

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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:
IN THE MATTER OF:      :
:
:      Case No.
TC/CSG St. Matthews LLC :      11-13
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Monday,  
March 19, 2012

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

The Public Hearing of Case No. 11-13 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Jerrily R. Kress Memorial Hearing Room at 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman  
KONRAD W. SCHLATER, Vice Chairman  
MICHAEL G. TURNBULL, FAIA,  
Commissioner (OAC)  
PETER MAY, Commissioner (NPS)

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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 March 19, 2012.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S  
ZCDC CASE NO. 11-13 - TC/CSG St. Matthews, LLC  
for Consolidated Approval of a Planned Unit  
Development and Related Zoning Map Amendment  
for 222 M Street, S.W.

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

2 6:32 p.m.

3 CHAIRMAN HOOD: Good evening,  
4 ladies and gentlemen. This is a public  
5 hearing of the Zoning Commission of the  
6 District of Columbia for Monday, March 19th,  
7 2012.

8 My name is Anthony Hood.

9 Joining me are Vice Chairman  
10 Schlater, Commissioner May and Commissioner  
11 Turnbull. We're also joined by the Office of  
12 Zoning Staff Ms. Sharon Schellin and I believe  
13 we'll be joined later by the Office of  
14 Planning.

15 This proceeding is being recorded  
16 by a court reporter. It is also webcast live.

17 Accordingly, we must ask you to refrain from  
18 any disruptive noises or actions in the  
19 hearing room.

20 Again, this evening's hearing is a  
21 continuation of Zoning Commission Case Number  
22 11-13 and it is a continuation of the March

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1 5th, 2012 hearing.

2 This is a request by TC/CSG St.  
3 Matthews for approval of a consolidated PUD  
4 and related map amendment for property located  
5 in Square 546.

6 Notice of today's hearing was  
7 published in the D.C. Register on January  
8 13th, 2012 and copies of that announcement are  
9 available to my left on the wall near the  
10 door.

11 The hearing will be conducted in  
12 accordance with provisions of 11 DCMR 3022 as  
13 follows preliminary matters and we'll start  
14 with the party in support which is the  
15 Carrollsburg Square Condominium Association  
16 and Joan Carmichael and Brenda Tobe,  
17 organizations and persons in support, parties  
18 in opposition and that party -- we joined the  
19 party Catherine Herridge and Michael Krause  
20 and also Robert Weller is a party in  
21 opposition, organizations and persons in  
22 support, rebuttal and closing by the

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1 Applicant.

2 Ms. Schellin, I'm going to ask you  
3 to help us -- make sure we stay focused with  
4 the time.

5 The following time constraints  
6 will be maintained in this meeting: party in  
7 support 20 minutes, parties in opposition 60  
8 minutes jointly, organizations five minutes,  
9 individuals three minutes.

10 The Commission intends to adhere  
11 to the time limits as strictly as possible in  
12 order to hear the case in a reasonable period  
13 of time.

14 All persons appearing before the  
15 Commission are to fill out two witness cards.

16 These cards are located to my left on the  
17 table near the door. Upon coming forward to  
18 speak to the Commission, please give both  
19 cards to the reporter sitting to my right  
20 before taking a seat at the table.

21 When presenting information to the  
22 Commission, please turn on and speak into the

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1 microphone first stating your name and home  
2 address. When you are finished speaking,  
3 please turn your microphone off so that you  
4 microphone is no longer picking up sound or  
5 background noise.

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

13 In addition, no email or other  
14 written correspondence concerning this matter  
15 should be sent directly to any Commissioner.  
16 Any such material that is received will be  
17 discarded without being read.

18 The staff will be available  
19 throughout the hearing to discuss procedural  
20 questions.

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

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1 these proceedings.

2           Would all the individual wishing  
3 to testify please rise to take the oath. Even  
4 if you rose at the last hearing, we'd still  
5 ask that you rise again.

6           Ms. Schellin, would you please  
7 administer the oath?

8           MS. SCHELLIN: Please raise your  
9 right hand.

10           Do you solemnly swear or affirm  
11 the testimony you'll give this evening will be  
12 the truth, the whole truth and nothing but the  
13 truth?

14           Thank you.

15           CHAIRMAN HOOD: At this time, the  
16 Commission will consider any preliminary  
17 matters.

18           Ms. Schellin, do we have any  
19 preliminary matters?

20           MS. SCHELLIN: No, sir.

21           CHAIRMAN HOOD: Okay. After the  
22 party in support tonight, we will take up the

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1 witness list and the witness list will be  
2 closed because at some point in time we do  
3 have to finish this case and move to others.

4 So, after tonight, after this  
5 party in support finish their case, I'm going  
6 to ask Ms. Schellin to take up the witness  
7 list and the witness list will be closed.  
8 Okay.

9 Let's go right into it. I'm going  
10 to ask the party in support Carrollsburg  
11 Square Condominium Association to come forward  
12 and make their presentation.

13 Now, are they doing this jointly?

14 Okay. Ms. Joan Carmichael and okay. Ms.  
15 Brenda Tobe.

16 How much time do they have?  
17 Twenty minutes? Okay. Thanks.

18 Yes, when you're ready, you may  
19 identify yourselves and you may begin with  
20 your presentation.

21 MS. SCHELLIN: Ms. Beeton, if you  
22 have copies, then you want to hand those in

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1 now please.

2 CHAIRMAN HOOD: Okay. I want to  
3 make sure I have it straight. We have Ms.  
4 Beeton and Ms. Tobe or do -- Joan Carmichael.  
5 You're Joan Carmichael. Okay. And Ms.  
6 Beeton.

7 MS. BEETON: That's me.

8 CHAIRMAN HOOD: Oh, is that -- who  
9 is Brenda Tobe?

10 MS. BEETON: We believe, Chairman  
11 Hood, that she's not coming tonight.

12 CHAIRMAN HOOD: Okay. All right.  
13 But, she was a part of your --

14 MS. BEETON: She was. Yes.

15 CHAIRMAN HOOD: Okay. Thank you.  
16 Okay.

17 MS. BEETON: Okay.

18 CHAIRMAN HOOD: You all may begin.

19 MS. BEETON: Thank you.

20 Chairman Hood, Members of the  
21 Zoning Commission, my name is Kathleen Beeton.  
22 I'm a resident at 319 N Street.

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1 I'd like to introduce to you to my  
2 left Jonathan Beeton. He's the Treasurer of  
3 the Carrollsburg Square Condominium  
4 Association. He'll be speaking in that  
5 capacity tonight.

6 And to my right Joan Carmichael  
7 resident at 1241 Delaware Avenue.

8 Mr. Beeton will start. I will  
9 speak and then Joan will follow.

10 Thank you.

11 MR. BEETON: Again, my name is  
12 Jonathan Beeton. I live at 319 N Street, S.W.  
13 I'm the Treasurer of Carrollsburg Square  
14 Condominium Association.

15 Good evening, Chairman Hood and  
16 Members of the Zoning Commission.

17 On February 29th, the Carrollsburg  
18 Square Condominium Association Board voted in  
19 favor of supporting the proposed development  
20 at the old St. Matthews' property on M Street.

21 There were four members of the  
22 board present. Three voted in favor. One

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1 abstained after voicing opposition to the  
2 project.

3           The general consensus of the board  
4 was that after roughly six years of working  
5 with the community and the developers on the  
6 scope of the project at ANC meetings,  
7 Southwest Community Neighborhood meetings and  
8 four different meetings with the Carrollsburg  
9 Square residents or board at public meetings,  
10 the board felt that the proposed project  
11 represents changes requested by Carrollsburg  
12 Square Condominium Association and that it was  
13 likely better than future projects proposed  
14 for the site.

15           Throughout the process, the board  
16 was most concerned about the proximity of a  
17 major apartment complex to our existing units.

18           Five of our units on Delaware Avenue face the  
19 property and are within 35 feet of the  
20 property line and four of our units along the  
21 3rd Street Extension face the property and are  
22 within 100 feet of the property line.

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1 Original plans called for a  
2 building that came right up to property lines  
3 which we had stated Carrollsburg Square  
4 Condominium Association would be opposed to.

5 After many years, the proposed  
6 building fronts primarily along M Street being  
7 the taller portion and along the 3rd Street  
8 Extension the short portion. This allows the  
9 units facing the development on Delaware  
10 Avenue to have 135 feet between them and the  
11 building with primarily green space in  
12 between. The units along 3rd Street facing  
13 the building will be 110 feet from the  
14 building.

15 While members of the board were  
16 disappointed by the fact that the height of  
17 the building would be taller than the existing  
18 eight-story Carrollsburg Condominium buildings  
19 that adjoin our units, we did feel that the  
20 increased distance from the Carrollsburg  
21 Square Condominium Association property lines  
22 and townhomes facing the development

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1 ultimately offset our concerns about height.

2 I would like to -- that was what I  
3 had prepared. I'd like to say that this is  
4 not a perfect project, but I doubt that there  
5 are many perfect projects that you ever see  
6 come before your Commission.

7 We were primarily concerned about  
8 like I said the frontage. How close -- the  
9 proximity to our units.

10 So, the original plans that  
11 Carrollsburg had initially objected put the  
12 building setback farther from M Street, but  
13 placed the buildings significantly closer in  
14 particular to units along Delaware avenue  
15 which we felt would have a very adverse impact  
16 on our association.

17 The board overall felt that we  
18 were very pleased that the developers listened  
19 to us and came forward with several different  
20 proposals throughout the process and we feel  
21 that while the frontage along M Street and the  
22 height is not ideal, it is better for our

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1 association overall and that's where the board  
2 came down and voted in support of this  
3 project.

4 And we've heard from residents  
5 both in favor and opposed to this and the  
6 board feels that their vote in support of the  
7 project is merited given the work between the  
8 developer listening to residents within the  
9 community and also talking with neighbors in  
10 Southwest.

11 And at that, I'll turn it back  
12 over to Kathleen Beeton.

13 MS. BEETON: Okay. Thank you.  
14 Good evening, Chairman Hood, again and Members  
15 of the Zoning Commission.

16 My name is Kathleen Beeton and I  
17 reside at 319 N Street, S.W. in the  
18 Carrollsburg Square Condominium Complex.

19 I'm here tonight as a resident and  
20 as the Condominium Association's Chair of the  
21 Southwest Development Committee formed several  
22 years ago to track development in Southwest

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1 principally the redevelopment of the Waterside  
2 Mall and now the proposed development at St.  
3 Matthews Church.

4 I'm also an urban planner with a  
5 Master's Degree in City and Regional Planning  
6 and over 15 years of professional planning  
7 experience.

8 The Association is comprised of  
9 102 townhouse residential units located  
10 immediately adjacent to and sharing a common  
11 property line with the property owned by St.  
12 Matthews Church. As such, our homeowners will  
13 be significantly impacted by the proposed  
14 development and request for zoning relief in  
15 the PUD approval and related variances.

16 The church has worked with a  
17 number of prospective developers over the  
18 years as it contemplated redevelopment of its  
19 property.

20 The association met with and  
21 attended numerous past meetings to discuss the  
22 development proposals by the church and to

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1 share our concerns with them.

2 While we are here tonight in  
3 support of this application, we do have some  
4 concerns about the proposed development that  
5 we would like to share with the Zoning  
6 Commission.

7 You will also hear from several  
8 residents of Carrollsburg Square who have  
9 concerns about the height of the residential  
10 building, traffic and parking and mold.

11 I would like to address the  
12 following five concerns.

13 Number one, tree protection.  
14 There are nine mature trees located on the  
15 southern and western boundaries just outside  
16 the fence between our properties that could be  
17 threatened by the excavation of the subject  
18 property for underground parking, loading and  
19 subsequent above-grade construction.

20 I also submitted photos showing  
21 these trees.

22 These trees provide shade to the

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1 units located immediately to the south and  
2 west of St. Matthews' property and are an  
3 important environmental and aesthetic amenity.

4 We've spoke with the developer at length  
5 about this concern and our desire to ensure  
6 that tree protection measures are in place and  
7 that if one of these sizable trees should die  
8 due to construction, the developer replace the  
9 tree or trees with a sizable tree.

10 The developer has drafted a tree  
11 protection agreement to memorialize its  
12 commitment.

13 The only remaining concern we have  
14 is with the size of the tree they propose to  
15 use as a replacement. They propose a minimum  
16 3-caliper-inch tree. We would like a larger  
17 tree on the order of 6-inch caliper in the  
18 unlikely event that a tree is lost during the  
19 construction process.

20 In addition, we request the tree  
21 protection agreement be made a condition of  
22 approval should the Zoning Commission approve

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1 the application.

2 While we understand that the trees  
3 are mature, they are in good health today and  
4 if left undisturbed, would continue to live  
5 for many more years.

6 We have also asked the developer  
7 and they've committed to provide new  
8 landscaping at the corner of M and 3rd Streets  
9 to help improve this area.

10 The second concern is open space.

11 A hallmark of our neighborhood is the mix of  
12 tall and low building with ample publicly  
13 accessible open space. One only need to look  
14 at Harbour Square, Tiber Island, Riverside and  
15 Carrollsburg Condominium as examples of high-  
16 rise development with large open spaces that  
17 are accessible to the public 24 hours a day.

18 The amount of open space proposed  
19 by the developers is one-third acre of which  
20 roughly 3,000 square feet is green open space.

21 The majority of the open space is a hardscape  
22 courtyard with ornamental trees and some shade

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1 trees near the southern property line.

2 We have asked the developer to  
3 plant additional shade trees in the courtyard  
4 to enhance the landscaping and provide more  
5 visual variation for current and future  
6 residents.

7 The developer has proposed to  
8 enclose the open space with a fence and gate  
9 along Delaware Avenue and to restrict access  
10 to this area. As such, it is not very open or  
11 accessible.

12 We have asked the developer to  
13 either remove the fence proposed, relocate it  
14 along the southern property line which would  
15 have the effect of opening up the space both  
16 visually and physically or to replace existing  
17 fence so that there is a single fence rather  
18 than two fences.

19 The developer's expressed security  
20 concerns and would prefer to keep the fence  
21 and has offered to remove our fence and to  
22 replace it with theirs. As long as there is a

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1 gate providing access between the two  
2 properties, the developer's offer would be  
3 acceptable.

4 Third concern, building design,  
5 massing and quality of building materials.  
6 The Applicant is seeking a rezoning of the  
7 property to allow a maximum of 110 feet of  
8 height. Nearly three times the allowable  
9 height under the current R-3 zoning.

10 While a mix of tall and low  
11 residential buildings is a common development  
12 pattern throughout our neighborhood and within  
13 our own square. We wish to emphasize that  
14 many of our residents' front doors will face  
15 the side and back of the subject property. So  
16 that the design of the western and southern  
17 facades of the proposed building are as  
18 important to us, if not more so, than the  
19 facade along M Street.

20 To that end, we request the Zoning  
21 Commission condition its approval of the  
22 development to require that the developer use

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1 high-quality building materials on all sides  
2 of the building as depicted in the materials  
3 submitted to the Office of Planning and shown  
4 to you both tonight and at the previous  
5 meeting.

6 While we understand that value  
7 engineering is not proposed, we want to insure  
8 that the materials used to clad what will be a  
9 very visually prominent building from every  
10 elevation are of the highest quality.

11 A note about massing. The  
12 proposed massing and orientation of the  
13 building and others recently approved by the  
14 Zoning Commission are inconsistent with the  
15 established development pattern in our  
16 neighborhood. We support ANC Commissioner  
17 Moffatt's comments about the impact of the  
18 proposed building on the existing fabric of  
19 our neighborhood and particularly along M  
20 Street, but also on 4th. The high-rise  
21 apartment buildings were designed with the  
22 bulk of the mass perpendicular to M Street

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1 with publicly accessible open space at grade.

2 As we testified during the PUD  
3 hearing for the redevelopment of Waterside  
4 Mall, the placement of buildings parallel to M  
5 Street with almost no setback from the front  
6 property line creates a wall-like effect along  
7 the street. This effect is compounded by the  
8 fact that the buildings including the proposed  
9 development at St. Matthews do not include any  
10 building breaks. So, once constructed, there  
11 will be over 200 feet of frontage along the  
12 street.

13 While this pattern of development  
14 is appropriate in many parts of the city, it  
15 is completely inconsistent with the  
16 established development pattern in our  
17 neighborhood. As a planner and resident, it  
18 is unfortunate that these infill buildings do  
19 not respect the established development  
20 pattern.

21 Fourth concern, construction  
22 management. Many residents have expressed

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1 concerned about noise, dirt and debris that  
2 will be generated during construction and have  
3 ask for a commitment from the developer to  
4 take all reasonable steps to mitigate these  
5 impacts. We would like the developer to  
6 provide a copy of his construction management  
7 plan to our association so that we can share  
8 the information with residents and know to  
9 whom to address our concerns if any arise  
10 during the construction process.

11 Final concern, our association is  
12 fairly small compared to others in the area  
13 and the city and lacks its own recreational  
14 amenities. We've asked the developer to allow  
15 our residents to buy a membership to use the  
16 rooftop pool and fitness center. The  
17 developer has expressed a concern about the  
18 logistics of offering such memberships, but we  
19 know that it is possible to do as hotels offer  
20 the service to non-lodging guests.

21 As it is likely that a management  
22 company will manage the building for the

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1 developer, it seems reasonable that this  
2 entity could be responsible for tracking the  
3 memberships much as it insures the building  
4 tenants pay their rent, follow move-in  
5 procedures, et cetera.

6 In summary, we respectfully  
7 request the Zoning Commission condition its  
8 approval on the following and provide express  
9 language in the order to this effect.

10 One, tree protection, replacement  
11 of any lost trees with similar species and  
12 caliper and the planting of additional shade  
13 trees in the courtyard.

14 Two, landscaping for improvements  
15 along 3rd Street and M Streets.

16 Three, prohibition on the  
17 installation of a fence along the southern  
18 property line or in the alternative, removal  
19 and replacement of ours with a fence and gate  
20 of high quality to allow pedestrian access  
21 from our property.

22 Four, use of high-quality building

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1 materials on all sides of the buildings with  
2 particular emphasis on the western and  
3 southern elevations.

4 And five, prior to the -- sorry.  
5 Provision of a construction management plan  
6 and on-site point-of-contact during the  
7 construction of the buildings.

8 We wish to thank the developer for  
9 meeting with our community on a number of  
10 occasions and for revising their plans to  
11 address some of our major concerns relative to  
12 access and loading.

13 With the conditions requested  
14 above, we believe the proposed development  
15 will be a good addition to our neighborhood.

16 Thank you for this opportunity to  
17 speak with you this evening.

18 I'll now hand it off to Joan  
19 Carmichael.

20 MS. CARMICHAEL: Hello. I'm Joan  
21 Carmichael. I'm a resident and an owner of  
22 1241 Delaware Avenue. I've been there since

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1 1997.

2 I believe I'm the row that they  
3 often are talking about here which will be  
4 most significantly and uniquely affected by  
5 any building that happens to go in front of  
6 us. I'm one of the rows that look directly  
7 into the back of this lot, the area.

8 And the reason I am a proponent of  
9 this is after many years of meeting with the  
10 church -- at the beginning was not something  
11 that was offered to us. It was something that  
12 we needed to reach out to the church and the  
13 development to ask them constantly what was  
14 going on there. Since 2004, they have been  
15 much more available to us and we've been in  
16 meetings ever since.

17 Why I am so interested in this  
18 particular development is because it is the  
19 first time after all these years that they  
20 have actually listened to us and given us some  
21 breathing room in front of us from our  
22 townhouses which are literally front door to

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1 the back of the buildings there. If indeed  
2 there was no green space, if it was just  
3 another high rise like we're seeing going up  
4 all over M Street, I'm fearful that the next  
5 development that came along would have nothing  
6 but a back end right in front of me and now at  
7 least with this, they have given us some  
8 breathing room as I can say and I think that's  
9 it.

10 CHAIRMAN HOOD: Ms. Tobe I  
11 believe.

12 MS. TOBE: Yes.

13 CHAIRMAN HOOD: Before you speak,  
14 I'm going to ask you to stand and be sworn in.

15 MS. SCHELLIN: Please raise your  
16 right hand.

17 Do you solemnly swear or affirm  
18 the testimony you'll give this evening will be  
19 the truth, the whole truth and nothing but the  
20 truth?

21 MS. TOBE: I do.

22 MS. SCHELLIN: Thank you.

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1 MS. TOBE: I am generally in  
2 support of the development because the  
3 developers have tried to address many of our  
4 concerns.

5 However, as one of the residents  
6 directly behind this development, I will -- my  
7 family will be severely disadvantaged by some  
8 of the design features.

9 One is that the whole complex at  
10 the front will be dark because the natural  
11 lighting reaching our houses will be blocked  
12 by a building -- eight-story building on the  
13 left, an 11-story building plus a penthouse in  
14 the front and to the right, there will be a  
15 garage door structure that is high enough to  
16 accommodate garage trucks and moving vans.

17 This initially was a design  
18 feature that the developers had addressed.  
19 They had the entrance off of M Street where  
20 there is an existing entrance and this would  
21 have not had the loading directly in front of  
22 our homes.

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1           As it is proposed now because the  
2 departments, I don't know which, Planning or  
3 Transportation, did not allow and one of the  
4 representatives said that they gave no  
5 consideration to the impact on the homeowners,  
6 they had the designers to move the entrance  
7 from M Street to Delaware Avenue and the  
8 Delaware Avenue entrance as approved or  
9 proposed now is directly next to the entrance  
10 into our complex Carrollsburg Square.

11           There's maybe 40 to 60 feet  
12 between the two and directly across from these  
13 two is the entrance into the Greenleaf complex  
14 where there is senior housing and where  
15 ambulances and fire trucks go on a regular  
16 basis. So, it is a potentially life-  
17 threatening situation because that is already  
18 a congested area.

19           So, I would like the Zoning Board  
20 to give consideration to reexamining the  
21 traffic features on Delaware Avenue and  
22 actually moving that entrance to M Street as

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1 it was originally designed.

2 MS. BEETON: Chairman Hood, this  
3 concludes our testimony.

4 CHAIRMAN HOOD: Okay. I'm going  
5 to thank you all for your testimony.

6 We'll probably have a few  
7 questions. I'll go ahead and get it started.

8 Ms. Beeton, the testimony from --  
9 you all are noted as in support, a party in  
10 support, but you're a party in support with a  
11 number of concerns and I'm looking here at  
12 your list of -- and I know you -- and it was  
13 very well put. I really appreciate this just  
14 given to us.

15 But, did the Applicant -- have you  
16 talked to the Applicant about all five of  
17 these concerns? The ones you have in this  
18 document.

19 MS. BEETON: Yes, we have.

20 CHAIRMAN HOOD: And pretty much --  
21 tell me again. Which ones were agreeable and  
22 which ones weren't. I know you read it. But.

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1 MS. BEETON: Okay. Well, number  
2 one, the tree protection, we're in general  
3 agreement with their agreement except for the  
4 caliper of tree. They're proposing a minimum  
5 of 3-inch caliper and as you can see in the  
6 photos, the trees are rather large.

7 Now, we're not asking for a direct  
8 one-for-one replacement. That's crazy. But,  
9 we want something larger than a 3-inch caliper  
10 tree in the unlikely event that one of the  
11 trees dies during construction.

12 Number two, I believe the  
13 developer is in agreement with providing the  
14 landscaping.

15 CHAIRMAN HOOD: So, number two is  
16 okay.

17 MS. BEETON: Number two is okay.

18 Number three, my understanding is  
19 they also are in agreement with replacing the  
20 fence and providing a gate so that we have  
21 access to the open space.

22 CHAIRMAN HOOD: Okay.

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1 MS. BEETON: Number four, they've  
2 tried to assure me that they will be using  
3 high-quality material. I just feel it's  
4 important. I can't say that enough. But,  
5 because we do have residents who will face  
6 directly onto this property from both the side  
7 and the front that we insure that the design  
8 isn't or the materials aren't dumb down, you  
9 know, during the final stages of this --  
10 during the building part of your process.

11 And then they have stipulated that  
12 they would agree to provide a construction  
13 management plan to us.

14 The one thing I didn't I guess --  
15 the sixth thing that would have been in my  
16 list is the access to the pool and the fitness  
17 room and that was really a sticking point.  
18 They said that they couldn't -- they didn't --  
19 they couldn't think of a mechanism to make  
20 that happen or to allow that to happen.

21 So, I mean it would be great if  
22 there was one. Like I said in my testimony, I

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1 know that hotels do it and they have, you  
2 know, companies that manage the space for  
3 them. So, it would be nice if it were  
4 possible.

5 As I said, we don't have any  
6 recreational amenities of our own and I think  
7 we're talking about probably a small  
8 percentage of our residents who would be  
9 interested. Certainly not all 102 unit owners  
10 are going to want to be in the pool, you know,  
11 180 days of the year.

12 CHAIRMAN HOOD: So, out of the  
13 five things that you have, you're not -- the  
14 other sixth thing -- I don't want to talk  
15 about the pool yet, but out of the five things  
16 you have here, the only issue is -- that I see  
17 that you have in your support is the caliper  
18 of the tree damage.

19 MS. BEETON: Yes, that's correct.

20 CHAIRMAN HOOD: Okay. Now, the  
21 pool and all that's another issue. I'll  
22 hopefully remember to ask just where are we

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1 with that? Is that going to happen? So.

2 MS. BEETON: Thank you, Chairman  
3 Hood.

4 CHAIRMAN HOOD: Let's see. Ms.  
5 Tobe, DDOT obviously made that recommendation.  
6 I'm trying to remember. Of switching of the  
7 -- well, I don't want to go out of order. I  
8 do want to ask Office of Planning something.

9 But, originally, there was another  
10 plan previously that did not effect you as far  
11 as the entrance. The entrance was on Delaware  
12 Avenue at one point.

13 MS. TOBE: The entrance?

14 CHAIRMAN HOOD: No, you -- the  
15 entrance was on M, but now we're going to  
16 Delaware and you mentioned about -- I'm going  
17 to have to find where your -- look again and  
18 see where your place is. You said the natural  
19 light -- the light is going to be blocked to  
20 your unit or to where you live -- reside?  
21 Okay.

22 MS. TOBE: To all of the units

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1 on --

2 CHAIRMAN HOOD: Is your microphone  
3 on?

4 MS. TOBE: To all of the units on  
5 that front row --

6 CHAIRMAN HOOD: That side.

7 MS. TOBE: -- the light will be  
8 blocked because there's eight stories to the  
9 left and there's 11 stories directly in front.

10 CHAIRMAN HOOD: Okay. Okay.  
11 Okay. That's all -- oh, let me do this before  
12 I -- the Vice Chairman had an emergency. He's  
13 going to read the record and also we have been  
14 joined by Mr. Lawson from the Office of  
15 Planning.

16 Okay. Any other questions,  
17 Commissioners?

18 Well, we actually have been. I  
19 don't want the record to say he just got here  
20 because he's been here. I just got around to  
21 saying it. Okay.

22 Mr. May.

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1                   COMMISSIONER MAY:    Yes, just the  
2 first question I have is to get clarity on  
3 where everyone lives in direct relation to the  
4 development.

5                   Ms. Tobe, are you saying that  
6 you're in the row that's directly south of  
7 this?   Okay.   So, I'm -- yes, you -- thank  
8 you.

9                   So, I'm a little confused about  
10 the light.   It's just the mere presence of it.  
11           It's not direct sunlight that's going to be  
12 blocked.

13                  MS. TOBE:   Well, I would -- well,  
14 it will be light.   I don't know whether  
15 it's --

16                  COMMISSIONER MAY:   Because I mean  
17 it's -- if you're south of the building, if  
18 you're on the south side of it, generally  
19 speaking the side is not going to be blocked.  
20           The direct sunlight wouldn't be blocked.

21                  MS. TOBE:   Are you saying that if  
22 you put a wall up in front of you, it doesn't

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1 block light and --

2 COMMISSIONER MAY: No, I'm saying  
3 direct sunlight.

4 MS. TOBE: I'm not saying direct  
5 sunlight.

6 COMMISSIONER MAY: Okay.

7 MS. TOBE: I'm saying --

8 COMMISSIONER MAY: So, it's just  
9 the mere presence of the building somewhat.

10 MS. TOBE: Natural light.

11 COMMISSIONER MAY: Right. So,  
12 reflected light or open air. That kind. That  
13 openness and the light that comes with the  
14 openness as opposed to direct sunlight.  
15 Because it's pretty clear from what they've  
16 submitted that there's no impact on the direct  
17 sunlight.

18 MS. TOBE: I never mentioned  
19 direct sunlight.

20 COMMISSIONER MAY: Okay.

21 MS. TOBE: I said natural light.

22 COMMISSIONER MAY: Well, that's

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1 why I'm asking. So, the -- how far away is  
2 the front of your house to the property line  
3 there?

4 MS. TOBE: About 15 feet.

5 COMMISSIONER MAY: About 15 feet.

6 Okay. All right. Now, where are you  
7 located?

8 MS. CARMICHAEL: Brenda Tobe and I  
9 both are in the row that is less than I think  
10 15 feet from the property line --

11 COMMISSIONER MAY: Right.

12 MS. CARMICHAEL: -- to us and we  
13 have five units right there. We are the ones  
14 that are directly -- our property line is  
15 right on their property line. So, we're the  
16 ones that -- when we look out now from our  
17 townhouses, the one thing that they have given  
18 us is 90 feet of green space in front of us  
19 right there.

20 The building will be farther away.

21 It will be taller, but as I said when I  
22 looked at everything else prior to this even

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1 if it was a four-story building, a four-story  
2 building butted up right against my property  
3 would be less desirable than an 11-story  
4 building 90 feet away.

5 COMMISSIONER MAY: Right.

6 MS. CARMICHAEL: And that's why  
7 I'm --

8 COMMISSIONER MAY: That makes  
9 sense. I mean I see the way they've planned  
10 the building so that the bulk of the building  
11 is further away.

12 MS. CARMICHAEL: Correct.

13 COMMISSIONER MAY: Okay. Hold on  
14 one second. Let me shuffle a paper for a  
15 second.

16 I didn't hear on the provisions  
17 that, Ms. Beeton, you had provided for us, the  
18 conditions if you will.

19 The construction management plan  
20 on-site point-of-contact during construction.  
21 You say that has been satisfied?

22 MS. BEETON: We understand, Mr.

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1 May, that they will provide that to us. We  
2 haven't received it yet. I don't think  
3 they've actually developed it, but we got  
4 assurances from the developer that they would  
5 provide it once it was done.

6 COMMISSIONER MAY: Okay. And when  
7 did you -- I mean the access to the pool and  
8 fitness room has that been part of the  
9 discussion from the beginning or is that  
10 relatively recent?

11 MS. BEETON: That's a relatively  
12 recent discussion.

13 COMMISSIONER MAY: I mean there's  
14 a D.C. Rec Center not far away. Right?

15 MS. BEETON: That's true. There's  
16 one about a block and a half away.

17 COMMISSIONER MAY: And I don't  
18 recall what the facilities are there, but do  
19 they have a pool there?

20 MS. BEETON: No, there's no pool.

21 COMMISSIONER MAY: Just a rec  
22 center.

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1 MS. BEETON: There are tennis  
2 courts.

3 COMMISSIONER MAY: Tennis courts.  
4 Got it. Okay. They've built so many rec  
5 centers lately I don't know what's where  
6 anymore.

7 I think that's it for my  
8 questions.

9 CHAIRMAN HOOD: Any other  
10 questions? Mr. Turnbull.

11 COMMISSIONER TURNBULL: I don't  
12 know if you had questions before about the  
13 calipers of trees. I know we've struggled  
14 with the survival rate of trees and going with  
15 a very large caliper although I don't know  
16 about a six inch.

17 COMMISSIONER MAY: You know, the  
18 Park Service generally doesn't like anything  
19 over five inches.

20 COMMISSIONER TURNBULL: Right.

21 COMMISSIONER MAY: And we prefer  
22 three typically.

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1                   COMMISSIONER TURNBULL:    If we had  
2   four, maybe the Applicant would go for four.

3                   COMMISSIONER MAY:        Well, it's  
4   entirely -- I mean, you know, if the Applicant  
5   wants to present I mean and that's all based  
6   on the likelihood that the tree will survive.

7                   COMMISSIONER TURNBULL:    Whether  
8   the tree will survive. Right.

9                   COMMISSIONER MAY:    Right. And so,  
10  generally speaking transplanted trees -- I  
11  mean all these trees are transplanted. So,  
12  the larger they are when they're transplanted,  
13  their likelihood of survival goes down.

14                  COMMISSIONER TURNBULL:    Yes, I  
15  think that's one of the issues. I think  
16  they're looking for the survival rate to get a  
17  tree that's going to -- although maybe they  
18  can go a little higher than three.

19                  I just -- are you on the  
20  properties? I mean if 3rd Street continued,  
21  you're not on those properties over on the  
22  other side of 3rd?

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1 MS. CARMICHAEL: Well, all of us  
2 at Carrollsburg will be affected by the  
3 building altogether.

4 COMMISSIONER TURNBULL: Right.

5 MS. CARMICHAEL: But, when you  
6 walk into our community down what we call 3rd  
7 Street Extension which is off of M Street --

8 COMMISSIONER TURNBULL: Yes.

9 MS. CARMICHAEL: -- that is where  
10 they're -- the eight-story building will be.

11 COMMISSIONER TURNBULL: Right.

12 MS. CARMICHAEL: There are  
13 townhouses across from that that have garages  
14 and they are basically almost a street level  
15 -- a streetscape away from. I don't know how  
16 to say it.

17 COMMISSIONER TURNBULL: Yes.

18 MS. CARMICHAEL: And they will be  
19 looking at the side of the building. Then you  
20 go -- when the building ends and you take a  
21 left, that's where you end into our row which  
22 is right behind the building.

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1 COMMISSIONER TURNBULL: Got ya.  
2 Okay.

3 MS. CARMICHAEL: So, when you look  
4 at the site map, you'll see M Street on M  
5 Street, 3rd Street Extension where our  
6 community is. Then what we call Delaware  
7 Avenue which really we are M Street but  
8 behind.

9 COMMISSIONER TURNBULL: Yes.

10 MS. CARMICHAEL: Right now with no  
11 building there, Brenda and I look out on M  
12 Street. You know, we can see the Capitol  
13 right now.

14 COMMISSIONER TURNBULL: Right.

15 MS. CARMICHAEL: Of course, we  
16 won't see the Capitol. We didn't use to see  
17 the Capitol.

18 COMMISSIONER TURNBULL: Yes.

19 MS. CARMICHAEL: Actually, there  
20 may be a chance we would see the Capitol the  
21 way it's built now, but that's not, you know.

22 COMMISSIONER TURNBULL: Yes.

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1 MS. CARMICHAEL: That's not here  
2 nor there.

3 COMMISSIONER TURNBULL: Okay.

4 MS. CARMICHAEL: Does that answer  
5 where --

6 COMMISSIONER TURNBULL: And you do  
7 have that courtyard area. At least, it's  
8 open. It's an open area.

9 MS. CARMICHAEL: Yes.

10 COMMISSIONER TURNBULL: Okay. You  
11 had a lot of -- I mean when you were first  
12 talking about it, Ms. Beeton, it's -- I know  
13 you say you're in support, but I start  
14 reading, you know, I was like there's a lot of  
15 little caveats in there that -- but, other  
16 than the five -- you're not pressing for  
17 anything more than the five main issues that  
18 you've addressed?

19 MR. BEETON: The board discussed  
20 this particular issue and one of the things we  
21 took -- we took into account a lot of  
22 different things including shade studies, et

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1 cetera that we felt satisfied most of the  
2 concerns. Our biggest concern is that if we  
3 -- we've been going back and forth with them  
4 for about six years and we feel we don't have  
5 everything we want, but we're concerned that  
6 if this project doesn't get approved the next  
7 project that comes forward might actually be  
8 worse for our association.

9 The setback variance that they're  
10 seeking along M Street is actually  
11 advantageous to in particular Brenda and  
12 Joan's row. There are those five units.

13 And also we took into account some  
14 of the materials usage. The fact that the  
15 sidings coincide with some of the buildings  
16 within the area similar to design features  
17 seen on River Park and some of the other  
18 buildings in Southwest and we appreciated  
19 that.

20 So, overall, the massing on M  
21 Street is unfortunate and the height is  
22 unfortunate, but when you're looking at two-

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1 story -- two to three-story townhomes looking  
2 out a building, the difference between an  
3 eight-story building and a ten-story building  
4 or 11-story building is not significant when  
5 you're sitting in your living room and looking  
6 out at that side of the building. It's  
7 significant when you go out your front door  
8 and look up.

9 But, we don't have the same  
10 concerns nor do we claim to that some of the  
11 other residents do about the view of the  
12 Capitol or other things. We're concerned  
13 about what -- the proximity of the building to  
14 our units and we believe that 135 feet from  
15 the Delaware units and 110 feet from the four  
16 units along 3rd Street Extension that directly  
17 face the property, there's some additional  
18 ones that face it catty-corner, that overall  
19 this is a project that we feel we can support.

20 And then if it were to be denied,  
21 I'm concerned given the number of different  
22 plans that we saw prior to this that placed

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1 the building closer to our units that it would  
2 actually have a greater impact particularly if  
3 they lowered the height but tried to keep the  
4 overall volume of the building or the square  
5 footage of the building the size that it is.

6 COMMISSIONER TURNBULL: Okay.  
7 Thank you. Thank you very much.

8 CHAIRMAN HOOD: Okay. Mr. Beeton,  
9 let me just ask you about the board. When the  
10 board took the vote, did everybody -- all the  
11 other residents -- did the board take the vote  
12 on its own and did all the other residents  
13 agree with the board's action?

14 MR. BEETON: At the board meeting,  
15 the residents I would say there probably the  
16 majority of the people at that particular  
17 meeting were opposed. We heard from other  
18 residents that were supportive and I think  
19 most significant is the number of residents  
20 who haven't voiced an opinion on this.

21 I've been on the board over ten  
22 years now and I know when the residents are

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1       opposed to something. They make their voices  
2       very loud and clear.

3               Overall, we've heard from more  
4       people now who support it than who oppose it,  
5       but we've also heard from a great -- we  
6       haven't heard from a great -- the majority of  
7       the residents we have not heard from.

8               But, there were people who spoke  
9       in favor at that meeting on the 29th and there  
10       were people that spoke opposed.

11               CHAIRMAN HOOD: How many people on  
12       the board?

13               MR. BEETON: There are five people  
14       on the board and three people voted in favor.

15       One person was absent, but had expressed to  
16       the board members ahead of time that she would  
17       vote in favor if she were present and then  
18       another the president of the association spoke  
19       against it most specifically citing that he  
20       believed that the zoning in the city is a  
21       contract with the residents and that by  
22       changing zoning, you're essentially violating

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1 a contract with residents who purchase a  
2 property going into it thinking that they're  
3 going to have one type of building next to  
4 them and then they end up getting something  
5 else.

6 CHAIRMAN HOOD: So, on an official  
7 vote of the Condominium Association -- on the  
8 official vote, the board has the right or the  
9 flexibility to -- I'm not sure. I'm just  
10 trying to figure out how you're bylaws are  
11 worded.

12 So, when you vote, just the board  
13 voted?

14 MR. BEETON: Yes, just the board  
15 voted.

16 CHAIRMAN HOOD: So, it was not a  
17 vote put to the residents?

18 MR. BEETON: Right.

19 CHAIRMAN HOOD: I got some tight  
20 bylaws. Ms. Carmichael.

21 MS. CARMICHAEL: We have 102  
22 residents there and I've been calling all my

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1 -- first of all, we sent out messages and  
2 notes and emails and hand delivered at each  
3 and every meeting that was held to get people  
4 to come to meetings. The only ones that --  
5 most of the people that came, and it was a  
6 small percentage, most of them are here today  
7 and they'll voice their opinions.

8 When I called the other residents  
9 and asked them why aren't you coming to these  
10 meetings and how do you feel about this  
11 building, most of them responded to me saying,  
12 you know, it's on the other side of the  
13 community. It really doesn't affect me.

14 CHAIRMAN HOOD: Okay.

15 MS. CARMICHAEL: Or, you know, I  
16 -- you know, I'd rather have anything but a  
17 vacant lot or things like that. To the point  
18 where, we know who was opposed to it and we  
19 had to kind of knock doors to find out if  
20 people were actually in support or just didn't  
21 care.

22 CHAIRMAN HOOD: Okay.

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1 MS. CARMICHAEL: And what we found  
2 out was the majority that did not speak up  
3 just either didn't care or were in support  
4 kind of.

5 CHAIRMAN HOOD: Okay.

6 MS. CARMICHAEL: And that's  
7 calling and knocking.

8 CHAIRMAN HOOD: I got it. Mr.  
9 Beeton.

10 MR. BEETON: Just to add on the  
11 outreach that we did for our association, we  
12 actually requested that the developer come to  
13 our annual owners meeting in November and  
14 that's required to have 60 percent of the  
15 owners present.

16 We requested that they make a no  
17 more than half-hour presentation, that it not  
18 be open to questions because we would then  
19 have a follow-up meeting which we ended up  
20 having in February which was I think an hour  
21 and a half to almost two hour long meeting  
22 with the developer and residents who spoke

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1 both in favor and in opposition to the  
2 project. That they could really -- if they  
3 were concerned about this project, they could  
4 go and express their opinions more clearly.

5 But, it went into our newsletter  
6 prior to the owner's meeting. There was a  
7 presentation at the owner's meeting and then  
8 there was a subsequent meeting specifically to  
9 go over the plans in depth.

10 CHAIRMAN HOOD: Okay. Thank you.  
11 Commissioners, any further questions? Okay.  
12 Thank you.

13 Let's see if there's any cross  
14 examination. Does the Applicant have any  
15 cross?

16 Okay. ANC 6C, you have any cross  
17 examination?

18 And while I'm going through this,  
19 Ms. Schellin is going to pick up the sign-in  
20 sheet. So, we're going to cut it off. We're  
21 actually hoping to finish tonight. At least  
22 that's the goal.

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1           You usually get some from the  
2 right, but I didn't. So, we're going to try  
3 to finish tonight. All right. Okay. So,  
4 that's the goal. Try to finish tonight.

5           Let me see. Is Ms. Herridge or  
6 Dr. Krause here? Okay. You have any cross  
7 examination? Okay. You can come forward.

8           Come on and have a seat at the  
9 table and identify yourself and you can start  
10 with your cross examination of the party in  
11 support.

12           I directed to a particular person.  
13 I guess you all are neighbors. You probably  
14 know who it is. So, if you could just  
15 identify the person or if it's for all of  
16 them, let them know who it's for.

17           Is your microphone -- hit -- make  
18 sure it's lit.

19           DR. KRAUSE: Okay. Can you all  
20 hear me.

21           Good evening. My name is Dr.  
22 Michael Krause. I have two factual matters to

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1 question Jonathan Beeton and members of the  
2 board.

3 Jonathan related very correctly  
4 the opposition of Philip Baten, our president,  
5 who indicated that the height issue, the mass  
6 issue, the density issue and likely the effect  
7 on the neighborhood is an entire change, a  
8 large scale change in the social contract, the  
9 zoning contract between neighbors and  
10 investors.

11 So, the two issues that I'd like  
12 to address with Jonathan and perhaps Joan is  
13 very simply the sequence of events that you  
14 began to question Mr. Chairman of the 7  
15 February or thereabouts meeting with the  
16 developer. That then led to a before February  
17 meeting, a February 20th meeting of the board  
18 hosting the residents and out of that came a  
19 --

20 CHAIRMAN HOOD: Dr. Krause. Dr.  
21 Krause.

22 DR. KRAUSE: -- yes, a

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1 requirement --

2 CHAIRMAN HOOD: I want a question.

3 DR. KRAUSE: Okay. The question  
4 is one of facing units. There are five facing  
5 units on Delaware and four on M Street, but  
6 that misses the point of 16 other units that  
7 are affected and have expressed their intent  
8 through letters and so forth.

9 So, the first question is one of  
10 why are we only concerned with nine facing  
11 units rather than the totality of 16 other  
12 units? Could you answer that, Mr. Jonathan  
13 Beeton?

14 MR. BEETON: The board didn't just  
15 take into account the ones facing the project.

16 I think I stated in my testimony that we --  
17 or under question, that we evaluated the shade  
18 study and in particular, the shade study  
19 impacts units that actually front M Street in  
20 addition and also making sure that there's  
21 not, you know, any shade that's cast on the  
22 other units that do not directly face the

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1 property. So, we looked at a variety of  
2 things.

3 Again, the decision that the board  
4 made was a totality of an ongoing process that  
5 had started in -- around I think 2006 or --  
6 okay. I've been corrected. That it was in  
7 2004.

8 We heard our most vociferous  
9 opposition from this at the last two meetings  
10 that we had and frankly, we did not hear  
11 significant opposition following either the  
12 meeting of the entire owners' association or  
13 the following meeting with the residents and  
14 the developer that would make us change our  
15 opinion that the existing plan was the best  
16 that we had seen and represented significant  
17 changes that we had requested over the years.

18 DR. KRAUSE: Then my second  
19 question, Jonathan, is the sequence of events.

20 We were told that on -- to gain  
21 party status in either pro or opposed that had  
22 to be accomplished by the 20th of February.

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1           It seems to me at the pre-board  
2 meeting prior to that date, you and other  
3 members of the board had indicated that you  
4 would take a neutral position and yet, you  
5 immediately as a board decided to become pro.

6           Could you help me understand what  
7 that decision process was prior to the 20th  
8 and prior to our meeting on the 29th?

9           MR. BEETON: Sure. As you stated,  
10 we had to get party status prior to our final  
11 vote on February 29th. We had actually  
12 intended to take that vote earlier at our  
13 regular February board meeting.

14           Concerns were raised by several  
15 residents that expressed their opinion that  
16 they thought that the driveway should come in  
17 off of -- the access to the building should  
18 come in off of M Street and not Delaware.

19           We had been advised that DDOT and  
20 I believe the Office of Planning had  
21 recommended against this and had placed -- and  
22 that the developer actually desired to come in

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1 off of M Street, but that they had been told  
2 that this was not allowable.

3 There were several residents there  
4 that felt like if we took this to the Mayor's  
5 office or other people at the city that they  
6 could change the opinion and possibly allow  
7 for an entrance to come in off of M Street  
8 and, therefore, we delayed taking a vote  
9 either in favor or opposed or of no action at  
10 that meeting to allow those residents to go to  
11 the Mayor's office to plead their case.

12 During that time, we -- in between  
13 those meetings, we realized that in order to  
14 have party status, and we feel that we needed  
15 party status because we border most directly  
16 this property out of any of the neighborhoods  
17 in Southwest, that we needed to put in an  
18 application. At that time, several of the  
19 board members had already indicated that they  
20 were leaning towards it and what we felt was  
21 that we would put in an application in support  
22 and then if things changed, we could either

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1 withdraw the status -- the request for party  
2 status or we could ask the Zoning Commission  
3 to change our status due to extenuating  
4 circumstances. But, that we had to file an  
5 application prior to that meeting in order to  
6 obtain party status.

7 DR. KRAUSE: Thank you. That  
8 infers that there was a flow of information to  
9 the residents from the -- of the gaining of  
10 party status. There was none of that that I  
11 was aware of until the 29th.

12 Now, my third question relates to  
13 sunlight. Brenda Tobe has mentioned very,  
14 very well that light is an issue and  
15 Commissioner May has indicated light.

16 The 3rd Street Extension residents  
17 will be entirely blocked by that 11-foot --  
18 11-story and eight-story building. No  
19 sunlight. Yes, there will be light, of  
20 course, but no sunlight to speak of. So, that  
21 is a critical issue and what I'd like --

22 COMMISSIONER MAY: Are you asking

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1 a question? Because if you want to ask a  
2 question, you should ask the question.

3 DR. KRAUSE: I'm going to ask a  
4 question on sunlight --

5 COMMISSIONER MAY: Yes please.

6 DR. KRAUSE: -- and trees. Trees  
7 will be affected.

8 Brenda Tobe, would you mention why  
9 light is important to you where now all the  
10 residents on 3rd Street Extension will have  
11 that light blocked including sunlight?

12 MS. TOBE: Well, light is  
13 important to me because it's a mood setter.  
14 It brightens your place. It also negates the  
15 need for artificial lighting. It's just good  
16 to be in a place where there's light.

17 DR. KRAUSE: Thank you. Those are  
18 my immediate questions.

19 CHAIRMAN HOOD: Okay. Now, we're  
20 doing cross examination. Did you want to  
21 clarify an answer?

22 MR. BEETON: I would like to

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1 clarify an answer.

2 CHAIRMAN HOOD: Okay.

3 MR. BEETON: That was -- since it  
4 was asked to --

5 CHAIRMAN HOOD: A question that he  
6 asked you?

7 MR. BEETON: Well, are we a party  
8 or I mean --

9 CHAIRMAN HOOD: You're a party,  
10 but I'm saying did you answer -- he asked four  
11 questions. Well, they might have been a  
12 little long, but no problem, Dr. Krause.

13 MR. BEETON: Right.

14 CHAIRMAN HOOD: But, he asked four  
15 questions.

16 MR. BEETON: And it's related to  
17 the fourth question.

18 CHAIRMAN HOOD: The last question?

19 MR. BEETON: Yes.

20 CHAIRMAN HOOD: Okay. It's  
21 important to note again that we studied the  
22 shade -- we examined the shade studies and the

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1 shade studies clearly indicate that both in  
2 the spring, the middle of the summer and the  
3 winter at three different times of the day, I  
4 believe it's 9:00, noon and 4:00 or 5:00,  
5 there will not be -- there will be direct  
6 sunlight that goes into the units on the 3rd  
7 Street Extension. That none of those units  
8 are blocked and the shade studies are in the  
9 Applicant's proposal.

10 CHAIRMAN HOOD: Dr. Krause, are  
11 you fine with that answer?

12 DR. KRAUSE: Not really. We'll  
13 show some pictures in our testimony.

14 CHAIRMAN HOOD: Okay. Great.

15 DR. KRAUSE: Thank you.

16 CHAIRMAN HOOD: All right. Thank  
17 you.

18 Mr. Weller? Is Mr. Weller here?  
19 Do you have any cross? Okay.

20 Okay. I want to thank you all.  
21 We greatly appreciate your testimony.

22 Ms. Schellin.

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1           Okay.    The witness list has now  
2           been taken up and we will go in with what we  
3           have in our possession at this time.

4           We're going to individuals in  
5           support and Ms. Schellin's going to help me.

6           Gail Fast.   No, I'm sorry.   I'm  
7           sorry.

8           MS. SCHELLIN:  No.  Yes.

9           CHAIRMAN HOOD:       That's the  
10          opposition.  Don -- Dan --

11          MS. SCHELLIN:  Felger.

12          CHAIRMAN HOOD:  -- Felger.  Lydia  
13          Herz.  Elaine Graves.

14          MS. SCHELLIN:  Rudolph.

15          CHAIRMAN HOOD:       Okay.    Let me  
16          start all over again because nobody's moving.

17          Dan Felger.

18          MS. SCHELLIN:       Come to the table  
19          if your name is called.

20          CHAIRMAN HOOD:       Oh, yes, come  
21          straight up.  Dan Felger.  Lydia Herz.  Elaine  
22          Graves.  It looks like Rudolph Brooks.  Ruth

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1 Hamilton. Kent Forde. Yes, he's a proponent.

2 The last name is -- it looks like Forde F-O-

3 R-D-E. Simon --

4 MS. SCHELLIN: Just so everybody  
5 knows, the court reporter should get your  
6 cards before you sit down please.

7 CHAIRMAN HOOD: Simon -- oh, I'm  
8 sorry. Simone. Simone. It's Simone. Okay.  
9 Yes. She's part of CSG. Okay.

10 Rhonda Hamilton. Courtney --  
11 Courtney --

12 MS. SCHELLIN: Pfriendr.

13 CHAIRMAN HOOD: Pfriendr.

14 MS. SCHELLIN: Pfriendr.

15 CHAIRMAN HOOD: Pfriendr.

16 MS. SCHELLIN: It starts with a P  
17 -- P-F-R-I-N -- I-E-N-D-E-R.

18 CHAIRMAN HOOD: Saauna Stallworth.  
19 Okay. I'm going to try to get a table full.  
20 Perry -- Perry Klein. Kwasi Holman -- Kerry  
21 Holman. Those who know him call him Kwasi.

22 Do we have a full table yet?

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1 Okay. Good. Okay. We'll stop with Mr.  
2 Holman on the list, Ms. Schellin.

3 What I'm going to do I'm going to  
4 start to my left, to your right. Sir, if you  
5 could begin and we'll just come right on  
6 down.

7 You're going to identify yourself,  
8 your address and your testimony.

9 MR. BROOKS: Okay. My name is  
10 Rudolph Brooks. I live in the Greenleaf  
11 dwelling senior building.

12 And the church in question is just  
13 about I guess 40 yards from my place and my  
14 concern is that it's another home to me and  
15 it's -- I live there. It's -- I can walk  
16 right across the street and that's about the  
17 end of that.

18 CHAIRMAN HOOD: Straight and to  
19 the point. Thank you, sir. Next.

20 MR. KLEIN: I'm Perry Klein. I  
21 live at 700 7th Street, S.W. in Washington.  
22 I've been a resident of Southwest for 44 years

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1 since 1968. My wife and I are speaking in  
2 support of this project.

3 We've been following the  
4 development over the years. Seen the coming  
5 of the Metro. Metro is right down our street,  
6 7th Street and the recent development of 4th  
7 Street -- the 4th Street mall and this  
8 project, the St. Matthews project, represents  
9 the first of what we're going to see.

10 Several churches that are going to  
11 be in partnership with developers to make  
12 better -- more efficient use of the land and  
13 it's a win/win situation from the standpoint  
14 of the community. From the standpoint of the  
15 congregation which some of them are struggling  
16 to have ends meet. That was the case with St.  
17 Matthews. They had a roof problem they  
18 couldn't afford to fix and the partnership was  
19 just a natural solution to that.

20 But, most importantly from our  
21 standpoint and we're speaking just personally  
22 although I'm on the board of the Southwest

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1 Neighborhood Assembly, but I'm not speaking  
2 for the Southwest Neighborhood Assembly here.

3 The St. Matthews people have been  
4 very cooperative with the community. We've  
5 had many community meetings there of the  
6 Southwest Neighborhood Assembly, meet the  
7 candidates meetings there for example. It's a  
8 polling -- it's been a polling place for the  
9 local residents where they go to vote. Arena  
10 Stage held its rehearsals for junior high  
11 school kids there for several years, the  
12 Voices of Now. Now, Arena Stage has its own  
13 facility and they rehearse at their -- on  
14 their own campus and so, this -- the new  
15 facility the way we understand it is going to  
16 continue to be available and a real benefit to  
17 the community.

18 The coffeehouse, the Sacred  
19 Grounds is that what they're calling it. The  
20 computer center. There's talk of having a  
21 boys' choir. All sorts of plans that are  
22 going to benefit the community as a whole.

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1           And there are at least two other  
2 churches I know of in the area that are going  
3 to be applying similarly because they're  
4 working out arrangements with developers  
5 within a few blocks of St. Matthews and so,  
6 that's why we're in support of the project.

7           Thank you.

8           CHAIRMAN HOOD: Great. Thank you.

9           Next.

10           MS. HERZ: Lydia Herz. Otherwise  
11 known as -- with -- also Felger.

12           But, I've been a member of St.  
13 Matthews since 1987 and I've lived in  
14 Southwest at 560 N Street since 1976 and I  
15 would like to urge the Zoning Commission to  
16 approve the application for the planned unit  
17 development and related Zoning Map Amendment  
18 for 222 M Street, S.W.

19           My church has been an important  
20 and respected member of the Southwest  
21 community. Our dedication to Southwest is  
22 evidenced by the fact that we could have sold

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1 our valuable property and relocated, but we  
2 chose to stay. We have loyalty to our  
3 Southwest neighbors and the vision of greater  
4 cohesiveness for our community.

5 The emotional cost of maintaining  
6 the vision of this commitment has been  
7 significant. We have not worshiped in our  
8 sanctuary for seven years. We have not  
9 worshiped in our own building for five years.

10 I was not brought up a Lutheran.  
11 The particular Protestant denomination is not  
12 of importance to me.

13 What appeals to me about St.  
14 Matthews is its strong outward focus, its  
15 diversity and the energy of its church family.

16 St. Matthews cosponsors as Perry Klein  
17 mentioned The Voices for Now at Arena Stage  
18 and its right hand acting program for the  
19 youth in Southwest and other parts of the city  
20 and I've attended those performances and I was  
21 heartened when I perceived that program making  
22 a difference in your lives.

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1                   Our new community development  
2 center will enable partnering and development  
3 of even more innovative initiatives. There's  
4 a tremendous amount of talent in Southwest  
5 that needs nurturing and a venue to perform.  
6 The community development center named after  
7 Thurgood and Cecilia Marshall will enable  
8 this.

9                   My husband and I are among those  
10 who financially support the Southwest D.C.  
11 Youth Activity Task Force. My neighbor at  
12 Harbour Square Rick Bardach who is with us  
13 tonight is instrumental in the management of  
14 the YATF.

15                   He, Pastor Huber and the Director  
16 of the CDC will be investigating synergy  
17 between the CDC and the Youth Activities Task  
18 Force. I think the possibilities of using our  
19 new facilities to help engender an increased  
20 sense of community in Southwest are limited  
21 only by our imaginations.

22                   St. Matthews' 30 percent ownership

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1 of the apartment will provide an income stream  
2 that will enable program continuity.

3 Thank you.

4 CHAIRMAN HOOD: Thank you. Next.

5 MR. FELGER: Good evening. I'm  
6 Dan Felger, member of the church since 1987.  
7 Jean's my wife. I reside at 560 N Street,  
8 S.W., 912 also.

9 I've been the church's senior  
10 trustee for the past seven years. That makes  
11 me responsible for the buildings and grounds.

12 Before that, I was the president of the  
13 congregation for three years.

14 This means that for more than a  
15 decade now I've usually been the first  
16 responder when concerns arose about our church  
17 property and after Pastor Huber, I'm the  
18 member of my church family who's most likely  
19 to engage a neighbor who has questions about  
20 St. Matthews.

21 Perry and Jean have already  
22 mentioned Arena Stage's Voices for Now. We

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1 were there at the first. It was difficult for  
2 the two young people who started Voices to get  
3 it going. They didn't have a place to go.

4 We talked with both young members,  
5 Ashley Foreman and Greg Morris and we  
6 discovered that they had the same situation we  
7 did. No money, but lots of vision and a  
8 strong commitment to Southwest.

9 That first year was a real  
10 challenge for them. They are very creative  
11 individuals and they needed everything to get  
12 that program going. It took nearly three  
13 weeks before the youngsters that signed up for  
14 it settled down and bought into the objectives  
15 of the program

16 Now, they have a -- the following  
17 year, they put in a contract. That program has  
18 grown tremendously. They now audition.

19 There are 11 ensembles in our  
20 city. Seven of them are directly dealing with  
21 at-risk youths.

22 St. Matthews, I'm just so thank

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1 you that we could help Arena Stage and those  
2 creative young people get that going.

3 I have two other examples of how  
4 we use our property even when we didn't have a  
5 building. This past December we concluded our  
6 fourth annual Christmas tree sale. Each  
7 Christmas, we've been able to engage our  
8 neighbors and that's our primary goal. We've  
9 also covered expenses. That's a secondary  
10 goal.

11 We sell superb Frasers at a cost  
12 that Frager's Hardware and Eastern Market  
13 cannot match and we deliver those trees, too  
14 and that's a real service.

15 This is the third year for the 222  
16 M Street Southwest Community Garden. After  
17 our church property was demolished, we had  
18 soil samples from the eastern section of our  
19 property tested to see if the area we proposed  
20 to develop a garden was safe for growing  
21 vegetables and fruits. Based on the favorable  
22 results, we tilled the plots and made them

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1 available to Southwest neighbors on a come  
2 first first reserve basis.

3 CHAIRMAN HOOD: Give us your  
4 closing thought. I actually can close for  
5 you. I see Mr. Brooks is -- Mr. Rudolph  
6 Brooks who resides in Greenleaf is going to be  
7 your garden manager.

8 MR. FELGER: He is indeed, sir.  
9 Thank you.

10 CHAIRMAN HOOD: So, I want you to  
11 know we do follow and pay attention. All  
12 right. Thank you very much.

13 Next.

14 REV. HAMILTON: My name is  
15 Reverend Ruth Hamilton. I'm a pastor in  
16 Southwest D.C., but tonight I'm testifying on  
17 behalf of the Near Southeast/Southwest  
18 Community Benefits Coordinating Council. CBCC  
19 for short and on behalf of the board, I offer  
20 our strong support for this project.

21 We've long known St. Matthews to  
22 be a community minded group and it's already

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1 been said all that they've done in the  
2 community. We really look forward to their  
3 return and we look forward to the partners  
4 that they've brought with them in the  
5 development partners.

6 The new housing with the more than  
7 required affordable component is another  
8 welcome addition to our very diverse resident  
9 base.

10 CBCC has had two main areas of  
11 focus: housing and economic development and  
12 education and community enrichment and this  
13 development team has demonstrated a  
14 willingness to partner with us along with  
15 other neighborhood groups for the growth and  
16 development in these two huge areas of our  
17 community life as we undergo massive  
18 redevelopment in Near Southeast/Southwest.

19 The development team itself has  
20 met with our board several times. We've  
21 talked about the kind of programs that are  
22 going to go into that space as they begin to

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1 renew themselves as a congregation and how our  
2 board and theirs, their CDC board, can be an  
3 ongoing conversation about that.

4 We've talked about the need to  
5 share information and help residents take  
6 advantage of all the housing that will be  
7 coming online especially their affordable  
8 units and we've shared our goal of setting up  
9 a pipeline from job training providers to  
10 jobs. Really try to pilot in our own  
11 neighborhood a work force intermediary  
12 structure that's going to be done citywide.

13 And finally, CBCC is very grateful  
14 for the proposed financial contribution to  
15 help support the coordination of this  
16 important community-based work. Not only  
17 related to their project, but to help the  
18 community shape the impact of redevelopment  
19 that is happening all over our ANC 6D  
20 neighborhoods.

21 This direct contribution for a  
22 community-based organization like CBCC is rare

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1 and it's much appreciated. It was not a  
2 requirement by anyone, but an active  
3 partnership by these developers in building a  
4 new Near Southeast/Southwest and we urge your  
5 full support of this project and these  
6 partners.

7 Thank you.

8 CHAIRMAN HOOD: Okay. Thank you.

9 Next.

10 MR. FORDE: Hi. My name is Kent  
11 Forde. I live at 560 N Street, N.W. in  
12 Harbour Square in 312.

13 I am here without reservation to  
14 support St. Matthews in their development and  
15 zoning efforts. I actually have an  
16 opportunity to worship with them as they  
17 borrow our -- are with us and go to our church  
18 service at our facility in a different place  
19 in town.

20 In my experience with St.  
21 Matthews, they're a very caring community.  
22 Always been positive. They're an insightful

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1 group and to me, they're really committed and  
2 really want to be a part of Southwest again.  
3 From the community garden to selling Christmas  
4 and holiday trees wholesale, St. Matthews has  
5 proven to be a trusted partner to the  
6 Southwest area.

7 I believe they can and will have  
8 an important role to play in the development  
9 of the Southwest waterfront. It's a role --  
10 they can help in so many ways.

11 I'd like to highlight a few ways  
12 that I believe St. Matthews development plans  
13 make sense to me and should be approved by you  
14 the Zoning Commission.

15 First of, St. Matthews, as a  
16 faith-based organization, they really have an  
17 option to choose where they could go and they  
18 definitely choose to be in Southwest. St.  
19 Matthews is a loyal group. Their loyalty to  
20 the Southwest waterfront has been unwavering  
21 in, you know, their many challenges to find a  
22 place to worship and they decided to stay

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1 there and thirdly, bringing back a partner  
2 like St. Matthews to Southwest can form a  
3 really strong bedrock to the community in  
4 terms of just sharing and growing as Southwest  
5 grows.

6 And finally, I do believe St.  
7 Matthews takes very seriously their  
8 stewardship role to work with the community.  
9 Not just to or not just for, but really with  
10 the community be it the Southwest other  
11 schools, other churches, the police department  
12 and other things in Southwest.

13 And finally, I think they're just  
14 a good neighbor and not only welcome, but  
15 they're needed in Southwest.

16 CHAIRMAN HOOD: All right. Thank  
17 you. Next.

18 MS. HAMILTON: Good evening,  
19 Chairman Hood and the other Commissioners. My  
20 name is Rhonda Hamilton and I am an ANC  
21 Commissioner for ANC 6D06.

22 I'm not here today testifying as

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1 an ANC Commissioner. I am testifying on  
2 behalf of the Southwest Gardens Resident  
3 Council which is a public housing complex in  
4 Southwest. I'm the treasurer for the Resident  
5 Council and a member of the Executive Board.

6 St. Matthews Church has been a  
7 good community partner and the church has been  
8 supportive and responsive to the needs of  
9 residents especially with getting children  
10 ready for school, food for Thanksgiving,  
11 senior programs and toys and clothing for  
12 Christmas. We really appreciate the work that  
13 the church has done in our community for a  
14 number of years and the help that they have  
15 given to our low-income families.

16 I have been to several community  
17 meetings about this project and I feel that  
18 the church has really reached out  
19 significantly to the community during this  
20 process.

21 We are looking forward to St.  
22 Matthews moving back to Southwest and we are

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1 here today to support the church and their  
2 application before the Zoning Commission.

3 Thank you.

4 CHAIRMAN HOOD: Thank you. Next.

5 MR. HOLMAN: Thank you, Chairman  
6 Hood and Members of the Commission. Kerry G.  
7 Kwasi Holman.

8 I've been a resident of Southwest  
9 since 1963 and I've been active in church life  
10 in Southwest since 1965.

11 St. Matthews collocated with us  
12 for a period of time at St. Augustine's and  
13 they were very good partners. We worked well  
14 together. We shared programs. We shared  
15 services. We shared outreach and they are an  
16 important voice in the Southwest community  
17 that we think should return.

18 I've followed the -- some of the  
19 discussions about their development and I  
20 think the kind of development, the sensitivity  
21 to community issues is a hallmark of St.  
22 Matthews and we look forward to welcoming them

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1 home to Southwest.

2 CHAIRMAN HOOD: Okay. I want to  
3 thank you all for your testimony.

4 Let's see if we have any  
5 questions. Commissioners, any questions?

6 Okay. I don't have any.

7 Any cross examination? Does the  
8 Applicant have any cross?

9 ANC 6D, do you have any cross  
10 examination?

11 Carrollsburg Square Condominiums,  
12 any cross?

13 Dr. Krause, any cross examination?

14 Okay.

15 Mr. Weller? Okay. Oh, okay. I  
16 see. Okay. No cross.

17 Okay. Thank you all very much.  
18 We appreciate it.

19 Mr. Holman, it's always good to  
20 see you. Former colleague. Okay.

21 Okay. Okay. Let's move right  
22 along the witness list. Dan Stuber. Is that

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1 Stuber? Stuber.

2 MS. SCHELLIN: No.

3 CHAIRMAN HOOD: Okay. Okay.  
4 William Bevins. Margaret Brinckman --  
5 Brinckman. Okay. You know exactly what I was  
6 getting ready to -- I was getting ready to --  
7 really I'm glad you said something because I  
8 was really going to mess your name up.

9 MS. KLOUJ: Afifa.

10 CHAIRMAN HOOD: Afifa. Okay. Mr.  
11 Brooks already testified. Yes. Okay. So,  
12 we're at Rick Bardach. Where are we? No. He  
13 already testified. He's already testified.  
14 Right? Or he didn't? Okay. I'm sorry.

15 MS. SCHELLIN: Daniel Zelger.

16 CHAIRMAN HOOD: Daniel Zelger.

17 MS. SCHELLIN: He already did.  
18 Yes.

19 CHAIRMAN HOOD: I thought I saw.  
20 Okay. Rick Bardach. Okay. Samuel Gordon and  
21 Daniel Mjema. Okay. I guess I can just ask  
22 the pastor. He'll know. Okay. We have a

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1 few --

2 MS. SCHELLIN: Kimberly Orr.

3 CHAIRMAN HOOD: Kimberly Moore --

4 Orr. Okay. Kimberly Orr and Margaret --

5 MS. SCHELLIN: Margarita --

6 Margarita.

7 CHAIRMAN HOOD: Margarita Rouge.

8 MS. SCHELLIN: Rouge.

9 CHAIRMAN HOOD: Rouge. Okay.

10 Okay. And Wendi Bevins.

11 That's all we have. Okay. So, we  
12 have one more seat.

13 Do we have anyone else who'd like  
14 to testify in support? Okay. So, we'll have  
15 -- you can come on up, sir. One of you. One  
16 of you. That's all right. You'll be the last  
17 one. We'll end with you.

18 Okay. Again, we're going to do  
19 that same thing. We're going to start to my  
20 left and to your right and if we can come on  
21 down, identify yourself and where you live and  
22 we'll go from there and you can begin your

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1 testimony.

2 MR. BEVINS: Good evening. My  
3 name is William Bevins. I live at 355 I  
4 Street, S.W., Washington.

5 I suspect that I may be the newest  
6 resident of Southwest present at this meeting  
7 along with my wife who's also here in  
8 support.

9 I'm a member of First Trinity  
10 which is the worship house, the Lutheran  
11 Church which St. Matthews currently calls its  
12 home away from home church. But, I'm also a  
13 resident of Southwest and I live across from  
14 the neighborhood library and within, I think,  
15 five blocks of the proposed build site.

16 The welcome that my wife and I  
17 received at First Trinity was incredibly warm  
18 and it surprised at first that such a unified  
19 congregation would actually be two. The St.  
20 Matthews congregation welcomed us incredibly  
21 warmly and we consider their church a home as  
22 much as First Trinity's.

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1 I know that the proposed building  
2 site is a lot more than a place of worship.  
3 It's also a community center and as a  
4 neighborhood resident, I hope to volunteer  
5 there and I also hope to benefit from the  
6 resource center. I love a cup of coffee from  
7 the café as well.

8 The proposed building project  
9 would add value to my life as a neighborhood  
10 resident.

11 CHAIRMAN HOOD: Great. Next.

12 MS. KLOUJ: Okay. Thank you. My  
13 name is Afifa Klouj and I live at the  
14 Waterfront Tower Condominiums located at 1101  
15 3rd Street, S.W. We're right across the  
16 street from St. Matthews Lutheran Church.

17 I first met the wonderful people  
18 at St. Matthews a few years ago when our  
19 landlord informed us that he intended to  
20 demolish our buildings and building luxury  
21 apartments and that in accordance with D.C.  
22 law, we had the right to purchase the

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1 buildings if we so wished.

2 I didn't want to lose my home and  
3 so, I started a tenants' association, was  
4 trying to get some help from the neighborhood  
5 and some guidance.

6 I recall walking one day with my  
7 fellow tenant over to St. Matthews to ask if  
8 they could help me and my association. There  
9 were two people in the parking lot painting  
10 the entrance-way to the church and they were  
11 Dan Felger and Tony Murphy. Felger. I'm  
12 sorry.

13 We identified ourselves as  
14 officers of Town Center Tenants Association  
15 and we stated that we were trying to exercise  
16 our right of first refusal to purchase our  
17 buildings.

18 Dan told me that our tenants  
19 association rights are important and that he  
20 saw that as a justice issue. He assured me  
21 that the church council and Pastor Huber would  
22 agree with him and they would support us.

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1           As senior trustee of St. Matthews,  
2 Dan was empowered to act for the churches  
3 behalf in deciding which organizations can use  
4 the church's fellowship. Accordingly, he said  
5 that we could use the hall for our  
6 organization's meetings for a very minimal fee  
7 and I told him that I couldn't pay for the  
8 space since my neighbors were low-income  
9 residents and I didn't yet register the  
10 association. He recognized that our situation  
11 was quite serious and told me not to worry  
12 about it and welcomed us to use the church  
13 space for free.

14           Dan and Tony also talked to me  
15 about their church's financial struggle and  
16 the fact that it needed to be demolished and  
17 rebuilt and that the congregation was  
18 exploring alternative development plans to  
19 save the church. They said we have things in  
20 common, that my neighbors and I are fighting  
21 to save our homes, but they were struggling to  
22 save the congregation's home.

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1           He also gave me -- referred  
2 several people in the neighborhood who helped  
3 me in my effort to save the buildings.

4           I was honest with Dan and Tony and  
5 I told them that I am a Muslim and, therefore,  
6 my personal relationship with St. Matthews  
7 could only be civic and community service  
8 oriented. They respected who I was and shook  
9 hands with me and said that their church was  
10 in support of me and that I was their neighbor  
11 first and foremost.

12           I was overwhelmed with their love  
13 and fellowship and they extended all the help  
14 they could offer me.

15           I was president and spokesperson  
16 of my association during my association's  
17 entire existence. We struggled --

18           CHAIRMAN HOOD: Can you just give  
19 us your closing thought and we do have your  
20 testimony.

21           MS. KLOUJ: Right. Okay. St.  
22 Matthews is asking here at the Zoning

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1 Commission to allow it to build its church and  
2 finally allow the congregation to come home  
3 and continue the wonderful work it always did  
4 in the neighborhood.

5 I have stayed in touch with St.  
6 Matthews in the neighborhood and often inquire  
7 about their project and I was up-to-date on  
8 the continuous struggle to secure a developer  
9 and rebuild their home and I have also see the  
10 latest development plans they are presenting  
11 here for the PUD.

12 St. Matthews' proposed PUD is  
13 designed --

14 CHAIRMAN HOOD: That's -- let's  
15 let that be your closing thought. We have  
16 your testimony.

17 MS. KLOUJ: All right. Okay.

18 CHAIRMAN HOOD: Okay. All right.

19 MS. KLOUJ: Well, I am here to  
20 support St. Matthews. I feel that they --  
21 sorry.

22 CHAIRMAN HOOD: This is a hard

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1 job. Boy, I tell you.

2 MS. KLOUJ: I know. I know. I --

3 CHAIRMAN HOOD: But, we have your  
4 testimony and I know you want to, but we have  
5 it. We have it.

6 MS. KLOUJ: I know.

7 CHAIRMAN HOOD: Okay.

8 MS. KLOUJ: I know. So, I --

9 CHAIRMAN HOOD: Give us your  
10 closing thought this time.

11 MS. KLOUJ: Would you give me just  
12 one minute?

13 CHAIRMAN HOOD: No, because --

14 MS. KLOUJ: Thirty seconds.

15 CHAIRMAN HOOD: Can we give her 30  
16 seconds? Let's take a vote. Show of hands 30  
17 seconds. Nobody raised their hand. Two  
18 people raise their --

19 MS. KLOUJ: All right. Okay.

20 CHAIRMAN HOOD: Okay. This is a  
21 democracy. So, okay.

22 MS. KLOUJ: I'm -- I'm -- I'm just

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1 here to plead with the Commission to approve  
2 their PUD.

3 CHAIRMAN HOOD: Now, that's a  
4 closing thought. Thank you very much.

5 MS. KLOUJ: Thank you.

6 CHAIRMAN HOOD: Okay. Next.

7 MR. BARDACH: Good evening. My  
8 name is Rick Bardach. I live at Harbour  
9 Square Coop at 560 N Street, S.W. I have  
10 lived in D.C. all my adult life and I've lived  
11 in Southwest the last 13 years.

12 I became quite active in Southwest  
13 in 1995 when I became the Director of the  
14 Southwest Community House. Unfortunately, no  
15 longer active.

16 I currently serve on the board's  
17 of the Southwest Neighborhood Assembly and the  
18 CBCC, the Community Benefits Coordinating  
19 Council, but I'm not here testifying for  
20 either of those organizations.

21 I was very active with the South  
22 Washington West of the River Family

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1 Strengthening Collaborative. Unfortunately,  
2 it's no longer in existence.

3 All this just to illustrate that  
4 I'm a very active member of the Southwest  
5 community.

6 My purpose in testifying tonight  
7 is to support what you probably already know  
8 and what several other folks have testified  
9 before me and that is St. Matthews is a very  
10 important factor in our Southwest community  
11 and I am totally confident they will be in the  
12 future just as active once the new church is  
13 built.

14 First, they have an ideal central  
15 location. They're literally right in the  
16 middle of Southwest. Right across M Street is  
17 Greenleaf Extensions Public Family Housing.  
18 Right across Delaware Avenue is the Greenleaf  
19 senior building and the Greenleaf mid-rise  
20 family building. Right behind them are James  
21 Creek and Syphax Gardens Family Public  
22 Housing. So, all within three or four blocks

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1 of St. Matthews' property.

2 On the west side, again, within  
3 three, four or five blocks are all of the  
4 middle income and upper middle income  
5 communities like where I live in Harbour  
6 Square.

7 So, again, they're right there in  
8 the middle. They are our community.

9 Second, St. Matthews was without a  
10 doubt the most active community church and we  
11 have over a dozen churches in our small  
12 Southwest area.

13 Back in the day, the ANC and the  
14 SWNA regularly met in their fellowship hall.  
15 Various other community groups, and some have  
16 spoken about that, have met there.

17 One little group that wasn't  
18 talked about is they had a weekly sewing group  
19 that met there. They had the AARP meeting  
20 there. Project Wonder which was a great  
21 summer -- one-week summer camp for about a  
22 hundred kids in Southwest was held at St.

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1 Matthews.

2           When they had to move out because  
3 of their rapidly deteriorating building, they  
4 moved in with St. Augustine's Episcopal Church  
5 as was previously mentioned and together those  
6 two churches became the community church in  
7 Southwest.

8           When they had to move out -- I  
9 mean I'm sorry. Of course, the congregation  
10 has shrunk since they were forced to move, but  
11 before they left, the membership said that  
12 they would return to Southwest and obviously,  
13 they are here to make that happen.

14           The design of the new church  
15 clearly shows their intent on serving the  
16 community. They will not be a Sunday church  
17 only. They will be in Southwest 24/7.

18           Thank you very much for allowing  
19 me to have testimony.

20           CHAIRMAN HOOD: Thank you. Next.

21           MS. BRINCKMAN: My name is  
22 Margaret Brinckman. I currently live at 1000

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1 6th Street, S.W. I've been in the community  
2 since 1993 and I can echo what our neighbors  
3 have said.

4 This church has had an extension  
5 into the community. I've especially been  
6 involved with it as a member of the Southwest  
7 Neighborhood Assembly which is the oldest  
8 community organization in Southwest and D.C.'s  
9 first integrated civic organization.

10 Even after the -- as it has been  
11 mentioned, after the building had to be  
12 demolished, they provided a community garden  
13 and the Christmas tree lot. I'm certainly  
14 hoping that there will be a corner for that  
15 Christmas tree sales to continue.

16 I support the church. I support  
17 this building because I believe it will enable  
18 them to become once again the kind of thing --  
19 group that we need in Southwest. We are  
20 always needing services for adults and  
21 children in our area and this church has a  
22 proven record and this building will enable

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1       them to do it.

2                   Thank you.

3                   CHAIRMAN HOOD:   Okay.  Next.

4                   MR.  MJEMA:       My name is Daniel  
5       Mjema.  I live at --

6                   MS.  SCHELLIN:    Can you see your  
7       light?

8                   CHAIRMAN HOOD:   Is your microphone  
9       -- is it lit up?  If it's lit up, we're good.  
10      There we go.

11                  MR.  MJEMA:    Okay.

12                  CHAIRMAN HOOD:   There we go.

13                  MR.  MJEMA:       Yes.    My name is  
14       Daniel Mjema and I live at 800 4th Street,  
15       S.W.  I've been living there since 1998.

16                  For me, when I came from Africa,  
17       Southwest was a home to me and St. Matthews  
18       made me feel at home.

19                  I've    been    living    there    and  
20       attending the service for all the time I've  
21       been in the United States and St. Matthews  
22       help a lot for the people from my community,

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1 Tanzanian people, African people. They've  
2 been doing -- if there's somebody lost their  
3 loved one at home, the memorial service.  
4 Also, they've been at -- even helped some of  
5 these children who are here if one were not  
6 able to care for their tuition fees. St.  
7 Matthews has helped the people from Africa.

8 So, for me, not only as a member,  
9 as a church member, but St. Matthews has been  
10 a home for me and I'm here to support the  
11 building of St. Matthews.

12 CHAIRMAN HOOD: Great. Thank you.  
13 Next.

14 MS. ORR: My name is Kimberly Orr.  
15 I actually live in Northwest, 300  
16 Massachusetts Avenue.

17 However, I worship at First  
18 Trinity where St. Matthews is co-worshiping  
19 with us. I've been a member on the church  
20 council the entire time St. Matthews has been  
21 with us. So, I've been involved in learning  
22 about their project, the redevelopment and

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1 just been aware of how thoughtful they've been  
2 in their approach, how committed they are to  
3 Southwest with the Christmas tree sales.

4 I have to say it breaks my heart  
5 when I think about them going because some of  
6 their kids are in my Sunday School and I love  
7 them dearly. But, I really want them to have  
8 the chance to go back to Southwest and do what  
9 I think God is calling them to do.

10 So, I give them my support  
11 wholeheartedly.

12 CHAIRMAN HOOD: Thank you very  
13 much. Next.

14 MS. BEVINS: Good evening. My  
15 name is Wendi Bevins. I live at 355 I Street,  
16 S.W. and you heard the testimony of my  
17 husband.

18 We've only been in Southwest for a  
19 month and a half. We've actually only been in  
20 Washington, D.C. for a short time, but it was  
21 through meeting people at First -- from St.  
22 Matthews at First Trinity Church who spoke so

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1 excitedly about their work in Southwest and  
2 who were so committed to the community that  
3 led us to look at -- to live there.

4 So, we wholeheartedly support  
5 their project.

6 Thank you.

7 CHAIRMAN HOOD: Okay. Thank you.

8 Next.

9 MR. KEMP: My name is Tom Kemp.  
10 My address is 300 M Street, S.W., Apartment N-  
11 814. My apartment is on the eighth floor.  
12 That is the ninth level of the Carrollsburg  
13 Condominium which is the top floor of the  
14 building on the east side of the building in  
15 the northeast corner.

16 I overlook the site of the  
17 proposed construction. I will be directly  
18 affected by the construction.

19 I have lived in the same unit  
20 since 1970 and with the brief exception of a  
21 condominium conversion in 1984.

22 I will be impacted by the activity

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1 of the neighborhood over the years and the  
2 completion of the Waterside Mall, the  
3 construction of the Metro, M Street, the  
4 reconstruction of the 4th Street and the  
5 relocation of First District Headquarters are  
6 all relatively related high-rise buildings.  
7 In every instance, these construction projects  
8 although representing an annoyance and an  
9 inconvenience during the period of  
10 construction resulted in a better and more  
11 livable community.

12           During the anticipated period of  
13 construction for the St. Matthews project,  
14 without a doubt construction anticipated will  
15 cause major annoyance and discomfort during  
16 the period of construction. I'm equally  
17 certain that the church and the associated  
18 facilities will be an enhancement to the  
19 neighborhood and comparable to earlier  
20 improvements listed above.

21           The new structure, the plans for  
22 the new church structure appear not to present

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1 any objectionable visual obstruction or  
2 disruption.

3 With respect to the proposed  
4 residential units, this structure will rise a  
5 bit more than 10 stories which is comparable  
6 to the Sky House Apartments across M Street  
7 from me and the -- on the opposite -- and  
8 neither the Sky House Apartments nor the  
9 anticipated St. Matthews project significantly  
10 curtails my views of the Washington skyline.  
11 It only would potentially obstruct views of  
12 and noise from the First District Headquarters  
13 or the senior residential units on Delaware  
14 Avenue.

15 The proposed design of the  
16 building does not radically depart from the  
17 spirit of the existing structures in the area.

18 Additionally, the fact that it is  
19 residential in nature and will facilitate the  
20 consumer demand and motivate small retailers  
21 to relocate in the area.

22 On the whole, the project appears

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1 to be a welcome addition to the community.

2 CHAIRMAN HOOD: Okay. Thank you  
3 very much. Mr. Kemp, I believe the reason  
4 your name was not called because we have you  
5 down as an opponent, but obviously, you are a  
6 proponent. Right?

7 MR. KEMP: Well, I don't -- I  
8 don't envision myself on one side or the  
9 other. I don't really want to take a  
10 position, but those are my views.

11 CHAIRMAN HOOD: Okay. I gotcha.  
12 Okay. All right.

13 Commissioners, any questions of  
14 this panel? Okay.

15 Do we have any cross examination  
16 from the Applicant?

17 Any cross from ANC 6D?

18 Carrollsburg Square, any cross?

19 Dr. Krause, any cross? Okay.

20 And Mr. Weller? Okay.

21 Thank you very much. We  
22 appreciate your testimony.

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1 I think we have one more person in  
2 support. You can come forward, sir.

3 Anyone else who'd like to testify  
4 in support?

5 Okay. This is the last person who  
6 will testify in support and I'm going to ask  
7 the party, we have two parties in opposition,  
8 to be making themselves ready so they can come  
9 forward right after this gentleman here.

10 Okay. Whenever you're ready.

11 MR. EJALU: Thank you. My name is  
12 Johnson Ejalu.

13 I'm originally from East Africa  
14 Tanzania and I remember vividly when I first  
15 came to the Southwest community which was over  
16 ten years ago and St. Matthews has been there  
17 for me and my friends ever since.

18 They welcomed us without any  
19 reservation and that was not an easy thing  
20 given prior instances that I had with other  
21 places.

22 As a result, I was married at the

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1 church. My son who will be seven in April was  
2 baptized at the church and my father-in-law  
3 passed, they were one of the first people to  
4 throw their arms around us.

5 So, given their history and from  
6 the nature of their humanity, I'm here to  
7 fully support the St. Matthews Church project.

8 CHAIRMAN HOOD: Thank you very  
9 much.

10 Commissioners, any questions for  
11 this gentleman?

12 Okay. Do we have any cross  
13 examination of the Applicant?

14 ANC?

15 CHD?

16 Carrollsburg Square?

17 Dr. Krause?

18 And Mr. Weller?

19 Okay. Thank you very much. We  
20 appreciate it.

21 What we're going to do now is --  
22 well, I'm not going to take break. Actually,

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1 what I'm going to do is while the  
2 Herridge/Krause parties are coming forward --  
3 now, are they all going to present together?

4 MS. SCHELLIN: I don't think so.

5 CHAIRMAN HOOD: Just Herridge and  
6 Krause and then Mr. Weller. You're going to  
7 do separately. Correct?

8 And you all have already divided  
9 up your time? Because they what?

10 MS. SCHELLIN: Thirty minutes  
11 each.

12 CHAIRMAN HOOD: Thirty minutes  
13 apiece. Okay. So, while Ms. Herridge and Dr.  
14 Krause come forward, my colleagues and I are  
15 going to take a one minute -- two-minute  
16 breaks. Two-minute breaks. We're not going  
17 to exactly tell you what we're going to do.  
18 We're going to take two-minute breaks.

19 (Whereupon, at 8:09 p.m., a recess  
20 was taken until 8:14 p.m.)

21 CHAIRMAN HOOD: Okay. We are  
22 ready to go back on the record.

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1                   This is the Herridge and Krause  
2 party. You all can begin.

3                   DR. KRAUSE: Thank you, Chairman  
4 Hood and good evening again, Commissioners and  
5 everyone in the room either in support or  
6 opposition. Thanks for the opportunity to  
7 speak on these issues effecting our  
8 neighborhood.

9                   My name is Dr. Michael Krause. I  
10 am an independent business leader, educator  
11 and soldier no longer young.

12                   My wife and I are the owners of  
13 three properties at Carrollsburg Square  
14 Condominium where we have lived for 27 years.

15                   Prior thereto, we moved 23 times. So, it's  
16 an honor to be here.

17                   We are witness to our opposition  
18 at the final evolution of this flawed  
19 project.

20                   Notice please that all of the  
21 support, Mr. Chairman and Commissioners, has  
22 been to the church. We dearly love the

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1 church.

2           However, the development of the  
3 project is an entirely different scope. There  
4 are four basic reasons which I'm going to  
5 mention: parking and crime, environment and  
6 health, height, density, mass and zoning  
7 regulation contract.

8           We recommend to you Mr. Chairman  
9 and Commissioners that you reject this project  
10 as is and is based on the following.

11           First of all, parking and crime.  
12 The Metropolitan Police, for example, have  
13 given testimony and I'll just highlight some  
14 of the things because you have them in print.

15           MPD suggests that they will need to deploy  
16 additional resources to the area to maintain  
17 their current level of service. That actually  
18 means that they are anticipating an increase  
19 in crime.

20           We recently faced a series of -- a  
21 whole host of hold-ups and armed robbery at  
22 gunpoint previously. The street will be dark

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1 -- a darken alley that is 3rd Street Extension  
2 will become a darken alley of high crime as  
3 the Honorable Michael Flanagan has written in  
4 his letter of opposition.

5 MPD notes serious flaws, serious  
6 questions of the parking issue both for the  
7 church and proposed residents and they have  
8 indicated that they have had to resolve church  
9 goers and residents parking issues. So,  
10 parking will be addressed.

11 As a member of the Carrollsburg  
12 Square Security Committee, I interface with  
13 the PSA-4 every month. We believe there's  
14 little prospect for additional resources in  
15 MPD and First District. There are rising  
16 crime rates and anticipated 500 new residents  
17 means realistically that about five to 10 new  
18 crimes of major proportions in that area.

19 Now, we have had crime in our  
20 area. We've lived there 27 years. We've had  
21 every aspect of it and I've encountered that  
22 personally.

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1 Conclusion, MPD objects to this  
2 development. They note serious parking  
3 problems and increase service calls. This  
4 means more crime.

5 Next issue that I want to address  
6 for you, Commissioners and for anyone here, is  
7 the environmental and health issue.

8 Carrollsburg Square Condominium is  
9 bounded by mature trees. The five facing  
10 units have 150-year-old trees. They are huge.

11 They have a canopy that we have ten beautiful  
12 trees that are 50 or 60 years old that are 50  
13 or 60 feet high. They have a huge canopy.  
14 That means its green.

15 This project developer will be --  
16 there's -- he's going to dig a deep garage, a  
17 deep parking garage. The building foundation  
18 will be four feet from the property line and  
19 it'll go down. Those trees will die. They'll  
20 die over three to five years. Then your  
21 discussion of replacement of the one inch or  
22 two inch or three inch or four inch tree will

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1 not matter. He'll be long gone.

2 The green effect that these  
3 historic large trees bring to our neighborhood  
4 will not be replaced by a small green space.

5 Critical concern next is health  
6 and before I leave that, Ms. Grace Daughtridge  
7 will add further insights as a witness on the  
8 green issue.

9 The health issue relates to the  
10 closing of St. Matthews Church. It was closed  
11 due to toxic mold and they'll be more to talk  
12 about that in a moment.

13 There have been sewage backups on  
14 Delaware Avenue. There have been numerous  
15 attempts to remediate that. The location is  
16 James Creek bed and even the developer's test  
17 boring sprouted water. I'm not prepared to  
18 say it was raw sewage or not.

19 Who will pay for the  
20 infrastructure upgrade that's required? Has  
21 there been any discussion? I don't know of  
22 them from the standpoint of the developer.

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1           My wife's a health professional  
2 working on Capitol Hill. She runs a health  
3 unit there. Toxic mold is an issue. It must  
4 be remediated.

5           Serious health issues. Field of  
6 immunology and toxic mold poses a personal  
7 health risk to Ms. Catherine Herridge and her  
8 son and two of our affected neighbors. Not  
9 necessarily the facing units, the immediately  
10 adjacent to 3rd Street Extension.

11           Sunlight aids in remediation and  
12 prevents toxic mold spread. Height, mass of  
13 the proposed structure effect this.

14           We really value a rebuilt St.  
15 Matthews Church, but not with a huge 11-story,  
16 the biggest story building in the  
17 neighborhood. It blocks sunlight. It kills  
18 our trees.

19           The developer will cause these  
20 large trees, these magnificent trees to die.  
21 Make no mistake about it.

22           The small green garden that he

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1 proposes are not going to aid in the green  
2 issue.

3           There's a health threat and no one  
4 -- it's caused by toxic mold. No one wants to  
5 live next to a toxic mold sick building.

6           Let me call attention to the mass,  
7 height and density. ANC Commissioner Roger  
8 Moffatt addressed these issues beautifully,  
9 very well, very strongly in his testimony.  
10 I'll just highlight some of them.

11           One huge negative is the massing  
12 of this project. Currently, the building that  
13 reaches a maximum of nine stories with  
14 setbacks from M Street equaling a minimum 30  
15 feet. The building makes a huge leap, His  
16 words, from the zoned R-3 height. It doesn't  
17 adhered to the prevailing setbacks.

18           The massing could destroy the very  
19 fabric on the south side of M Street and  
20 doesn't fit with the current make up of the  
21 area in question.

22           Those are some quotes from the

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1 Commissioner which I have in my testimony.

2 Blocking the views. They may well  
3 cause a decline in property values. Again  
4 underlined. It will cause a lot of feeling of  
5 well being and create mental anguish.

6 Parking issue. Southwest is  
7 already over parked.

8 Unconvincingly, Commissioner  
9 Moffatt offsets his strong objections with the  
10 community center and so on and so forth.

11 But, the height of 128 feet 6  
12 inches begins to violate the zoning  
13 requirements contract that you have with the  
14 neighborhood. I'll go into this in a moment.

15 Demographics. Demographic data  
16 suggests they'll be 462 residents. Obviously,  
17 that will increase with some affordable  
18 housing, but here the mass, height, density is  
19 totally out of character for the zoning  
20 regulations and the density requirements  
21 maximize profit and have disregarded  
22 neighborhood issues.

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1                   Zoning contract.     Mr. Chairman,  
2     I'm a business person.   We invested in this  
3     neighborhood and purchased three townhomes.  
4     We live in one.   Our investment due diligence  
5     was based on zoning regulations.

6                   This zoning contact meant R-3, 40  
7     feet height restriction with a density and  
8     scale to match.   This project will violate  
9     that zoning contract.   Now, our investment is  
10    at considerable risk.

11                  One of the witnesses of the  
12    affected neighborhood is William Christian and  
13    he has opined that these zoning regulations,  
14    arbitrary ones, as bait and switch.   As a  
15    businessman in the business arena,  
16    perpetrators face criminal penalties for this  
17    practice.

18                  In point of fact, we are precisely  
19    the kind of investors that you want in this  
20    area.

21                  Property values will go down.

22                  There's a title issue which you

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1 might want to look at of who owns the property  
2 and why is there a developer involved in  
3 building a very large footprint building.

4 Summary. Mr. Hayes will talk a  
5 bit more about that.

6 If you approve the project, you're  
7 accepting a zoning contract with the  
8 investors. You will have perpetrated a bait  
9 and switch process.

10 To conclude my testimony, there's  
11 considerable risk to our family and neighbors'  
12 health and our property's value.

13 If the proposed development is  
14 allowed to be built without due consideration  
15 of the parking and crime, environmental and  
16 health, mass, height and density and the  
17 violation of the Zoning Regulation contract as  
18 discussed above, we and our neighbors are at  
19 considerable risk.

20 The proposed PUD has unacceptable  
21 impact on our neighborhood and we, therefore,  
22 with all due respect request the Commissioners

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1 that you vote not to approve this project.

2 Let me offer to answer questions  
3 at the end of our respective testimony.

4 I turn the floor over to Ms.  
5 Catherine Herridge unless you want to question  
6 me now.

7 Thank you, Mr. Chairman.

8 MS. HERRIDGE: Thank you for  
9 granting me party status and for the privilege  
10 of addressing the Commission here this  
11 evening.

12 I come to the Commission as a long  
13 term resident of Southwest and as a mother.  
14 We have lived at 220 M Street, S.W. for eight  
15 years. It's part of the Carrollsburg Square  
16 Condominium Association and directly adjacent  
17 to the proposed building site.

18 My husband John Hayes has lived in  
19 the area on and off since 1994 when he was  
20 first stationed at Fort McNair as part of the  
21 Commander-in-Chief's Guard.

22 The developers most recent

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1 proposal of March 15th which was left on my  
2 doorstep March 16th just three days before  
3 today's hearing provides no real reasons to  
4 justify this extraordinary rezoning nor does  
5 it adequately address the issues below.

6 If you have the folder that I've  
7 prepared for everyone, if you could have it  
8 because I'd like to walk you through it if  
9 that's okay. Thank you.

10 On the parking issue, in a  
11 nutshell, the developer argues that the  
12 Southwest neighborhood can absorb the  
13 additional parking needs of their 210  
14 apartment units. This assumption is not borne  
15 out by the facts on the ground.

16 On Sunday, March 11th, I  
17 photographed the neighborhood churches, their  
18 parking facilities as well as the arena stage.

19 In every case as the attachments show, the  
20 lots were full with cars spilling onto  
21 neighboring streets. This is the very issue  
22 that the First District Police Department has

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1 warn you about.

2 I believe it is more congested  
3 during baseball season when cars from Virginia  
4 and Maryland flood the neighborhood.

5 So, let's start with my photos.  
6 You'll see in the front of your booklets it's  
7 a Google Map of the neighborhood with a series  
8 of colored dots and I'd just like to walk you  
9 through the corresponding photos to those dots  
10 if I could.

11 So, if you turn about three or  
12 four pages in, you'll see the first photo  
13 which is the red dot. This is directly across  
14 from the proposed site. This is north on  
15 Delaware Avenue, north of M Street and what  
16 you see here is severe double parking. This  
17 is between 10:00 and 11:00 a.m. on March 11th  
18 and if you look closely what you see here is  
19 that the double parking is so severe that  
20 police cars are pinned in. Police cars are  
21 pinned in. So, if you have an emergency in  
22 that neighborhood, these cars cannot access

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1 you quickly.

2 Let's turn to the next photo  
3 please. This severe double parking is outside  
4 of the Second Union Church. This church is  
5 less than a block from the proposed building  
6 site.

7 On the next page what you will see  
8 is the severe double parking on Delaware  
9 Avenue stretches down to M Street. Beyond --  
10 from above the church down to M. Street. Just  
11 based on this photo, you can see that there  
12 are more than 12 cars that are double parked  
13 including the pinned in police cars.

14 This is another view from the  
15 opposite side of the street. Again, severe  
16 double parking and what you can't see from  
17 this vantage point, and you have to forgive me  
18 because being a photographer is not my skill  
19 set, but on the left side, is the police  
20 station itself.

21 So, this is severe double parking  
22 within eyeshot of the First District Police

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1 Station where the authorities there have  
2 warned the Zoning Commission about a severe  
3 parking problem already existing in the  
4 neighborhood and this is documentary proof.

5 The next page, these series of  
6 pictures were taken just up the street at  
7 Delaware Avenue and I Street. This is the  
8 Friendship Baptist Church if my memory serves  
9 me correctly and what you see here is that  
10 that church has a parking lot of approximately  
11 18 spaces which is fairly commensurate with  
12 what they propose for St. Matthews and all of  
13 the spaces are filled.

14 And if you turn to the next page,  
15 what you see if the spill out onto the street  
16 all the way down Delaware Avenue to M Street  
17 and if you look back at your map, what you see  
18 is that this is within the one block north of  
19 the proposed building site. Every parking  
20 spot is gone.

21 Sunday morning the 11th of March  
22 between 10:00 and 11:00, severe double parking

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1 outside a Metropolitan Police Station where  
2 their cars are pinned in confirmatory of the  
3 email that was sent to you.

4 Now, if you look to the green dot,  
5 what you see is that I've taken a photo also  
6 just outside the proposed building site. So,  
7 this is M Street and what you see is that even  
8 without a building on the site, all of the  
9 parking spaces are gone there Sunday morning  
10 between 10:00 and 11:00. So, there's not even  
11 a building there.

12 You see the chain link fence?  
13 That's the plot in question.

14 There's not even a building there.  
15 Everything is gone.

16 One of the suggestions of the  
17 developer is that people can just move down  
18 the way to another parking area. This is the  
19 Arena Stage. Albeit it's later in the day,  
20 but as we all know, the Arena Stage often has  
21 weekend performances. This picture was taken  
22 at appropriately 4:30/5:00 that same day and

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1 what you can see is every parking space is  
2 filled.

3 And if you look at the next page,  
4 what you actually see is that every space  
5 along Maine Avenue and Water Street is filled  
6 and please correct me if I'm wrong, but I  
7 believe under another development plan Water  
8 Street will disappear and all that parking  
9 will disappear.

10 This is the church -- this is -- I  
11 know it is the Apple Tree Early Learning  
12 Center. You can see it as the sort of half-  
13 circle space red right there at 7th. Sunday  
14 morning, their parking lot is full, too,  
15 except for one handicapped spot there on the  
16 lower left.

17 And when you look at the next  
18 page, what you can see is every available spot  
19 on the street is gone. Every available spot  
20 and this is the pattern throughout the  
21 neighborhood on Sunday morning.

22 I had another photo here. Forgive

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1 me if the order is not ideal. But, I just  
2 wanted to make the point that the parking at  
3 the Safeway which was offered as an  
4 alternative by the developer is not free.  
5 It's \$11 on the weekend or it's \$8 for 90  
6 minutes if you a purchase. It's free if you  
7 make an \$8 purchase at the Safeway and this is  
8 a long walk. This is a brisk five-minute walk  
9 for a healthy person. For the elderly or  
10 someone with mobility problems, it's at least  
11 ten minutes or more. I find it hard to  
12 believe that someone with mobility problems  
13 would make this walk.

14 If you turn back a couple of  
15 pages, you will see the distance from the  
16 corner. You see this photo here. I have to  
17 apologize. It's the sort of half blue right  
18 here. This is from the corner of 4th Street  
19 and M and this is looking down towards South  
20 Capitol and if you see in the distance, you  
21 see a little bit of greenery and then you see  
22 what looks like an apartment building. That's

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1 just about where the lot is. This is an  
2 extremely long block for the elderly with  
3 mobility issues.

4 So, I would argue that this  
5 proffer that the Safeway would be acceptable  
6 parking is not really very realistic  
7 especially given the chronic parking issues  
8 that I've outlined here with my photographs.

9 So, the bottom line is that the  
10 Southwest community cannot cope with the  
11 parking needs that it faces let alone absorb  
12 the increased demands of a 210 apartment unit.

13 I'd like to move on to the  
14 environmental impact issue because, of course,  
15 that's deeply personal for my family because  
16 of our son's situation. I'd like to tell you  
17 a little bit about him if I could.

18 His name is Peter and he's six  
19 years old and when he was born, he was born  
20 with a rare form of liver disease and I didn't  
21 know a lot about getting an organ from a  
22 national waiting list, but what I found out

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1 very quickly is that you cannot get organs for  
2 small children because there's a real  
3 shortage.

4 One of the great things about the  
5 improvements in child safety is that kids  
6 don't get killed in car accidents anymore.  
7 They have car seats and unfortunately, that's  
8 how you get an organ for a small child.  
9 Someone else's child typically has to die.

10 If I was less modest, I might show  
11 you my scar on my abdomen which is 18 inches  
12 long because I donated a segment of my liver  
13 to our son.

14 He's really come a long way, but  
15 he continues to be immunosuppressed as all  
16 children with transplants are and if you're a  
17 parent, you constantly fear the cold, the  
18 virus, the infection that they just can't  
19 handle and I include in my statement today a  
20 written letter from his transplant center from  
21 the Children's Hospital of Pittsburgh which  
22 talks specifically about the risk of mold and

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1 related infections for children who are  
2 immunosuppressed and it's not just for  
3 children.

4 Other residents in our  
5 neighborhood are elderly or also suffer immune  
6 system disorders.

7 You can read the letter for  
8 yourself, but I'd like to just read one  
9 paragraph for you if I could.

10 Although the incidents of invasive  
11 mold infections is low, several case studies  
12 and individual transplant center data are  
13 reported in the literature. Of note is a  
14 report by the CDC, that's the Center for  
15 Disease Control in Atlanta, that analyzed data  
16 from the Transplant Associated Infection  
17 Surveillance Network for Non-Aspergillus Mold  
18 Infections in 23 transplant centers.  
19 Conducted prospective surveillance for  
20 invasive fungal infections during 2001 to  
21 2006.

22 There were 169 infections

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1 identified in 169 patients. Forty-five of  
2 these infections were in solid organ  
3 transplant recipients. So, that would be  
4 people like our son.

5 The remaining infections were in  
6 -- I can't say this word. You have to forgive  
7 me. It's very tricky, but you can see it  
8 there. Cell transplant recipients.

9 The crude 90-day mortality rate  
10 for the entire group was 56 percent. Fifty-  
11 six percent. So, if you are immunosuppressed  
12 and you get one of these mold infections, you  
13 got a better -- one in two chance of dying.  
14 One in two chance.

15 And I'm sure people sitting on the  
16 Commission today have children and I'd like  
17 you to go home tonight and ask yourself  
18 whether you would want to roll the dice in  
19 this situation. Would you? Would you roll  
20 the dice with your child? Would you expect  
21 the city to ask you to roll the dice with your  
22 child?

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1           When it is well documented, well  
2 documented that St. Matthews Church closed  
3 because of toxic mold. Severe mold problems.

4       There's a history of mold at that site and  
5 what this development advocates is the perfect  
6 storm of conditions to foster the growth of  
7 mold. Reduction of sunlight. Reduction of  
8 ventilation. Reduction of green space.  
9 Increase in the carbon footprint. Reduction  
10 of sunlight. Reduction of open space.  
11 Reduction of ventilation. Increase in the  
12 carbon footprint.

13           And what does that mean? That  
14 means bad air. That means that mold has a  
15 greater likelihood of growing and it has grown  
16 there before. It has grown there before.

17           So, this is serious for us. This  
18 is serious. Please consider the letter from  
19 my son's transplant center.

20           Now, the developer offers for the  
21 Zoning Commission it's own shadow study which  
22 I believe is an effort to show that the loss

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1 of direct sunlight is negligible. This is a  
2 faulty study.

3 If you turn in the pages in your  
4 booklet, what you'll see is a photocopy from  
5 the revised proposal from the developer of  
6 March 15. I'll just hold it up for you so you  
7 can see what I'm talking -- it's the four  
8 boxes right here. You see that?

9 What I've circled there are two  
10 buildings which they include in their shadow  
11 study. Those buildings don't exist. They've  
12 never been built and if you just go, I have to  
13 see whether it's forward or backward. You see  
14 this photo here with the fence? This is what  
15 exists there. It's a parking lot and, in  
16 fact, in the developer's revised proposal, in  
17 their parking supplemental, they identify the  
18 site as a parking lot.

19 So, the shadow study says it's a  
20 building and the parking supplemental says  
21 it's a parking lot. This is a significant  
22 error and undermines the credibility of both

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1 the shadow study and the parking supplemental.

2 This is the parking supplemental  
3 that I'm referring to and this is the lot in  
4 question circled.

5 I would ask the Board to consider  
6 -- the Zoning Commission to consider how many  
7 other errors have been submitted to them on  
8 this project. I'm not an urban planner, but I  
9 caught that. How many other problems are  
10 there?

11 I propose my own shadow study in  
12 my supplement just to show where we see the  
13 sunrise every morning. The photograph is  
14 poor, but as you can see, we watch the sun  
15 rise directly to the right, to the east not  
16 from some orientation in the south as the  
17 shadow study seems to suggest.

18 If you can use your imagination to  
19 put the apartment building in front of that,  
20 you don't have to be an urban planner or a  
21 scientist to see that it's completely blocked.

22 In fact, on the next page, you can see am

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1 apartment building taken from 105 foot  
2 setback. That's the view. There's no sun  
3 coming through there. It's clear and I'm not  
4 pretending to be an ecologist, but you just  
5 have to use your eyes to see what difference  
6 direct sunlight makes to the vegetation in  
7 that development.

8 The following pages show very  
9 large trees that exist in our courtyard where  
10 there is ample light. If you turn to the  
11 back, you'll see a photo of a tree on M Street  
12 with a little boy standing beside it. Those  
13 trees were planted by our community four years  
14 ago to try and reduce the carbon footprint, to  
15 add greenery, to improve quality of life.  
16 That tree has thrived because it's in direct  
17 sunlight even though it's on that busy  
18 corridor of M Street with all the cars and all  
19 the fumes.

20 The next page you'll see a tree  
21 that was planted at the same time four years  
22 ago in a section of the development which has

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1 no direct light and you can see with your own  
2 eyes what the impact is.

3 So, in closing, I urge the  
4 Commission in the strongest possible terms not  
5 to green light this proposal. You have the  
6 voiced concerns of the -- oh, do I need to  
7 stop?

8 CHAIRMAN HOOD: Just give us your  
9 closing thought.

10 MS. HERRIDGE: Okay. You have in  
11 writing opposition from the local police  
12 department. I have provided photos that show  
13 those concerns are borne out by facts on the  
14 ground.

15 Number two, there is an  
16 environmental impact and the data that's been  
17 provided to the Zoning Commission is faulty  
18 which I believe undermines the credibility of  
19 the revised proposal, the shadow study and  
20 also the parking supplemental.

21 CHAIRMAN HOOD: Okay.

22 MS. HERRIDGE: And finally, if I

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1 could, please consider what I said about our  
2 son. He qualifies under the Toddlers with  
3 Disabilities Act in this city because of his  
4 transplant.

5 I hope you will not send a message  
6 that some are more equal than others and that  
7 those who are disabled in this city do not  
8 have a right to a safe living environment.  
9 Sunlight, ventilation, air and green space.

10 Thank you.

11 CHAIRMAN HOOD: Okay. Thank you  
12 very much.

13 The Herridge/Krause party has  
14 finished their presentation.

15 What I would like to do,  
16 Commissioners, do we have any questions up  
17 here? Commissioner May.

18 COMMISSIONER MAY: I think both of  
19 you testified that MPD objected. Is this  
20 based on some piece of information that we  
21 don't have?

22 MS. HERRIDGE: Sure. It's on the

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1 email serious concerns. This is the email --

2 COMMISSIONER MAY: There's a  
3 letter in the OP report and it cites that  
4 there are concerns, but it does not say that  
5 they object.

6 Can you point me at a piece of  
7 their correspondence?

8 MS. HERRIDGE: This is -- perhaps  
9 I used poor language. This is the  
10 correspondence I'm referring to which is the  
11 same correspondence you have. Where they  
12 voice the concerns of --

13 COMMISSIONER MAY: It's the same  
14 as the letter. It doesn't look the same as  
15 the letter that I have.

16 MS. HERRIDGE: Do you want to take  
17 a look at it? Email.

18 CHAIRMAN HOOD: If we do, you're  
19 going to have to turn it in. We're going to  
20 have to keep it.

21 MS. HERRIDGE: That's okay. I can  
22 do that because we have another copy.

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1 DR. KRAUSE: I have a copy as  
2 well.

3 CHAIRMAN HOOD: Okay.

4 DR. KRAUSE: I have a copy as well  
5 and I quoted extensively from the MPD letter  
6 written by an inspector and I'll find it here  
7 in the documentation.

8 COMMISSIONER MAY: Well, I'm  
9 sorry. Is it -- the Friday, February 10th --  
10 reporter?

11 MS. HERRIDGE: Yes.

12 COMMISSIONER MAY: Okay. I'm  
13 sorry. I was looking at something else for  
14 the formatting.

15 MS. HERRIDGE: Yes.

16 COMMISSIONER MAY: Okay. Yes.  
17 So, that's the same one I have.

18 MS. HERRIDGE: Okay.

19 COMMISSIONER MAY: Again, I don't  
20 see the words in here that MPD objects to the  
21 proposal. I see that there are concerns that  
22 they've raised. I don't see the work object.

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1 So, do you have anything that says that they  
2 actually object?

3 MS. HERRIDGE: Well, if I used  
4 object, I should have used concern because  
5 I've read the email, too. They have clear  
6 concerns.

7 COMMISSIONER MAY: Okay.

8 CHAIRMAN HOOD: And that question  
9 actually was asked of the Office of Planning  
10 by me.

11 COMMISSIONER MAY: I understand  
12 that.

13 CHAIRMAN HOOD: So, I didn't see  
14 it either. So, I would have to agree with  
15 Commissioner May. I thought maybe you were  
16 looking at something different.

17 MS. HERRIDGE: Okay.

18 CHAIRMAN HOOD: But, I do realize  
19 -- remember them having concerns. That was a  
20 question that came from this -- this last --

21 MS. HERRIDGE: Sure.

22 COMMISSIONER MAY: Okay. And, you

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1 know, I apologize if I don't -- I don't quite  
2 get this Dr. Krause, but in your testimony,  
3 you were referring to a zoning contract. I  
4 mean is that -- I mean are you just speaking  
5 about this -- I don't know. I mean you're not  
6 talking about an actual contractual document  
7 related to zoning. Are you?

8 DR. KRAUSE: No, I'm not. But,  
9 our Board President Phil Baten who has worked  
10 with the Zoning Board, who has worked with the  
11 zoning regulation, who has sat in an  
12 administrative capacity as a judge on that, he  
13 gave me that term. A zoning regulation  
14 contract. It's a social economic contract.  
15 It's not a legal document.

16 COMMISSIONER MAY: Okay. That's  
17 fine. I'm just trying to clarify whether  
18 there's actually a piece of paper that you  
19 were trying to --

20 DR. KRAUSE: No. No. No.

21 COMMISSIONER MAY: Because it  
22 would be news to me.

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1           Okay. Ms. Herridge, are you aware  
2 of the Residential Parking Program?

3           MS. HERRIDGE: Yes, I am.

4           COMMISSIONER MAY: Okay. And as I  
5 understand it, at least it's in the latest  
6 report that I read tonight --

7           MS. HERRIDGE: Yes.

8           COMMISSIONER MAY: -- that the  
9 residents of this building will not be  
10 eligible for a Residential Parking Permit.

11          MS. HERRIDGE: Yes, I do  
12 understand that.

13          COMMISSIONER MAY: And you still  
14 believe that -- and why are the residents  
15 going to be --

16          MS. HERRIDGE: Because -- no, let  
17 me. Because it's clear from the photos that  
18 I've provided that the community is not coping  
19 with the existing parking needs. Let me just  
20 -- let me just finish.

21          COMMISSIONER MAY: Related to the  
22 people who will be moving in and living there

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1 who will not be eligible for residential  
2 parking.

3 MS. HERRIDGE: Well, they will  
4 have friends come visit from our of town.  
5 Correct? Or from other parts of the city.  
6 So, where do those people park?

7 There's no place for even people  
8 in the neighborhood as I've documented. The  
9 neighborhood cannot cope with these --

10 COMMISSIONER MAY: So, the  
11 conditions that you documented for us  
12 photographically --

13 MS. HERRIDGE: Um-hum.

14 COMMISSIONER MAY: -- those are  
15 Sunday morning. Right?

16 MS. HERRIDGE: Well, that's a very  
17 peak period and, of course, based --

18 COMMISSIONER MAY: I understand  
19 that. But, you were talking -- I mean, you  
20 know, there are non-peak periods, too. I mean  
21 I imagine some people get visitors Sunday  
22 morning.

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1                   Sir,       you   can       give       your  
2 testimony --

3                   CHAIRMAN HOOD:   Excuse me.   Hold  
4 on.   Hold on.   You are out of order.

5                   MS. HERRIDGE:   You can't speak.

6                   CHAIRMAN HOOD:   So, everything's  
7 been going good tonight.   I've had worse.   So,  
8 let's not go there.   Okay.   So, I would ask  
9 you to respect the question of the Commission.

10                  I know this is a very passionate issue for  
11 you, but I would ask that you be respectful of  
12 this process and let him continue to ask the  
13 young lady questions and you can hold tight.

14                  MS. HERRIDGE:       Thank you for  
15 calling me a young lady.   I appreciated that.

16                  COMMISSIONER MAY:   Okay.   So, you  
17 were trying to explain to me why the -- I mean  
18 the residents -- are you only concerned about  
19 visitors to those buildings and their impact  
20 on residential parking?   Because if somebody's  
21 going to have an overnight guest or something  
22 like that, there are means for getting a

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1 temporary permit. There's -- have they  
2 introduced some new methods for doing  
3 temporary permitting that I'm not aware of  
4 yet?

5 But, what -- I mean is that really  
6 the only concern that you have? Is the guests  
7 that they might have?

8 MS. HERRIDGE: No, and the people  
9 who are living there. Even though they may  
10 not qualify for --

11 COMMISSIONER MAY: They're going  
12 to still park there anyway.

13 MS. HERRIDGE: No, but they may  
14 attempt to. Because that's what happens.  
15 People try and park their car in the  
16 neighborhood.

17 COMMISSIONER MAY: Okay. All  
18 right.

19 MS. HERRIDGE: I'm just trying --  
20 if I could please, I'm just making the point  
21 that this illustrates that there are real  
22 parking issues that already exists in the

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1 neighborhood.

2 COMMISSIONER MAY: Right. I got  
3 that point. I just had questions about --

4 MS. HERRIDGE: Okay.

5 COMMISSIONER MAY: -- your  
6 concerns about -- I mean I was -- my questions  
7 really had to do with Residential Parking  
8 Permit.

9 MS. HERRIDGE: Okay.

10 COMMISSIONER MAY: And how well  
11 you understood that and what they are  
12 offering. Which is actually an unusual thing.  
13 We don't usually get PUDs with significant  
14 amounts of housing where they walk in the door  
15 saying that there will be no RPP eligibility.  
16 That's not the norm.

17 You provided I think a very  
18 helpful photo of the sunrise. Can you tell me  
19 the day and time that was?

20 MS. HERRIDGE: That was the same  
21 day March 11th in the morning. It would have  
22 been -- I'm sorry I couldn't time stamp those

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1 photos because I don't quite work the camera  
2 well enough. I'm sure we can all sympathize  
3 with that. But, it would have been early 6:30  
4 or 7:00. It was the first day of Daylight  
5 Savings. Which is why I found the parking  
6 photos so extraordinary. Because as we all  
7 know when we, you know, forward in the spring,  
8 a lot of people forget to go forward and then  
9 they miss church. So, that's when --

10 COMMISSIONER MAY: So, it was  
11 March 11th. So, it would have been 7:30 or  
12 something like that.

13 MS. HERRIDGE: Approximately.

14 COMMISSIONER MAY: Seven/7:30.

15 MS. HERRIDGE: Um-hum. I  
16 apologize. I couldn't time stamp.

17 COMMISSIONER MAY: That's okay.  
18 It's helpful to know. I mean it's actually --

19 MS. HERRIDGE: Okay. Sure.

20 COMMISSIONER MAY: That's not --  
21 that doesn't seem to contradict what was in  
22 the shadow study. Because the shadow study

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1 that we saw was submitted -- that I received  
2 today indicated that early morning in  
3 March/February/January, there is an impact on  
4 the townhouses that are immediately to the  
5 west. But --

6 MS. HERRIDGE: But, my concern  
7 is --

8 COMMISSIONER MAY: -- by  
9 7:30/8:30/9:30 even at those times of year, it  
10 tends to be over. So, I'll look at that  
11 carefully when you do.

12 MS. HERRIDGE: Please. Thank you  
13 and please if I could add, I would like you to  
14 take a look at the inconsistency in those  
15 studies.

16 COMMISSIONER MAY: Right. And  
17 that was my next question. You make the point  
18 that the solar studies are actually faulty in  
19 some manner. So, explain to me again why  
20 they're actually faulty.

21 MS. HERRIDGE: Sure. Can I go  
22 back to my -- sure.

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1 COMMISSIONER MAY: Whatever means  
2 to demonstrate.

3 MS. HERRIDGE: Okay. Great.  
4 Thank you. So, if you go towards -- I'm sorry  
5 the pages are not numbered, but if you go  
6 towards the back, you'll see this --

7 COMMISSIONER MAY: Yes.

8 MS. HERRIDGE: Okay. You know,  
9 you see the buildings that I've circled there.

10 COMMISSIONER MAY: Um-hum.

11 MS. HERRIDGE: They're part of the  
12 shadow study showing how the shadow casts,  
13 but, in fact, those buildings don't exist.  
14 They have not been built.

15 COMMISSIONER MAY: Okay. I  
16 understand that. That's the only thing that  
17 you're finding wrong with it because that  
18 doesn't really bear on the shadows that are  
19 cast --

20 MS. HERRIDGE: Well, but --

21 COMMISSIONER MAY: -- on the site.

22 MS. HERRIDGE: -- you see --

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1 right. But, my intuition on this is that  
2 those buildings have been included to show  
3 that the new development will not be the worst  
4 offender in the neighborhood where these new  
5 buildings don't even exist and the reason I  
6 think that's important is because when you go  
7 to the parking supplemental where they  
8 describe the parking within that five-minute  
9 radius walk, this same site is listed as a  
10 parking lot and my argument would be it can't  
11 be all things to all people. It has to be one  
12 or the other.

13 COMMISSIONER MAY: Right. And I  
14 don't know what the actual circumstance was of  
15 that PUD, but I would have to believe there's  
16 going to be additional parking that goes into  
17 the building when it gets built.

18 MS. HERRIDGE: I'm sorry.

19 COMMISSIONER MAY: They'll be  
20 additional parking. So, when the building is  
21 built and the parking lot goes away, there's  
22 likely to be parking underneath it.

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1           But, that is neither here nor  
2 there. Your point is that the solar study is  
3 faulty because of those buildings being shown  
4 there and I appreciate that. I think we will  
5 -- we understand that and we know that they're  
6 not there and we're not discounting the  
7 impacts of this building based on the fact  
8 that there's a fictitious building across the  
9 street.

10           MS. HERRIDGE: Thank you. Thank  
11 you.

12           COMMISSIONER MAY: That's all I  
13 have.

14           MS. HERRIDGE: Oh, could I -- just  
15 one last thing so it's clear. So, the second  
16 page that I put here is from -- you --

17           COMMISSIONER MAY: I know where  
18 that's from. Yes.

19           MS. HERRIDGE: Okay. Thank you.  
20 Okay. Thanks.

21           CHAIRMAN HOOD: Any other  
22 questions? Mr. Turnbull.

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1                   COMMISSIONER TURNBULL: Thank you,  
2 Mr. Chair.

3                   Yes, I was going to just follow up  
4 Commissioner May and really the key thing for  
5 us is the shadow study on that building. We  
6 look at the other buildings and get a feel for  
7 what's going on.

8                   Just like -- the key thing for us  
9 is this building. The fact that they put  
10 something across the street, that's -- whether  
11 it's right or wrong, the key for us is how the  
12 shadows from this building are really working  
13 and that's what we really look at, but I'm  
14 glad you pointed that out to us.

15                  MS. HERRIDGE: Thank you very  
16 much. I appreciate that.

17                  COMMISSIONER TURNBULL: One of the  
18 -- and I think Commissioner May has touched on  
19 a couple of the issues that I had, but the one  
20 issue that -- my understanding on the mold is  
21 that it was a building issue with the roof  
22 either design or construction with how it --

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1 what's happened -- it had roof leaks and the  
2 church probably didn't have enough money to do  
3 all the maintenance it needed to do. Mold  
4 grew underneath the -- under the roofing  
5 material. You had mold growing. With the  
6 building gone, I think the original problem  
7 with the mold I think is gone.

8 I think I heard testimony from the  
9 treasurer that they had tested the soil in  
10 order to do a garden and we'll have to get --  
11 maybe we can get copies of that, but it  
12 sounded like the soil did not have anything in  
13 it that would endanger the growing of  
14 vegetables or fruits or whatever.

15 So, I'm not sure where the mold  
16 issue --

17 MS. HERRIDGE: Arises?

18 COMMISSIONER TURNBULL: -- is.  
19 Arises on that site.

20 MS. HERRIDGE: From my  
21 perspective, and again, I am a layperson, but  
22 I've done my best to pull the data together,

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1 is that you are talking about a site that had  
2 a history of a serious mold problem. I think  
3 that's established. That was one of the  
4 reasons that the sanctuary was not in use and  
5 was eventually torn down.

6 What I'm laying out here is that  
7 this proposed rezoning is significant in that  
8 it creates the perfect storm of elements to  
9 foster mold once again and what I'm talking  
10 about here is the reduction in the sunlight,  
11 loss of ventilation, loss of green space.

12 COMMISSIONER TURNBULL: But,  
13 wouldn't that go with any building?

14 MS. HERRIDGE: Well, but again,  
15 the mold grew in that church, sir, when it was  
16 in ideal circumstances. Remember it was in  
17 direct sunlight and perfect ventilation and it  
18 grew to the extent that it had to be  
19 condemned.

20 DR. KRAUSE: If I may contribute  
21 for just a moment, Commissioner, the thought  
22 process of how that mold became toxic is an

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1 interesting one and I don't think that we have  
2 had as deep a drilling as is needed to find  
3 the test bed. When you strike water on some  
4 of the test borings, you have a problem.

5 I don't think the senior citizens  
6 center across from Delaware Avenue has an  
7 underground garage. I don't think some of the  
8 new buildings as yet that are planned have  
9 very deep garages.

10 I do think that the spillage of  
11 sewage for years is a factor to be considered  
12 and the garden study of the top soil A okay,  
13 but if you ask some of the gardeners there,  
14 Mr. Commissioner, I would ask you to figure  
15 out what was the product? Was it tasty? Was  
16 it good? Did everything come out all right?

17 Now, it's been five or six years  
18 since things have settled. You stir up that  
19 soil you are going to have a possible toxic  
20 mold problem.

21 And my reason for mentioning it  
22 extensively is that there has been no thought

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1 process of remediation to address the issue in  
2 an environmental impact statement.

3 COMMISSIONER TURNBULL: I don't  
4 think they can get a permit without testing  
5 and going forward. I think the onus is on --  
6 I mean it's my understanding that they have to  
7 get testing on the site. So, I mean I don't  
8 think they'll get a building permit if there's  
9 anything wrong with the site.

10 DR. KRAUSE: Okay.

11 COMMISSIONER TURNBULL: I mean  
12 unless you know something. If you know of  
13 tests, you've got information on the site that  
14 shows there is mold, can you give that to us?

15 DR. KRAUSE: I have no  
16 documentation of toxic mold at the site at  
17 this stage.

18 COMMISSIONER TURNBULL: Okay.

19 DR. KRAUSE: I would ask with all  
20 respect that the Zoning Board give an opinion  
21 that says you must do a toxic mold study.

22 COMMISSIONER TURNBULL: I don't

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1 know if the Zoning Commission -- the Zoning  
2 Commission, that's not in our purview to do  
3 that.

4 CHAIRMAN HOOD: Environmental  
5 impact statements and studies are not within  
6 our purview. This Commission has grappled  
7 with that. We have -- the decision has been  
8 made years ago that that's not in our purview  
9 and it's not.

10 While we would love to do a whole  
11 lot of things, we can't do it all and we  
12 definitely can't do that.

13 MS. HERRIDGE: But, if I could  
14 please, given the history on the site and  
15 given that what is in your purview is to allow  
16 this rezoning of the site to build an  
17 apartment which as I lay out in my statement  
18 is out of character with the community, which  
19 exceeds the heights not by a little bit, but  
20 dramatically, that this has an impact.  
21 Because if you build on that site a building  
22 which is within the height of the surrounding

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1 buildings, I can't speak for everyone here,  
2 but I can speak for myself. I could tell you  
3 that I would have no argument and I would have  
4 no legitimate basis for my argument.

5 And I have to speak up because I  
6 have a six year old who cannot be here and  
7 speak up for himself. This is very serious  
8 for us and it's serious for other people in  
9 that community who are immunosuppressed, who  
10 are older, who are also young. Please do not  
11 ignore this.

12 Thank you very much for your  
13 consideration.

14 CHAIRMAN HOOD: Ms. Herridge,  
15 let's go to your photographs.

16 MS. HERRIDGE: Sure.

17 CHAIRMAN HOOD: And I'm going to  
18 come back to that last statement.

19 MS. HERRIDGE: Sure. Um-hum.

20 CHAIRMAN HOOD: The pictures, the  
21 one where the police officers are being  
22 blocked in, what I have seen --

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1 MS. HERRIDGE: Um-hum.

2 CHAIRMAN HOOD: -- I don't know  
3 what this situation is, some of those officers  
4 are parked on the -- I've seen it in other  
5 districts.

6 MS. HERRIDGE: Um-hum.

7 CHAIRMAN HOOD: They're the ones  
8 who park and block the cars in and here's the  
9 thing. I would just want to know why if this  
10 was a problem for the officers in this area, I  
11 think it's 1-D --

12 MS. HERRIDGE: I'm sorry.

13 CHAIRMAN HOOD: Is this 1-D?

14 MS. HERRIDGE: Yes, it's the First  
15 District Police Station.

16 CHAIRMAN HOOD: Right. If this is  
17 a problem for them, they're the main people  
18 who can take care of it and I guess my point  
19 is obviously there must be some agreement. Do  
20 you know of an agreement or --

21 MS. HERRIDGE: No, I just -- I  
22 just took the pictures to illustrate the point

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1 and if I may, whether there's an agreement or  
2 not which may be a gesture of goodwill towards  
3 the community with the police, it doesn't  
4 change the fact that the current parking  
5 conditions cannot cope with the needs on  
6 Sunday. Doesn't change that fact.

7 CHAIRMAN HOOD: Are you aware of  
8 the parking issues around the city with  
9 churches on Sunday?

10 MS. HERRIDGE: I'm just focused on  
11 my own neighborhood. I can't speak as --

12 CHAIRMAN HOOD: I'm just saying  
13 this is not unique. This is not anything  
14 different. I'm aware of it. I've been  
15 involved in some of those meetings.

16 MS. HERRIDGE: Sure.

17 CHAIRMAN HOOD: Not having to do  
18 with anything up here, but for some other  
19 churches. I've been involved in ANCs in other  
20 parts of the city.

21 MS. HERRIDGE: Sure.

22 CHAIRMAN HOOD: And this church is

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1 -- this issue is not unique.

2 MS. HERRIDGE: Um-hum. But, I  
3 think it's very important to show you  
4 photographically because a picture is evidence  
5 that this is what I found and what the  
6 proposal is is to create another development  
7 which is going to bring an influx of people to  
8 this neighborhood. Where what I've shown here  
9 is that the neighborhood cannot cope with the  
10 existing parking needs.

11 I understand what you're saying  
12 about the police and whether there may be an  
13 agreement that on Sunday they give them a  
14 pass, but I'm not talking about that. I'm  
15 just talking about the simple fact that they  
16 cannot accommodate those cars in that  
17 neighborhood.

18 CHAIRMAN HOOD: Well, I will tell  
19 you I've worked in this neighborhood for 13  
20 years, EPA and Sunday -- this is the only time  
21 I've seen it like this is on Sunday. Now,  
22 that was seven years ago. Things may have

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1 changed and that may be why.

2 But, let me ask you.

3 MS. HERRIDGE: Sure.

4 CHAIRMAN HOOD: I notice that you  
5 had the Friendship Baptist Church and you  
6 showed their parking and how they park  
7 outside. They've always done that. Haven't  
8 they?

9 MS. HERRIDGE: I was just using  
10 that as another example of the pattern that I  
11 found in the neighborhood. Which is that the  
12 churches with existing lots, those lots were  
13 full and then on the side streets abutting the  
14 churches, all the parking is gone.

15 I don't know where all those cars  
16 are from. Whether they're neighborhood cars  
17 or they're people who come to church, but I  
18 was just making the point that there was not  
19 available parking.

20 CHAIRMAN HOOD: Okay. Now, let me  
21 ask you and I didn't see a picture and I was  
22 kind of hoping to capture, you may have it

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1 here, on the side where the old Randall High  
2 School, Junior High, whatever it was at the  
3 time. I think it was a high school.

4 MS. HERRIDGE: I'm sorry. Which?

5 CHAIRMAN HOOD: Old Randall High  
6 School.

7 MS. HERRIDGE: Oh, yes, I know.  
8 Yes, of course.

9 CHAIRMAN HOOD: How does the  
10 parking look on that side? I see -- and  
11 that's right across a little further down from  
12 Friendship. How does that look?

13 MS. HERRIDGE: I don't have a  
14 photo of that. So, I don't want to offer bad  
15 information.

16 CHAIRMAN HOOD: Okay. Then let me  
17 ask you this.

18 MS. HERRIDGE: Sure.

19 CHAIRMAN HOOD: I know this is a -  
20 - and I appreciate your advocacy on behalf of  
21 your son. You should be doing that. I would  
22 agree because all of us would do that.

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1           You know, this Commission takes --  
2           at least I do and I'm sure they do, my  
3           colleagues do, we take that very seriously.  
4           Has the -- because this is not the first time  
5           we've had issues like this.

6           MS. HERRIDGE: Sure. Of course.

7           CHAIRMAN HOOD: But, we're also  
8           bound by some precedent case law that we have  
9           to deal with. So, sometimes we have to try to  
10          balance that.

11          MS. HERRIDGE: Sure.

12          CHAIRMAN HOOD: And try to make  
13          sure it's even because if it's appealed, we  
14          have to make sure we've done the best we can  
15          to try to --

16          MS. HERRIDGE: I'm sorry. I  
17          couldn't hear you.

18          CHAIRMAN HOOD: If there is an  
19          appeal by any party, we have to make sure  
20          we've done the best -- our due diligence.

21          But, has the developer -- and I've  
22          heard a lot about this church. The gentleman

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1 who came from Africa how this church has  
2 embraced.

3 Have you had a conversation with  
4 the pastor or with the developers including  
5 the church about your son's sickness, his  
6 illness? Have you had that conversation with  
7 them?

8 MS. HERRIDGE: No, and they  
9 haven't approached me either.

10 CHAIRMAN HOOD: But, you haven't  
11 had that conversation. Are they aware of it?  
12 I mean other than tonight.

13 MS. HERRIDGE: I -- I can't speak  
14 for them.

15 CHAIRMAN HOOD: Okay. That's all  
16 the questions that I have.

17 MS. HERRIDGE: Thank you.

18 CHAIRMAN HOOD: Thank you very  
19 much.

20 MS. HERRIDGE: Thank you.

21 CHAIRMAN HOOD: Any other  
22 questions? Commissioner May.

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1                   COMMISSIONER MAY: Yes, I want to  
2 make -- get clarity on one point. Going back  
3 to solar studies and trying to see where, you  
4 know, the photograph that you took for us --

5                   MS. HERRIDGE: Sure.

6                   COMMISSIONER MAY: -- can you  
7 point to a place on say the solar study where  
8 that was actually taken or where your -- I  
9 mean is it right in front of your house and  
10 which --

11                   MS. HERRIDGE: Can I approach the  
12 table to show you or I don't know.

13                   COMMISSIONER MAY: Can you  
14 describe? I mean in which block it is.

15                   MS. HERRIDGE: Sure. Okay. If  
16 you look at the map in the front here --

17                   COMMISSIONER MAY: Um-hum.

18                   MS. HERRIDGE: -- maybe I can  
19 describe it here.

20                   COMMISSIONER MAY: Yes.

21                   MS. HERRIDGE: So, if you look at  
22 the map in the front, you see 3rd Street

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1 there.

2 COMMISSIONER MAY: Yes.

3 MS. HERRIDGE: Okay. Coming down  
4 and then as you cross M Street, you see this  
5 sort of greenery which is next to the proposed  
6 site.

7 COMMISSIONER MAY: Yes.

8 MS. HERRIDGE: Okay. So, this  
9 photo is -- okay. Do you see the second  
10 building down?

11 COMMISSIONER MAY: Yes.

12 MS. HERRIDGE: There's sort of a T  
13 shape and there's the --

14 COMMISSIONER MAY: Yes.

15 MS. HERRIDGE: Okay. So, that --

16 COMMISSIONER MAY: There's one row  
17 of houses that are shifted closer to 3rd  
18 Street. Right?

19 MS. HERRIDGE: No, it's --

20 COMMISSIONER MAY: You can point,  
21 but you can't talk.

22 MS. HERRIDGE: Okay.

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1                   COMMISSIONER MAY:     Okay.     So,  
2     you're indicating that the -- there's a row of  
3     houses on 3rd -- that little extension of 3rd  
4     Street.

5                   MS. HERRIDGE:    Right.    Um-hum.

6                   COMMISSIONER MAY:    And there's --  
7     there are -- I don't know.    What are there?  
8     Three or four and then -- and then there's a  
9     shift in the building and then there's another  
10    three or four.

11                  MS. HERRIDGE:    Yes.

12                  COMMISSIONER MAY:    Okay.

13                  MS. HERRIDGE:    So, there's a large  
14    series of glass windows that --

15                  COMMISSIONER MAY:    So, just tell  
16    -- I'm just trying to find out which house you  
17    were in front of when you took that picture.

18                  MS. HERRIDGE:    From inside of our  
19    house.

20                  COMMISSIONER MAY:    From inside  
21    your house.

22                  MS. HERRIDGE:    Yes.

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1 COMMISSIONER MAY: Okay. And is  
2 it the first, second or third or fourth?

3 MS. HERRIDGE: Second -- second  
4 floor.

5 COMMISSIONER MAY: No.

6 MS. HERRIDGE: Oh, sorry.

7 COMMISSIONER MAY: Which house?  
8 Down the --

9 MS. HERRIDGE: It would be the  
10 second house down.

11 COMMISSIONER MAY: Second house  
12 from the row that's facing 3rd Street. In  
13 that row that's facing 3rd Street. Yes.

14 MS. HERRIDGE: Yes.

15 COMMISSIONER MAY: Okay. All  
16 right. That's helpful to me.

17 MS. HERRIDGE: Thank you very  
18 much.

19 COMMISSIONER MAY: Thank you.

20 CHAIRMAN HOOD: Any other  
21 questions? Okay.

22 Does the Applicant have any cross

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1 examination? Okay.

2 ANC 6D, do you have any cross?

3 Carrollsburg Square?

4 Mr. Weller, sitting there, do you  
5 have any cross examination? Okay.

6 I want to thank you very much for  
7 your testimony and your presentation.

8 MS. HERRIDGE: Thank you.

9 CHAIRMAN HOOD: We greatly  
10 appreciate it.

11 MS. HERRIDGE: Thank you.

12 CHAIRMAN HOOD: Okay. Mr. Weller.

13 MR. WELLER: Good evening, Mr.  
14 Chairman, Commissioners.

15 My name is Robert Weller. I live  
16 at 240 M Street, S.W.

17 I oppose the planned unit  
18 development as proposed and I also oppose the  
19 proposed rezoning of the property for the  
20 following reasons.

21 Firstly, lack of adequate notice.

22 Many neighborhood residents and property

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1 owners will be adversely affected by this  
2 proposal and some of them have spoken or will  
3 speak tonight or have signed the written  
4 petition that was filed earlier today or  
5 submitted written testimony.

6           Unfortunately, the Applicant  
7 failed to notice most of the property owners  
8 within 200 feet of the project. So, I believe  
9 that you still are not getting a full  
10 representation of the concerns of the  
11 neighborhood.

12           The developer clearly believed  
13 that Carrollsburg the condominium and  
14 Carrollsburg Square were a single development  
15 when they described Carrollsburg Square's  
16 residential towers on page 9 of their June  
17 13th, 2011 application. Carrollsburg Square,  
18 of course, how no towers.

19           When I asked the developer on May  
20 5th whether they had completely missed the  
21 fact that there were two separate  
22 developments, the testimony at the hearing was

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1 that Carrollsburg A and Carrollsburg Square  
2 have the appearance of being one development.

3 Well, they're not.

4 Because of the developer's error,  
5 more than half the property owners within 200  
6 feet were not provided notice and likely have  
7 no information about the planned project.

8 While some policy which is not in  
9 D.C. apparently allows for a single notice to  
10 be provided to buildings having 25 or more  
11 residents, you also heard testimony on May 5th  
12 that even that single notice was not received.

13 Second, scale. This project is  
14 grossly out of character with the  
15 neighborhood. It will be by far the tallest  
16 residential structure in the area.

17 The subject property was zoned R-3  
18 by this Zoning Commission in 1998 in response  
19 to a petition by the Office of Planning to  
20 establish zoning controls in the area. The R-  
21 3 zoning of St. Matthews property as well as  
22 the zoning on nearby parcels was established

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1 to avoid so-called over zoning which is, and I  
2 quote, "Excessive permitted height and bulk  
3 relative to existing buildings which  
4 encourages redevelopment or major building  
5 additions which might well mar the planned  
6 open spaces and other design features pursuant  
7 to the then existing zoning conditions."

8 This project proposes to do  
9 exactly what the Office of Planning sought to  
10 avoid.

11 There are seven mid-rise  
12 residential towers within two blocks of the  
13 St. Matthews property. None of these towers  
14 is taller than 90 feet.

15 Parts of the proposed apartment  
16 building will rise to almost 130 feet above  
17 grade. Even the recent commercial  
18 construction at Waterfront Station is just  
19 seven stories.

20 The proposed 11-story structure is  
21 an attempt to inappropriately squeeze high-  
22 density construction into an area that was

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1 designated in the D.C. Comprehensive Plan as a  
2 neighborhood conservation area.

3 This project will alter the  
4 neighborhood not conserve it.

5 The bulk of all of the existing  
6 mid-rise towers are well setback from the  
7 streets, sidewalks and from neighboring  
8 properties. Generally, there are low-height  
9 townhouses toward the street and the taller  
10 towers are in back creating a pleasant open  
11 appearance as you drive or walk down M Street,  
12 S.E.

13 This building will essentially  
14 abut M Street with almost no open space or  
15 transition to a height of 110 feet. It will  
16 be like a portion of K Street, N.W. has been  
17 transplanted into our neighborhood. The  
18 concentrated massing of a tall building right  
19 on M Street is not in character with our  
20 neighborhood.

21 Third, lack of open space. All of  
22 the residential developments in the area

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1 include substantial publicly accessible open  
2 space components. This proposal includes just  
3 20 percent of the 5,000 square foot required  
4 and seeks instead to qualify an enclosed  
5 courtyard as public open space. Even with the  
6 inclusion of the courtyard square footage, the  
7 open space requirement is still not satisfied  
8 and the developer is requesting relief from  
9 this requirement. The courtyard would be open  
10 during limited hours with no assurance that it  
11 will remain open in perpetuity.

12 Through some Alice in Wonderland  
13 interpretation where Humpty Dumpty refines  
14 words to suit his whim, the developer asks  
15 that enclosed space be considered open space.

16 Permitting an enclosed space to qualify as  
17 open space completely misses the point of the  
18 open space requirement which is to provide a  
19 green buffer between the sidewalk and the  
20 building entrance. Again, this is not in  
21 character with the neighborhood and there are  
22 no public benefits to offset the requested

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1 waiver.

2 Fourth, parking. I think Ms.  
3 Herridge has treated this very well, very  
4 thoroughly. The developer has proposed to  
5 disallow on-street parking for residents of  
6 the development. In other words, they're  
7 seeking to create a group of second-class  
8 citizens who live in D.C., but cannot park  
9 here.

10 That seems illegal if not  
11 unconstitutional and I see that Councilman  
12 Tommy Wells has submitted legislation to cure  
13 at least the illegality of this concept, but  
14 the constitutional issue remains for my  
15 friends in the legal profession to consider.

16 Even if residential parking  
17 permits are disallowed, residents and guests  
18 are still eligible for visitor parking. So,  
19 there will be pressure on parking in the  
20 neighborhood.

21 Fifth, consistency with the D.C.  
22 Comprehensive Plan. Our neighborhood is

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1 designated as a medium density residential  
2 area which is defined in the comprehensive  
3 plan as a neighborhood where mid-rise, that is  
4 four to seven-story buildings, are the  
5 predominant use. This designation may apply  
6 to taller residential buildings surrounded by  
7 areas of permanent open space.

8 This 11-story building obviously  
9 cannot fit into the conventional medium-  
10 density definition since the building is too  
11 tall and since the developer is seeking to  
12 waive the requirement for open space.

13 While the set-down report focuses  
14 on the project's proximity to a Metro Rail  
15 Station and the addition of affordable housing  
16 as justification for finding of a not  
17 inconsistent with the Comprehensive Plan, your  
18 Planning Office has testified that the  
19 requested height is at least at the high end  
20 of medium density. My understanding is that  
21 the 11-story height was traded off for  
22 additional open space. Yet, the developer is

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1 seeking a waiver of the open space  
2 requirement.

3 So, I believe there is ample  
4 justification for finding this proposal to be  
5 inconsistent with the D.C. Comprehensive Plan.

6 Sixth and finally, view disruption  
7 and reduction in property values. In the  
8 Zoning Commission's order which established  
9 zoning for this area, the D.C. Department of  
10 Housing and Community Development cautioned  
11 that, and I quote, "Major view obstructions  
12 will result in a decline in living quality and  
13 property values."

14 That caution was expressed in  
15 regard to a proposal for a tall structure  
16 across from one of the Tiber Island  
17 residential towers. Tiber Island is the twin  
18 to Carrollsburg. Located about one block away  
19 and this proposal will similarly create major  
20 view obstructions at Carrollsburg.

21 Views from Carrollsburg's  
22 residential towers towards the U.S. Capitol

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1 and Library of Congress have existed for over  
2 four decades and units having them command a  
3 premium price. I contacted a local realtor to  
4 determine the amount of the premium and based  
5 on sales in the last two years, it is between  
6 8 percent and 35 percent.

7 As shown in Figures 2A and 2B of  
8 my written testimony, the proposed project  
9 will completely eliminate the scenic view from  
10 my residence as well as from a number of  
11 others. This amount to a capricious six or  
12 seven figure reduction in the values of the  
13 affected properties because market property  
14 values are typically based on the average  
15 price per square foot of the neighborhood.  
16 That reduction in property value and tax  
17 assessment will extend to the entire area.

18 I believe that a majority of the  
19 residents in this neighborhood do not support  
20 -- either do not support or have major  
21 concerns about this project.

22 We certainly do support St.

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1 Matthews continued existence in the  
2 neighborhood however.

3 Even the so-called proponent  
4 parties have offered what I might term faint  
5 praise at best.

6 In summary, I urge the  
7 Commissioners not to approve the PUD or  
8 rezoning in its present form.

9 Thank you very much.

10 CHAIRMAN HOOD: Thank you very  
11 much.

12 Commissioners, any questions of  
13 Mr. Weller? Commissioner May.

14 COMMISSIONER MAY: I was just  
15 curious. You made a reference to some  
16 legislation on party that Tommy Wells has  
17 introduced. What is that trying to fix?

18 MR. WELLER: It's my understanding  
19 of -- understanding, and I've -- I read about  
20 this in the Washington Post, is that  
21 Councilman Wells introduced legislation so  
22 that residential parking permits can be

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1 disallowed in certain areas and I don't know  
2 the terms of that, but my interpretation was  
3 that it formalizes a policy that apparently  
4 already exists.

5 COMMISSIONER MAY: Okay. I'm not  
6 -- all right. Thanks.

7 CHAIRMAN HOOD: Do you have any  
8 questions?

9 COMMISSIONER TURNBULL: I just  
10 have one. Mr. Weller, wouldn't a 90-foot tall  
11 building block your view?

12 MR. WELLER: A 90-foot tall  
13 building at that particular location would  
14 block my view, but it seems to me that if a  
15 90-foot building were planned perhaps it could  
16 be set back 15 feet so it would not block my  
17 view.

18 COMMISSIONER TURNBULL: So, you  
19 want whoever builds there not to block your  
20 view?

21 MR. WELLER: That's one of my  
22 concerns.

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1 COMMISSIONER TURNBULL: Okay.

2 MR. WELLER: And that's one of the  
3 concerns of my --

4 COMMISSIONER TURNBULL: Thank you.

5 MR. WELLER: -- my neighbors.

6 CHAIRMAN HOOD: Okay. Mr. Weller,  
7 you mentioned a 1998 order. Do you happen to  
8 have that number handy so I can review the --

9 MR. WELLER: I believe it's 807 or  
10 808. I may have a copy with me.

11 CHAIRMAN HOOD: Okay. Would you  
12 just -- if you have a copy, would you just  
13 give -- I just want to know what the number  
14 is. I want to review that '98.

15 MR. WELLER: You're referring to  
16 the quote I gave from the D.C. --

17 CHAIRMAN HOOD: About the R-3  
18 zoning. About the R-3 zoning. You mentioned  
19 the Zoning Commission in 1998 --

20 MR. WELLER: Yes.

21 CHAIRMAN HOOD: -- zoned that area  
22 for R-3.

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1 MR. WELLER: It's rather lengthy  
2 order as you might guess.

3 CHAIRMAN HOOD: I just -- all you  
4 have to do is just give me the number.

5 MR. WELLER: Well, I believe it's  
6 807, but --

7 CHAIRMAN HOOD: Eight zero seven.

8 MR. WELLER: -- I need to go  
9 through here.

10 CHAIRMAN HOOD: Okay. If it's  
11 something different, could you let Ms.  
12 Schellin know?

13 MR. WELLER: Yes.

14 CHAIRMAN HOOD: I'm sure we can  
15 probably find it. Because I would like to see  
16 that.

17 MR. WELLER: Thank you.

18 CHAIRMAN HOOD: Okay. Any other  
19 questions, Commissioners? Okay.

20 Is there any cross examination?  
21 Ms. Prince.

22 MS. PRINCE: Good evening. I just

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1 have really a few questions.

2           Could you confirm which floor you  
3 live on in your apartment house?

4           MR. WELLER: Five.

5           MS. PRINCE: The fifth floor. So,  
6 a building would need to be reduced to a  
7 height of less than five stories to preserve  
8 your view?

9           MR. WELLER: It could be set back  
10 and kept at the same height.

11           MS. PRINCE: There's been a lot of  
12 talk about the relationship between tall  
13 buildings and lower-rise buildings in the  
14 community. Do you feel that your building has  
15 an adverse impact on the townhouses that are  
16 as close as 50-feet away from your building?

17           MR. WELLER: My understanding is  
18 that the Carrollsburg townhouse and so-called  
19 residential towers were constructed at the  
20 same time. So, there was some sort of overall  
21 plan that considered those impacts and I'm  
22 really not a planner. So, I can't comment

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1 beyond that.

2 MS. PRINCE: But, more ample  
3 spacing that we've provided with a building  
4 that's located 100 feet from, for example, the  
5 townhouses that Ms. Herridge lives in, that's  
6 too close, but the closer relationship between  
7 your building and the townhouses across is  
8 okay because of a planning principal then that  
9 no longer applies? Is that what you're  
10 saying?

11 MR. WELLER: I think you're asking  
12 me to opine about impacts on a townhouse where  
13 I don't live and I don't have any comment on  
14 that.

15 MS. PRINCE: Did you attend any of  
16 the ANC meetings at which this project was  
17 considered?

18 MR. WELLER: No.

19 MS. PRINCE: Have you ever  
20 attended an ANC meeting?

21 MR. WELLER: No.

22 MS. PRINCE: Do you question the

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1 value of the church to the neighborhood? You  
2 suggest that you like the church, but do you  
3 really value it as part of the neighborhood?

4 MR. WELLER: I'm not opposed --  
5 I'm not opposed to the construction of the  
6 church on this property.

7 MS. PRINCE: Thank you.

8 CHAIRMAN HOOD: Okay. Thank you.

9 ANC 6D, do you have any cross  
10 examination? Okay.

11 Carrollsburg Square?

12 Dr. Krause and Ms. Herridge, do  
13 you have any cross examination?

14 MS. HERRIDGE: For Mr. Weller? I  
15 do have a question for him actually.

16 You've just taken several  
17 questions from the developer about what height  
18 building would satisfy you, would be okay with  
19 you.

20 Would I be wrong to conclude that  
21 if they built to the current medium density,  
22 this three to seven that's often quoted, you

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1 wouldn't really have any argument? Would you?  
2 Because it will be consistent with the  
3 neighborhood.

4 Is that correct?

5 MR. WELLER: There's more at issue  
6 here than just the height of the building.  
7 There is open space and there is a -- there  
8 are a number of concerns that I have about the  
9 project and the height is just one of them.

10 MS. HERRIDGE: Thank you.

11 CHAIRMAN HOOD: Okay. Thank you.

12 Okay. I want to thank you, Mr.  
13 Weller, for your presentation. Thank you very  
14 much.

15 Okay. You all can actually take a  
16 seat back in the audience because we're going  
17 to call --

18 MS. HERRIDGE: You have to help me  
19 here because when I signed up as a party, I  
20 included as a witness my husband at the end  
21 who works in the military and has a statement  
22 and maybe, Sharon, you can help clarify

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1 whether he would speak now because I listed  
2 him as a witness.

3 MS. SCHELLIN: He is suppose to be  
4 part of your presentation and you didn't call  
5 him.

6 CHAIRMAN HOOD: You didn't call  
7 him. He was a --

8 MS. SCHELLIN: When you listed  
9 him, he was --

10 CHAIRMAN HOOD: What you actually  
11 did was use up all your time.

12 MS. HERRIDGE: Okay.

13 CHAIRMAN HOOD: You should have  
14 called on him.

15 MS. HERRIDGE: All right.

16 CHAIRMAN HOOD: And because of  
17 legality, he needs now -- do we have his  
18 statement?

19 MS. HERRIDGE: Did you provide --

20 MR. HAYES: I had brought it with  
21 me.

22 CHAIRMAN HOOD: Okay. We'll just

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1 take his statement.

2 MS. HERRIDGE: Okay. That's fine.

3 Okay. That's fine. That's --

4 CHAIRMAN HOOD: We'll have it.

5 We'll just take his statement.

6 MS. HERRIDGE: As long as you take  
7 it into the record.

8 CHAIRMAN HOOD: But, actually, we  
9 should have gave a few minutes to him to talk.

10 MS. HERRIDGE: Okay. Well, you  
11 know, I use up my time unfortunately.

12 Thank you. Okay.

13 CHAIRMAN HOOD: I would go ahead  
14 and take his two or three minutes, but then  
15 we'll be back down here and we'll have another  
16 problem. I've been through it. We've done it  
17 before. So, we'll just take your written  
18 testimony.

19 MS. HERRIDGE: No, I -- I -- I  
20 totally respect that. Thank you.

21 CHAIRMAN HOOD: Okay.

22 MS. HERRIDGE: Thank you.

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1                   CHAIRMAN HOOD: Thank you. Thank  
2 you for understanding. Thank you all. We  
3 appreciate it.

4                   Okay. Ms. Prince, once everything  
5 is clear, you can come and if we have any  
6 rebuttal and we'll go into closing.

7                   Oh. Oh. Just keep trying to -- I  
8 must -- nobody's playing tonight. So, I  
9 shouldn't be rushing. So, anyway. Okay.

10                  Let's go to persons in  
11 opposition.

12                  Ms. Schellin, help me again.

13                  The first one's typed. So, we're  
14 all right. The first is Gail Fast. David  
15 DeRosa, Cindi Miller, Bill Byrd and Anne  
16 Carlin, Sara Fritz and Bill Christian. I  
17 think that's it.

18                  Okay. We're going to do as we've  
19 done in the past. We're going to start to my  
20 left, to your right and you may begin.

21                  MS. FAST: Thank you.

22                  CHAIRMAN HOOD: Identify yourself,

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1 your address and you may begin.

2 MS. FAST: Yes, my name is Gail  
3 Fast. I live at 240 M Street, S.W.,  
4 Apartment E209 in Washington, D.C.

5 And good evening, Commissioners.  
6 Thank you for letting me speak.

7 As I said, my name is Gail Fast  
8 and I'm President of Carrollsburg A  
9 Condominium, a community of 425 homeowners.

10 I am here tonight speaking on  
11 behalf of Carrollsburg A Condominium in  
12 representing the Board of Directors and our  
13 425 homeowners.

14 Just to let you know, our board I  
15 represent were unanimous in our decision to be  
16 in opposition of this project.

17 The oppose the PUD for the  
18 following reasons. First and foremost, we  
19 really feel that this project is out of  
20 character with the neighborhood and Southwest.

21 All of the current residential buildings  
22 within a ten-block radius of the St. Matthews

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1 proposed PUD are either eight floors or less  
2 plus their lobby. So, about nine stories.

3 Even the most residential  
4 construction at the Potomac Place Condominiums  
5 located on 4th Street, S.W. between I and G is  
6 only six floors high.

7 The only other residential  
8 construction within the past 15 years in our  
9 community are the townhomes that were built at  
10 Capitol Square which is located between 7th  
11 and 9th Streets, S.W.

12 Shalom, one of the architects I  
13 believe, even presented beautiful pictures of  
14 the view in River Park which are residential  
15 communities during his presentation.

16 Examples of, in addition to  
17 Carrollsburg, Tiber Island, Riverside, Potomac  
18 Place, Townsquare Towers are all residential  
19 buildings that are only nine stories high.

20 The redevelopment of Waterside  
21 Mall is an example of the recent commercial  
22 development in Southwest. Both of those new

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1 office buildings which are home to the  
2 District Government are also less than eight  
3 stories.

4 The only other building that  
5 exceeds the height of the St. Matthews PUD are  
6 the former EPA towers which were built during  
7 the urban renewal in Southwest. This  
8 Commission noted in 2002 that those structures  
9 would be nonconforming today.

10 In fact, the Zoning Commission  
11 sits here today as a result of the zoning  
12 created in the aftermath of urban renewal to  
13 protect residents and provide restrictions --  
14 regulations to preserve the integrity of the  
15 neighborhoods we live in.

16 Second, insufficient setback on M  
17 Street. All the residential buildings on  
18 major streets in Southwest, Tiber Island,  
19 Carrollsburg Condominium, Riverside, Harbour  
20 Square, Potomac Place, Townsquare Towers have  
21 at a minimum a 30-foot setback and/or a  
22 circular driveway off these streets. These

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1 driveways allow for emergency and fire  
2 vehicles, Metro access for handicapped  
3 residents, buses, taxicabs, et cetera to reach  
4 its residents. This PUD makes no allowance  
5 for such emergency access with its only  
6 vehicular access to the entire St. Matthews  
7 development from Delaware Avenue.

8 No matter which way you look down  
9 M Street every building overlay into Southeast  
10 D.C. is set back off the street. In fact,  
11 during our own ANC Commissioner Moffatt's  
12 testimony, he stated that the ANC was  
13 supporting the project predicated on the  
14 developer's acceptance of voluntary height and  
15 setbacks. He testified that this lack of a  
16 setback can destroy the very fabric of M  
17 Street. I found that from the last recording.

18 I watched the tape.

19 Number three, increased traffic.  
20 While attending the Southwest District meeting  
21 on the Wharf PUD, I learned that the traffic  
22 study on the Maine Avenue/M Street to South

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1 Capitol Street corridor has not been  
2 finalized. I'm not sure what DDOT was  
3 referencing at the last meeting, but according  
4 to Chairman Litsky, that study has not been  
5 completed.

6 Also, the sidewalk on M Street is  
7 a major pedestrian thoroughfare especially  
8 during baseball season as fans exit the Metro  
9 at the Waterfront stop and walk to the ball  
10 park. The current PUD does not allow for  
11 sufficient sidewalk space to handle the  
12 increased traffic. Since this PUD is  
13 restricting RPPs, there will only be an  
14 increase in pedestrians using the sidewalk to  
15 get to the Metro, the Safeway grocery store,  
16 et cetera.

17 This reinforces our assertion that  
18 a significant setback should be part of the  
19 developers' plan.

20 Four and finally, the lack of  
21 sufficient green space, retail and restricted  
22 residential parking. I also understand that

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1 the courtyard that is going to be fenced off  
2 by definition cannot be counted among the  
3 green space in the PUD as the public, although  
4 I know Carrollsburg Square may now have  
5 access, may not have access to it 24/7.

6 So, I wonder why the developer  
7 included it and the Office of Planning is  
8 looking the other way.

9 Also, I would like to hear from  
10 them the mechanism they plan to use to  
11 guarantee the restriction of the RPP. The  
12 game changer that Commissioner McBee stated  
13 was why the ANC was supporting the project. I  
14 also have learned of Councilman Wells who has  
15 brought the legality of that.

16 Finally, in response --

17 CHAIRMAN HOOD: Final statement.

18 MS. FAST: I'm sorry.

19 CHAIRMAN HOOD: Give us your  
20 final --

21 MS. FAST: Sure. I have had --  
22 attached photos in support of our opposition

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1 to go with my testimony and in summary, I urge  
2 the Zoning Commission not to approve the PUD  
3 or rezoning in its present form.

4 CHAIRMAN HOOD: Thank you. Next.

5 MR. DEROSA: Good evening. My  
6 name is David DeRosa. I'm the owner of 350 M  
7 Street, S.W. I'm also Vice President of the  
8 Carrollsburg Condominium Board.

9 I'm opposed to the project for  
10 reasons already stated. I have nothing  
11 further to add.

12 CHAIRMAN HOOD: Thank you. Next.

13 MS. MILLER: My name is Cindi  
14 Miller. I reside at 240 M Street, S.W. I'm  
15 the Treasurer of the Board of Carrollsburg  
16 Condominium.

17 Thank you, Commissioners, for your  
18 time this evening and allowing me to speak  
19 with you.

20 I come this evening in opposition  
21 of the St. Matthews project. I come before  
22 you as a concerned resident, as a concerned

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1 investor and as a concerned Board Member.

2           When I as a resident look at the  
3 development already approved for this area in  
4 Southwest, I question the wisdom of yet  
5 another high-density project in such a small  
6 area that is already overcrowded. We  
7 currently face traffic that is congested,  
8 parking that is difficult at best and an  
9 infrastructure that will be taxed -- over  
10 taxed by the significant development already  
11 approved. We can safely assume that with the  
12 expansion of the Wharf project that situation  
13 will only get worse not better.

14           While DDOT may have approved St.  
15 Matthews transportation plan, they have yet to  
16 receive a final transportation plan for the  
17 Wharf and their study of the Maine Avenue/M  
18 Street corridor is yet to start. So, how can  
19 they say with assurance that this project will  
20 not more negatively affect the already  
21 difficult traffic in Southwest.

22           As a resident, I'm also concerned

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1 about the stability of our neighborhood.  
2 Studies show that people who own homes vote  
3 more, volunteer more and contribute more to  
4 their neighborhood. Homeowners do not move as  
5 frequently as renters providing more  
6 neighborhood stability. In turn, this  
7 stability helps reduce crime and supports  
8 neighborhood upkeep.

9 As a testament to this, on May the  
10 15th of 2008 in a ruling that upheld  
11 residential restrictions in residential  
12 communities, the Indiana Supreme Court  
13 observed that owner/occupants have a much  
14 better incentive than tenants to not only  
15 preserve property values but to actually  
16 enhance them.

17 Even Fannie Mae and Freddie Mac  
18 refuse to underwrite mortgages in condo  
19 projects where the majority of the units are  
20 rentals.

21 Additionally, accompanying general  
22 code that assists city governments in code

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1 enforcements says that overcrowding and  
2 illegal rentals do cause problems for  
3 communities. Among those problems are  
4 excessive traffic, parking shortages and  
5 increased garbage and sewage. Rental  
6 properties generally put more demands on city  
7 services than they generate in taxes.

8 As an investor, my concerns are  
9 for the property values and for the  
10 preservation of our neighborhood character.

11 The St. Matthews project proposes  
12 large buildings of steel and glass. A modern  
13 contradiction to the current architecture  
14 composed mostly of stone and brick.

15 The property values of the current  
16 properties will drop as the views of the  
17 Capitol and their sun exposures are blocked by  
18 these buildings. Currently, property values  
19 are already on the decline.

20 If you, like me, are a resident of  
21 Southwest, I am sure that you must have  
22 received the tax assessment. Like mine,

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1 they've decreased 10 to 12 percent.

2 With the addition of the number of  
3 rental units proposed and the negative impact  
4 of the height of the buildings on property  
5 view values, I can only see this making that  
6 situation worse.

7 This Commission and the attorneys  
8 for the developer remind us that we have no  
9 right to the protection of our view under D.C.  
10 law. However, don't we have the right to  
11 protect and maintain our value?

12 In closing, I would ask that --  
13 it's undisputable that the loss of the views  
14 in the current residences will negatively  
15 impact property values and that we're certain  
16 that the addition of this project will have  
17 negative impacts to the community and as a  
18 whole outweigh any benefits. I ask you to  
19 consider not supporting the exceptions being  
20 requested as the value may -- it brings pales  
21 in comparison to the cost associated with it.

22 Thank you.

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1 CHAIRMAN HOOD: Thank you. Next.

2 MS. FRITZ: I'm Sara Fritz. I  
3 live at 1224 4th Street, S.W.

4 I received a call from a local  
5 radio station last week asking me my opinion  
6 about this and this is what I gave them.  
7 You'll be hearing it later this week I hope.

8 If your home is located near a  
9 church in the District, you could wake up one  
10 morning and discover you suddenly live in the  
11 shadow of a huge apartment or office building.

12 That is precisely what is happening to  
13 residents in Southwest D.C.

14 St. Matthews Lutheran Church which  
15 tore down its building and left the  
16 neighborhood six years ago is now asking the  
17 Zoning Commission for multiple variances to  
18 build an 11-story apartment building plus a  
19 new church on a corner lot on M Street, S.W.

20 Of course, St. Matthews is not the  
21 first D.C. church that has tried to improve  
22 its cash flow by redeveloping property, but

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1 St. Matthews is clearly the least worthy plan  
2 to come before the Zoning Commission. All of  
3 the others were downtown where tall buildings  
4 are the norm.

5 There are many dying churches in  
6 D.C. Most of them have been dwindling in  
7 number of members. They have very little  
8 money and an impossible task of maintaining  
9 old buildings filled with such valuables as  
10 Tiffany stained glass windows.

11 Should all of these churches have  
12 the right to disrupt their neighborhoods in a  
13 last ditch effort to survive?

14 Unfortunately, the District has no  
15 policy on church redevelopment in residential  
16 neighborhoods. The first question these  
17 churches should answer is whether they have  
18 enough members and money to stay afloat after  
19 the project is done.

20 Former St. Matthews' members tell  
21 me that the church already is dead and cannot  
22 be revived.

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1           The second question should be will  
2 this church that wants to alter the character  
3 of my neighborhood be a good neighbor in the  
4 future?

5           It has been about 15 years since  
6 St. Matthews' congregation stopped worshiping  
7 in their mold infested building and then they  
8 allowed the building to deteriorate to the  
9 point that it became an embarrassing eyesore.

10          If St. Matthews is allowed to build a new  
11 building on its property, other dying churches  
12 will want to do the same.

13          It is time for District residents  
14 to decide whether they want to have this  
15 happen.

16          I believe this opportunity should  
17 be available only to growing congregations  
18 that have proven their value to the community.

19          St. Matthews has been gone for six years. We  
20 don't know what its value will be.

21          I would also -- I have looked at  
22 all of the church redevelopment plans in

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1 recent years and I would recommend that St.  
2 Matthews adopt a plan used by the First  
3 Congregational Church at 10th and G, N.W.  
4 They did not try to cram a building and a  
5 church on the same property, but they put the  
6 worship space in the first floor of the  
7 building and it's beautiful and if the church  
8 should collapse or not be around, we're not  
9 stuck with another empty church.

10 CHAIRMAN HOOD: Okay. Thank you  
11 very much. Next.

12 MS. CARLIN: Good evening. My  
13 name is Anne Carlin. I live at 240 M Street,  
14 S.W. and I'm a 12-year resident of Southwest.

15 And I, too, am opposed to this  
16 development and I agree with the concerns  
17 raised this evening and at the previous  
18 hearing. So, I won't repeat those. I'll just  
19 go over three points that I'd like to raise.

20 First of all, I was not notified  
21 of this development. I have no idea if it was  
22 deliberate or an oversight, but based -- if

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1 you look at the confusion at the previous  
2 hearing, I think it's evident that we weren't  
3 included in the thought process behind this  
4 development.

5 And I found it interesting that  
6 this evening there was someone here from  
7 Waterfront Towers. That's an apartment  
8 building condo conversion kitty-corner from  
9 this proposed development and I don't believe  
10 they were notified either. So, you may want  
11 to look into the notification process.

12 And I'm here tonight because I'm  
13 concerned about replacing a space that was  
14 suitable for a church with two tall buildings,  
15 a community center, a coffeehouse and church  
16 and I was further disturbed by the depiction  
17 of the church in the drawings that were  
18 presented at the previous hearing because it  
19 looked like the sandbag bunker that I go into  
20 in Kabul when we have security issues.

21 That was the first thing I thought  
22 of when I saw it. It didn't look like a

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1 proper church. It didn't look like something  
2 that was actually anchoring that development.

3 With respect to parking, I was  
4 further concerned that there was no parking  
5 study. People have mentioned the Wharf  
6 development, Arena Stage, the Nationals  
7 Stadium and something that hasn't yet been  
8 mentioned is that with the D.C. Government  
9 buildings on 4th Street, they don't want to  
10 pay for parking in the underground garage. So,  
11 they take up all the parking space around the  
12 Southwest Library. So, that's two sides of  
13 the street on two blocks. So, that's  
14 additional parking that we're losing.

15 And I personally park on the  
16 street. I will spare you all the sorted  
17 details of parking on the street, but if I  
18 come home from work before 6:30, I can't park  
19 on M Street. I have to park a couple of  
20 blocks away and walk.

21 When I come home from salsa  
22 dancing at 2:00 in the morning, I have to park

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1 in the middle of the public housing and walk  
2 back to my condominium and it's two or three  
3 blocks and I'm walking at night under somewhat  
4 not well lit streets.

5 And so, I don't -- I find that  
6 this lack of a parking study is I guess  
7 unforgivable might be a bit of a strong word,  
8 but technically not acceptable to me.

9 So, I ask myself what is the key  
10 issue? Why am I here tonight?

11 And I'm here tonight because  
12 there's a congregation that has a plot of land  
13 and no money and this congregation has turned  
14 their problem, their lack of money into a  
15 community problem. They're here asking the  
16 community and all of us to give them waivers,  
17 exceptions.

18 And I don't know how I'm going to  
19 benefit from this. I haven't heard anything  
20 that will benefit me or my neighbors. I've  
21 heard of a few people who attend the church  
22 who may benefit, but I'm not sure that number

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1 of beneficiaries is significant enough for the  
2 exceptions that they're asking for.

3 So, in conclusion, I would like to  
4 ask that you do not approve this project.

5 Thank you.

6 CHAIRMAN HOOD: Thank you very  
7 much. Next.

8 MR. CHRISTIAN: Good evening, Mr.  
9 Chairman, Commissioners. Thank you for the  
10 opportunity to address you this evening.

11 My name is Bill Christian. I am  
12 an owner at 210 M Street, S.W. That's in  
13 Carrollsburg Square Condominium Association.

14 I'll apologize at the outset if my  
15 remarks are a waste -- end up being  
16 potentially a waste of your time as well as my  
17 own.

18 Having been involved in this  
19 process once before, I'm beginning to  
20 understand that once we get to this stage of  
21 the process and the Office of Planning has  
22 voiced no objections to a proposal that it

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1 pretty much becomes a foregone conclusion.

2 Having said that, I'm disappointed  
3 that despite numerous objections voiced by  
4 Carrollsburg Square residents at the two most  
5 recent Carrollsburg Square meetings called  
6 specifically for the purpose of gauging  
7 owners' sentiments towards the proposed  
8 development the Carrollsburg Square Board of  
9 Directors ignored its own constituents and  
10 voted to support the project regardless.

11 I believe that the Carrollsburg  
12 Square's Board's actions do not represent the  
13 majority opinion of the owners based on the  
14 fact that a vast majority of owners present at  
15 the specifically called meetings were opposed  
16 to the project including the vast majority of  
17 impacted owners and, therefore, the Zoning  
18 Commission does not have the benefit of full  
19 information in making this decision.

20 I would also say that property  
21 owners who originally invested in the  
22 Southwest neighborhood because of its

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1 appealing residential nature and the existing  
2 R-3 zoning that influences such major  
3 purchases will be adversely impacted by a  
4 significant alteration of the implied zoning  
5 compact that we've made reference to earlier  
6 this evening.

7 I do not believe that the current  
8 circumstances warrant such a drastic  
9 alteration of the existing zones for the  
10 parcel in question.

11 I'd also say that as a former  
12 trustee of a congregation, a small  
13 congregation, on a Capitol Hill I am  
14 sympathetic to the situation of St. Matthews  
15 Church. I also appreciate the mission that  
16 they are trying to bring to our neighborhood,  
17 their church mission.

18 But, as you've heard it described,  
19 that's going to represent basically maybe 30  
20 percent if we base it on their ownership  
21 interest in this plot of land of what's going  
22 to happen there. Seventy percent of it is not

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1 going to be a church mission at all and I  
2 applaud the congregants who are here  
3 supporting the church itself, but that is not  
4 supporting of the proposed development.

5 It seems to me a little bit like  
6 the tail wagging the dog if you ask me.

7 Therefore, I would respectfully  
8 ask that the Zoning Commission do not approve  
9 this project at this time.

10 Thank you very much.

11 CHAIRMAN HOOD: Thank you. Next.

12 MR. BYRD: Commissioners, with  
13 permission, my name is Bill Byrd and I'm the  
14 son of William D. Byrd who lives in  
15 Carrollsburg Square. He's elderly and unable  
16 to attend. I'd like to read his testimony.

17 Commissioners, I am William D.  
18 Byrd. My wife is Alice Oakley Byrd. We are  
19 the owners of 202 M Street, S.W. where we have  
20 lived for the last 46 years.

21 I am 87 years old. My wife is 90  
22 years old.

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1           Our home is a townhouse in the  
2           Carrollsborg Square Condominium. It is  
3           located at the corner of M Street and 3rd  
4           Street, S.W. and is the second closest  
5           townhouse to M Street -- on M Street to the  
6           proposed development.

7           Several month ago, I had a root  
8           canal. It was a difficult procedure as the  
9           roots of the tooth were curved. It required  
10          several visits to the dentist to complete.  
11          Since then, I have no felt the same. I am not  
12          a medical professional, but I believe my  
13          immune system is somehow weakened by the  
14          procedure.

15          The facts are I am constantly low  
16          on energy. I tire easily. I quickly become  
17          out of breath and I am having increasing  
18          difficulty walking.

19          The environment in which my wife  
20          and I live and the quality of the air we  
21          breath are important to our health. The  
22          importance of environmental safety and good

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1 air quality may be obviously applicable to  
2 anyone, but I would argue that it is  
3 particularly important to us as our health is  
4 not as robust as it once was.

5 The old St. Matthews Church was  
6 demolished because it was laden with toxic  
7 mold. If the project goes forward, we are  
8 concerned that digging a hole deep enough to  
9 accommodate the proposed 11-story edifice and  
10 210 apartments will release the same toxic  
11 mold into the air we breath that prompted the  
12 destruction of St. Matthews.

13 We are further concerned that  
14 shadows cast by the completed 11-story  
15 structure on that site may reduce moisture  
16 evaporation in Carrollsburg Square approximate  
17 to the development site and encourage the  
18 growth of toxic mold on our property.

19 When we bought our house 46 years  
20 ago, our neighbor at the corner of M Street  
21 and Delaware Avenue, S.W., the old St.  
22 Matthews Church, did not cast shadows on our

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1 property. We understand that the current  
2 Zoning Regulations which the developer is  
3 asking this Commission to waive limits the  
4 height of structures on the site to four  
5 stories.

6 In the 46 years that we have lived  
7 in Carrollsburg Square, we and a number of our  
8 neighbors and friends in Carrollsburg Square  
9 have become senior citizens. We are concerned  
10 about the environmental impact that the  
11 proposed development project at the corner of  
12 M Street and Delaware Avenue, S.W. may have on  
13 our health and the health of our fellow senior  
14 citizens.

15 We, therefore, are opposed to this  
16 project and would appreciate the Commission  
17 requiring that the site be remediated for mold  
18 before further consideration of any  
19 development project and also that the  
20 Commission deny the developer's request for a  
21 waiver of the current Zoning Regulations.

22 Respectfully submitted by my

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1 father.

2 CHAIRMAN HOOD: Thank you very  
3 much. Next.

4 MS. DAUGHTRIDGE: Yes. My name is  
5 Grace E. Daughtridge. I'm currently a  
6 resident at 1257 Delaware Avenue, Carrollsburg  
7 Square Condominium Association. My family's  
8 owned the property since 1980.

9 I'm here today because I want to  
10 read the Construction Guidelines for Tree  
11 Protection. My concern is that these  
12 guidelines as dictated by DDOT and the Urban  
13 Forest Administration are not being adhered  
14 to.

15 Specifically -- oh, before I go  
16 there, let me explain who I am. In 2008, with  
17 Casey Trees, I was the Project Organizer for  
18 Carrollsburg Square Condominium --  
19 Carrollsburg Square Condo Association. We  
20 planted 28 trees. As of today, the 28 trees  
21 are still all alive.

22 I also did 300 hours of volunteer

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1 community service with Casey Trees planting  
2 trees all over the city.

3 I was the Southwest Neighborhood  
4 Assembly District Representative for two years  
5 and I'm currently the Secretary for the  
6 Metropolitan Police Department First District  
7 Community Advisory Council.

8 I'm a native Washingtonian. I  
9 attended Naylor Road Nursery School and I am a  
10 member of the Second Union Baptist Church at  
11 1107 Delaware Avenue.

12 So, back to the construction  
13 guidelines for tree protection.

14 The most important part is  
15 Washington, D.C. is the city of trees. Trees  
16 are very important to the city. They provide  
17 not only environmental and social benefits,  
18 but there are also acidic benefits and we,  
19 meaning DDOT and Urban Forest Administration,  
20 are taking steps to make sure we protect them.

21 Now, skipping through this, I'm  
22 going to go through compaction of soil and

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1 critical zone.

2 Critical root zone is the leading  
3 cause of tree death on construction sites.  
4 Trees store -- trees store energy in their  
5 branches and trunks which help them survive  
6 after roots have been damaged. For instance,  
7 the first tree that will be affected is going  
8 to be -- have part of its branches knocked off  
9 during this construction project.

10 I will show you pictures in a  
11 minute. I only share four of them with you.  
12 I didn't make copies for everyone. I  
13 apologize.

14 However, this is from again DDOT  
15 Government Urban Forest Administration  
16 Department. However, construction damage to  
17 tree roots is not only -- is not always  
18 obvious and can take years to be seen in the  
19 tree canopy. Two or three years for trees to  
20 show signs of decline. Up to five or ten  
21 years to result in tree death.

22 By this time, the building

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1 contractors are gone and the city and in this  
2 case it will be Carrollsburg Square is left  
3 with the responsibility.

4 Now the problem -- I went to all  
5 the meetings and I talked about the threes to  
6 save them because I'm renown for saving the  
7 11th largest tree in Washington, D.C. The  
8 problem with the developers is they're only  
9 committed to replace these trees --

10 CHAIRMAN HOOD: Give us your  
11 closing.

12 MS. DAUGHTRIDGE: -- if they die  
13 after a few years.

14 CHAIRMAN HOOD: Hold on -- hold on  
15 a second. Hold on. Give us your closing  
16 thought.

17 MS. DAUGHTRIDGE: Yes, the problem  
18 is the developers have only committed to be  
19 responsible for the trees after two years  
20 which is a direct opposite of what the D.C.  
21 Government and what the Urban Forest  
22 Administration DDOT has explained to us in

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1 this thing that I just read and basically,  
2 replacing 130-inch tree with a 3-inch caliper  
3 tree, it is not an equal replacement cost.

4 The trees are more valuable. One  
5 of them is over 150 years old and survived  
6 urban renewal -- 1960s urban renewal and in  
7 2012, the fact that we cannot insure that  
8 these trees can be saved are absurd.

9 CHAIRMAN HOOD: Okay. Thank you.  
10 Thank you. Thank you.

11 MS. DAUGHTRIDGE: Thank you.

12 CHAIRMAN HOOD: Thank you. Do we  
13 have her testimony? Okay. Well, if you turn  
14 in your testimony, we'll -- I'll finish  
15 reading it. We'll finish reading it. Okay.

16 Commissioners, any questions of  
17 this panel? Okay.

18 I want to thank each and -- oh,  
19 wait a minute. Cross examination? Ms.  
20 Prince, do you have any cross examination?  
21 Would somebody like to -- okay. There we go.

22 MS. PRINCE: Ms. Fast, just one

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1 question for you. Do you have a unit with a  
2 view that's affected by the proposed  
3 construction?

4 MS. FAST: I do not.

5 MS. PRINCE: And are you aware  
6 that the proposed building is 130 feet from  
7 your building at its closest point?

8 MS. FAST: One hundred and  
9 seventeen feet at its closest point.

10 MS. PRINCE: And you think that's  
11 -- and are you aware of the relationship  
12 between your building and the townhouses that  
13 are directly across 3rd Street from it in that  
14 proximity?

15 MS. FAST: I don't understand your  
16 question. Can you clarify it a little bit  
17 better? I think you tried to ask that of Mr.  
18 Weller.

19 CHAIRMAN HOOD: Yes, you all  
20 probably need to share that mike or the mike  
21 next to it. Some kind of where you need to be  
22 on the mike.

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1 MS. PRINCE: That's all right.

2 MS. FAST: I'm sorry.

3 MS. PRINCE: I can move on from  
4 that question.

5 MS. FAST: Okay.

6 MS. PRINCE: Mr. Weller did answer  
7 it.

8 MS. FAST: Do I need to answer the  
9 others or anything?

10 MS. PRINCE: No. No, I can move  
11 on.

12 And, Ms. Miller, do you have a  
13 unit that's affected by the --

14 MS. MILLER: I do.

15 MS. PRINCE: And are you an  
16 investor? Do you live in the unit?

17 MS. MILLER: I do.

18 MS. PRINCE: You live in the  
19 unit?

20 MS. MILLER: I do.

21 MS. PRINCE: And finally, Ms.  
22 Carlin, do you have a unit with a view? Oh,

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1 with a view that's affected by the project?

2 MS. CARLIN: I --

3 COMMISSIONER MAY: Microphone.

4 MS. CARLIN: My property values  
5 are affected by all of the property values in  
6 the building.

7 MS. PRINCE: Thank you.

8 MS. CARLIN: And I don't have a  
9 view.

10 CHAIRMAN HOOD: Okay. Thank you.

11 ANC 6C, do you have any cross examination?  
12 Okay.

13 Carrollsburg Square Condos? Okay.

14 Dr. Krause and Ms. Herridge, do  
15 you have any cross examination?

16 MS. HERRIDGE: I do about the tree  
17 issue if you don't mind.

18 CHAIRMAN HOOD: Okay. Well, you  
19 want to come and ask the person from Casey  
20 Trees or who was with Casey Trees or whatever?

21 MS. HERRIDGE: So given your  
22 expertise in this area, can you describe how

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1 the loss of a tree of 150 years of age  
2 contributes to an increase in the carbon  
3 footprint in the neighborhood?

4 MS. DAUGHTRIDGE: Well, again, the  
5 replacement, that's if the trees die within  
6 the two-year period. Of a 3-inch caliper tree  
7 is not equivalent to 130-inch tree. That's  
8 just basic math and in the D.C. if you're  
9 caught -- on private property if you cut down  
10 a tree 55 inches or greater, you're charged  
11 \$100 per inch in fine and also, you must  
12 replace it. So, that 130-inch around tree is  
13 actually a \$13,000 value and again, the  
14 developer is not -- in the DDOT Urban Forest  
15 Administration documents, it clearly explains  
16 that sometimes it takes five to ten years  
17 after the roots have been significantly damage  
18 in the critical root zone and why anyone is  
19 ignoring this is amazing.

20 CHAIRMAN HOOD: That's a  
21 testimonial answer.

22 MS. DAUGHTRIDGE: Thank you.

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1 CHAIRMAN HOOD: So, I'm just going  
2 to ask you to give the answer. Yes.

3 MS. PRINCE: So, the question was  
4 how does the loss of the trees impact an  
5 increase in the carbon footprint?

6 MS. DAUGHTRIDGE: Well, trees give  
7 us oxygen and again, the replacement tree,  
8 that's if it dies within the two years, is not  
9 going to give us the same benefits that 130-  
10 year -- 150-year-old tree that's 130 inches  
11 around is going to provide the entire  
12 community not just Carrollsburg Square, not  
13 just St. Matthews, but all of us in Southwest.

14 MS. PRINCE: Thank you.

15 MS. DAUGHTRIDGE: Thank you.

16 CHAIRMAN HOOD: Okay. Mr. Weller,  
17 you have any questions? Okay.

18 Thank you. We appreciate this  
19 panel. Thank you very much for your  
20 testimony.

21 Okay. I think Mr. Rex Moser. Did  
22 I miss somebody? I missed -- okay. Bobbie

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1 Creque. Creque. Thank you. Bobbie Creque.  
2 Rex Moser and I think Gina Weller and we have  
3 Grace Daughtridge. I think she already  
4 testified. Okay. And that's all I have on  
5 the list.

6 You need to ask a question now?  
7 Can you wait until we finish hearing from them  
8 and then -- yes, I'll allow you to -- we'll  
9 get some time to get your question.

10 Okay. You may begin.

11 MR. MOSER: Thank you,  
12 Commissioners and --

13 CHAIRMAN HOOD: Turn your mike on.

14 MR. MOSER: Thank you for letting  
15 me speak to you this evening. My name is Rex  
16 Moser. I live at 240 M Street.

17 Before I purchased my apartment in  
18 Carrollsburg Condominium in 1986, I told my  
19 realtor I had only two requirements: two  
20 bedrooms and a view of the Capitol. I was  
21 thrilled when she found my unit which is  
22 located on the northeast corner of the

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1 building.

2 I trusted that the area around St.  
3 Matthews would ensure that I would never lose  
4 that view. So, I'm doubly disheartened to  
5 lose this splendid view. One for which I paid  
6 a premium and the loss of which will have a  
7 direct negative value on my property. Surely  
8 in five figures. I'm sure any professional  
9 appraiser would agree on seeing my view.

10 Even today after 26 years, I am  
11 thrilled every time I look at that dome both  
12 as an architectural masterpiece and as a  
13 symbol. I'm already starting to feel bereft.

14 I'll now see the behind of a  
15 structure that will span nearly an entire  
16 block and that exceeds the height limit, but  
17 that is still defined as medium-density  
18 housing. How large would a structure have to  
19 be on that property to be considered high  
20 density.

21 I wish someone had asked this  
22 question at the March 5th meeting. I watched

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1 the recording of that meeting.

2 I'm not a knee-jerk nimbier. I  
3 know that development means there will be more  
4 foot and vehicular traffic in my neighborhood  
5 and more competition for parking, more fumes,  
6 more noise. I like the proposed building's  
7 materials and I don't even object to its  
8 height. I only object to placing its massing  
9 so near the M Street property line and  
10 directly across my precious view.

11 Pushing the taller building almost  
12 to the property line on M Street insures that  
13 along with the new buildings to be constructed  
14 across M Street in front of the District's  
15 1100 and 1104 4th Street -- 1101 4th Street  
16 buildings our part of the residential  
17 neighborhood will resemble the business  
18 district recently built further east on M  
19 Street, S.E. beyond the South Capitol near  
20 Nationals Park. It's the canyon with all the  
21 charm of a well-polished machine not the  
22 graceful setback of buildings large and small

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1 softened by generous plantings that  
2 characterize our part of the residential  
3 Southwest D.C.

4 I was angered by the testimony of  
5 one project representative at the March 5th  
6 meeting who said they had notified all those  
7 within 200 feet of the property line which my  
8 apartment is. She said they notified to a  
9 fault, more than what is required rather than  
10 less. She said the project had tried to  
11 notify the condominium as required for  
12 buildings with over 25 units and yet, the  
13 notification was addressed to a generic  
14 President/Director Condominium Association,  
15 240 M Street. It was directed to someone  
16 without a name and without a unit number in a  
17 building entirely of apartments. Only half  
18 heartedly complying with the minimal  
19 notification requirement regarding owners of  
20 residences within 200 feet of St. Matthews  
21 property line.

22 I don't consider this by any

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1 stretch of the imagination as notifying to a  
2 fault in the words of that project  
3 representative. Rather I consider this to be  
4 a wilful disregard of our association, one of  
5 the largest in the city.

6 This same representative did not  
7 even know the correct name of our association  
8 which is Carrollsburg Condominium also known  
9 as CAC. It is not Carrollsburg A which she  
10 and other project representatives repeatedly  
11 called it.

12 One phone call to the CAC number  
13 in the phone book would have reached a desk  
14 attendant on duty 24 hours -- 24/7.

15 I object -- I'll close, sir.

16 I object to the project because no  
17 good faith effort was made to ensure that  
18 everyone within the 200 feet of the property  
19 line was equally notified and consulted.  
20 Because of this deception, I will lose my very  
21 precious asset, a view of the Capitol dome and  
22 I will see the property value decline.

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1 CHAIRMAN HOOD: Okay. Thank you.

2 Next.

3 MS. CREQUE: My name is Bobbie  
4 Creque.

5 CHAIRMAN HOOD: Turn your mike on.  
6 There we go.

7 MS. CREQUE: My name is Bobbie  
8 Creque and I live at E715, 240 M Street.

9 I am one that has a view and I  
10 believe -- well, I know you read my letter  
11 that I submitted at the last hearing that you  
12 had.

13 I'm a 75-year-old woman that am  
14 losing the property value that's there and I  
15 was never notified.

16 It's my first hearing when I got a  
17 flyer under my door about this.

18 So, I'm here in case you have  
19 questions.

20 CHAIRMAN HOOD: Thank you very  
21 much. Next.

22 MS. WELLER: I'm Gina Weller. I

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1 live at 240 M Street, S.W., E515. So, I have  
2 a view of the building.

3 I'm not going to say much more  
4 than what my husband said and all the rest of  
5 the people said. I just wanted to make a  
6 comment that the lack of notice is true.

7 We just moved here in 2009, the  
8 summer and we -- I never even heard of St.  
9 Matthews. I don't know all that.

10 I do see that there's ANC  
11 meetings, but I really don't know what those  
12 were either.

13 However, the Waterfront  
14 development that's happening, I'm quite aware  
15 of that and my husband has attended those  
16 meetings.

17 So, I think that if we had known  
18 about this development, my husband and I would  
19 have been to those ANC meetings that he didn't  
20 go to because we didn't know that's what was  
21 happening.

22 So, I'm just making that comment

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1 because if you notice, we're all here now and  
2 it's weird that it's just Carrollsburg A  
3 Condominium people that are complaining or not  
4 only complaining, but the lack of notice. So,  
5 I find that disrespectful.

6 I think that this needs to be  
7 reconsidered and we need to be included in  
8 anymore stuff.

9 Thank you for your time and also,  
10 thank you so much for what you do. I had no  
11 idea how long these things last. I am  
12 thankful that you are here and hopefully, I  
13 won't come back.

14 COMMISSIONER TURNBULL: You ought  
15 to come to some of our campus plans.

16 MS. WELLER: Thank you for your  
17 time. I oppose the development.

18 CHAIRMAN HOOD: Okay. First, I  
19 agree. I want to thank you for your -- we  
20 don't get thanked much, but I really  
21 appreciate that.

22 But, let me just say it's very

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1 crucial. I'm not sure if you -- I guess you  
2 will start attending those ANC meetings and I  
3 will tell you the ANC Mr. Moffatt and Mr.  
4 McBee, they've been around awhile. I think  
5 it's Craycraft. I forgot what his name was.  
6 But, that Commission over there is very  
7 engaged in what's going on especially with all  
8 the development activities going on.

9 So, I would encourage you. It's  
10 not just zoning applications that come in  
11 front of that ANC, your Advisory Neighborhood  
12 Commission. You're new to the area. I would  
13 encourage you to get involved because I can  
14 tell you they're definitely on top of the  
15 issues and they will definitely help you see  
16 your way through some of this -- some of these  
17 things that go on in your neighborhood.

18 I thought we had addressed this at  
19 the last meeting and I can't remember. I  
20 thought we had addressed this notice issue.  
21 I'm not sure.

22 Were you all at the last meeting

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1 when we addressed the notice issue? When we  
2 talked about it?

3 But, anyway, what I'll do I'll ask  
4 -- when Ms. Prince comes back up, I'll ask her  
5 to address the notice issue because I know  
6 that that was some of the concerns, the stuff  
7 that we mentioned at the last meeting. I  
8 can't remember exactly who addressed it, but  
9 I'm going to ask Ms. Prince to address it for  
10 the record of the notice issue.

11 But, I know that there's some  
12 things that the Office of Zoning does as well  
13 as the developer -- the applicant more or  
14 less. Okay.

15 Any questions of this panel? Any  
16 questions?

17 Ms. Herridge, I'm going to get to  
18 you. I'm getting ready to ask you in a few  
19 minutes. I'm getting there.

20 Does the Applicant have any cross  
21 examination? Does the Applicant? You have  
22 any cross? Okay.

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1 ANC 6D?

2 Carrollsburg Square, any cross?

3 Ms. Herridge?

4 Dr. Krause, cross examination?

5 MS. HERRIDGE: The group of you  
6 have all expressed your concern at the loss of  
7 your property value. I just want to close the  
8 logic circle here for people. Would you agree  
9 that the loss of property value intrinsically  
10 means a loss in revenue for the City of  
11 Washington, D.C.? Are you in agreement?

12 MS. CREQUE: I'm in agreement  
13 because of the taxes.

14 MS. HERRIDGE: Correct. Are you  
15 in agreement?

16 So, this is not just a selfish  
17 statement you're making, but a loss to  
18 probably what's considered one of the most  
19 important investments you will ever make which  
20 is your home. But, it's also --

21 CHAIRMAN HOOD: You know, this --  
22 Ms. Herridge, I've allowed it because I know

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1 eventually you'll get to a question, but these  
2 are testimonial questions.

3 MS. HERRIDGE: Okay. I just want  
4 to --

5 CHAIRMAN HOOD: So, in cross  
6 examination, you're suppose to give a question  
7 not a testimony. Then get your point to us --

8 MS. HERRIDGE: Okay. Absolutely.

9 CHAIRMAN HOOD: -- and then ask a  
10 question.

11 MS. HERRIDGE: Okay.

12 CHAIRMAN HOOD: You know.

13 MS. HERRIDGE: Okay.

14 CHAIRMAN HOOD: Okay. So, you  
15 have a question?

16 MS. HERRIDGE: Do you agree that  
17 the loss in your property value will mean a  
18 loss in revenue for the city?

19 MR. MOSER: Yes.

20 MS. HERRIDGE: Thank you.

21 CHAIRMAN HOOD: Thank you, Thank  
22 you all very much. Oh, I'm sorry. Mr.

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1 Weller, do you have any cross?

2 MR. WELLER: No. Thank you.

3 CHAIRMAN HOOD: Okay. You didn't  
4 want to cross your wife? I thought you can  
5 cross -- you didn't want to do that one. Huh?  
6 You're a smart man.

7 Okay. All right. I thank  
8 everyone.

9 Let's go with any rebuttal and  
10 closing. Can we do that now or am I jumping  
11 the gun again? Okay. Any rebuttal or closing  
12 by the Applicant?

13 MR. BARONES: Good evening. I  
14 will -- I'm Shalom Barones and I will -- I  
15 have a few points I'd like to review and I'll  
16 try to be brief.

17 I'd like to first start with just  
18 -- by just addressing a couple of issues that  
19 the Commission -- that you brought up the last  
20 time we were here.

21 One of them was related to the  
22 penthouse configuration. We did submit

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1 exhibits.

2 COMMISSIONER MAY: We have seen  
3 those and I appreciate that.

4 MR. BARONES: Okay. Good. I hope  
5 we satisfied your concern in setting the  
6 penthouse back.

7 COMMISSIONER MAY: I think it's a  
8 significant improvement.

9 MR. BARONES: Oh, good. Thank  
10 you.

11 Another issue was the view of the  
12 condensers on the lower portion of the  
13 building. We did not make any changes to the  
14 drawings, but, you know, unfortunately, we did  
15 look at our mechanical system quite carefully  
16 and the roof plan quite carefully. I mean  
17 there is a chance we may be able to move a few  
18 of those compressors which are in the lower  
19 roof up to the upper roof, but the upper roof  
20 right now is filled with condensers also and  
21 we really have no other roof space for placing  
22 those units.

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1 I'd also, however, like to point  
2 out that in terms of the views of those  
3 condensers on the roof, the building which is  
4 to the -- let me see. The Carrollsburg  
5 building, we'll really only be able to see  
6 those units from the upper floor of that  
7 building. So, there are fairly limited views  
8 of the eighth floor there. Of the roof of the  
9 eighth floor of our building.

10 And there's been a lot of  
11 discussion tonight about the distances between  
12 buildings and certainly when we look at the  
13 existing site plan with existing structures,  
14 we see that many of them are between 27 and 37  
15 feet apart and I'd like to point out that the  
16 tightest condition that we have is one  
17 condition in our site plan which is 26 feet,  
18 but most of them all in the range of 45, 70  
19 and 105 feet apart and that would be a  
20 distance measure from our building to an  
21 existing building.

22 And in response to I think it was

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1 Mr. Krause who made the comment about a  
2 darkened alley, again, there I'd just like to  
3 point out that the distance between our  
4 building and the buildings he was referring to  
5 across that alley really vary between 70 feet  
6 and over 100 feet and I'm sure you know that  
7 many public streets in Washington are only 60-  
8 feet wide.

9 Finally, with regard to the shadow  
10 studies, I won't go over those with your  
11 again. It sounds to me like you've looked at  
12 them pretty carefully and hopefully, we've  
13 demonstrated that the impact of our building  
14 on the adjoining buildings to the west is  
15 really primarily prior to 9:00 or 9:30 in the  
16 morning for about half of the year and much of  
17 that impact actually falls on the end wall of  
18 the townhouses and not on the primary faces.  
19 Although, of course, during certain times of  
20 year, we do catch the shadow on the primary  
21 faces as well.

22 And then I also just wanted to

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1 clarify. I made some comments last time I was  
2 here about the heights of the buildings across  
3 -- I'm sorry. One more thing at the shadow  
4 studies.

5 It was pointed out I think by Ms.  
6 Herridge that we show two buildings that  
7 currently do not exist and she is correct  
8 about that. One of those two buildings has  
9 been approved by this Commission as a PUD. It  
10 was a project redesign at Waterfront and so,  
11 we included it in the shadow study.

12 And then other building is  
13 directly to the east of that and we showed it  
14 there as a 90-foot-tall building which may be  
15 built in the future and that is the mirror  
16 image of a PUD that was approved again by this  
17 Commission on the other side for a residential  
18 building which I believe is in excess of a  
19 hundred feet. It may even be as tall as 115  
20 feet. I'm not sure.

21 So, those two buildings we assume  
22 will be built at some time and also, they're

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1 on the north side of M Street and they really  
2 have no impact whatsoever in terms of looking  
3 at the shadows cast either our building or  
4 those buildings on the adjoining structures on  
5 the south side of M Street.

6 And finally, with regard to the  
7 heights of some of those buildings across the  
8 street, again, just to clarify my remarks from  
9 last time, the two buildings that are  
10 constructed along 4th Street there are 94-foot  
11 tall and the buildings that were approved  
12 against part of that PUD which would be on M  
13 Street will be 127-foot tall and the two  
14 existing buildings that were the old EPA  
15 buildings that are being current renovated are  
16 130-foot tall. So, those are the accurate  
17 heights for all of those buildings.

18 And I think you already know this,  
19 but I'll conclude by just noting that the  
20 small green space that's been referred to  
21 several times during the hearing tonight on  
22 our property is really about a third of an

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1 acre. It's quite large.

2 So, that concludes my rebuttal  
3 statements. Thank you.

4 MR. VAN PELT: Good evening,  
5 Commissioners. For the record, I'm Dan Van  
6 Pelt with Gorove/Slade Associates.

7 I want to talk to you about a  
8 couple of things, transportation management,  
9 TDM and parking which I think we've heard a  
10 lot about tonight also.

11 Since our last hearing, we've  
12 actually interacted with DDOT a bit further on  
13 the TDM. There were two things that they had  
14 recommendations in the report.

15 One was about the SmarTrip cards  
16 and we had offered an alternate proposal about  
17 a transit mobility fare and I think talking  
18 that through with DDOT we have -- they believe  
19 that there is merit in doing a transportation  
20 mobility fare. We've offered language in our  
21 response, a memo dated March 16th and what  
22 that will include is an event that will be

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1 scheduled after six months -- six months after  
2 the project is opened to residents, it would  
3 be open to the residents of the building and  
4 open to all members of the St. Matthews  
5 community also.

6 And the intent of that event would  
7 be to have experts in all the different modes  
8 of choice that are afforded to the site and  
9 within the region help people understand how  
10 they could use those to work -- accommodate  
11 their daily commute and needs and whatever  
12 their needs may be.

13 The other thing was a kiosk or not  
14 a kiosk, but a flat-screen monitor and DDOT  
15 had asked for one of those in the residential  
16 lobby. We have further discussed that with  
17 DDOT. They don't know exactly what it is down  
18 to the specifics of how they want it to look,  
19 what software they want it to be and all that  
20 sort of thing. We understand in concept what  
21 they want and we think it could be even an  
22 amenity to the project. So, we've agreed in

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1 good faith to commit to providing the space  
2 both in the residential lobby and in the  
3 church. So, you'd have that for -- be able to  
4 capture both populations of the project and  
5 we'd work with DDOT to develop that such that  
6 it would give up-to-date information on  
7 transit and whatever else we would determined  
8 needs to be shown.

9 So, that's kind of a new TDM  
10 measure that's being employed and I think  
11 there's been some installations in Arlington  
12 that we've seen and so, I think that's kind of  
13 an up and coming thing. Just once again, it's  
14 more information educating people about the  
15 transit and how to be able to -- when the next  
16 bus is showing up, when the next train is  
17 there. That sort of thing.

18 Moving on and talking a little bit  
19 about parking. I think we have -- I think  
20 working even with DDOT have become comfortable  
21 that the number of parking spaces is the right  
22 number of parking spaces and I'll talk a

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1 little about that.

2           Parking equals traffic and I think  
3 I've said it before this Commission before,  
4 you can't have one without the other. So, I  
5 think there's -- often times, there's a  
6 balance that has to be struck. We need to  
7 make sure the parking needs of the project are  
8 accommodated without negative impacts to the  
9 community, but the community also doesn't want  
10 the traffic. So, we can't have one without  
11 the other. More parking equals more traffic.

12           But, I think with regards to the  
13 residential, we feel that the number of spaces  
14 that's the right unit for the market. The  
15 unbundling, the RPP commitment to allow  
16 residents to get RPP permits, enhanced RPP  
17 that also is in the neighborhood, car sharing  
18 on site. There will be at least two spaces on  
19 site and we're actually seeing more and more  
20 people who move into the District are choosing  
21 to go car free. We're seeing that quite a bit  
22 on new projects and I think even some of our

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1 own statistics show that the registrations in  
2 the District for autos has stayed the same  
3 although the population has gone up.

4 So, I think that's something that  
5 we're definitely seeing and I think that we  
6 believe that people will choose this project  
7 because it's one, maybe one long block, but  
8 it's a block from the Metro station and I  
9 think that they'll be -- we're going to have  
10 other options for them such as car sharing so  
11 they'll be able to take advantage of that and  
12 bike sharing and the like.

13 Speaking to the church, I think  
14 one of the things -- churches are a bit of a  
15 challenge in the District. I think you -- I'm  
16 sure the Commissioners have heard that  
17 probably time and time again about some of the  
18 pressures associated with churches and I think  
19 that some of the pictures we saw early this  
20 evening show some of those challenges.

21 I can't speak to those churches.  
22 I don't know how many spaces they have off

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1 street, but this project will have 25  
2 dedicated spaces that will be solely for the  
3 church in the building.

4 The other thing that we have done  
5 is we have interacted with Central Parking  
6 that manages 1100 4th Street. They've told us  
7 that in the evenings and weekends they have an  
8 excess of 200 spaces available and sure that  
9 parking will not be for free, but they look  
10 forward to working with the church as wanting  
11 to work through the community to come up with  
12 an arrangement that will be able to  
13 accommodate the church's need should they need  
14 more than 25 spaces for any of the events that  
15 are going on with the church.

16 So, with that, I'd like to just  
17 say that I think that we believe that this  
18 site both the TDM, overall TDM, the parking  
19 that's proposed is appropriate for the project  
20 and we believe that the project can go forward  
21 without any negative impact to the  
22 transportation system and actually, we think

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1 that -- although there was some back and forth  
2 and I guess some differences of opinion with  
3 the -- maybe the community on the M Street  
4 access, we think from a public or from an  
5 urban design standpoint not having a curb cut  
6 actually is an improvement in the  
7 transportation system. So, that's taking one  
8 curb cut out of the system.

9 So, I appreciate your time  
10 listening to my testimony. Thank you.

11 MR. DIX: Good evening. Josh Dix  
12 with Trammell Crow Company.

13 Thanks for having us come back  
14 again and allow us to give you -- present some  
15 of the merits of what we believe to be a great  
16 project.

17 A lots been covered. It's late  
18 and I appreciate your time and I just want to  
19 take a quick few moments to share with you  
20 some closing thoughts.

21 This has been an extremely public  
22 process. We've gone to great lengths over the

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1 years to reach out to our neighbors, keep the  
2 community informed, reach out to neighborhood  
3 institutions, the ANC, its Commissioners on  
4 multiple occasions.

5 The current development team began  
6 meeting with community representatives in 2005  
7 and the prior development team began meeting  
8 with the community in 2004. So, the project  
9 really should come as no surprise to those  
10 that live in the Southwest neighborhood.

11 The church has been advertising  
12 this project to the public for a least eight  
13 years. They've had annual Christmas tree  
14 sales where they've had boards.

15 In the last two years alone, we  
16 have attended or hosted almost ten community  
17 meetings. These meetings included  
18 presentations to the CSCA, SWNA, ANC and the  
19 ANC at large.

20 We have had multiple working  
21 sessions with the ANC and the ANC meeting when  
22 the project was voted on had a large turnout

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1 and had minimal comments and we received a 6-0  
2 vote with one abstention.

3 It should be noted though that  
4 this overall favorable response from the  
5 stakeholders and from the community and from  
6 D.C. agencies did not come easily and without  
7 significant discussions and modifications over  
8 time. The project has undergone significant,  
9 significant changes since its inception.

10 I didn't share with you last time  
11 a image from the previous architect, but that  
12 image would show you that the site was more  
13 densely massed and spread this density across  
14 the entire site and we haven't done that.  
15 We've taken an opportunity to preserve green  
16 space or to create green space and to mass the  
17 building along M Street as Shalom shared.

18 As I said and I'll try to wrap up  
19 quickly here, the project is a result of a  
20 collaborative effort over numerous years and,  
21 you know, does it satisfy everybody? No,  
22 probably not, but the pros, I think, outweigh

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1 the cons and I'm just going to read quickly  
2 some of the things that we believe are really  
3 great amenities to the community, to the ANC,  
4 to the project, to Southwest and to the  
5 District.

6 A brand new 8,000 square foot  
7 community center that will offer after-school  
8 programming, seniors' events, free wi-fi,  
9 adult computer training and wellness  
10 programming just to name a few. A community  
11 meeting space. A new fellowship hall.

12 I already mentioned the massing,  
13 but the building is as far away as possible  
14 from our neighbors and that was intentional.  
15 At the same time though, we heard from  
16 neighbors that they wanted a little bit more  
17 setback from M Street. So, we did that by  
18 another two feet.

19 Smart growth. Transit oriented  
20 development. Class a building materials and  
21 yes, our building materials will be the same  
22 on the back as they are on the front as Shalom

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1 put in his presentation last time.

2                   Underground loading, certainly  
3 unique. Underground parking of course.

4                   Mixed-income housing.

5                   A third of an acre of green space.

6                   That's certainly not small.

7                   I just want to make sure that  
8 we're talking about the right green space  
9 here. We, of course, have a green border  
10 across the front of our site that's considered  
11 technically, and maybe Allison can talk to it,  
12 open space, but in reality, we have that and  
13 we have a third of an acre courtyard in the  
14 back.

15                   And if I didn't mention it, I'm  
16 sorry, but about 50 new trees.

17                   Tree preservation. We want the  
18 trees to survive that people have talked about  
19 tonight. Those are of great value to the  
20 neighborhood. They're of great value to the  
21 city. They're of great value to us.

22                   We've offered to hire an arborist.

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1 We've offered to set back our building below  
2 grade by an additional four feet. So, our  
3 foundation wall is actually going to be set  
4 back from the property line and we're setting  
5 back the building above grade because we're  
6 trying not to trim the root canopy and trying  
7 not to trim the tree canopy to the greatest  
8 extent possible and we've pledge to replace  
9 those trees and yes, we need to work through  
10 as we discussed whether or not that's a 3-inch  
11 or a 4-inch or a 5-inch caliper.

12 Our point to the CSCA was simply  
13 that we want the trees to survive. We could  
14 certainly talk about a 4-inch caliper tree.  
15 We're amendable to that. We'll work with them  
16 to come up with what that number is and we put  
17 everything into a tree preservation agreement.

18 Electric car charging stations.  
19 Car sharing spaces. LEED-certified building.  
20 More than required bike parking spaces.  
21 Parking spaces. Assistance to the Kid Power  
22 DC Veggie Time Garden Program. Planting of

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1 new neighborhood trees in public space. A  
2 voluntary first-source agreement. Neutral  
3 community parking impact and a contribution to  
4 the CBCC and support of their ongoing  
5 programs.

6 This is not just about a  
7 residential project. It's about community  
8 building. It's about a church and the  
9 importance of St. Matthews staying in the  
10 community should not be understated. The  
11 church has always been and will continue to be  
12 a great neighbor.

13 It would have been easier for the  
14 church to relocate. You've heard that  
15 already. But, them staying really does  
16 demonstrate that they are committed to  
17 Southwest and to the neighborhood.

18 In summary, this is the signature  
19 project for the community that will be  
20 attractive and will contribute positively. We  
21 have worked diligently to reach out to the  
22 community and to incorporate feedback from the

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1 community, the ANC and District agencies.

2 The proposed project is a result  
3 of years of hard work and we ask for a vote of  
4 your approval.

5 Thank you.

6 CHAIRMAN HOOD: Anything else?

7 MS. PRINCE: Any rebuttal of the  
8 -- I'm sorry. Any cross examination of the  
9 rebuttal?

10 CHAIRMAN HOOD: Okay. But, you're  
11 going to have a closing statement after we  
12 finish rebuttal? Okay. All right.

13 Commissioners, any questions?  
14 Okay.

15 Do we have any cross examination  
16 on rebuttal?

17 ANC 6D?

18 Carrollsburg Square, any cross  
19 examination on rebuttal only?

20 Ms. Herridge or Dr. Krause, any  
21 cross examination on rebuttal only? Okay.

22 DR. KRAUSE: Let me ask the

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1 question on the -- what the Honorable Michael  
2 Flanagan in his written statement has termed a  
3 crime alley that is essentially unlinked  
4 because it faces the very large building.

5 The question is when the trees die  
6 and the transit of people comes through 3rd  
7 Street Extension where the previous major  
8 crimes have taken place, will you have  
9 lighting there?

10 You've removed the fences I  
11 learned. So, are you going to plan to do some  
12 lighting that might decrease that dark crime  
13 alley?

14 MR. BARONES: I'll tell you I  
15 think more important than the lighting is the  
16 fact that we will have units facing that  
17 alley. So, there will be eyes in that space  
18 by the inhabitants of the new units and that  
19 is much, much more effective than just -- it's  
20 not to say we won't put lighting. We'll  
21 certainly place some lighting there, but I  
22 think that's the major benefit in terms of the

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1 crime issue that you might be concerned about  
2 here.

3 DR. KRAUSE: Thank you. Excuse  
4 me.

5 MR. DIX: I'd just like to add to  
6 that, Dr. Krause, if you don't mind.

7 As Shalom stated, we will have  
8 units and yes, we will have lighting at those  
9 units. Those will be functional doors out to  
10 courtyards along 3rd Street.

11 It's not an alley. It's anything  
12 but an alley. It's a parking location for  
13 residents of Carrollsburg Square and it's  
14 adjacent to your own townhome units.

15 Lastly, besides the units, the  
16 fitness center as currently planned wraps  
17 around the ground floor. So, there will be  
18 activity. There will be life. The management  
19 office is also right along that edge as well.

20 So, there will be activity and there will be  
21 life and there will be lighting.

22 DR. KRAUSE: The second aspect of

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1 that is that this has been the major crime  
2 area in Carrollsburg Square Condominium with  
3 three hold ups of older residents.

4 CHAIRMAN HOOD: Let me just ask  
5 you this. I want -- we're going to have to  
6 narrow it down. I need to get the question  
7 not the -- let's not go all the way around the  
8 block. Let's go right to the question.

9 DR. KRAUSE: Thank you, Mr.  
10 Chairman.

11 The question is are you going to  
12 remove the fences?

13 MR. DIX: Just to clarify, do you  
14 mean the current Carrollsburg Square fence or  
15 the -- is it the St. Matthews fence? I'm not  
16 sure exactly who owns that fence right now.

17 DR. KRAUSE: I think it's a  
18 Carrollsburg Square Condominium fence that we  
19 own.

20 MR. DIX: The idea would be that  
21 that fence would be removed and a new fence  
22 would be put up with landscaping with the

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1 units that have courtyards and they would have  
2 gates if you would allow us to have gates out  
3 onto your parking area, but if Carrollsburg  
4 Square Condo Association did not want gates,  
5 then we would not have gates there.

6 DR. KRAUSE: Thank you.

7 CHAIRMAN HOOD: Okay. Well, thank  
8 you very much. You finished? Thank you very  
9 much.

10 Typically, you know, this is how I  
11 get in trouble. Typically, only one person  
12 should be doing cross examination.

13 MS. HERRIDGE: Okay.

14 CHAIRMAN HOOD: Okay. So, here's  
15 what I'll do in this case.

16 MS. HERRIDGE: Um-hum.

17 CHAIRMAN HOOD: Since Dr. Krause  
18 started asking the questions, if you have a  
19 question, ask him to ask it.

20 MS. HERRIDGE: Okay. Could I ask  
21 you just so I understand the chain of events  
22 as we go to finish having not done this

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1 process before?

2 CHAIRMAN HOOD: Okay. Yes.

3 MS. HERRIDGE: Because I made a  
4 mistake earlier with my husband's testimony.

5 CHAIRMAN HOOD: Okay.

6 MS. HERRIDGE: So, I just want to  
7 make sure I'm clear.

8 After the rebuttal here, is our  
9 cross examination, our version of our rebuttal  
10 or do we have an opportunity to make --

11 CHAIRMAN HOOD: No, that's the  
12 end. That --

13 MS. HERRIDGE: Okay.

14 CHAIRMAN HOOD: Actually, what's  
15 going to happen is Ms. Prince is going to give  
16 us a closing statement.

17 MS. HERRIDGE: Um-hum.

18 CHAIRMAN HOOD: And then I'm going  
19 to turn -- I'm sorry. Yes, Ms. Prince is  
20 going to give us --

21 MS. HERRIDGE: Do we -- are we  
22 allowed a closing statement as well? The

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1 reason I ask if I could just put this into  
2 record is that it does seem to me that the  
3 project purpose --

4 CHAIRMAN HOOD: Okay. I don't  
5 want anymore testimony on the project.

6 MS. HERRIDGE: It's not a  
7 question.

8 CHAIRMAN HOOD: Okay.

9 MS. HERRIDGE: It's -- it's a  
10 question.

11 CHAIRMAN HOOD: The only thing I'm  
12 going to take now if you have a question, I'll  
13 help you through the process, but what I want  
14 to --

15 MS. HERRIDGE: Okay.

16 CHAIRMAN HOOD: -- point your  
17 attention to is the title. The office is  
18 always open to come in here and ask on the  
19 process especially when you turn in your  
20 application. I'm just being realistic.  
21 Because what happens is now we're in a setting  
22 where it could be appealed. Anything can

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1 happen. So, I have to try to make sure I go  
2 by strict application of the law.

3 Sometimes I deviate. I've  
4 deviated for years. Most of the time, it gets  
5 me in trouble.

6 MS. HERRIDGE: Coloring outside  
7 the lines does that.

8 CHAIRMAN HOOD: And you're going  
9 to work with me so we won't have that problem.

10 MS. HERRIDGE: No, that -- no, I  
11 -- okay. I do have a question that I thought  
12 was not answered in the last session.

13 CHAIRMAN HOOD: Well, let me ask  
14 this question. Did they -- Ms. Prince has  
15 been doing this for awhile. So, when you see  
16 her head do this --

17 MS. HERRIDGE: Um-hum.

18 CHAIRMAN HOOD: -- she's waiting  
19 to see how I'm going to rule. Now, here's the  
20 issue. Let me just say this.

21 The cross examination's on  
22 rebuttal, rebuttal only. Not about the --

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1 MS. HERRIDGE: Okay. Then I will  
2 stick simply to that and I won't ask that  
3 particular question.

4 CHAIRMAN HOOD: On the rebuttal  
5 that you've heard just tonight.

6 MS. HERRIDGE: That's fine. Um-  
7 hum. Um-hum.

8 I have a question about the  
9 parking.

10 CHAIRMAN HOOD: Okay.

11 MS. HERRIDGE: You talk  
12 specifically about flat-screen TVs. How do  
13 flat-screen TVs solve the chronic parking  
14 issues that I illustrated in my photographs?

15 MR. VAN PELT: The flat-screen  
16 televisions really are part of the  
17 Transportation Demand Management. They're not  
18 necessarily used for the parking. They'd be  
19 used for informational -- as informational  
20 tools. So, let the users of the project know  
21 when the next Metro Bus is coming, know when  
22 the next train is going to be pulling into the

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1 station.

2 MS. HERRIDGE: So, I'm clear. It  
3 doesn't resolve the parking situation. It  
4 tells you when there's heavy traffic  
5 basically. Is that right?

6 MR. VAN PELT: No, it's not really  
7 intended to solve the parking situation.

8 MS. HERRIDGE: Okay. So, are you  
9 the parking expert on the team or the traffic  
10 expert?

11 MR. VAN PELT: I'm the traffic and  
12 parking consultant. Yes.

13 MS. HERRIDGE: Okay. So, what was  
14 your reaction to the photographs I entered  
15 into the record tonight?

16 MR. VAN PELT: I think that they  
17 can be pretty typical of what you would see  
18 around churches in the District of Columbia on  
19 a Sunday morning.

20 MS. HERRIDGE: Um-hum.

21 MR. VAN PELT: I think that  
22 there's -- it's known in the District that

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1 some rules often times do get bent, but I  
2 think that's -- and I think those are churches  
3 that I don't believe have much off-street  
4 parking. So, there's -- they resort to other  
5 things. Where here we have made the provision  
6 for 25 dedicated off-street spaces.

7 MS. HERRIDGE: But, you would  
8 agree the pictures I include are not just  
9 limited to immediately adjacent to these  
10 church sites. They include long stretches of  
11 the roadway. Correct?

12 MR. VAN PELT: I saw what was in  
13 your pictures.

14 MS. HERRIDGE: But, that would be  
15 an accurate representation. Correct?

16 CHAIRMAN HOOD: Ms. Herridge,  
17 those are your pictures and the rebuttal --  
18 again, the question is about their rebuttal.

19 MS. HERRIDGE: Okay.

20 CHAIRMAN HOOD: I don't think --  
21 did anybody mention her pictures? The  
22 pictures. We have your pictures.

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1 MS. HERRIDGE: No, that's fair.  
2 That's fair. I did want to clarify about the  
3 flat-screen TV and now, I'm clear in my own  
4 mind.

5 CHAIRMAN HOOD: Now, that was a  
6 question about the rebuttal.

7 MS. HERRIDGE: Um-hum. Okay. Let  
8 me see. Well, I'll leave it there then.

9 CHAIRMAN HOOD: Thank you very  
10 much.

11 Ms. Prince, I do -- before your  
12 closing statement, I do want to know. I think  
13 Ms. Herridge -- this -- okay. Thank you. I  
14 think she brought up a question about her son  
15 and whether you all had been apprised of that  
16 and I know that's -- could you let us know if  
17 that has been taken into consideration. Was  
18 the developer even aware of what was going on  
19 with her son?

20 I'm just curious and I know, you  
21 know, the pastor is coming to the -- and we're  
22 not going to put him back under oath because I

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1 know he's going to tell me the truth.

2 MR. HUBER: I actually  
3 participated in the oath. So, I was sworn  
4 tonight.

5 CHAIRMAN HOOD: No, I always sit  
6 here. When I see a man with a collar and they  
7 take the oath, I always wonder what are we  
8 doing, but anyway.

9 MR. HUBER: Until the papers were  
10 filed to be a party status to this hearing, I  
11 was unaware of any special needs child living  
12 next door to our property.

13 CHAIRMAN HOOD: I don't know  
14 what's within my jurisdiction on that issue,  
15 but I would just ask that that be a  
16 consideration or just -- I'm not saying do  
17 anything different, but I'm just saying  
18 obviously Ms. Herridge didn't make the contact  
19 or even mention anything. I'm not sure what  
20 could be done if this project does move  
21 forward. But, I would just ask that from all  
22 I've heard about the church. So, just see

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1 what -- how we can balance that out. What can  
2 we do?

3 And I'm not asking for -- I'm  
4 really not asking for an answer tonight.

5 MR. DIX: Well, I can say though  
6 that we will certainly have a conversation  
7 with Ms. Herridge.

8 You know, as this pastor said, we  
9 weren't aware until the paperwork was filed a  
10 few weeks ago.

11 MR. HUBER: And, Mr. Chairman, I  
12 would say in spite of how we may have been  
13 portrayed, we are the church and the safety of  
14 children is paramount to us as a congregation  
15 and as a church and so, I look forward to that  
16 conversation to make sure that every child in  
17 our community is safe and no one is adversely  
18 affected or put in danger by our project.

19 CHAIRMAN HOOD: Okay. And, Ms.  
20 Prince, depending on how this goes, before we  
21 get too close to the final, I would just like  
22 to know how that's going.

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1 MS. PRINCE: That's fine.

2 CHAIRMAN HOOD: Okay. All right.

3 Thank you very much. I appreciate it.

4 Ms. Prince, you have a closing  
5 statement?

6 MS. PRINCE: Very brief closing  
7 statement.

8 I believe you asked me to address  
9 the notice issue one more time.

10 CHAIRMAN HOOD: Yes, for the  
11 record.

12 MS. PRINCE: The regulations  
13 provide very clearly that in the instance of a  
14 condominium association with more than 25  
15 units notice goes to the president of the  
16 board of directors of the association to  
17 obviate the need for notice to individual unit  
18 owners in a large building.

19 In this case, we complied with the  
20 notice. We used the address that was in the  
21 Office of Tax and Revenue database as we're  
22 required to do.

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1           It's unfortunate that that notice  
2           apparently didn't make it to the president.  
3           It's unfortunate that our earlier notice of  
4           intent to file the PUD never made it to the  
5           president.       It's unfortunate that the  
6           president and the board are apparently not  
7           active participants in the Advisory  
8           Neighborhood Commission, but it's also  
9           possible that there were unit owners in the  
10          building that were very aware of the project  
11          and simply aren't here because they don't have  
12          an issue with it.

13                I really don't know. All I know  
14                is that there was an extensive amount of  
15                outreach in this case that goes back years and  
16                years and over 50 owners were notified and  
17                there were over 60 people at the ANC meeting  
18                where the vote was taken. So, I really -- and  
19                there were a lot of people here tonight. So,  
20                I really am not -- I do not believe there was  
21                any defect in notice nor was there any  
22                intention to exclude any property owners. It

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1 was really quite the opposite.

2 And when I said that we were over  
3 inclusive, what I meant is that many property  
4 owners who live outside the 200-foot radius  
5 got notice because we err on the side of over  
6 inclusiveness in noticing these cases always  
7 and if those big orange signs aren't enough to  
8 let people know what's going on, I don't know  
9 what is and they've been posted for 40 days.

10 But, in closing, I really  
11 appreciate your time. I know this has been a  
12 long hearing and you've had a lot to take in.  
13 I just have three points to make.

14 As the architect described, the  
15 massing of the project really was shaped with  
16 three different things in mind. The existing  
17 built environment in Southwest which they  
18 covered with great -- they really examined it  
19 with great care as they figured out how to  
20 mass this project.

21 The firm also studied the historic  
22 right of way of Delaware Avenue in, I think, a

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1 very thoughtful way and they also studied in  
2 great detail the relationship between this  
3 building and the proposed neighbors and the  
4 end result, I think, is a building that makes  
5 a strong architectural statement in Southwest,  
6 but has sensitive massing and I say sensitive  
7 because of the third of an acre open space and  
8 because of the step down and the step down  
9 from the tallest part of the building to the  
10 lower, I think, is a very meaningful gesture  
11 to mass the project in a way that works well  
12 with the neighboring properties.

13 The current zoning is simply not  
14 consistent with the Comprehensive Plan. The  
15 Comprehensive Plan was updated as we all know  
16 in 2006 and the Generalized Land Use Map calls  
17 for medium-density residential use.

18 The notion of three-story  
19 townhouses on a 110-foot right of way in one  
20 of the most important neighborhoods in the  
21 city is simply not fathomable. I mean it  
22 makes no sense and that's why the Comp Plan

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1 reads the way it does.

2 To have that scale of density on  
3 this important a street wouldn't comport with  
4 the city's vision for Southwest and it  
5 wouldn't comport with good urban design  
6 principles.

7 I was driving down North Capitol  
8 Street this morning and I saw some unfortunate  
9 townhouses that were built right near Catholic  
10 U about 25 years ago and I thought we could  
11 use more scale there. This is a major, major  
12 street.

13 So, obviously, this Commission has  
14 to take that into account very carefully and  
15 question whether we are not proposing a zoning  
16 that's consistent with the Comprehensive Plan.

17 And finally, as the Commission's  
18 aware, religious institutions are a critical  
19 part of the fabric of residential communities.

20 The Comprehensive Plan recognizes this and  
21 let me just note that the Comp Plan  
22 specifically says -- it specifically speaks to

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1 the need to work together. For communities,  
2 ANCs, residents, businesses to work together  
3 so that churches may be sustained as  
4 neighborhood anchors and a source of spiritual  
5 guidance for District residents.

6 I believe that is exactly what St.  
7 Matthews is doing. The church established in  
8 this community in the height of urban renewal.

9 It's a true neighborhood institution that has  
10 been a fundamental part of the revitalization  
11 of Southwest.

12 As we've heard, this church has  
13 given back even when it hasn't had a physical  
14 structure. It has never stopped ministering  
15 to this community even without a home and  
16 many, many churches we all know sell and leave  
17 and if someone can explain to me how a church  
18 can come back into a community after it's  
19 left. I can't imagine how that could be  
20 accomplished with property values as they are.

21 So, the fact that they've elected  
22 to stay I think is very, very important and

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1 this new home will take their vision, their  
2 very powerful vision and allow them to expand  
3 it in a more meaningful way and continue to be  
4 a very important part of this community.

5 And that's all I have to say and I  
6 greatly appreciate your time.

7 CHAIRMAN HOOD: Okay. Thank you  
8 all very much.

9 Oh, you know what? You didn't  
10 have your opportunity to cross examine. Thank  
11 you, Mr. Weller.

12 You can come forward. Do you have  
13 any cross examination? Yes, just on rebuttal.

14 Not on the closing and I apologize.  
15 Normally, I get --

16 MR. WELLER: Thank you. I know  
17 it's getting late.

18 Two wishes. Public open space  
19 wish was raised on rebuttal.

20 How many square feet of public  
21 open space adjacent to the main entrance of  
22 the building is required?

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1 MR. DIX: Give me one second. Can  
2 you repeat your question please?

3 MR. WELLER: How many square feet  
4 of public open space adjacent to the main  
5 entrance of the building is required?

6 MR. DIX: Five thousand.

7 MR. WELLER: And how much are you  
8 providing?

9 MR. DIX: One second while we get  
10 that calculation up. One thousand one hundred  
11 and forty-five square feet along the front of  
12 the building and along the edge of Delaware  
13 and M.

14 MR. WELLER: I'm sorry. Was that  
15 the end?

16 MR. DIX: Yes, you asked --

17 MR. WELLER: Okay.

18 MR. DIX: I'm sorry. You asked  
19 how many square feet. Correct?

20 MR. WELLER: Yes. Yes, I heard  
21 that.

22 MR. DIX: One thousand one hundred

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1 and forty-five square feet along the front of  
2 M Street and the corner of Delaware and M.

3 MR. WELLER: Okay. Thank you.  
4 And what's the reason that you can't provide  
5 the full amount that's required? Briefly.

6 MR. DIX: I think that -- I'll try  
7 to answer and Shalom, you can certainly -- I  
8 would like you to jump in.

9 But, part of it is we could  
10 actually push the building back from M Street  
11 I suppose. Further back towards Carrollsburg  
12 Square, but I don't think that that would be  
13 beneficial or meet the objectives of the  
14 majority of the community that has spoken to  
15 us in terms of keeping the maximum distance  
16 away from Carrollsburg Square Condo  
17 Association.

18 MR. WELLER: Would it be fair to  
19 say the lot's too small?

20 MR. DIX: I have to be honest with  
21 you. I'm not sure quite how to answer that  
22 question.

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1 MR. WELLER: Okay. I'll leave it  
2 alone.

3 Loading. Underground parking also  
4 came up on the rebuttal. When a moving truck  
5 drives into the underground parking place, is  
6 there enough room for it to turn around?

7 MR. DIX: Yes, there is. There's  
8 enough room for a complete K turn in the  
9 garage.

10 MR. WELLER: For a truck of what  
11 size? A tractor trailer?

12 MR. DIX: No, a 30-foot moving  
13 truck of approximately 14 feet in height.

14 MR. WELLER: Okay.

15 MR. DIX: Which is typical for  
16 what we see in all urban moving.

17 MR. WELLER: So, not the tractor  
18 trailer truck that moved my wife and I in.

19 So, for that type of truck, it  
20 would have to drive in and then back out onto  
21 Delaware Avenue. Is that correct?

22 MR. BARONES: No, we've allowed

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1 enough space in the lower level for it to be  
2 able to turn and go head first out up the  
3 ramp.

4 MR. WELLER: I thought I understood  
5 from your associate that there was enough room  
6 for a 30-foot truck but not for one that was  
7 larger than that to turn around.

8 MR. BARONES: I'm sorry. You're  
9 right. Not for a tractor trailer.

10 MR. WELLER: Okay. So, a larger  
11 moving truck if there is one would have to  
12 back out onto Delaware.

13 That's all I have. Thank you.

14 CHAIRMAN HOOD: Okay. Thank you  
15 very much. Again, I apologize.

16 Okay. Ms. Prince has already done  
17 her closing statement.

18 Do we have anything that we're  
19 looking for, Ms. Schellin, if you --

20 MS. SCHELLIN: There is one thing  
21 that I had a note for that I didn't see in the  
22 Applicant's submittal that they made

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1 already.

2 Commissioner Schlater had made  
3 mention that he'd like to see a public space  
4 design. I didn't see that in what you  
5 submitted.

6 Do you remember? That's what I  
7 wrote down and he's not here, but okay.

8 And then there's a couple of items  
9 from DDOT and then OP was going to provide the  
10 amount of open space on the project or has  
11 that been answered?

12 Still waiting for that from OP.  
13 The amount of public space for the project.  
14 That came up during cross where Mr. Weller did  
15 cross of OP.

16 CHAIRMAN HOOD: Who was supposed  
17 to do that?

18 MS. SCHELLIN: OP.

19 CHAIRMAN HOOD: OP's going to  
20 provide it.

21 Do we have anything else?

22 MS. SCHELLIN: Then if you want

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1       them to provide -- I guess meet in the next  
2       week or two with Ms. Herridge and respond back  
3       or report back.

4                   CHAIRMAN HOOD:    I actually -- I'm  
5       not sure how this one -- but, before I do any  
6       final vote, I'd actually like to know how  
7       that's going.

8                   MS. SCHELLIN:    Okay.    So, dates  
9       for that if we could.  Those specific requests  
10      would be due by 3:00 p.m. March 26.  The  
11      parties would have an opportunity to respond  
12      to those filings only by 3:00 p.m. April 2nd.  
13      Draft findings of fact conclusions of law  
14      would be due by 3:00 p.m. April 9th and we  
15      would put this on our April 30th agenda.

16                  CHAIRMAN HOOD:    Thank you, Ms.  
17      Schellin.

18                  Do we have anything else?  With  
19      that, I want to thank everyone for your  
20      participation tonight and this hearing is  
21      adjourned.

22                  (Whereupon, at 10:48 p.m., the

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1 hearing was adjourned.)

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