quickly
15 as possible for a decision making so that
16 there are quite a few steps that have to be
17 taken post-decision to maintain the
18 qualification for those funds, so I would ask
19 the Commission to attempt to act quickly.

20 CHAIRMAN HOOD: Thank you very
21 much, Mr. Brown. We appreciate everyone's
22 testimony.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Ms. Schellin, we have a few things
2 that were asked for that I think we asked for.

3 Can we go over that list?

4 MS. SCHELLIN: Okay, some of these
5 I don't know whether they've already been
6 addressed or not and whether they're still
7 needed, but the notes that I have starting
8 from the first hearing, of course, the DDOT
9 reports have been taken care of. Commissioner
10 May said maybe rethink the height and ramp,
11 the ramp of the -- the wall of the ramp going
12 across the bridge. Provide a section of the
13 corner of the building in the peak of the
14 ramp. So that's still -- so are you still
15 looking for something like that?

16 MR. BROWN: I think that was in
17 the May 2nd package.

18 MS. SCHELLIN: So that's taken
19 care of, okay. Elevation without the ramp
20 ghosted in. Has that been taken care of?

21 MR. BROWN: That's been also
22 submitted.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: Paring rates at
2 other facilities. Did you provide that?

3 MR. BROWN: We did not.

4 MS. SCHELLIN: That was something
5 that Mr. May asked for. Also Mr. May asked
6 for the facade along Kenilworth Avenue could
7 look at little better, still not happy with
8 the changes that were made. I don't know if
9 he's still looking for something more.

10 COMMISSIONER MAY: I see what's
11 been submitted. It doesn't look terrifically
12 different, but I didn't do a comparison.

13 MS. SCHELLIN: Okay.

14 COMMISSIONER MAY: It still needs
15 a little work.

16 MR. CHIRIBOGA: Do you want me to
17 respond?

18 COMMISSIONER MAY: Yes, do you
19 have something to say about it?

20 MR. CHIRIBOGA: I thank the
21 Commission for the constructive criticism that
22 was given the last time around. It was not

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 taken lightly and we went back and explored a
2 way to do a couple of things. One is to show
3 more information regarding the relationship
4 between the height of the wall, the existing,
5 and new sidewalk at that area and how it
6 relates to the existing bridge.

7 The drawings that were submitted
8 show that new elevation with the angle parapet
9 that was previously designed to be
10 straightened out. And one of the benefits of
11 doing that is that it improved, in our
12 opinion, the relationship of the green
13 element, the roof garden element as it relates
14 to the street pedestrian view as well as the
15 visible view from the bridge as you're coming
16 across.

17 COMMISSIONER MAY: Okay, I don't
18 need anything more on this.

19 MS. SCHELLIN: So you're good with
20 that?

21 COMMISSIONER TURNBULL: I just had
22 one question on the change at the Kenilworth

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 Avenue where the deconstruct of this wall was
2 removed and it's a straight wall, straight
3 across with a berm. Wouldn't you need a fence
4 on top of that wall?

5 MR. CHIRIBOGA: We would design a
6 barrier 3 foot 6 high barrier to not allow
7 people to come over. But yes, that would be
8 integrated into the landscaping.

9 COMMISSIONER TURNBULL: Okay. One
10 of your sections on Hayes Street still shows a
11 curved wall building section at the top?

12 MR. CHIRIBOGA: Yes, I apologize.
13 That was inadvertently submitted. There is
14 an update in the PowerPoint presentation which
15 you received today.

16 COMMISSIONER TURNBULL: It looks
17 like they're all straight in those.

18 MR. CHIRIBOGA: They're all
19 straight. It's just that one drawing and
20 you're referring to a landscape architect.

21 COMMISSIONER TURNBULL: Okay,
22 thank you.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: An update of
2 transportation report. That was Mr. Hood.

3 CHAIRMAN HOOD: I think we're
4 good.

5 MS. SCHELLIN: We're good, okay.
6 Commissioner Selfridge, supplement the TDM
7 with signage for short-term parking. If you
8 didn't do it, you're going to do it. Okay.
9 Are you going to make a list? Add it to your
10 list.

11 Commissioner May, concerned with
12 the stone fins being used to designate private
13 --

14 COMMISSIONER MAY: That's taken
15 care of.

16 MS. SCHELLIN: That's taken care
17 of, okay. OP was going to get projected
18 population for the area or will get.

19 MR. LAWSON: We can certainly
20 provide that.

21 MS. SCHELLIN: Commissioner May, I
22 think this was from tonight and I'm not sure I

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 wrote this down correctly, but how many people
2 may be expected to be in the building at one
3 time in determining the parking?

4 COMMISSIONER MAY: I think we got
5 information about that.

6 MS. SCHELLIN: You're okay. And
7 Commissioner Hood, did you ask for more
8 information regarding car pooling efforts? Or
9 you're good?

10 CHAIRMAN HOOD: I think that was
11 discussed.

12 MS. SCHELLIN: So it's not a whole
13 lot, but it looks like just a couple of
14 things. Looks like only two things from the
15 Applicant, one thing from OP.

16 CHAIRMAN HOOD: I did ask them to
17 look at the -- I think I could -- I don't want
18 to be the one to do it, to bring in another
19 case, but I do want them to look at that Stone
20 Soul Picnic. But I have a time to do that.
21 You might want to start now.

22 MS. SCHELLIN: That's something

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 for DDOT to do?

2 CHAIRMAN HOOD: Just try to go to
3 one time is all I'm saying.

4 MS. SCHELLIN: Okay.

5 CHAIRMAN HOOD: But I do want to
6 know how that neighborhood was impacted.

7 MS. SCHELLIN: Not for this case.

8 CHAIRMAN HOOD: It's not really
9 for this case. Just overall.

10 MS. SCHELLIN: It will be a
11 project for DDOT, how about that, like they
12 have nothing else to do.

13 (Laughter.)

14 CHAIRMAN HOOD: Okay, anything
15 else, Ms. Schellin.

16 MR. BROWN: Can I just ask a
17 question for clarification? I understand the
18 short-term, the sign for short-term parking,
19 but in the first item, I think Mr. Selfridge,
20 this was yours. You wanted the parking rate -
21 -

22 MS. SCHELLIN: Commissioner May.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MR. BROWN: Commissioner May, I'm
2 sorry. If you could -- just so I --

3 COMMISSIONER MAY: DDOT asked for
4 rate information. If it's all going to be
5 market rate, I don't know what the market says
6 there. Presumably that addresses your
7 question.

8 MS. RICKS: I mean I think this is
9 a very interesting question and the reason we
10 asked about the price of parking is to
11 motivate certain behaviors. At this point in
12 time today, there are no metered parking in
13 Ward 7, so I think that's something to take
14 into account when we do establish the market.

15 I think the market that we would
16 be talking about is not the price for parking
17 in the immediate area, but it would be price
18 for parking to incentivize alternative modes
19 of transport, to make alternative commuting
20 competitive with the driving rate.

21 COMMISSIONER MAY: I think that if
22 this is the first building built and there's

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 that much street parking available, I think
2 the incentive is going to be if you charge
3 anything for parking they're going to park in
4 the neighborhood, it's going to be a difficult
5 thing to sort out initially. I personally am
6 satisfied with just the answer that it's going
7 to be market rate. Because before long, there
8 will be other buildings and there will be a
9 market.

10 MS. SCHELLIN: So we can mark that
11 off the list?

12 COMMISSIONER MAY: From my
13 perspective anyway.

14 COMMISSIONER SELFRIDGE: Let me
15 clarify my comment about the signage. I don't
16 want to dictate signs. I don't know the
17 answer. It seemed to me that coming down
18 Kenilworth Avenue can be awfully confusing if
19 you try to turn onto Hayes Street and you
20 would be going up Hayes Street, yet couldn't
21 park on that side. So the question was was
22 there any investigation to determine whether

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 signage would be appropriate if you're going
2 to be directing people down Kenilworth? I
3 think it was up Foote Street.

4 MR. ANDRES: Yes, that would be
5 more appropriate for the deliveries because
6 they would park on Kenilworth Terrace, right
7 next to the building, so that signage would be
8 appropriate for them.

9 With respect to any visitors that
10 are heading towards the parking garage, you
11 can actually access the parking garage by
12 going up Hayes Street.

13 MR. ANDRES: Yes, and I think that
14 changed because now we're talking about
15 allowing visitors in the parking garage which
16 we weren't talking about on April 18th.

17 COMMISSIONER SELFRIDGE: Yes,
18 that's correct.

19 MR. ANDRES: The nature of that
20 change is by some degree, but certainly
21 looking at that won't be appropriate.

22 MS. SCHELLIN: So we're still

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 looking for something?

2 COMMISSIONER SELFRIDGE: Just
3 making some comments in terms of what the plan
4 is in regards --

5 MR. ANDRES: Absolutely. We can
6 do that.

7 CHAIRMAN HOOD: Okay, is there
8 anything else?

9 MS. SCHELLIN: That's the only
10 thing that's left. Is that something that
11 could maybe be handled in the draft order?
12 And then that would not -- we wouldn't have to
13 leave the record open for anything. I'm just
14 asking.

15 CHAIRMAN HOOD: So basically, we
16 don't have anything.

17 MS. SCHELLIN: That's the only
18 thing is the signage and in that case we can
19 close the record this evening. Could we
20 handle it in an order, Mr. Brown?

21 MR. BROWN: That would be a good
22 idea.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 MS. SCHELLIN: And close the
2 record.

3 CHAIRMAN HOOD: Okay. Let's close
4 the record.

5 MS. SCHELLIN: So we'll close the
6 record this evening and they'll address that
7 issue in their order along with anything else
8 that needs to be addressed.

9 And the Office of Planning can
10 provide just the projected population for us
11 prior to proposed action. So that's the only
12 thing that we would leave the record open for.

13 It's just OP to provide that information.
14 And maybe they could even provide it in the
15 next week or two.

16 Okay, so we'll close the record
17 except for that one item and ask for draft
18 findings of facts and conclusions of law from
19 the parties of the ANC and Mr. Rhett would
20 like to do that. They also can provide draft
21 findings of fact, conclusions of law.
22 Everyone providing those by May 23rd, 3

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 o'clock p.m.

2 I'm sorry, there's a fly that's
3 trying to attack me up here. And then we can
4 take this up at our June 13th meeting for
5 proposed action.

6 CHAIRMAN HOOD: Okay, Ms.
7 Schellin, anything else?

8 MS. SCHELLIN: That's it.

9 CHAIRMAN HOOD: Mr. Turnbull had a
10 quick question.

11 COMMISSIONER TURNBULL: Can I ask,
12 Mr. Chairman, June 13th is we're moving pretty
13 far into our kind of danger zone for timing.
14 I mean we would be prepared to turn around a
15 draft order on a quicker basis if we could set
16 this up for decision prior to June 13th.

17 CHAIRMAN HOOD: Ms. Schellin, how
18 does our schedule look?

19 MS. SCHELLIN: The problem is
20 draft findings, facts, conclusions of law
21 can't be due less than seven days after the
22 transcript is available. So unless you're

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 willing to pay and you provide that transcript
2 to all the parties, that is the only way and
3 the transcripts are not provided.

4 They take -- I believe it's ten
5 business days and so that's why I can't ask
6 for the draft order before the 23rd unless
7 you're willing to take that expense and that
8 can be quite expensive.

9 MR. BROWN: Is there any way to
10 move up the June 13th date?

11 MS. SCHELLIN: No, that's our next
12 meeting after the 23rd.

13 CHAIRMAN HOOD: Again, as Ms.
14 Schellin said, it's urgent and you want to
15 purchase, we can try to accommodate you.

16 MR. BROWN: Nah.

17 CHAIRMAN HOOD: The urgency just
18 went away.

19 (Laughter.)

20 CHAIRMAN HOOD: I think it will
21 work out. We'll see. Are we finished?

22 MR. BROWN: Yes.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

1 CHAIRMAN HOOD: Mr. Turnbull had
2 something he wanted to ask and if somebody
3 could help us with this.

4 COMMISSIONER TURNBULL: I was just
5 sitting here with Commissioner Hood when he
6 brought up Stone Soul Picnic, I said who sang
7 that song from the '70s. It's playing in my
8 head.

9 CHAIRMAN HOOD: Mr. Turnbull and I
10 will be at the next Stone Soul Picnic, so look
11 out for us in August.

12 COMMISSIONER TURNBULL: It's
13 bothering me. I've got this song humming in
14 my head now. And I'm like who the hell sung
15 that?

16 CHAIRMAN HOOD: All right, thank
17 you. Okay, the hearing of Zoning Commission
18 Case 05-28B is adjourned.

19 (Whereupon, at 7:25 p.m., the
20 hearing was concluded.)

21

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701