

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Zoning Commission

Public Hearing

Case No. 16-20 [3443 Benning, LLC - Consolidated PUD
Application and Related Map Amendment at Square 5017,
Lots 839, 840, 841, 842, and a portion of the public
alley abutting Lots 839 and 840.]

6:31 p.m. to 10:32 p.m.
Thursday, May 4, 2017

Jerrily R. Kress Memorial Hearing Room
441 4th Street, N.W., Suite 220 South
Washington, D.C. 20001

OLENDER REPORTING, INC.
1100 Connecticut Avenue NW, #810, Washington, DC 20036
Washington: 202-898-1108 • Baltimore: 410-752-3376
Toll Free: 888-445-3376

1 Board Members:

2 ANTHONY HOOD, Chairman

3 ROBERT MILLER, Vice Chair

4 PETER MAY, Commissioner

5 PETER SHAPIRO, Commissioner

6

7 Office of Zoning:

8 SHARON SCHELLIN, Secretary

9

10 Office of Planning:

11 JOEL LAWSON

12 KAREN THOMAS

13

14 Department of Transportation:

15 EVELYN ISRAEL

16

17

18

19

20

21

22

23

24

25

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

2 CHAIRPERSON HOOD: This is the public hearing
3 of the Zoning Commission of District of Columbia.
4 Today's date is May the 4th, 2017, and it's
5 approximate 6:30 p.m. We're located in the Jerrily
6 R. Kress Memorial Hearing room.

7 My name is Anthony Hood. Joining me this
8 evening are Vice Chair Miller, Commissioner Shapiro,
9 and Commissioner May. Also, we are joined by the
10 Office of Zoning Staff, Ms. Sharon Schellin, Office
11 of Planning staff, Mr. Lawson, Ms. Thomas, as well as
12 the District Department of Transportation, Ms.
13 Israel.

14 This proceeding is being recorded by a court
15 reporter and is being recorded by a court reporter
16 and is also webcast live. Accordingly, we must ask
17 you, excuse me, refrain from any disruptive noises or
18 actions in the hearing room, including the display of
19 any signs or objects.

20 Notice of today's hearing was published in
21 the D.C. Register and copies of that announcement are
22 available to my left on the wall near the door. The
23 hearing will be conducted in accordance with
24 provisions of 11Z DCMR Chapter 4 as follows;
25 preliminary matters, applicant's case, report of the

1 Office of Planning, report of other government
2 agencies, report of the ANC, organizations and
3 persons in support, organizations and persons in
4 opposition, rebuttal and closing by the applicant.

5 The following time constraints will be
6 maintained in this meeting. The applicant has up to
7 60 minutes. I see they've requested 45.
8 Organizations, five minutes. Individuals, three
9 minutes.

10 All persons wishing to testify before the
11 Commission in this evening's hearing are asked to
12 register at the witness kiosk to my left and fill out
13 two witness cards. These cards are located to my
14 left on the table near the door.

15 Upon coming forward to speak to the
16 Commission, please give both cards to the reporter
17 sitting to my right before taking a seat at the
18 table. When presenting information to the
19 Commission, please turn on and speak into the
20 microphone, first stating your name and home address.
21 When you are finished speaking, please turn your
22 microphone off so that your microphone is no longer
23 picking up sound or background noise.

24 The decision of the Commission in this case
25 must be based exclusively on the public record. To

1 avoid any appearance to the contrary the Commission
2 requests that persons present not engage the members
3 of the Commission in conversation during any recess
4 or at any time. The staff will be available
5 throughout the hearing to discuss procedural
6 questions. Please turn off all electronic devices at
7 this time so as not to disrupt these proceedings.

8 Would all individuals wishing to testify
9 please rise to take the oath?

10 Ms. Schellin, would you please administer the
11 oath?

12 MS. SCHELLIN: Yes. Please raise your right
13 hand.

14 [Oath administered to the participants.]

15 Okay, Ms. Schellin, do we have any
16 preliminary matters?

17 MS. SCHELLIN: Yes, sir. Just the proffered
18 expert witnesses of the applicant. We have Mel
19 Thompson from Grim and Parker, who has previously
20 been approved by the Commission. And then we have
21 either Irwin Andreas, which I don't see him, James
22 Watson. He's also previously been approved by the
23 Commission as an expert in traffic engineering and
24 design. And so, I would ask the Commission to also
25 accept them in this evening's case as experts.

1 CHAIRPERSON HOOD: Okay. I don't see any
2 objections. I think we will continue their status.
3 All right. Anything else?

4 MS. SCHELLIN: No, sir.

5 CHAIRPERSON HOOD: Okay, Mr. Avitabile.

6 MS. SCHELLIN: Oh, I'm sorry. Just for the
7 Office of Planning report, they submitted it one day
8 late and would just ask for -- they did ask for a
9 waiver and just ask the Commission by consensus to
10 accept the late filing of their report.

11 CHAIRPERSON HOOD: Okay. Any objections?
12 Not hearing any. Okay. Mr. Avitabile, you all may
13 begin.

14 MR. AVITABILE: Thank you very much. Good
15 evening, Chairman Hood and members of the Commission.
16 My name is David Avitabile with the land use firm of
17 Goulston and Storrs. We're land use counsel for the
18 applicant tonight. With me tonight is Dave Lewis,
19 also from Goulston.

20 We are here tonight to present a Planned Unit
21 Development and related zoning map amendment for
22 property located along the Benning Road corridor and
23 in the River Terrace neighborhood of Ward 7. The
24 project is an all-affordable apartment building
25 reserved for seniors that will meet a critical need

1 for affordable senior housing which is specifically
2 called for in the Comprehensive Plan.

3 It is a four to five-story building that is
4 not inconsistent with the site's land-use
5 designations under the Comprehensive Plan,
6 particularly when viewed through the lens of the
7 Benning Road Corridor Small Area Plan.

8 We will begin our presentation with an
9 overview of the project, the community outreach
10 process, and the proposed benefits and amenities from
11 the applicant, followed by a design presentation from
12 the architect, and then an overview of the
13 transportation study by the traffic consultant. I'll
14 then conclude with a summary of the project.

15 And so, with that, I will turn it to Michael
16 Giulioni from Neighborhood Development Company.

17 MR. GIULIONI: Good evening. So, I guess we
18 wanted to start our presentation by providing you
19 with a high-level overview of what it is we're
20 proposing. David did mention some of these elements.
21 It is a 70-unit building. It is now 100 percent
22 senior serving, which is 55 years of age, based on
23 our proposed financing for the project. We're
24 proposing, for the most part, one-bedroom units,
25 although there will be two studios based on our most

1 recent design iteration.

2 Again, the project will be affordable to
3 those making 50 percent or below of area median
4 income, and you know, based on the household size,
5 whether it's one or two people, we're looking at a
6 range of between 38 to \$44,000 a year would be their
7 gross income of the persons who would be eligible.

8 I think an important element that we've
9 worked on with both the neighborhood association and
10 the ANC is the neighborhood serving community room,
11 which we'll talk about more as we move through the
12 presentation. I think a big element that we've
13 worked on, as a result of the set down hearing is
14 high quality exterior which we hope you recognize in
15 the drawings and Mel will take you through those in
16 more detail.

17 And important to note is the project does
18 include an alley closure as a part of the overall
19 proposal.

20 NDC is a D.C. based company founded here in
21 1999 by Adriane Washington. To date we've done over
22 600 units and 700,000 square feet of real estate.
23 Important to note is we work across all, I guess,
24 ranges of real estate. We do affordable. We also do
25 a lot of tree condominium, and we think both of those

1 are the entire spectrum of housing types adds to the
2 value of the city.

3 We also do some retail around the city as a
4 part of other projects, which we're going to
5 highlight.

6 Historically, our projects have, in our
7 opinion, been catalysts for change in neighborhoods.
8 I think a great example, first example is 4100
9 Georgia Avenue, where we took a vacant lot and turned
10 it into this moderate-income housing project. This
11 was delivered in 2008 in Petworth. And one of the
12 things we're really proud about with respect to this
13 project was we were able to incorporate a Yes Organic
14 Market in the ground floor and it was an important
15 food -- it addressed a food desert issue at that
16 time.

17 Another project is 3232 Georgia Avenue.
18 Again, you can see we took another vacant lot.
19 Beforehand I think it was a pawn shop there, on most
20 of the site. This was also serving moderate income
21 households, delivered in 2015 in the Parkview
22 neighborhood. And it also incorporates ground floor
23 retail, which includes both our -- our head offices,
24 both local small businesses, and we do have a few
25 national brands, chain retailers that are in this

1 building.

2 Important to note, which we're going to deal
3 with a little bit more is that I think this project,
4 and this happened during the operations phase,
5 represents a great example of how we've worked with
6 local neighborhood groups and MPD to put together a
7 community policing plan when there was issues
8 surrounding our building. Not so much in our
9 building. We think it's important that our assets
10 are valuable over the long haul in the neighborhoods
11 they're located.

12 So, in terms of this site, you know, we think
13 it's another great opportunity to bring about
14 positive change to a neighborhood. As Dave
15 mentioned, you know, in terms of land-use policy, we
16 think we're doing a lot by putting underutilized land
17 to use. We're doing our part to address a lot of
18 variety of planning guidance that is in the
19 Comprehensive Plan and more local plans. I think as
20 I'll get into a little bit more detail in a moment,
21 we think this neighborhood has great assets and we're
22 building on those, and our affordable strategy is,
23 you know, it's a long-term -- our delivery of
24 affordable housing in this neighborhood, it's a long-
25 term investment. It's a 40-year investment for the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 company.

2 I may be here, but I don't know if our CEO
3 will be. I hope he is.

4 So, I guess, I think also important is that,
5 you know, where we are in terms of timing is we see
6 this as a great opportunity to secure affordable
7 housing for the future for the demograph that we are
8 serving. So, you know, the window, I guess we see it
9 as maybe closing, to be able to do this. And so, now
10 is a great time to do it.

11 So, to dive into more detail on the actual
12 site, I want to sort of walk you through the local
13 context and then talk about really why did we choose
14 to invest in this property. And then, what we've
15 done to date to work with the community and where we
16 stand.

17 So, as you'll see, I guess our site is one
18 block south of Benning Road. It's actually on -- I
19 guess Eads Street itself is actually -- it's right
20 here. You'll see that. I guess why, you know, why
21 would we choose here? You can see the Metro lines
22 which are not -- we're not right close to, but we are
23 just outside of the half mile radius. As well,
24 though, we have the various bus lines that run along
25 Benning Road, which Jim will tell you more about.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 It is close to existing assets such as the
2 River East shopping center, which the Comp Plan
3 designates as a regional center. So, it's not
4 convenient, it does require to go over the 295
5 bridge, but there is access to a pretty diverse
6 retail base there.

7 And then I think another facet is, you know,
8 local neighborhood assets like Anacostia Park, which
9 I'll mention again in a moment. And I think an
10 important reason why we chose this site was also the
11 decommissioned PEPCO plan. The work of River Terrace
12 to advocate for its decommissioning has definitely
13 made this an area worth pursuing investment from our
14 point of view.

15 So, you know, I think one asset that was
16 particularly intriguing to us is Anacostia Park,
17 which is, I guess, two to three blocks to the west of
18 our site. Right now, I guess I see this as an
19 underutilized asset and it's getting better all the
20 time. I think they've been adding bike trails and
21 things like that through it. So, we see that as a
22 great asset to build around.

23 So, the site itself -- so we are, it's pretty
24 clear, on the north side of the street, between 34th
25 and 36th Streets. I think I wanted to highlight, you

1 know, we're on a 20-foot alley to the north, 20-foot
2 alley to the west, and we will be -- this is the
3 alley we're proposing to close. We actually own this
4 parcel here and these three parcels, which will be
5 ultimately subdivided.

6 A key factor early on in the discussions
7 about the site, including with the Office of
8 Planning, are the existing building restriction
9 lines. And as Mel takes you through the architecture
10 of the project, I think you'll see, we've done what
11 we can to adhere to the spirit of that control.

12 I think important to note, which is that we
13 also, investing in this site, we also purchased this
14 property to the north. You know, we are hoping to do
15 more in this neighborhood. And as well, this may
16 come up in discussions. So, I wanted to -- there is
17 a Department of General Services lot that's here
18 right next to our site.

19 So, a little bit about the existing character
20 of this neighborhood. This is on the south side of
21 Eads, west of our site. You know, what you'll find
22 is we have these lovely two-and-a-half story
23 rowhomes. The bit of the character, which is nice,
24 is created by the pent roofs, which give a little bit
25 more articulation to the roof pattern.

1 As you'll see better in the next slide, as
2 you move along the street, the elevation changes.
3 So, in some instances we have the plinths at the
4 sidewalk level that lift the houses up a little bit.

5 Also, you know, the thing of interest to us
6 as developers is there is -- the public realm was
7 recently improved and we think we're going to be
8 adding to that with our project.

9 So, this is pretty much the same household --
10 or housing type on the north side. Again, as you may
11 have noted on the site plan, the buildings are set
12 back from the building restriction line, but there is
13 this existing I guess, fairly deep front yard
14 setback, and then the buildings are set up on these
15 land plinths.

16 The general pattern as you'll see, we have a
17 mixture of brick with some siding and again, the
18 varied roof patterns.

19 In terms of, you know, we wanted to just
20 highlight, you know, this is the site at the west
21 end. You'll see here, this is the alley that we're
22 proposing to close, which splits our very parcels.
23 What's going on around us, this is the to the
24 northeast. As you can see there's a relatively high
25 proportion of vacant land that also shows up on the

1 local context map. And this just is intended to
2 highlight the property that we actually own, between
3 Benning Liquors and the Chateau Remix. The two
4 current operating businesses.

5 So, I guess why would we build here? A big
6 reason was the Future Land-Use Map guidance, which is
7 residential, moderate density, and commercial, medium
8 density/residential moderate density. As we've
9 discussed with the community, a big part of our
10 investment strategy was looking to the map and seeing
11 this designation and wanting to build a project
12 that's consistent with it.

13 Building on this, we also feel that there's
14 very strong small area plan guidance through the
15 Benning Corridor plan. Our property, properties I
16 guess, are actually called out within the plan,
17 within the part of a larger opportunity site. So,
18 it's actually the yellow boundary here that defines
19 where our property is within the plans, boundaries of
20 opportunity site 2C.

21 So, I guess in addition to the geographic
22 guidance, you know, we did look to the Comprehensive
23 Plan, and here we've tried to highlight I guess not
24 all of them, but a lot of the ones that run the gamut
25 of the different elements of the plan, including

1 land-use, environment, urban design, and housing.

2 So.

3 So now I'm going to, I guess, talk a little
4 bit about our community outreach process to date.
5 I'm going to try to orient you to the overall
6 approach, and then sort of walk you through the
7 timeline of what's happened. And I think what's most
8 important is where we are right now.

9 What's depicted on this slide, it's really
10 just intended to reflect what we've submitted into
11 the record, which is our cataloging of what we've
12 done and the different conversations we had. And
13 some of that is from us. Or most of it is from us,
14 but actually a lot of it is what we heard back from
15 the community, which has been great.

16 So, overall, I guess you know, how would I
17 characterize the process to date? Well, it's been
18 very iterative, and we've tried to be as responsive
19 as we can with, you know, with I guess the nature of
20 time. You know, there's only so much time. We've
21 really tried to engage locally with local citizens,
22 as well as the Advisory Neighborhood Commission. I
23 feel you know, it's been very collaborative. There
24 has been people in the community who have been active
25 partners in helping us create a dialog about the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 project.

2 And from my point of view, I've really tried
3 to do our part in helping inform and educate the
4 people we've been working with by providing them
5 resources about the zoning regulations and procedures
6 so that we can all have a constructive dialog.

7 And I think it's also fair to say we've tried
8 to be very transparent in our processes. Early on we
9 were asked --

10 [Interruption by service announcement.]

11 CHAIRPERSON HOOD: Okay. We can continue.

12 MR. GIULIONI: Thank you. Oh, where did I
13 leave off? Oh, yeah, transparency. Sorry.

14 Early on in the process, you know, through
15 dialog with one -- actually, at the time, President
16 of River Terrace Community Organization, we were
17 asked for, you know, information about our financial
18 model. We shared that. You know, we wanted to help
19 people understand how our projects work.

20 So, again, not going to go through all these
21 slides. You have it in front of you, but I think
22 some of the key things we did, I guess the process
23 started over a year ago in terms of initial
24 conversations with, at the time, the single-member
25 district commissioner, and then shortly thereafter

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 with the ANC. We introduced, I guess -- I guess a
2 big part of the ANC meeting was wanting to identify
3 stakeholders who we could work with and we think that
4 was very successful.

5 We talked with them about how community
6 interaction could occur. We worked with MPD as a
7 result of you know, going to a meeting. They
8 contacted us and they helped inform certain elements
9 of the project's design.

10 I think a key aspect that was very helpful is
11 through one of the meetings with the ANC is that, you
12 know, they advocated a different approach to how we
13 would conduct interaction that led to two open
14 houses, which were very helpful in raising awareness
15 and getting input about the project.

16 At their request, you know, we notified over
17 1,000 households by UPS within the boundaries of
18 River Terrace. Those events ultimately were held by
19 -- or attended by just over 60 people, signed in.
20 And that was all before we actually filed our
21 application.

22 Subsequent to that, we did work with again
23 the SMD Commissioner at the time, and who is now the
24 current RTCO president, to work on the community
25 benefits together. So, we talked about, you know,

1 our time constraints and to the point of being
2 collaborative they were very helpful in basically
3 taking the helm on that and you know, through some
4 dialog back and forth, we were able to, I think,
5 resolve a lot of issues and definitely get a lot of
6 issues out on the table.

7 I guess, key to that was they actually did
8 prepare a survey that they gave to us which was also
9 submitted into the record. And I think that was very
10 helpful in that they did establish a clear list of
11 needs for the community that was vetted by them. So.

12 So, ultimately as a result of the survey, we
13 did respond to that and we're going to highlight some
14 of the changes that came about as a result of that.
15 This March, between March and April, we actually had,
16 both through the Executive session of the ANC, and a
17 regular ANC meeting and special meeting, we had
18 ongoing dialog and I guess which I will highlight,
19 you know, where we currently stand with the
20 outstanding issues.

21 So, you know, to sort of summate where we are
22 now, and sort of how things have changed, these three
23 bullets, I think is -- it's important. They actually
24 are sequential. You know, as a result of the
25 community open houses, we received design feedback

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 which ultimately has changed the design. At that
2 time, we agreed that yeah, the community room we felt
3 was something we could you know, offer up as a public
4 benefit. And we also got a clear list of issues, not
5 just about the PUD, but how we should deal with
6 things were the PUD to be approved, and we would have
7 to go to the construction phase of the project.

8 As a result of the survey, at that time we as
9 a function if it, we committed to set aside 60
10 percent of the project as senior housing, to provide
11 the cash disbursement to River Terrace Community
12 organization, and as a part of overall design
13 changes, we removed the underground level to mitigate
14 negative impacts associated with the future
15 construction. And a lot of issues were raised about
16 the impacts of construction in general, and so we
17 committed to doing monitoring around the site, and
18 you know, should it happen, if we monitor it
19 shouldn't. But we would, you know, we would correct.

20 And then as a result of the more recent ANC
21 discussions, we came to the conclusion that, you
22 know, 100 percent senior housing is the right program
23 for the site; that there is a need and we should
24 provide a passenger pick-up and drop-off area in
25 front of the building on Eads Street. And we did do

1 what we could at that time to address questions and
2 concerns that had come up as a result of the ANC's
3 discussions with the ANC.

4 So, I guess just to sort of close out my part
5 before I pass it on to Mel, you know, I think the
6 record will show that there are some outstanding
7 issues that we need to work on. But when I look at
8 this process, you know, I obviously have my way of
9 looking at it and in my view, really we engage with
10 the community to make better projects. And I think
11 we have a better project now than we did when we
12 started, because we had that dialog with them, with
13 the Office of Planning, with all the parties who are
14 involved, including the Zoning Commission.

15 So, we may have some work to do, but we think
16 that we've got a great point we're at, and we're
17 looking forward to continuing to work with the
18 neighborhood on the outstanding issues. So, thank
19 you.

20 MR. THOMPSON: Good evening, Commission,
21 commissioners. My name is Mel Thompson with Grimm
22 and Parker Architects. Thanks for having us back.

23 The -- hold on. The project we're bringing
24 to you today is a four five-story senior apartment
25 building. Again, there are 70 apartments in the

1 building. We have rear loaded parking off of the
2 alley for the required parking we have for the
3 building. The loading dock and trash pick-up will be
4 on the west side of the site on the west alley
5 portion. We'll have units on the -- this is a slab
6 on grade building for the most part. We'll have
7 units on the first floor, community space and leasing
8 on the first floor as well.

9 The typical floors, the second floor is, you
10 know, all apartment units to meet the needs of
11 providing as many units as we could for the senior
12 building. The upper floor, four -- fifth floor, I'm
13 sorry, is a green roof and the building steps back to
14 the west to soften the height of the building and
15 elevation as well.

16 The main portion of the building's roof will
17 have a mechanical systems and a green roof on the
18 majority of the roof itself.

19 This is an Eads Street elevation of the
20 project. We are proposing an all-brick building with
21 metal and glass canopies as entryways. The material
22 and the facades address some of the materials that we
23 have in the community today.

24 The rear elevation, you will see the loading
25 berth off of the west alley and the rear parking

1 garage bays off of the alley parallel to Eads Street.

2 We're planning to do -- address the street
3 scape correctly, so the pedestrian experiences is a
4 very good one. That's very important to us as we
5 make the connection down from the top of the block,
6 down to the community center at the end of the block.

7 The Eads Street elevation again, is all brick
8 and we're proposing to do that on the entire all four
9 sides of the building.

10 And next I'll hand it over to transportation.
11 Thank you.

12 MR. WATSON: Good evening, Commissioners.
13 And for the record, my name is Jim Watson with Gorove
14 Slade Associates. We performed the transportation
15 review for this project, working with the applicant,
16 and have been coordinating with DDOT along the way.
17 I'll briefly touch on the transportation related
18 highlights of the 3450 Eads Street PUD.

19 As been mentioned, the sites located on Eads
20 Street between 34th and 36th Streets just south of
21 Benning Road, there's access to a number of
22 transportation options and services that are
23 available on all modes. There are several metro bus
24 lines nearby, including the X-2 line that runs along
25 Benning Road from Minnesota Avenue Metro Station,

1 terminating at the Farragut West Metro Station in
2 downtown D.C.

3 This route provides service every six to 20
4 minutes at the covered bus shelters that are on
5 either side of Benning Road at 34th Street, as well,
6 the Minnesota Avenue Metro rail station is within a
7 half a mile, but it's just under a mile walk from the
8 site on accessible sidewalks via Kenilworth Avenue to
9 a pedestrian bridge at Hayes Street. And that
10 provides access to the Orange Line.

11 There's a Capital Bikeshare station also
12 located less than two blocks away, and there are car
13 sharing options provided near the neighborhood with
14 three Zip cars located on the opposite side of
15 Minnesota Avenue.

16 In addition, the PUD's transportation plan
17 also takes advantage of the transportation amenities
18 of the nearby area, as well as a transportation
19 demand management plan that I'll talk about a little
20 bit later, to incentivize residents to use the
21 nonauto modes available.

22 A comprehensive transportation review, or
23 CTR, was scoped with DDOT and performed for this PUD
24 in accordance with DDOT and national industry
25 standards.

1 As it was reviewed by DDOT, census data for
2 the area tells us that the overall River Terrace
3 neighborhood, in the overall River Terrace
4 neighborhood, just over a third of people commuting
5 use nonauto means to do so. This isn't surprising
6 given the number of transportation options afforded
7 the site as I just discussed.

8 In addition, census data also tells us that
9 less than half of senior residents in the River
10 Terrace neighborhood currently commute on a daily
11 basis. And of those that do, only about a quarter do
12 so by auto.

13 In order to provide a conservative analysis,
14 the CTR was actually examined assuming standard
15 residential housing on the site, and standard River
16 Terrace commuting patterns with about 65 percent of
17 the residents commuting by auto, as I discussed a
18 moment ago.

19 Overall, these assumptions would generate
20 much more traffic than the proposed senior housing
21 development, which provides us with a conservative
22 basis for review of the roadway networks. Even with
23 this conservative analysis, the intersection
24 surrounding the site would operate well within
25 acceptable levels of delay, and the very small number

1 of new vehicular trips that would be attributed to
2 the site during commuter hours.

3 There is also a capacity on the other modes
4 of the network to accommodate the nonauto trips that
5 would be generated. As I mentioned, we scoped the
6 CTR with DDOT and are pleased to have DDOT's support
7 for the project. The DDOT staff report stated no
8 objections and very few conditions from their review,
9 all of which the applicant has agreed to implement.

10 From a parking standpoint, zoning regulations
11 require that the project provide 12 parking spaces,
12 and the development has planned to provide 17. The
13 parking provided for the site is appropriate given
14 the local zoning standards, ITE parking and trip
15 generation studies, and census data all indicate that
16 senior vehicular needs are less than those of
17 standard residential users. Similar to the vehicular
18 trip patterns that I mentioned before.

19 Also, the nonauto modes available nearby
20 further support the parking supply as proposed. The
21 vehicular parking will be accessed via the public
22 alley on the north side of the site, with the 17
23 parking spaces individually accessed from the alley.
24 The parking will also meet the zoning requirements
25 for long-term and short-term bicycle parking. Long-

1 term bicycle parking will be provided in a secure
2 area adjacent to the parking spaces that can be
3 accessed either by the alley or from the -- inside of
4 the building, and that area.

5 The bike parking area is in that area right
6 there. Thanks, Michael.

7 Short-term bicycle parking will be provided
8 at street level along Eads Street, with the applicant
9 working with DDOT to select the location of these
10 bicycle racks in public space.

11 While zoning requires that the project
12 provide one 20-foot service space, and one 30-foot
13 loading berth, the plan -- the PUD plans to provide
14 just one 30-foot loading berth, which will be
15 serviced from the western alley.

16 Given the nature of the project is a senior
17 residential building, and based on coordination with
18 DDOT, it was determined that a single loading berth
19 would be enough to accommodate the loading service
20 and trash needs of the project.

21 However, in order to address any concerns
22 regarding usage of the loading facilities, a loading
23 management plan was developed and reviewed by DDOT.
24 It will limit trucks to 30 foot in length or less,
25 and in 12 feet in height or less. Deliveries will be

1 scheduled via the loading coordinator to minimize any
2 impacts to neighbors, and with this the loading
3 provided in associated management plan will
4 adequately accommodate the needs of the project.

5 Finally, the PUD will also incorporate a
6 transportation management, or TDM plan. This TDM
7 plan was also developed in consultation with DDOT and
8 tailored in a way to best suit the residential
9 tenants to take advantage of the nonauto options
10 afforded the location. That includes many of the
11 typical elements, but will also include credit toward
12 commuter shuttle services, an annual reporting to Go
13 D.C. Go, as requested by DDOT as a part of their
14 conditions outlined in their review.

15 I appreciate you listening and I turn it over
16 to Dave.

17 MR. AVITABILE: Yes. Thank you, Jim. Before
18 I conclude, I'd like to do three things. First, I'd
19 like to review the status of the agency reports in
20 the record, then review our areas of flexibility, and
21 then finally review the public benefits and project
22 amenities.

23 We are pleased to be here tonight with
24 support from the Department of Transportation and the
25 Office of Planning as well. And I think the reports

1 speak for themselves.

2 As you have heard, we have worked hard for
3 over a year to address the issues and concerns that
4 have been raised by the ANC and community
5 stakeholders. I thought it would be helpful for me
6 to run through the issues that are laid out in the
7 ANC report, which largely mirror the same issues that
8 were raised in the letters in opposition to lay out
9 where we are.

10 The first issue raised is the appropriateness
11 of the proposed rezoning. I think it's important to
12 reiterate that the identification of the appropriate
13 zone category, we start first, as we all know, and
14 we've been reminded recently, with the Comprehensive
15 Plan. And here, the Future Land-Use Map specifically
16 calls for a mix of medium and moderate density
17 development on the property as a whole. And the
18 small area plan then further clarifies that the
19 entire site should be considered part of that
20 opportunity for redevelopment, with, among other
21 uses, mixed income housing.

22 The proposed MU-7 Zone, which was formerly
23 the C-3-A Zone under the old regulations, is
24 specifically listed as a zone that is consistent with
25 the medium density commercial land-use category. And

1 for what's it's worth, it is also listed as a zone
2 that is consistent with the moderate density
3 commercial land-use category.

4 It is true that the description of the MU-7
5 Zone references its location along arterial streets,
6 and this is exactly the location that's contemplated
7 for such zoning. This is a square that fronts on
8 Benning Road, which is clearly an arterial street.
9 And the Comprehensive Plan and the small area plan
10 both tell us that here, it's appropriate to look not
11 just to the portion of the square that fronts on
12 Benning Road, but to the entire depth of the square
13 for that medium to moderate density redevelopment.

14 Constraining that MU-7 Zone to just the
15 properties that literally front on Benning Road is, I
16 think, a too literal reading of what the zoning
17 regulations intend, particularly when the
18 Comprehensive Plan is telling us, look at the whole
19 square.

20 And there are situations throughout the
21 regulations where the land-use plan will draw the
22 line down the center of the alley and say, okay, one
23 side of the alley should be a mixed-use density, the
24 other side should be a lower density. And that's not
25 the case here for the majority of the site, and the

1 majority of this eastern half of the square, where
2 we're located.

3 And then finally, this is a PUD related
4 rezoning, which means that the permitted height and
5 density here is limited to only what is approved by
6 the Zoning Commission, and only what we're seeking,
7 which is a building with a height of 58 feet, and a
8 density of 3.8 FAR. And that's under not only the
9 PUD guidelines, but also the matter-of-right limits
10 for the MU-7 Zone.

11 The second issue raised in the ANC letter is
12 site design. The opponents have challenged the
13 compatibility of the proposed project with the
14 height, scale, context, and zoning of the surrounding
15 properties.

16 The surrounding houses to the west and south
17 are all two, two-and-a-half story rowhouses. But it
18 is important to note that these surrounding
19 properties are in the R-3 Zone, and the R-3 Zone does
20 permit a height of 40 feet, or three stories. Our
21 building most adjacent to them, at the alley, is 46
22 feet tall and four stories. And then steps off to a
23 height of 58 feet and five stories, as it moves to
24 the east, creating a transition from those houses to
25 the densities and heights that are contemplated and

1 called for in the Comprehensive Plan.

2 Similarly, we've sited the building on the
3 property in a manner that really does respect the
4 context. As Michael mentioned, the surrounding
5 houses along Eads Street are all subject to a 15-foot
6 building restriction line that doesn't apply to our
7 portion of the street. However, we have pulled
8 ourselves back to kind of create, again -- continue
9 that transition. It also allows us to create a
10 better sidewalk streetscape condition along the front
11 of the project. And we've also pulled ourselves
12 west, from the alley, so that we're not hard up
13 against the edge of that alley. There is again, some
14 area to have some transition.

15 The third issue raised by the ANC is one of
16 security. There's a specific concern about the use
17 of the alley, which I think maybe just routed in
18 misunderstanding or miscommunication. The front door
19 of this building is on Eads Street. That will be the
20 primary location for pick-up and drop-off activity.
21 That will be the primary entrance for the residents
22 to enter and exit the building.

23 We do have service and delivery activity on
24 the side alley, but that's where loading should be
25 located, and that's what, you know, District policy

1 has consistently told us, alleys are for loading
2 activity of goods and trash and such.

3 And I think more broadly, in terms of
4 security, the redevelopment of the site will lead to
5 improvement over existing conditions where you have
6 existing surface parking lots and paved areas. You
7 know, this is Jane Jacobs telling us that buildings
8 like these improve conditions when it comes to
9 security and safety, because they create activity and
10 eyes on the street.

11 The remaining issues in the ANC report
12 revolve around transportation and parking and I think
13 Jim has adequately addressed those in his testimony.
14 So, I won't repeat them in detail. I just did want
15 to reiterate again, we're providing 17 parking
16 spaces. This does not just meet but exceed the
17 minimum requirement for the zone, and this is based
18 on the regulations that have just been recently
19 adopted by this Commission and reflect the fact that
20 the city is changing. There is a changing trend
21 towards, you know, multiple modes of transportation
22 and expectations that people use them.

23 And I think Jim also cited to objective data
24 that supports -- that further supports these parking
25 requirements, as well as the right numbers, given the

1 use and mix of the project.

2 We are located proximate to Benning Road, and
3 the various X bus lines, and these are not just bus
4 lines, this is a priority corridor network for Metro
5 bus. So, this is significant bus service. Again, I
6 mean, this is true transit oriented development here.
7 There's a bus stop on the other side of the square,
8 right on Benning Road. And so, there is access to
9 that transportation. Yes, the Metro is a little bit
10 further away, but you've got great bus access right
11 here.

12 And as Jim indicated, and DDOT concurred, the
13 transportation analysis concludes that this won't
14 generate adverse traffic impacts. Those conclusions
15 are sound, and they are supported by accepted
16 methodology, and any impacts that are potentially
17 generated are being addressed through both the
18 transportation demand management plan, and the
19 loading management plan.

20 So now I'd like to go to the areas of
21 flexibility. We did summarize these in our
22 prehearing statement that we filed a couple of weeks
23 ago, but I thought it might be helpful to go through
24 them again one more time with some images. So, the
25 requests are really -- they tend to be minor.

1 They're all driven by desire to reduce the impacts of
2 this building, versus where we would be with
3 following the matter of right regulations.

4 The first two areas of relief are the rear
5 yard and the side yard requirements. And you can see
6 here along the rear of the building, there are
7 portions where we are arguably closer in compliance
8 and then portions where we're really right up against
9 the lot line in not providing the rear yard.

10 And similarly, there's also a portion here,
11 where we're not complying with the side yard
12 requirements.

13 In both cases, this is drive by the fact that
14 we moved the building off of the property line Eads
15 Street to create this additional widened sidewalk,
16 and pulled ourselves back up towards the alley. And
17 it's seen here with the side yard -- I guess if I do
18 this there it comes up.

19 With the side yard, you're not actually
20 required to have a side yard in this zone. But when
21 you provide one you have the minimum requirement.
22 So, you know, we've pulled off of the alley to create
23 this you know, little bit of relief in space and
24 transition, and you know, that's what's creating this
25 area of relief.

1 And since we're next to an alley, it's not
2 like there's a concern about adequate light and air.

3 The next area of relief is on the roof. The
4 building has a relatively limited amount of equipment
5 and structures on its rooftop. There is the elevator
6 pop-up, there is a stairway pop-up, there are two
7 larger rooftop units, and then some smaller units on
8 top.

9 The smaller condenser units are all below the
10 four-foot height limit, so they aren't subject to the
11 requirements. So, really what we're left with is
12 just the elevator and the stairway, which are
13 separated. And they're allowed to be separated under
14 the recently adopted penthouse regulations. And then
15 these two rooftop units.

16 Ordinarily, under the regulations these
17 rooftop units that are a little bit taller would need
18 to be not only enclosed and screened, which they are,
19 but also in the same screen wall that is connected to
20 that main elevator penthouse. And we just felt that
21 that was adding a lot of unnecessary wall and
22 structure on top of the building, and so that's what
23 we're proposing for them to just be screened
24 independently. We have positioned them next to the
25 elevator and to the stairway penthouses, so there is,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 you know, a synergy there. But, you know, I think a
2 deviation from the strict requirements is
3 appropriate.

4 The final areas of relief are from parking
5 and loading. Again, it's not -- our relief from
6 parking is not from the minimum requirement of
7 parking spaces. This is a new requirement to, I
8 think all of us under the new zoning regulations.
9 When you have parking entrances off of an alley, the
10 entrance itself needs to be stepped back a minimum of
11 12 feet from the centerline of the alley. Generally
12 speaking, our entrances do meet that 12-foot minimum
13 requirement because we're pulled off of our property
14 line by more than two feet, and the alley itself is
15 20 feet wide. But there are a couple of points where
16 the angle of the lot and the way our rectangular or
17 rectilinear building meets it that we are just a
18 little bit closer.

19 One of these places, we're about 10 feet
20 away. At one of these places we're about 11 feet
21 away. So, these two areas, the doors are technically
22 not 12 feet back and that's what's triggering a
23 little bit of relief here, given this is just a
24 single door for a single car. I don't think there
25 should be any significant impact here.

1 And then, the last couple of areas of relief
2 are loading, as Jim outlined. If we asked for relief
3 to only have a loading berth, not a loading berth and
4 a service delivery space, and Jim articulated why.
5 The other area of relief is that this loading berth,
6 under the regulations, is supposed to have a 14-foot
7 clear height requirement. We have a 12-foot high
8 clear requirement. That's because we wanted to match
9 the height of the rest of the first floor. It seemed
10 to us unnecessary to increase the entirety of this
11 floor by an additional two feet, and increase the
12 entire height of the building by two feet just to
13 accommodate the requirement for the height of the
14 loading berth when, when we looked at the actual
15 needs of our loading activity, it could be met within
16 that height of 12 feet.

17 And finally, I did want to summarize the
18 benefits and amenities. I may not be able to do that
19 in the 27 seconds that are left, but I'll do it
20 quickly.

21 First and foremost, this project does provide
22 housing and affordable housing well in excess of the
23 minimum requirements. Housing for seniors is
24 identified as a specific benefit in the zoning
25 regulations, as is housing that exceeds the minimum

1 set aside requirements, and the minimum --

2 [Interruption by service announcement.]

3 MR. AVITABILE: Okay. The second amenity I
4 wanted to focus on is our site planning and
5 streetscape improvements, which again are
6 specifically enumerated as public benefits. The
7 third is promoting employment and training
8 opportunities, which we'll do through a first-source
9 employment agreement.

10 The fourth amenity is the community room in
11 the ground floor of the building, and this was
12 provided as a direct response to the feedback we did
13 receive from the community as articulated at the open
14 house and in the survey.

15 And then fifth and finally, we have proposed
16 to make a contribution to the River Terrace Community
17 organization. This would be to support their ongoing
18 community beautification and community gathering
19 activities, and other community events. And this was
20 again, proposed in direct response to their request.

21 Given the Comprehensive Plan guidance for
22 this property, and the public benefits that are
23 created by this project, we believe we have met the
24 requirements of Subtitle X, Chapter 3, for approval
25 of this PUD and related zoning map amendment.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 The Comprehensive Plan generally calls for
2 affordable housing, particularly for seniors, as a
3 critical city-wide goal, and the city's planning
4 documents specifically identify this site as a site
5 for redevelopment with, among other things, mixed
6 income housing.

7 The zoning regulations reiterate the
8 importance of affordable housing and senior housing
9 as public benefits, and the recently adopted changes
10 to the zoning regulations do emphasize the importance
11 of balancing the desire for vehicular parking with
12 the similar desire to promote multiple alternative
13 forms of transportation to meet the city's changing
14 needs.

15 The PUD does include several areas of
16 flexibility, but each request is minor and it's
17 largely driven by a responsive design that was
18 intended to produce the height, scale, and impact of
19 the project.

20 And finally, we recognize the concerns raised
21 by the ANC in the opposition and I think we've
22 addressed them, you know, through our testimony
23 tonight.

24 This PUD will create 70 units of affordable
25 housing for seniors, and that benefit really more

1 than balances the zoning flexibility and the
2 potential impacts of this PUD.

3 So, with that, we are available to answer
4 questions, and I did want to note, joining us at the
5 table is CR Crowder, who is with Residential One, who
6 will be the operator of the project, and Melody was
7 very helpful when we've been at the ANC and community
8 meetings to address questions about marketing of the
9 affordable program, the operation of the building,
10 the operation of the senior program. And so, we
11 thought it might be helpful for you all to have her
12 available tonight as well. Thank you very much.

13 CHAIRPERSON HOOD: Okay. Thank you all for
14 your presentation and let's see if we have any
15 comments or questions up here.

16 Okay. Vice Chair Miller.

17 MR. MILLER: Thank you, Mr. Chairman, and
18 thank you very much for your presentation. And I
19 appreciate all of the responsiveness that you have
20 done thus far to community concerns, Office of
21 Planning and DDOT concerns, concerns of the -- that
22 the Zoning Commission expressed at set down last
23 November, I think it was.

24 I mean, this is a -- I mean, this is a great
25 all affordable, all senior project. You've gone from

1 -- I think it was 60 percent senior to 80 percent
2 senior, now you're at 100 percent senior. And the
3 deeper -- it's all affordable mostly at the 50
4 percent AMI, and I think 80 percent of the units are
5 at 50 percent AMI or lower.

6 MR. AVITABILE: That's correct.

7 MR. MILLER: Twenty percent are at 30 percent
8 AMI or lower.

9 MR. AVITABILE: That's correct.

10 MR. MILLER: For the life of that
11 financing --

12 MR. AVITABILE: Right.

13 MR. MILLER: -- that you're obtaining, the 40
14 years. And then it would revert to, at worst, to the
15 minimum IZ zoning.

16 MR. AVITABILE: That's correct.

17 MR. MILLER: So, that's all a huge public
18 benefit and a civic priority as outlined in the
19 Comprehensive Plan.

20 And the design changes that you've made, I
21 think are definite improvement. The all brick and
22 especially on that fifth floor, and the way that
23 you've treated the roofline, I think was responsive
24 to some of our concerns here, getting rid of that
25 Hardy Plank. It's a lot more cohesive and I think it

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 does fit into the fabric of the neighborhood much
2 better. Although, our chairman probably will want to
3 see a context view, which I might want to see too.
4 But I'll let him go into that.

5 So, DDOT asked for an alternative TDM
6 measure. You may have addressed this in your
7 testimony, but I just want to -- instead of the one-
8 time smart-trip car and car share, bikeshare credits
9 for -- they wanted you to do three years after the
10 building opening, provide the equivalent of an annual
11 Capital Bikeshare membership or credit for a commuter
12 service equal to the value of an annual Bikeshare
13 membership to all new residents.

14 Have you agreed to that?

15 MR. WATSON: Yes, we have.

16 MR. MILLER: And you mentioned tonight the
17 pick-up and drop-off area for residents on Eads
18 Street. Has that been discussed with DDOT, and has
19 that been worked out yet?

20 MR. WATSON: That is something that will
21 ultimately be decided at Public Space. However, we
22 have brought it up to DDOT. Ultimately there
23 shouldn't be any reduction of on-street parking due
24 to that since we're closing one alley and that space
25 should be available for pick-up/drop-off.

1 MR. MILLER: And what is the status of the
2 alley closing application?

3 MR. AVITABILE: We filed the alley closing,
4 actually even before we filed the PUD. We have all
5 of the agency reports in, in support with the
6 exception of DDOT and NCPC, both of which were
7 holding their alley closing reports so they could do
8 them at the same time as the PUD, which I think makes
9 sense. So, we're waiting on DDOT and NCPC, and we
10 are also waiting on the Advisory Neighborhood
11 Commission. But those are the only three outstanding
12 reports. Everyone else has commented, everyone else
13 has been in support.

14 MR. MILLER: And then subsequent to that it
15 will be submitted to the Council by the Mayor.

16 MR. AVITABILE: That's right. That's exactly
17 right.

18 MR. MILLER: So, there will be an opportunity
19 for public input there as well, I guess.

20 The community room that you're providing on
21 that first lobby, off the lobby level, what are the
22 details or in terms of the hours of operation and who
23 has access to it? I assume the ANC and the River
24 Terrace community organization residents --

25 MR. AVITABILE: That's right. I mean, I'll

1 start out -- I mean, broadly it's been designed so
2 that you can access it directly from the lobby. And
3 so, there's no need to come through -- from the main
4 entrance. So, there's no need to go through the
5 residential lobby to get there. You can come in
6 really almost directly from the street.

7 You know, beyond that, Michael, I don't know
8 if you have additional thoughts on the operation of
9 it and who will have access, and who can use it and
10 when.

11 MR. GIULIONI: So, we have nothing firm, but
12 what we envisioned happening in line with how the
13 space has been physically configured is that there
14 would be delegated representatives from the community
15 -- well, from the community organization and the ANC
16 who would basically be point persons to facilitate
17 the use of the space by anyone for any community
18 event. I think the only things we probably want to
19 restrict are things that are incompatible with the
20 building code. You know, you couldn't have an event
21 that would be inconsistent with code requirements,
22 and no commercial oriented things would be allowed in
23 the space.

24 MR. MILLER: And they'd have access through a
25 key card or --

1 MR. GIULIONI: Yes. So I guess, you know,
2 down the road when we work on our low voltage wiring
3 plan, we would basically integrate, as you would not
4 with like a key fob. And those key fobs could be
5 provided to the delegated representatives. So, we
6 would, you know, set up a scheduling system with our
7 management company, Res One, where you know, people
8 would reserve the time they needed. And then they
9 would be able to just directly enter the space.

10 I can actually -- let me just highlight on
11 the drawing sheet to make it clear.

12 CHAIRPERSON HOOD: Let me just ask, let me
13 interrupt. Is there a narrative in here? I didn't
14 see it if -- what you're talking about. Or are you
15 still just thinking about -- are you still working
16 through it?

17 MR. GIULIONI: I think the goal would be, I
18 mean, that's a conversation we would like to have
19 with the ANC and with the River Terrance folks, you
20 know, in terms of --

21 CHAIRPERSON HOOD: Okay. We need to have
22 that conversation sooner than later, because I've
23 seen this all over the city. And when we start
24 putting rooms and stuff in, we start having problems.
25 So, we need to make sure everybody knows what the

1 parameters are, what the rules are going in, so it
2 won't be any problems later on down the line after
3 you've -- if this is approved, after you've built and
4 gone. So, we need to do that sooner than later.
5 Thank you.

6 MR. GIULIONI: Sure. So, on drawing sheet A-
7 12 from the actual submission package, the drawing
8 submission package, you know, what you'll see --
9 thanks, David. Actually, it's evident here, is there
10 is -- you know, you can enter the vestibule and then
11 from the vestibule where you'd normally, you know,
12 use your security fob if you lived in the building,
13 you'd also be able to get into the community room and
14 the I guess doors serving the hallway, those would be
15 one-way doors going into the space. They may end up
16 forming part of the egress path. And then we have to
17 have a second door on the, I guess it would be the
18 east side, on the east side of the room, south side
19 of the building, for egress, emergency egress.

20 So, we think to the Chair's point, part of
21 what will help this space be a community space is
22 this flexibility of access. You know, if you have to
23 go up to the 5th Floor, well, that's a lot more
24 difficult. There's a lot more security issues. But
25 by creating a compartment, we're hoping that it will

1 be the asset that it should be to both the residents
2 and the neighborhood.

3 MR. MILLER: And on a different subject, one
4 of the concerns that you've tried to be responsive to
5 is the concerns about the construction, which -- and
6 you said that you're going to have an assessment of
7 surrounding homes beforehand, I think, and a
8 monitoring plan during construction and you
9 eliminated the underground parking garage because of
10 the concern that excavation might cause to
11 surrounding neighborhood. Is that correct?

12 MR. GIULIONI: Yes.

13 MR. MILLER: Is there anything in -- I mean,
14 this construction management plan isn't enforceable
15 by us, but if one exists and been agreed to between
16 the applicant and the ANC, for example, or a
17 neighborhood organization, we sometimes at least
18 reference it in our zoning order. Is there a written
19 version of this, just like the Chairman --

20 MR. AVITABILE: No, not yet. I think the
21 principles were outlined and addressed as part of
22 really I think it was in response to what we heard in
23 the open house and in the survey. But beyond
24 articulating it, we'll do that. We haven't yet put
25 pen to paper on that.

1 MR. MILLER: Okay. There are written
2 principles or no?

3 MR. AVITABILE: Well, I mean, I think, you
4 know, other than what we've outlined in our filing
5 where we said this is something we do, we haven't put
6 together an actual formal plan yet. It's certainly
7 something that could happen through the continued
8 discussions with the neighborhood.

9 MR. MILLER: Well, it might be helpful before
10 we get to final if we get to that point, before we
11 get to a final approval, to have a narrative on that
12 so we can reference it in a zoning order, and a
13 narrative on the community room access and hours of
14 operation. Even though you want to make it a -- have
15 it be a flexibility document that will be a living
16 document going forward so others in the community can
17 use it.

18 My only final other question is, one of the
19 changes you made was -- no, it's not one. I think I
20 have two questions. On the rooftop, there had been
21 recreational outdoor recreational access by the
22 residents. So, you eliminated that. What was the
23 reason for eliminating that?

24 You still have a green roof up there and all
25 the mechanical stuff. But --

1 MR. THOMPSON: Correct.

2 MR. MILLER: But then no access for the
3 residents.

4 MR. THOMPSON: Correct. On the west side of
5 the building there is the green roof access patio
6 that we had up there earlier was eliminated. One,
7 because seniors really don't like outdoor space that
8 on the west side of the building that's going to end
9 up being a cooler space, mostly.

10 MR. MILLER: A what space?

11 MR. THOMPSON: It's going to end up being a
12 cooler space, mostly. They are temperature
13 sensitive.

14 So, we felt a lot of use wouldn't have been
15 done for the rooftop terrace, as if it was -- in
16 exchange for if it was a multifamily building where
17 we had different age groups and such. So, that was
18 the logic, and so we thought to make it more of a
19 green roof.

20 MR. MILLER: Okay. Well, I can tell you that
21 I'm eligible to be a senior at this building. I
22 don't know if I quite qualify for the income levels,
23 but -- and I like outdoor space. I think other
24 seniors do too.

25 MR. THOMPSON: Yeah.

1 MR. MILLER: You like to get out, especially
2 since there aren't any balconies on this particular
3 apartment building, which is something that I also
4 like. So, I don't know if you wanted to reconsider
5 that. I don't know if you've got feedback from the
6 community. Was there a concern about noise from up
7 there to the neighbors, or --

8 MR. THOMPSON: We've been addressing some of
9 the issues, and sometimes noise is an issue. But we
10 also thought that the park was nearby, and so the
11 public park nearby would --

12 MR. MILLER: How close is that?

13 MR. THOMPSON: Three blocks.

14 MR. MILLER: Again, I can tell you as a
15 senior eligible person, it would be easier just to go
16 up on the roof than to walk three blocks to a park.
17 But that's because my knees are deteriorating. But
18 that's just a gratuitous comment.

19 MR. GIULIONI: So, this would be 34th Street,
20 and then this would be I guess 35th Street. And not
21 -- that's the park. So, two blocks.

22 MR. THOMPSON: Yeah.

23 MR. MILLER: So, on the green roof, on the
24 green -- on the environmental stuff, I think in OP's
25 report they didn't give you any credit.

1 MR. AVITABILE: Nor were we looking for it.

2 MR. MILLER: Asking. But did you have
3 discussions with DOEE about ways to try to maybe
4 increase some of the sustainable items so that you
5 could get some credit?

6 MR. AVITABILE: Well, the first thing to note
7 is we're in the Anacostia Waterfront development
8 zone, so we're already subject to kind of a higher
9 standard, where not only do we do green communities
10 but we also have to -- Michael, maybe you remember, I
11 think our energy savings needs to be -- there's an
12 additional energy efficiency requirement that we have
13 to hit on top of that so we're kind of already
14 subject to an advance standard. With GAR our
15 requirement would be a .25. We're actually at a .3,
16 so we're actually exceeding the requirements there.
17 Storm water, I think similarly, we're at or above the
18 requirements.

19 But you know, I think given the other
20 budgetary constraints of the building, you know, the
21 other types of things that one might look at were not
22 in the cards. I think the other thing that is
23 somewhat limiting here is probably the construction
24 type, which maybe limits things that one might be
25 able to put on the roof.

1 Michael, I don't know if you want to go in
2 greater detail.

3 MR. GIULIONI: So, just to that element, I
4 think the District is doing what they should do in
5 terms of addressing -- mitigating storm water
6 impacts. But right now, based on the type of
7 structure, I think we'd be limited to what, you know,
8 an extensive green roof as opposed to like an
9 intensive thick one, you know, with the -- it will be
10 -- right now we're forecasting a concrete podium.
11 But then above that it will be stick frame. So, we
12 don't have a huge amount of capacity to add weight
13 there. And although we're doing a lot in the public
14 right of -- or on the space between the public right
15 of way and our building, you know, I think that --
16 we've done the most we can at this time.

17 In terms of the, you know, changing the green
18 roof, the only challenge I see there to usable space
19 is the tension between the storm water regulations.
20 Is it, you know, it's a good but hard standard, you
21 know, to achieve.

22 MR. MILLER: So, just one last question. I'm
23 sorry, I forgot your name.

24 MS. CROWDER: Melody.

25 MR. MILLER: Melody. Can -- so, it was

1 represented that you were providing some information
2 to the community about how the building will be
3 marketed to seniors and those who meet the income.
4 Can you just briefly provide information on that? Is
5 it existing residents at River Terrace, or is it a
6 city-wide marketing? Or how are you going to -- how
7 will people know about this --

8 MS. CROWDER: Well, marketing strategies are
9 done based on affirmative fair housing market and
10 plan established between management, ownership, and
11 DHCD.

12 What I have agreed to, which I think we can
13 work it out with DHCD, is to go to the ANC meeting
14 that will be presented right before this building
15 opens, and provide them with the marketing materials
16 that -- to give them like a more of an intuitive of
17 knowing that this is happening. This is the day
18 we're selecting to accept applications. This is the
19 process, this is what we're doing. And also market
20 the area so they know in their area, this is
21 happening. This is the day this is happening but we
22 were not able to provide them with like a holding.
23 We couldn't hold apartments specifically for the
24 residents of River Terrace.

25 So, I wanted to provide them with information

1 to make them aware, on this day we're accepting
2 applications, please come out for our open house, or
3 this is the location where we'll be starting to
4 accept applications.

5 MR. MILLER: Thank you for that information
6 and thank you for your presentation.

7 MS. CROWDER: You're welcome.

8 CHAIRPERSON HOOD: Commissioner Shapiro.

9 MR. SHAPIRO: Thank you, Mr. Chair. I just
10 have a few questions. I first of all I would support
11 the comments of my colleague, the Vice Chair.
12 Especially in terms of the process that you've gone
13 through with the community, which I appreciate. And
14 also, specifically around your commitment to do the
15 geotechnical studies and establish the
16 preconstruction conditions.

17 And as part of the process, to be clear with
18 the community about who the point of contact is
19 during the construction process. I'm assuming you'll
20 do that, but it's good for us to hear that that's
21 something that you're being attentive to.

22 MR. AVITABILE: Yeah. If and when we get to
23 the point, or I should say, when we get to the point
24 of putting together a construction management plan,
25 that's one of the key provisions up front is

1 identifying that point of contact, and that's really
2 the most important. That's actually the most
3 important thing that happens in the CMP.

4 MR. SHAPIRO: Great. Thank you. Also,
5 related to the green building and the standards that
6 you're talking about and that you're meeting, and
7 OP's point about these, these are not actually
8 considered project, benefits, or amenities. This is
9 something that you are -- it's a standard you need to
10 be held to.

11 But I'm -- the one further amenity that I
12 want you to look at to explore, you may have answered
13 it relating to what the roof can sustain, but I would
14 encourage you to look at solar panels on the roof.
15 If your plan is not to have this be usable in that
16 way, there are lots of ways and there's lots of
17 benefits from that. I don't know if you've explored
18 this, if you're working with DOEE at all --

19 MR. AVITABILE: We haven't explored it but we
20 can certainly look at it.

21 MR. SHAPIRO: You know, it can save you and
22 the residents money. I actually don't know how that
23 works with the long-term housing tax credit deal.
24 This is a four percent deal, a nine percent deal.
25 What are you looking at?

1 MR. GIULIONI: I can't answer that question.

2 MR. SHAPIRO: But I mean, there's all sorts
3 of issues around building type that you will have to
4 address related to that. But I'd like to see you
5 explore that because --

6 MR. GIULIONI: What I can say from the
7 ownership point of view is, in terms of solar, is you
8 know, we'd like to understand everything, you know,
9 that we can, but you know, there's complexity there
10 to understand how solar works in integrating in terms
11 of financing. But we're right now working on a
12 partnership with the National Housing Trust
13 Enterprise Preservation Corporation who are
14 specialists in this. And so, you know, we're
15 hopefully going to be able to go to them and they're
16 going to help us understand this. At this time, this
17 is a, I guess something that NEC desires to
18 incorporate into our development projects, but we
19 need to get up to speed on how the procedures work.
20 So, we're starting down that path and ideally, it
21 will line up with when the project is getting closer
22 to delivery.

23 MR. SHAPIRO: And I mean, you have tremendous
24 resources here in D.C., even with in the government.
25 And I would encourage you to take advantage of that.

1 MR. GIULIONI: We've also been exploring,
2 what is it, property assessed clean energy financing.

3 MR. SHAPIRO: Right.

4 MR. GIULIONI: So, that's something that is
5 relatively new as well, so part of that is educating
6 our financiers on how that works and how to get it
7 integrated into our projects. But we're currently
8 working on a matter-of-right project where we have
9 been, I guess, getting familiar with how that process
10 works so we can use it as a future financing source.

11 MR. SHAPIRO: Okay. Thank you. Couple of
12 other quick ones. Related to the alley, I mean, I
13 think I know the answer to this, but who's
14 responsibility is it to maintain the alley directly
15 behind you and to the side of you, the one that
16 you're not taking?

17 I assume it's D.C. Government, but I don't
18 know this.

19 MR. AVITABILE: It's DDOT's responsibility to
20 maintain the alleys and you know, pave them when they
21 need to be paved.

22 MR. SHAPIRO: Right.

23 MR. AVITABILE: And I think sometimes in
24 connection with a redevelopment, if there's work that
25 needs to be done there will be a discussion about

1 what we may or may not do. I don't think we've had
2 any discussions about any changes to the alley to
3 date, but it is, it's DDOT normally.

4 MR. SHAPIRO: Yeah. But I think based upon
5 the use of this alley and that you may want to have -
6 - that covers it. It may be in your interest to do
7 this --

8 MR. AVITABILE: Right.

9 MR. SHAPIRO: -- in addition to saving you
10 know, D.C. Government some money. So, I'd encourage
11 you to explore that with them.

12 And the other thing is, I assume that the
13 access to the garage spaces, not driving into them,
14 but walking out of them is from inside the building.

15 MR. GIULIONI: Correct. It's internal.

16 MR. SHAPIRO: Okay. And do I have any other
17 -- oh, do you know if the neighboring community is
18 parking restricted? Is it residential permit
19 parking?

20 MR. WATSON: Eads Street itself is RPP
21 restricted, and there's some RPP restriction on 34th
22 Street to the west of the site.

23 MR. SHAPIRO: So, has the community brought
24 this up as an option to restrict residents of this
25 building from having permits?

1 MR. GIULIONI: It's something that NDC is
2 open to doing.

3 MR. SHAPIRO: I imagine you still have some -
4 - little bits of conversations ahead of you with the
5 community in some way, shape, or form, so I would
6 like to see that on the table.

7 I agree -- by the way, I agree with you and
8 the transit study that you've done.

9 I think my chair isn't such a big fan of
10 this. And I mean, it seems like pretty thorough, and
11 I recognize that you're actually holding yourselves
12 to a higher standard than you probably need to in
13 terms of parking demand. But this might address
14 community concerns.

15 And from your own analysis it would probably
16 practically not have much of an impact on the
17 residents. But, you could give reassurance to the
18 community in that way.

19 And I believe, Mr. Chair, that is all the
20 questions that I had. Thank you.

21 CHAIRPERSON HOOD: Thank you. Commissioner
22 May.

23 MR. MAY: Thanks. So, I have a handful of
24 questions. First of all, I agree with Commissioner
25 Miller on trying to bring back the rooftop recreation

1 space or patio, or whatever it is, whatever can be
2 put up there, because I do think that would be a nice
3 amenity and it's a very safe place for people to get
4 outside if they want to get outside. And I don't
5 know whether the entirety of the streetscape has been
6 -- is the entire neighborhood streetscape been fixed
7 the way you showed it on that photo, or is that just
8 one block?

9 MR. GIULIONI: I can't speak -- I can say the
10 block itself. That's all.

11 MR. MAY: Yeah. Yeah, I mean, I honestly
12 don't recall much about it. I know that when you get
13 up to Benning Road the sidewalk is not very good.
14 And, you know, walking two or three blocks away to be
15 able to get outside, and just to be in a public park,
16 I mean, that's a good experience in and of itself,
17 but it's a very different experience from being able
18 to go out onto your, you know, a rooftop patio. And
19 it seems like a pretty easy thing to do when you have
20 that section of the building dropped down, right? It
21 just, you know, is a matter of having a door at the
22 exterior. So, I would encourage that.

23 I do have a bit of a concern about the
24 sidewalk conditions, kind of all around it because
25 you know, even though it theoretically has a -- the

1 walk score is something like 64, I forget what the
2 exact number was. It's really not practical to think
3 that people are going to walk up and over the bridge
4 to get to the shopping area, or even walking to the
5 Metro is problematic because of the crossing -- I
6 mean, crossing Benning Road is not a great
7 experience. Walking along Benning Road is not a
8 great experience given with the sidewalk. And
9 frankly, the way it's maintained. I mean, the last
10 time I was in around that area, the sidewalk was just
11 -- it was not in good shape physically, and it wasn't
12 very clean. So, it just, it feels like you're
13 walking through an uncomfortable place.

14 Now, maybe -- I mean, I wasn't walking that
15 same segment. It was a different -- it was a more
16 western segment of Benning Road, but it's not great
17 walking when you're getting out to Benning Road,
18 which will bring up a question for DDOT, which is
19 like, what is the future of Benning Road because
20 right now it's like a super highway in that segment
21 between Kenilworth and when it hits Oklahoma Avenue.
22 And I want to know what the future holds for that
23 area, because it seems like there's a lot more
24 asphalt there than there probably needs to be.

25 Anyway, so I appreciate the changes that you

1 made to the design. Going all brick, I think is an
2 improvement. I think that the way you've done it is
3 a little bit odd. I mean, first of all there's a
4 disconnect between the colors, the way they are
5 named. I mean, you call it a gray brick. It
6 actually looks like a brown brick. Some of the
7 drawings it shows up as like a black brick. Some of
8 the drawings it shows up as a brown brick. And it's
9 highly -- you know, there's a lot of variation in the
10 individual bricks, which was sort of a rendering
11 thing, and it doesn't really help you. I think that
12 just showing the renderings with the color of the
13 brick more consistent -- I mean, I'm looking at the
14 brick over here and there is no variation between the
15 brick there. But when you look at -- I'll borrow
16 yours since it's handy -- this, it's sort of a muddy
17 brown, and there's a lot of variation in the bricks.
18 Right?

19 So, it's not showing up as sort of clean and
20 crisp the way it should. That's largely a rendering
21 thing. You might want to look at fixing that because
22 it will make the building look better. But it's also
23 very strange that the projecting bays are the dark
24 color, the dark brown or gray, and the rest of the
25 building is red brick. I mean, you made the right

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 move where -- yeah, bring up the elevation.

2 So, you made the right move by having the
3 elevated section being a different color. I mean,
4 it's not my favorite color, but the fact that you
5 have that color and then the entry portion, you know,
6 continues that color down, I think that's a good move
7 in terms of the coloration. But it just seems rather
8 odd to have the projecting bays, which really say you
9 know, kind of rowhouse. And yet, they're
10 differentiated in color. And so, they look like
11 they're kind of added on and not, you know,
12 integrated with the rest of it.

13 Using you know, if it were all red brick it
14 might look better. I mean, these are just things to
15 look at, right? If it were all red brick, it might
16 look better. If you were to do red brick and then
17 use the brown or the gray as more of an accent,
18 access -- sorry, accent, sort of between the windows
19 as you go up, and maybe it's slightly recessed, you
20 know, just something to give you a little bit more
21 detail and variety. But it would feel like a more
22 cohesive whole.

23 So, these are just things to look at and you
24 have to decide what you really like and, you know,
25 I'll be fine with what you really like. But I just

1 think it's, these are things that I would look at
2 again. But again, generally speaking, I think a
3 significant improvement.

4 The rooftop relief, I do find a little bit
5 puzzling. First of all, I mean, you're skinning the
6 stair and elevator enclosures with thin brick, I
7 assume.

8 MR. THOMPSON: Correct.

9 MR. MAY: Okay. So, I'm not sure that it's
10 worth doing the thin brick. I mean, it's really not
11 going to be that visible.

12 MR. THOMPSON: Correct, it's not.

13 MR. MAY: Yeah. So, I mean, you know, having
14 the thin brick on the fifth floor of the apartment
15 space itself, you know, that, what you can see from
16 the front, that makes perfect sense. But doing it
17 there, I mean, you might as well use Hardy panel or
18 metal panel or something like that, that might be a
19 little bit less expensive. And I would also
20 encourage a dark color rather than a light color.
21 Not that it's going to be highly visible because
22 they're very low, and you know, you can't see them
23 that much.

24 But, I also don't see what you gain by not
25 just sort of wrapping that enclosure around those

1 rooftop units. I mean, they're just, they're right
2 next to it. And you've got something that's, you
3 know, 10 feet tall here, and something that's six
4 feet tall here, and they're like I don't know, three
5 feet away from each other. It just doesn't seem to
6 make a whole lot of sense. Maybe I'm not getting
7 what's really going on. I mean, is there a big
8 distance between them? I'm not talking about the
9 little units. I'm talking about the six-foot tall
10 rooftop unit separate enclosures.

11 MR. THOMPSON: Yes, there's probably 50, 60
12 feet between them.

13 MR. MAY: No, no, no, I'm not talking about
14 the two separate ones. I'm talking about you have on
15 the left the elevator and stair enclosure. Yeah,
16 that cluster. Why can't you join that together?

17 MR. THOMPSON: As far as screening?

18 MR. MAY: Yeah.

19 MR. THOMPSON: We could.

20 MR. MAY: Yeah, that's all I'm talking about.
21 I don't have any problem with having the two separate
22 ones. That's allowed by code. I mean, by the zoning
23 code now, right?

24 MR. AVITABILE: Actually, I think, at least
25 it's been an open question as to whether we need to

1 have a separate one.

2 MR. MAY: We have to have a separate stair.

3 MR. AVITABILE: If you have a separate stair,
4 whether you can glom on mechanical to it or not. You
5 know, it seems like we have --

6 MR. MAY: All right. Well, if we had to
7 grant relief for that in order for you to have two
8 separate but small rooftop enclosures of --

9 MR. AVITABILE: Right.

10 MR. MAY: -- mechanical and -- I mean, if
11 that is an issue with the zoning regulations, maybe
12 we should look at it because it makes perfect sense
13 that you would take the skin of the stairway and just
14 wrap it around that rooftop unit.

15 MR. AVITABILE: And that, I think, was what
16 was primarily driving us in this, was that second RTU
17 was not in the same enclosure as the first. But, we
18 can also make sure that each one is within the same
19 enclosure as what it's next to. So, you've got two
20 separate enclosed areas.

21 MR. MAY: Yeah. Yeah, I mean, that just
22 makes a whole lot more sense because otherwise it
23 really kind of junks up the roof. And not that it's
24 really going to be highly visible, but we don't know
25 what the future holds in the rest of the block and

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 across the street, and things like that, and you
2 know, there -- as you may be aware, you know, rooftop
3 uses are becoming more and more important under the
4 new zoning regulations as well. And so, you know, on
5 the -- even the site that you're going to develop in
6 the future that's on Benning Road, you know, you may
7 wind up with a taller building and you've got a
8 rooftop deck, and they're going to be looking out
9 over this building, and you want it to look good.

10 So, all right. Enough about that.

11 I had the same questions about parking in the
12 neighborhood and RPP. It may make sense to go to a
13 RPP restriction for the residents of the building,
14 but I think what I'm really curious about is did you
15 actually survey the parking at all in the area to
16 know what kind of usage there is?

17 MR. WATSON: We have not done a parking
18 survey.

19 MR. MAY: Is that a really difficult thing to
20 do, because I think it might help to you know, for us
21 to understand whether the issue that was raised in
22 the you know, the 50 plus letters that we got, or 50
23 or so letters that we got, about how much of an
24 impact we really would potentially have on the
25 parking.

1 MR. WATSON: It is something that we could do
2 and we could coordinate with DDOT on the overall
3 scope of that and --

4 MR. MAY: Yeah.

5 Washington: -- pull it together.

6 MR. MAY: Yeah. Is that a terrifically
7 complicated thing?

8 MR. AVITABILE: No, I mean, I think it's time
9 and expense beyond that. It certainly can be done.

10 Truthfully, it wasn't until the last few
11 weeks that parking was really identified in the
12 volume that we've received as a major issue. So,
13 it's not something that we had thought to do earlier.

14 MR. MAY: Right. I appreciate that.

15 MR. AVITABILE: But it could be done.

16 MR. MAY: Yeah. And I'm not trying to just
17 run up the cost of the project, and I was not
18 expecting you to have it here. I can understand
19 completely because up until two days ago we didn't
20 know there was any real issue with the neighborhood
21 concerns about the project. So, now that we know
22 there is one with parking, that's one way to try to
23 address it.

24 And then one last question. In the traffic
25 study, this is one of those rare circumstances where

1 when you look at the intersections that you've
2 studied and so many of them have a grade of A, and
3 you just don't see that very often. But then there
4 is like one that's an E. Can you explain where that
5 is the why that's happening, because that may help us
6 understand whether in fact there is a potential for
7 some change to the traffic circumstance.

8 MR. WATSON: Right. So what you're seeing
9 there is, overall the intersections all do operate
10 within acceptable levels. The E that you're seeing
11 is actually the southbound approach at 34th Street
12 and Benning Road. So, coming out of actually PEPCO,
13 across the street here. And that is purely a
14 function of the timing of the signal, and the signal
15 is timed to allow most of the --

16 MR. MAY: So, when you're coming out of the
17 PEPCO site, is what it is?

18 MR. WATSON: Correct. And it's such a small
19 amount of traffic.

20 MR. MAY: No, no, I understand. And, yeah.

21 MR. WATSON: Typically it --

22 MR. MAY: Yeah, well, and it's only like
23 three seconds over, you know, another one that gets
24 a --

25 MR. WATSON: right.

1 MR. MAY: -- you know, a D, and D is like --

2 MR. WATSON: right.

3 MR. MAY: -- is perfectly acceptable,
4 although I know that, you know, Chairman Hood never
5 really understood why a D is acceptable. But, it
6 never was when he was in school.

7 No, I understand why. I mean, I understand
8 why you actually, you know, you want to have -- you
9 don't want everything running at A because that means
10 that you have excess capacity. Right? So, having a
11 C or D is perfectly fine.

12 MR. WATSON: Right. And what you see along
13 Benning Road there, like I said, a lot of those
14 signals are timed to really --

15 MR. MAY: Yeah.

16 MR. WATSON: -- move the traffic along
17 Benning Road.

18 MR. MAY: Right.

19 MR. WATSON: And that's the vast majority of
20 the traffic that's moving through the study area.

21 MR. MAY: Yeah. Yeah. Yeah. And if it
22 wasn't for the speed cameras they'd all be going 60
23 miles an hour.

24 MR. WATSON: Possibly.

25 MR. MAY: Because the road says, go 60, go

1 60.

2 MR. WATSON: Right. Right.

3 MR. MAY: So, anyway. All right. Well,
4 thank you.

5 CHAIRPERSON HOOD: I Just Wanted to Remind
6 Commissioner May that I have the mic last. Let me
7 see, where can I start? There were a lot of good
8 questions, I think asked, mentioned. But I want to
9 go to -- I'm sorry, I forgot your name also. It's
10 been a while.

11 MS. CROWDER: Melody.

12 CHAIRPERSON HOOD: What's your first name?

13 MS. CROWDER: Melody.

14 CHAIRPERSON HOOD: Your last name?

15 MS. CROWDER: Crowder.

16 CHAIRPERSON HOOD: Ms. Crowder, I want to --
17 we call people with handles and last names, but I'm
18 going to call you Melody.

19 MS. CROWDER: Okay.

20 CHAIRPERSON HOOD: Ms. Crowder, you mentioned
21 about the marketing. You said just before, like just
22 before you get ready to open you're going to go to
23 the ANC meeting.

24 MS. CROWDER: Uh-huh.

25 CHAIRPERSON HOOD: I'm a proponent of trying

1 to do this sooner than later. And even if you have
2 to go multiple times, because people may have to get
3 their money ready. You know, it's a lot of things
4 that need to may happen. There are some things that
5 need to be taken care of. And that's why we miss out
6 on opportunities because we go to District residents
7 late and other jurisdictions have already beat us to
8 the punch.

9 So, as soon as you can go, even if you have
10 to go multiple times to the ANC meeting and do that
11 marketing piece, I think that would be great.

12 MS. CROWDER: Okay. Marketing generally
13 starts roughly 90 to 120 days before the building is
14 set to open. So, the day we have all of our
15 marketing materials is when we actually will start.

16 CHAIRPERSON HOOD: Okay.

17 MS. CROWDER: So, that will be the first
18 stop.

19 CHAIRPERSON HOOD: Okay. Great. Let's go to
20 the RPP. I don't usually like to talk about RPP, I
21 don't usually like to talk about traffic no more,
22 because I hear how great traffic is on Benning Road,
23 New York Avenue, and when I'm there I think about the
24 traffic consultants. I always do.

25 Let me just go to -- and it's not that what

1 Commissioner Schapiro mentioned was not a great idea.
2 What I don't want the community to do is to think RPP
3 works and put the community on promised land, and
4 then I go attend and ANC meeting last Saturday and
5 get beat up on. So, I want to make sure that it's
6 equivocally known that I don't believe RPP works.
7 Not for the intention --

8 MR. MAY: Can I ask you a question? Are you
9 saying that RPP doesn't work, or RPP restrictions
10 don't work?

11 CHAIRPERSON HOOD: I don't believe none of it
12 works.

13 MR. MAY: Okay.

14 CHAIRPERSON HOOD: Okay? When I say works,
15 and forced. So, we don't want to put people on
16 promised land.

17 MR. MAY: Right.

18 CHAIRPERSON HOOD: Thinking that --

19 MR. MAY: But RPP works great in my
20 neighborhood but the restrictions, I can understand
21 the question. That's why am asking.

22 CHAIRPERSON HOOD: Okay. Well, as a whole,
23 okay? And I think, this is not the first -- is this
24 the first time you've heard me mention it?

25 MR. MAY: You have talked many times about

1 RPP, your skepticism about RPP restrictions. This is
2 the first time I really understood you to be
3 complaining about the RPP system in general.

4 CHAIRPERSON HOOD: Yeah, I'm talking about --
5 MR. SHAPIRO: He warned me not to bring it
6 up.

7 CHAIRPERSON HOOD: Okay. So, since you
8 brought it up I'm going to talk about it. And the
9 only thing, the only reason is, is because -- and I'm
10 not saying let's not try it, because if that's going
11 to help the community, relieve them of issues in
12 their neighborhood or parking, I think it's great.
13 But I don't think it's tracked. I have evidence.
14 I've seen many cases down here it doesn't work.

15 But I want to make sure the residence who are
16 here from Ward 7, well, the Zoning Commission said
17 this. I don't want to put anybody, as I always say,
18 on promised land. So, if you're in tune to doing it,
19 let's do it, see how it works. I'm just not a fan of
20 it.

21 Mr. Watson, let's put up a rendering. Just
22 show me how I can go around that area. Around the
23 whole site.

24 And, Mr. Avitabile, I don't know if I'm with
25 you about the arterial. I don't think I'm with you

1 there. I don't think that was the intention of the
2 Commission, but I have to go back and look at that.
3 I don't think I'm -- I think it needs to be right
4 abutting to an arterial. I'm not sure that we said a
5 setback on another street.

6 So, I think that the community actually has a
7 very valid point.

8 MR. AVITABILE: Well, you know, to that
9 point, two things. One, I could look at examples
10 where the C-3-A or the MU-7 Zoning does extend beyond
11 the frontage of the street to the other side of the
12 block. But you know, we could look at other zone
13 categories that might work for this project. We
14 picked that because we thought that was the zone that
15 best fit the Comprehensive Plan. Comprehensive Plan
16 says, medium density commercial. That's a medium
17 density commercial zone. And it's the lowest of the
18 medium density commercial zones. It's the highest of
19 the moderate density, but lowest to medium. So, it
20 seemed like it was the right fit and that was why we
21 selected it at the time.

22 You know, MU-5 Zone would, I believe work for
23 this project. We have to double check it. But, it
24 gives us the height in the density that we otherwise
25 need. It would come with a higher GAR requirement,

1 but we are meeting that. And I think it otherwise
2 would work. So, we could certainly look at a
3 different zone category.

4 CHAIRPERSON HOOD: Let's look at it because
5 we have been dealing with moderate and medium, and
6 that whole argument. Let's look at it and make sure
7 that we're intact with the right zone.

8 MR. AVITABILE: We'll certainly do that.

9 CHAIRPERSON HOOD: And let me ask another
10 question before I go to my transportation run around.
11 I noticed that we have a lot of bicycle parking. I
12 don't know, I mean, how many seniors -- I mean, I've
13 had seniors tell me, Anthony Hood, are you crazy?
14 I'm not riding no bicycle nowhere.

15 So, if this is going to be for seniors what
16 audience are we trying to get? The seniors to ride?
17 I mean, explain that to me.

18 MR. WATSON: Well, the bicycle parking that's
19 proposed really meets what Zoning requires. You
20 know, ultimately, I think we would expect that some
21 of the younger seniors may use the bicycle parking.
22 But obviously, I think as people get a little older
23 it's probably a little more difficult.

24 CHAIRPERSON HOOD: You know, I appreciate
25 that answer because I've had some people to tell me

1 that that is not the case. That everybody's riding
2 bicycles. And then when I'm in the street, as others
3 know, I'm out in the community and I hear something
4 totally different. Seniors, have you lost your mind?
5 I'm not taking Uber, I'm not taking Lyft, and I'm not
6 riding a bicycle. I'm taking my car to my doctor's
7 appointment. And that's the reality of it.

8 See, I try to be a realist. I don't try to
9 come down here and paint a glossy picture and look
10 good and go out the door, and then it's over with,
11 because at the end of the day while you develop this,
12 the people who are going to be impacted are going to
13 be the ones who live there. So, that's why am glad
14 to hear that you all are still having some
15 discussions, because we didn't know until recently
16 that there were some issues. So, I'm glad to see
17 that you all are going to continue to have those
18 discussions. And I would like for you to continue
19 having those discussions before, at least, I take a
20 final vote. Okay? Or any vote actually.

21 MR. AVITABILE: Yes, sir.

22 CHAIRPERSON HOOD: Okay. All right. Let's
23 ride around the -- what is the parking lot used for
24 now? Is there a club nearby there or something? Is
25 there a place, a club or something nearby there?

1 MR. WATSON: There are new operators of what
2 used to be the Chateau. It's now the Chateau Remix.
3 So, yes, in this building.

4 CHAIRPERSON HOOD: So, when the Château remix
5 is open, do they use your parking lot?

6 MR. WATSON: They do have leases with us for
7 the lot that is located both on Benning Road and the
8 current lot that is the subject of the application.

9 CHAIRPERSON HOOD: So, if this moves forward
10 have you worked with them on some additional parking?
11 Can you park on Benning Road after a certain time at
12 night?

13 MR. AVITABILE: Yes, you can.

14 CHAIRPERSON HOOD: What time about, after
15 9:00? 10:00?

16 MR. AVITABILE: I believe it's 6:30.

17 MR. WATSON: 6:30.

18 CHAIRPERSON HOOD: 6:30? All right. I don't
19 know if that's going to do it for me, Mr. Watson. I
20 need something that's going to take me around the
21 whole project. I just want you to show me -- I don't
22 even know if I saw it.

23 MR. WATSON: Oh, the -- okay. Sorry, I'm
24 not --

25 CHAIRPERSON HOOD: I guess that's going to

1 have to do.

2 MR. WATSON: Okay.

3 CHAIRPERSON HOOD: What I need you to do is
4 kind of show me the -- I have my own. I need you to
5 show me the turns. I want you to show me how all
6 that's going to work. How am I going to work it if
7 I'm in a -- not a bicycle, but if I'm in a car? Show
8 me how it's going to work.

9 MR. WATSON: In terms of how you would access
10 the site?

11 CHAIRPERSON HOOD: Turn, what I'm going to do
12 to go around the back, what I'm going to do in the
13 alley. Are we talking about -- is the alley -- we
14 didn't propose the alley is one-way, did you?

15 MR. WATSON: No.

16 CHAIRPERSON HOOD: Okay. Show me that
17 whole --

18 MR. WATSON: It's a 20-foot alley. So,
19 coming in from Benning Road, if you're coming from H
20 Street, you would take a right and you can either
21 come down 34th and Eads and enter this way and come
22 in, or you to come down and actually come all the way
23 down the alley and access your parking space.

24 If you were coming from the east on Benning
25 Road, you could not turn 35th Street. You'd have to

1 come down to 34th Street and come in one of the same
2 two ways.

3 If you're leaving you can either come out of
4 your parking space and come out, and you could only
5 take a right turn here out of 35th Street. Or 36th
6 Street, excuse me.

7 CHAIRPERSON HOOD: Is 36th one-way?

8 MR. WATSON: No, it is two-way, but it's
9 right in/right out at Benning Road.

10 CHAIRPERSON HOOD: Right in/right out.

11 MR. WATSON: So, you can only make a right
12 turn in or only make a right turn out.

13 CHAIRPERSON HOOD: Okay. Now, is there an
14 alley or something in the middle of Benning Road
15 right there?

16 MR. WATSON: Is there a --

17 CHAIRPERSON HOOD: A alley?

18 MR. WATSON: Oh, yes. Yes, yes.

19 Otherwise, if you do want to exit and go back
20 to the west, you could either come out onto Eads and
21 come back out. There's a signal here. Come back
22 out. Or, come back all the way down the alley and
23 come out to the signal.

24 CHAIRPERSON HOOD: Okay. What is the width
25 of 34th Street?

1 MR. WATSON: 34th Street itself?

2 CHAIRPERSON HOOD: Yeah.

3 MR. WATSON: I do not know off the top of my
4 head but it is two-way with parking on either side.

5 CHAIRPERSON HOOD: Okay. And 36th?

6 MR. WATSON: 36th is very similar.

7 CHAIRPERSON HOOD: Okay.

8 MR. WATSON: Eads is a little bit narrower,
9 but all of those streets are two-way with parking on
10 either side.

11 CHAIRPERSON HOOD: And let me ask you, the
12 numbered streets, is it easier for cars to go both
13 ways on them? I mean, in professional opinion. I
14 know what it really is. Actually, let me just
15 explain something to you. I know the area, okay?

16 MR. WATSON: Right.

17 CHAIRPERSON HOOD: I'm asking these
18 questions, so put them on the record. I do know how
19 tight it is over there.

20 MR. WATSON: Understood.

21 CHAIRPERSON HOOD: Okay.

22 MR. WATSON: On --

23 CHAIRPERSON HOOD: So, your professional
24 opinion.

25 MR. WATSON: On 34th and 36th are fairly

1 comfortable. Eads is a little tight if both sides
2 are fully parked. There are much tighter areas in
3 the District, but Eads can be a little bit tighter if
4 it's fully parked on both sides.

5 CHAIRPERSON HOOD: Mr. Avitabile, why do we
6 have so many form letters in here with the same
7 concern? Why did we get that, I guess, the last few
8 days?

9 MR. AVITABILE: Well, I suppose you probably
10 should ask the folks behind me as well.

11 CHAIRPERSON HOOD: You know, I'm going to do
12 that too.

13 MR. AVITABILE: I know, but you're going to
14 put me on the spot first --

15 CHAIRPERSON HOOD: Right.

16 MR. AVITABILE: -- and make me put my foot in
17 my mouth. That's fine.

18 So, I think the history of this project, and
19 Michael laid it out, you know, there had been
20 continuing communication for over a year. We most
21 recently, as we were leading up to the vote for this
22 project on the PUD, there was an executive session of
23 the ANC. I think it was a phone call with some of
24 the ANC commissioners where questions were outlined
25 and answered.

1 We then went to the ANC the Tuesday or
2 Wednesday before Easter, to their formal meeting.
3 And at that meeting the ANC, you know, decided that
4 they wanted to take a little more time to I think,
5 further get the opinion of the neighborhood on the
6 project before they took a position. And so, they
7 decided to delay their vote and hold a special
8 meeting the following week. It was kind of a joint
9 meeting with the River Terrace Community
10 Organization. River Terrace was already having their
11 regular meeting. And so, the ANC joined them and
12 discussed this project.

13 So, our project was the first thing discussed
14 at the full community meeting and so there were a lot
15 of people present there for other items on the
16 agenda, and I think it raised consciousness of the
17 project. I do think that probably there has been
18 some discussion of getting people to write letters to
19 articulate the concerns. And I think the letter
20 that's there does layout concerns very consistently
21 with the ANC letter. I think it's pretty clear what
22 the concerns are.

23 I think we struggle a little bit with kind
24 of, where do we go here, because we were -- and this
25 is something we've been asking for for really the

1 last month. Kind of, what can we do? You know, a
2 lot of these concerns were, the building is too big.
3 And that's the first time we're hearing it, one. And
4 it's kind of just a general, we don't think this
5 building should be here. And that's not really
6 something that we can concretely address. Things
7 like, we'd like you to do something specifically to
8 address parking impacts, we'd like -- those are
9 things that we can work with.

10 So, I think you know, to the extent the
11 letters and the ANC resolution do that, that's
12 something that we can work with. Beyond that I mean,
13 I think that's where the letters came from was kind
14 of this, this recent consciousness about the project
15 and kind of using that ground support to get people
16 to kind of make it clear that there are people that
17 are interested in this project.

18 I mean, there's a disconnect, for me at
19 least, and Michael has been leading, you know, a lot
20 of the discussions with the neighborhood, you know
21 from what I've seen, you know, there was, you know, a
22 survey that River Terrace itself conducted and it
23 outlined a series of issues. And I think we did a
24 really good job of addressing many of those issues.
25 The survey is in the recent material that we filed

1 today that kind of summarizes the community outreach.
2 It's Tab N.

3 but you know, it laid out, you know, we'd
4 like to see senior housing. We are concerned about
5 construction impacts. And so, there were a lot of
6 things there that I think we did. There were issues
7 raised at the open house. Again, I think we were
8 tracking those issues and doing what we could to
9 address them.

10 I'm not going to lie, we've been a little
11 caught off guard by the last few weeks. Doesn't mean
12 that it's not something that we can work on
13 addressing, and I think -- I think I'm correct in
14 saying we are all committed to continue to work on
15 it.

16 CHAIRPERSON HOOD: Yeah, I believe you can,
17 because I was wondering, because typically when we
18 see this I usually get an email from Ms. Schellin,
19 and the applicant usually says, we need to postpone
20 the hearing. And I was just wondering why we're
21 going forward. I guess when it's these kind of
22 issues, and I know they were kind of late coming in,
23 typically we will -- I usually will tell her, let's
24 do it so you can work out those issues.

25 But I'm hearing a commitment from you all

1 now, that you know specifically that you can work out
2 those issues with the ANC and the community.

3 MR. AVITABILE: Well, and I do think
4 sometimes -- there are sometimes when it's worth
5 postponing because we're going to -- we know what we
6 have to work on, we just need more time to work it
7 out.

8 There are some cases where there are some
9 issues that we can work on, but there are some issues
10 that are kind of fundamental. It works or doesn't.
11 You know, like the building -- the four to five story
12 building with 70 units, you know, whether that's good
13 or not good, and I think sometimes we all need, I
14 think a little bit of direction from you all to
15 signal to us, those issues, like everyone is, your
16 good, these issues are the ones that we all should
17 work on because we're hearing real issues, and you,
18 you know, and the applicant need to work on them.
19 So, I think that's partly what we're hoping. But we
20 clearly have got a long to-do list already and I
21 suspect over the next hour we'll have more added to
22 it.

23 CHAIRPERSON HOOD: For me the direction is,
24 go back and have those conversations with the
25 community.

1 MR. AVITABILE: Uh-huh.

2 CHAIRPERSON HOOD: I've seen it done. It
3 works. And I think this -- while I do kind of like
4 the design, but I want to make sure that the folks
5 who are impacted are the ones who you all can have
6 those conversations.

7 Now, apparently, the supporters didn't come
8 down here tonight, because I'm looking at my list
9 here and we have opponents. Were there any
10 supporters at the open house? Or did you -- what did
11 you all do? Did you serve food? I mean, what
12 happened at the open house?

13 MR. GIULIONI: I guess like to be as brief as
14 possible, it was a station format, so people were
15 able to come in. We did provide food for
16 participants. And so, there was stations where we
17 had representatives from the development team, from
18 Grimm and Parker, and from Res One to speak to the
19 operations.

20 You know, I guess resulting from that we did
21 feel we identified a series of issues that we did
22 address in terms of preferred public benefits and
23 some of the concerns that were raised. But, you
24 know, I think what we, you know, as a developer, we
25 feel we have a project that's, from the developer's

1 point of view, consistent with the planning guide.

2 And so, you know, the nature of how the
3 project comes together, it's -- we didn't sort of --
4 we don't have the flexibility to fundamentally adjust
5 our development program because of the land
6 transaction tossed that we initially incurred is
7 predicated on planning guidance. So, that has been
8 there for a while and we feel that we have done our
9 best to follow that guidance.

10 CHAIRPERSON HOOD: And I want to make a --
11 and I hear it more on this tonight than I've heard
12 it. The Comp Plan and the planning guidance or
13 whatever you want to call it, that comes from the
14 community. The community -- and I have the author if
15 the Comprehensive Plan, I like to say, up here with
16 me. So, if I'm wrong he will straighten me out.

17 But let me just say, the Comprehensive Plan,
18 a lot of times comes from -- the stuff that's in the
19 Comp Plan comes from community. Okay? So, community
20 had a lot to do with the policy of the Comp Plan, the
21 planning guidance, or whatever you want to call it.
22 So, let's make sure we always keep that in mind. The
23 community had a lot to do with that. And they are
24 the ones who planned, for the most part, their
25 community.

1 And you know, I didn't see you hit the
2 button, so I must be all right. Okay.

3 So, my last question, this is a question I'm
4 starting to ask at every hearing. Who on your
5 development team is from the community?

6 MR. AVITABILE: No one.

7 CHAIRPERSON HOOD: Okay. All right. Any
8 other questions up here?

9 [No audible response.]

10 CHAIRPERSON HOOD: All right. Does the ANC
11 have any cross-examination?

12 MS. MUHAMMAD: Good evening, Commissioners,
13 applicants. My name is Sherice Muhammad. I'm the
14 ANC 7D Commission Commissioner Chair, and I'm here to
15 as briefly as possible talk about what we've heard
16 tonight.

17 I think the ANC plan that was submitted to
18 the Board of Zoning, or the Zoning Commission, was
19 very clear. And I like the fact that a lot of what
20 we brought up was questioned, and the applicants were
21 able to answer.

22 However, there are some variance of answers
23 that -- well, answers that were given but we know
24 that there are other realities that could be also
25 included in the answers. We'll begin with

1 transportation.

2 The transportation area I don't think was
3 consistently captured in this project. Benning Road
4 -- the language that was used, I'll begin there. The
5 language that was used to describe this project had
6 consistently this evening said or stated that this
7 project, 3450 Eads Street, runs along Benning Road.
8 That's incorrect.

9 The project is on Eads Street. It is
10 parallel to Benning Road.

11 CHAIRPERSON HOOD: Chairperson Muhammad.

12 MS. MUHAMMAD: Yes.

13 CHAIRPERSON HOOD: Cross-examination is just
14 when you ask a question of what they heard. Now,
15 what you're refuting now is what you can bring up in
16 your testimony.

17 MS. MUHAMMAD: Not a problem. So, you just
18 want me to --

19 CHAIRPERSON HOOD: Formulate it in a question
20 if you know, or formulate it to --

21 MS. MUHAMMAD: I thought that cross-
22 examination --

23 CHAIRPERSON HOOD: -- a question.

24 MS. MUHAMMAD: I'm sorry. My understanding
25 was cross-examination was actual questions. I wanted

1 to lay a base for what I'm saying in terms of -- I
2 did not want to reiterate the report because the
3 report was clear. What I wanted to also just state
4 for the record in terms of our statement or
5 testimony, is the fact that information that we heard
6 tonight is not all correct.

7 CHAIRPERSON HOOD: Okay.

8 MS. MUHAMMAD: And we wanted to make that
9 record on, you know -- make that statement on the
10 record.

11 CHAIRPERSON HOOD: What I would just ask, I
12 think you're asking about what street is it on. Just
13 ask them what street is it on.

14 MS. MUHAMMAD: No, no, no, I wasn't asking
15 because we know this is factual. According to their
16 report, or to the application, the project is on Eads
17 Street, and I wanted to make the distinction for the
18 record that this is not a project that's on along
19 Benning Road. It's along Eads Street.

20 CHAIRPERSON HOOD: Okay. I understand it,
21 but what I'm trying to get you to do for me in cross,
22 because the courts look at everything that we say.

23 MS. MUHAMMAD: Of course.

24 CHAIRPERSON HOOD: I would like for you to
25 just ask a question in cross and when you come up for

1 your presentation to us, because you don't have a
2 time limit, you can convey that to us.

3 MS. MUHAMMAD: That's fine.

4 CHAIRPERSON HOOD: Okay.

5 MS. MUHAMMAD: So, hold that for cross-
6 examination?

7 CHAIRPERSON HOOD: Hold that for -- no. Hold
8 that for when you come to do your presentation. You
9 can get that in there when you come to do your piece.

10 MS. MUHAMMAD: Okay.

11 CHAIRPERSON HOOD: Your presentation. But
12 right now, anything that they said that you want to
13 clarify, you can ask those questions. And then if
14 you want to refute it, when you come up and do your
15 presentation you can put all that in there.

16 MS. MUHAMMAD: Understood.

17 CHAIRPERSON HOOD: Okay. All right.

18 MS. MUHAMMAD: So, is there anything specific
19 that you want me to say at this present time?

20 CHAIRPERSON HOOD: Do you have any cross? I
21 mean, anything you've heard -- I think the line of
22 what you were saying, if you could put that in a
23 question, because I think you were going somewhere.

24 MS. MUHAMMAD: Yes, I was.

25 CHAIRPERSON HOOD: I just -- yeah. But if

1 you could just put that in a question?

2 MS. MUHAMMAD: Okay.

3 CHAIRPERSON HOOD: Because we're doing cross.
4 And then you can come back up and give us the full
5 piece of it.

6 MS. MUHAMMAD: I'm now unclear. You're
7 saying that I'm coming back to cross-examine?

8 CHAIRPERSON HOOD: No, you --

9 MS. MUHAMMAD: Or, is this cross-examination?

10 CHAIRPERSON HOOD: This is cross-examination
11 right now.

12 MS. MUHAMMAD: Thank you. I'm sorry. That
13 was my error. Okay. I'm thinking that the next time
14 I come back up is cross-examination.

15 CHAIRPERSON HOOD: No, you're doing cross
16 now.

17 MS. MUHAMMAD: That is not a problem.

18 CHAIRPERSON HOOD: Okay.

19 MS. MUHAMMAD: Okay. With regards to -- it's
20 a couple of things. I'll ask my first question to
21 Mr. Giulioni. Earlier in your testimony you
22 mentioned that there was a window to affordable
23 housing and that the fact that affordable housing was
24 closing in the Ward and I'd like to get some more
25 clarification on that.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 MR. GIULIONI: Sure. You know, I guess the
2 way to further explain that statement, what I meant
3 by it is, this you know, this area is predominantly
4 ownership housing. That's what we've been told by
5 the community. There are some apartment buildings at
6 the southern end. So, I guess southeast end of River
7 Terrace. I guess sort of along 295. Not actually on
8 295, but on the adjacent road.

9 But as we've also heard at public meetings,
10 the sales price of these buildings is going up. One
11 of the concerns we heard was that you know, this
12 project could devalue these sales prices continuing
13 to increase. So, I think in general what we see is
14 the city as it grows, rents and costs of housing are
15 going up. And right now, this area doesn't have
16 housing that serves the need it's intended to.

17 And so, if we get it there now, it's 40 years
18 of that housing because you know, I'm theorizing, but
19 in theory, what will happen on Benning Road on the
20 next phase will not be affordable housing, it will
21 just be market rate housing. But what we'll have, at
22 least on our site, is an area that is preserved for
23 the demograph that we are now targeting.

24 MS. MUHAMMAD: And exactly your demographic,
25 if you'll clarify that as well?

1 MR. GIULIONI: Sure. So, I guess under the -
2 - excuse me. Under the DHCD requirements, a senior
3 qualifies as one who is 55 years of age or older.

4 MS. MUHAMMAD: Okay. With that said, in our
5 special meeting that came up in April, we have a
6 number -- the majority of our River Terrace residents
7 are homeowners who are retirees. So, the target for
8 seniors, according to the marketing plan, Ms.
9 Crowder, our question at the special meeting, and I
10 wanted to reiterate this before the Zoning
11 Commission. If, if our residents in River Terrace
12 who are aging in place, in homes that are much larger
13 than 500, 600, 700 square feet, are able to age in
14 place in their homes that they've paid for, what
15 would be the incentive, or what would be the
16 marketability for said housing? This project.

17 MR. GIULIONI: Sorry. Are you addressing
18 that to myself?

19 MS. MUHAMMAD: Yes.

20 MR. GIULIONI: Sure. Sure.

21 MS. MUHAMMAD: And I'd like to get input or
22 weigh in from Ms. Crowder as well.

23 MR. GIULIONI: Sure. If you'd just give me a
24 moment?

25 MS. MUHAMMAD: Sure.

1 MS. CROWDER: Can you repeat the question,
2 please?

3 MS. MUHAMMAD: Certainly. A number of our
4 residents in River Terrace are seniors who are
5 retirees, who are living in their homes, paid for,
6 for the most part, and they're aging in their homes,
7 aging in place. What would be the marketability for
8 said housing project if you're looking at marketing
9 to people in the River Terrace community?

10 And by your own testimony, Ms. Crowder, you
11 said that you're going to use the ANC meeting to
12 attract potential buyers.

13 MS. CROWDER: When I said that I will use the
14 ANC meeting, it's to allow anyone that you know to
15 pass that information on. I don't know exactly who
16 in your community would be willing to move. So, it
17 would be to give you first-hand information.

18 To give you first-hand information on someone
19 that you know that may live two blocks from this
20 community that will be considering to sell their
21 home. We don't know what their circumstances are,
22 but you as the ANC may know of several individuals,
23 and which that's why I would like to present you with
24 the marketing tools to let you know, this is what's
25 happening, this is how far along we are. In the next

1 three or four months, this building is planning to
2 open. But I don't know who don't have that
3 information, so I wanted to start with you.

4 MS. MUHAMMAD: Okay. Can you be a little
5 more specific, Ms. Crowder, with regards to ANC
6 outreach? Are you speaking of east of the river
7 ANCs, or are you opening this up to ANCs throughout
8 the city?

9 MS. CROWDER: Well, this would be Ward 7,
10 particularly for this building.

11 MS. MUHAMMAD: Just a rule of thumb, your
12 residents, your seniors in Ward 7, many of which the
13 larger percentage, I can't quote it at a this present
14 time, but I am familiar with a number of civic
15 associations throughout Ward 7, which is a vast area,
16 many are aging in their homes, aging in place. So,
17 if seniors are your target you might want to consider
18 opening it up to the city, to the broader community,
19 and not just people east of the river. Just a
20 suggestion.

21 However, the ANC 7D is opposed to this
22 project, and we wanted to continue with questions
23 relative to the building itself and how it is -- it
24 just seems like somebody is coming in and dropping
25 this building in the midst of rowhouses.

1 I don't want to be shallow and say, it looks
2 terrible, but I'm wondering -- I always like to put
3 the shoe on, you know, try the shoe on yourself. In
4 your community, a building of this magnitude, with
5 the housing surrounding it, is as it is. Would you,
6 yourself, want to see a building dropped in on that
7 lot land?

8 Now, like I said, in our report the land use
9 to me, after reading the applicant's information, I
10 don't necessarily see this as the best use of that
11 land. And I'm saying that we can't just arbitrarily
12 use the land just because it's there and it's
13 available if it doesn't fit, if it's not suitable.
14 And I just don't see in this application, I mean,
15 I've heard consistently that, you know, we're meeting
16 the zoning regulations. We're meeting the DDOT
17 regulations. But this is not serving the community
18 to the degree that this is something that the
19 community would want, have a buy-in. And that was
20 clearly stated in the special meeting.

21 CHAIRPERSON HOOD: Is there a question?

22 MS. MUHAMMAD: There is a question. So, my
23 point is, based upon the building itself, the
24 surrounding transportation, how do you think that
25 people will be able to access, ingress/egress, into

1 River Terrace, on to Eads Street, with the ease that
2 was -- with the ease that this applicant is stating
3 that it will be? How can you prove that? Or can you
4 prove that? And I'm addressing this to the
5 transportation expert.

6 MR. WATSON: So, when we look at
7 transportation impacts, typically we look at how the
8 development will impact the network during peak
9 times. So, when the peak traffic times are. And
10 what sort of additional traffic would be added during
11 those peak times.

12 Obviously, most buildings are going to
13 generate traffic throughout the day. But in order to
14 kind of get a handle on how the development would
15 impact the transportation network during those peak
16 times, that's how we look at it for most every
17 development.

18 For this one, because it's a senior building
19 and most seniors are not commuting during peak times,
20 and the fact that there is a low number of parking
21 spaces, the general impact associated with those
22 trips during that peak time is relatively low.

23 MS. MUHAMMAD: So, would you say that this
24 application and considering the transportation
25 aspects, how do you think the seniors that are

1 currently living in River Terrace, how are they doing
2 their shopping? How are they getting to their
3 doctor's appointments? How are they getting to
4 visits? Whatever they do through the day, what
5 traffic, or how do you think they are getting to
6 their obligations?

7 MR. WATSON: Well, generally speaking, if
8 they have a vehicle at their house, they likely will
9 use their vehicle. Or if they do not, they'd be
10 using transit. We have not specifically studied what
11 the existing neighborhood, how the seniors in the
12 existing neighborhood do their day to day errands or
13 whatever they need to do.

14 That being said, you know, as I mentioned
15 when we examine just the general impacts of a
16 development we typically look at how the development
17 is going to impact the streets when they're at their
18 most congested at the peak times.

19 MS. MUHAMMAD: Okay. Also, another question
20 with regards to transportation. When we are saying
21 peak times, currently WMATA offers five bus transit
22 services. We have the X1, the X2 -- no, I'm sorry.
23 X1, X3, X9, who only function rush hour in the
24 morning, rush hour in the evenings. So, that leaves
25 two other options, the X2 that runs pretty much into

1 the evenings and on weekends, and the U4 which is a
2 circular route. So, if we're talking about
3 alternatives for transportation, with those two
4 buses, and then of course you all had mentioned the
5 bikes, do you think those are feasible, realistic
6 alternatives for transportation easement?

7 MR. WATSON: We would expect that the most
8 likely mode that they would use would be the X2, just
9 given the amount of service that it provides, that it
10 goes both to the Metro station at Minnesota Avenue as
11 well as further to the west, into the heart of the
12 city, and that there are relatively new bus shelters
13 provided there on Benning Road. Yes, Benning Road
14 does carry a lot of traffic, but there is a clearly
15 marked site, a crosswalk there, to get people between
16 the two bus stops.

17 And Benning Road is, you know, really just
18 half a block on the other side of the development
19 there.

20 MS. MUHAMMAD: Could you also be more
21 specific, you had mentioned in your testimony that
22 the traffic is coming in and out of the PEPCO. You
23 had mentioned something about the in and out,
24 ingress/egress to the PEPCO, and that was the cause
25 of the traffic?

1 MR. WATSON: So, no, there was a --

2 MS. MUHAMMAD: On Benning Road.

3 MR. WATSON: There was a general question on
4 the delay, the calculated delay at that 34th Street
5 and Benning Road intersection. Because the traffic
6 signal itself is really designed to accommodate
7 through traffic on Benning Road, the delays on the
8 side street can really be compounded. Particularly
9 for the north side where there really isn't a whole
10 lot of traffic and there's not a lot of demand for
11 time on that side of the traffic signal.

12 As a result, the signal itself is not
13 designed to accommodate traffic on the north side.
14 So, it compounds the delay on that side. There
15 really, at this time, is not much demand on that
16 side, so it really is not something that really is
17 impacted one way or the other by the development.

18 MS. MUHAMMAD: Okay. And I guess my last
19 question, and if we have others that are going to be
20 testifying, with regards to the parking, our
21 constituents have informed us that the parking issue
22 with regards to Eads Street is already a strained and
23 very -- it's already a shortage, insufficient for the
24 current residents that are living there.

25 So, I wanted to ask for more creative

1 brainstorm. I'm not sure how much that is, but
2 that's already an issue and it's already stressed for
3 the current residents that are on Eads Street. And
4 so, we are hoping that this would be mitigated as
5 well.

6 MS. CROWDER: Commissioner, before you leave
7 can I clarify a statement you made for the record?

8 MS. MUHAMMAD: Sure.

9 MS. CROWDER: You made a statement that asked
10 that we expand our marketing outside of Ward 7. I
11 want to make it clear that you asked for a preference
12 in our last -- in your last ANC meeting, your special
13 meeting, if we would provide a preference to River
14 Terrace residents.

15 Our marketing efforts are through social
16 media, Trulia, Hotpads, the internet, express. We
17 have a wide range marketing campaign. We have
18 several websites including our own, Residential One's
19 website. The fact that I wanted to bring this
20 information to your ANC meeting was to allow River
21 Terrace the opportunity to know about this property
22 and the opening first-hand. But our efforts are
23 state wide.

24 So, we will get a lot of volume regarding the
25 application process for this building, so I wanted to

1 make it clear that we do have several sources of
2 marketing. But by me providing you this information
3 months ahead of time, while as soon as we start our
4 marketing campaign, it will at least let you guys
5 know that this is happening, this is coming up, and
6 the dates that we're set to have an open house to
7 accept applications. Okay?

8 MS. MUHAMMAD: Point taken, but I wanted to
9 clarify as well, there was one individual from the
10 River Terrace community that said she'd prefer a
11 preference but she was only speaking for herself.

12 MS. CROWDER: Okay.

13 MS. MUHAMMAD: That issue was not brought up
14 by the ANC, nor was it endorsed by the ANC. We're of
15 the thinking that, and we know our constituents in
16 that area, and of course Commissioner Prue will also
17 be testifying this evening that, that was a request
18 from one of the residents of River Terrace, not from
19 the ANC.

20 MS. CROWDER: Okay.

21 MS. MUHAMMAD: Thank you.

22 MS. CROWDER: Thank you.

23 CHAIRPERSON HOOD: Any other questions?

24 Okay. Let's go to the Office of Planning and
25 District Department of Transportation. Ms. Thomas

1 and then Ms. Israel.

2 MS. MUHAMMAD: Chairman Hood, am I remaining?

3 CHAIRPERSON HOOD: You can stay there because
4 we might have some cross for you.

5 MS. MUHAMMAD: Sure. Okay.

6 MS. THOMAS: Good evening, Mr. Chair and
7 members of the Commission. OP is recommending
8 approval of the applicant's request for the 70
9 affordable housing units for seniors proposed on this
10 vacant lot.

11 While the proposed map amendment would allow
12 additional density on the site, that density would be
13 well within the limits of the proposed zone and under
14 its matter-of-right limits.

15 OP is satisfied that the applicant addressed
16 the concerns outlined in our set down report, and in
17 particular with the reduction in the material types
18 for the facades and the minimal flexibility
19 requested. We support the development as not
20 inconsistent with the Comprehensive Plan's guiding
21 principles and area elements where new affordable
22 housing is encouraged in the vacant lots in proximity
23 to Metro stations. And particularly when the level
24 of affordable proposed is deeper than would be
25 offered under IZ.

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Affordable housing is a desired commodity in
2 the District, particularly for seniors who wish to
3 remain in the city and partake of city life. The
4 proposed density and design of this small apartment
5 building, dedicated in large part to senior living,
6 would have minimal impact on traffic where the
7 potential for adverse impacts would be mitigated
8 through proposed TDM measures which was agreed to by
9 DDOT.

10 OP commends the applicant. Applicants worked
11 with the community and supports continued dialog with
12 them to address their concerns. And at this time, I
13 will stand on the record of the report and take any
14 questions you may have. Thank you.

15 CHAIRPERSON HOOD: Okay, thank you. Ms.
16 Israel.

17 MS. ISRAEL: Good evening, Chairman Hood and
18 Commissioners. DDOT would like to thank the
19 applicant for addressing our concerns regarding the
20 TDM plan.

21 With regard to Commissioner May's concern
22 about Benning Road, specifically the Benning Road
23 streetcar extension environment assessment is being
24 conducted right now. It's, I believe, in its final
25 phases and one aspect, from my understanding, is

1 actually looking at street conditions along Benning
2 Road, and the extension is planned to go from H
3 Street, where it currently ends, all the way the way
4 through to the Benning Road Metro station.

5 Also, with regard to the parking issues, DDOT
6 is happy to work with the applicant to scope a
7 parking study. We did not look at a parking study
8 initially because typically we look at parking
9 studies when there's either zoning relief for
10 parking, which was not the case in this as part of
11 this application, or when we see that there is
12 considerable concerns as a result of that parking
13 relief. And we didn't anticipate any problems at
14 that time. But as I said, DDOT would be happy to
15 work with the applicant if the Zoning Commission
16 chooses to request a parking study.

17 Any other -- otherwise, we stand on the
18 record, and if you have any other questions, I'm
19 available.

20 CHAIRPERSON HOOD: Okay. Thank you both.
21 Let's see if we have any questions or comments for
22 either one. Vice Chair Miller?

23 MR. MILLER: Thank you, Mr. Chairman. Thank
24 you both for your reports.

25 Ms. Israel, did you have any comment on, or

1 look at yet the pick-up/drop-off area on Eads Street
2 for the project?

3 MS. ISRAEL: Yes. I did look at the -- or
4 DDOT looked at pick-up/drop-off that's technically a
5 separate process. That doesn't go through Public
6 Space Committee. It's a separate permit, but typical
7 -- I can't remember the exact terminology, but it's
8 essentially a building entrance zone which any
9 multifamily building ultimately is eligible for
10 receiving. And through initial conversations with
11 those who do permitting, they indicated that they
12 don't see a problem at this time, although it would
13 still need to be permitted and subject to change.

14 MR. MILLER: Okay. Thank you. And for
15 Office of Planning, I just wanted to -- I appreciate
16 all the information that you provided, both in this
17 report and verbally today in the set down report. I
18 think there's one correction that needs to be made in
19 the April 25th report on page 14, when you were
20 discussing the Comp Plan policy map and the
21 neighborhood. It says enhancement area, but I
22 believe that it's a conservation area, which is what
23 your set down report said, what the applicant said.
24 The text under it is consistent with the conservation
25 area text, which in those conservation areas in-fill

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 development on vacant -- on the small amount of
2 vacant land is encouraged.

3 But I just wanted to note that correction for
4 the record. I don't know if you need to submit
5 anything, but maybe just acknowledge that that was
6 meant -- that that was meant to say neighborhood
7 conservation area.

8 MS. THOMAS: Sure. I'd be happy to take a
9 look and make the correction.

10 MR. MILLER: Okay. Thank you very much.

11 MS. THOMAS: Thank you.

12 CHAIRPERSON HOOD: Okay, any other questions?
13 Commissioner May?

14 MR. MAY: Yeah. Just a couple quick ones.
15 So, for OP, the issue of this building being on Eads
16 Street rather than Benning Road, and the applicant's
17 position that what matters is that the square is on
18 Benning Road as opposed to the specific building
19 front, and I mean, do you agree with that
20 interpretation or do you have an opinion about that?
21 I mean, I assume you're more or less in agreement
22 because you support the application. But I'll let
23 you speak.

24 MR. LAWSON: Sure. Oh, sorry. Joel Lawson
25 with the Office of Planning.

1 Our opinion is certainly that the zone that's
2 being requested is consistent with the Comprehensive
3 Plan, and that the zone is an appropriate one at this
4 location. MU-7 -- I think it's important to
5 distinguish between what is kind of a preliminary
6 intention statement in the zone, and what's a
7 regulation within the zone.

8 The zoning doesn't include a lot of kind of
9 intention statements. Mostly it includes, you know,
10 regulations. You know, you shall do this, you must
11 do this, you can only do that.

12 The intention statement at the beginning is
13 just to provide some basic parameters of what the
14 zone is generally considered to be. It's to provide
15 a little bit of direction for how you should consider
16 this zone.

17 And I just took a very, very quick look at
18 this today, but the MU-4 Zone exists kind of in spots
19 throughout the city. It's not one of the more common
20 zones, but it exists in spots throughout the city on
21 various streets. It's certainly not confined in the
22 current zoning to major arterials.

23 And it's also been used through PUDs and
24 included on portions of property that don't, as a PUD
25 zone, in the past, on portions of property that don't

1 front on to arterials.

2 So, we just feel that it's probably a
3 somewhat more literal interpretation of the zoning,
4 of a section of the zoning that's not intended to be
5 a regulation. I think that if it was intended to be
6 a regulation we would have stated it that way. We
7 would have said, this zone shall only be permitted on
8 an arterial zone, and that's not what it says.

9 So, we think it's an appropriate zone. We're
10 comfortable working with the applicant if the Zoning
11 Commission would want us to look at alternatives.
12 There's certainly a number of other alternatives I
13 think. Oddly enough, some of them would actually be
14 higher density zones, but they would still be
15 consistent with the Comprehensive Plan, but might
16 also be appropriate on this site and I think the
17 applicant mentioned MU-5, and I agree, that's one
18 that -- that's another zone that would probably
19 accommodate their development, still be considered
20 not inconsistent with the Comprehensive Plan, even
21 though technically it would allow actually more
22 density than the zone that they chose.

23 So, we're comfortable with it. We're
24 comfortable that it meets the intent and with the
25 relief that they're asking for, the regulations with

1 the MU-7 Zone.

2 MR. MAY: Okay. So, earlier in your talking,
3 when you said you looked for other MU -- you said MU-
4 4 Zones. I think --

5 MR. LAWSON: Oh, I'm sorry.

6 MR. MAY: I assume you meant MU-7, right?

7 MR. LAWSON: Sorry, I meant MU-7. I'm sorry.

8 MR. MAY: Okay. Just wanted to make sure
9 that was clear.

10 MR. LAWSON: Yeah.

11 MR. MAY: Okay. Thanks. I'm not
12 particularly driven to see what other zones would
13 fit. I mean, if there is something that truly is
14 more appropriate, maybe that makes sense, but that's
15 not really -- that isn't going to change the design
16 of the building, the density, or any of that sort of
17 stuff. So, for Ms. Israel, I just had one follow-up
18 question on what the future holds for Benning Road.

19 So, if streetcar comes in, is that going to
20 wind up being in a dedicated lane, or a shared lane,
21 like it is on the rest of Benning Road? Or do you
22 know yet?

23 MS. ISRAEL: I'm not sure yet at this time.

24 MR. MAY: Yeah. Okay.

25 MS. ISRAEL: I can certainly find out, and if

1 that's determined at this point I can follow up with
2 the Commission.

3 MR. MAY: Yeah. I mean, if there is
4 information about that it might be helpful to know.

5 Do you know whether there is an intention to
6 significantly improve the streetscape and maybe widen
7 the sidewalks and give you some buffer or reduce the
8 number of car lanes, because it really is just -- I
9 mean, there are so many lanes there.

10 MS. ISRAEL: I know that was a part of
11 obviously the process as far as Eads Street, although
12 that did not go through an EA process --

13 MR. MAY: Right.

14 MS. ISRAEL: -- nor did it have the same sort
15 of funding mechanisms.

16 MR. MAY: Right.

17 MS. ISRAEL: But I'm not sure at this point.
18 I would assume so, but I'm not positive.

19 MR. MAY: So, where are they in the EA
20 process, did you say?

21 MS. ISRAEL: I know that at middle of this
22 month, I believe it's May 19th, they are having a
23 public hearing, or at least meeting.

24 MR. MAY: Uh-huh.

25 MS. ISRAEL: To discuss the various

1 alternatives.

2 MR. MAY: So, we're still in the alternatives
3 stage. They haven't released a final EA?

4 MS. ISRAEL: You know, what? Let me check.
5 I had just looked it up and I'm not sure if it's
6 actually alternatives. I can get back to you in a
7 moment.

8 MR. MAY: Okay. Well, I'm just going to ask
9 questions while you look that up and you can chime in
10 toward the end.

11 MR. SHAPIRO: Thank you, Mr. Chair. Just one
12 quick question. In the DDOT report it says that the
13 zoning requires 16 vehicle parking spaces, and I
14 believe the applicant said that your interpretation
15 was that it requires 12?

16 MR. AVITABILE: I'm sorry, that's --

17 MR. SHAPIRO: And maybe I'm --

18 MR. AVITABILE: If you want me to answer the
19 question, we originally had a mix of non-senior and
20 senior housing, and at the time that DDOT reviewed
21 the report it was still a mix of senior and non-
22 senior. So, if it was non-senior housing the
23 requirement is one for three units, senior housing
24 it's one for six units. Since DDOT conducted their
25 report we've now switched to all senior housing, so

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 it's 70 divided by 6, and that's how you end up with
2 12.

3 MR. SHAPIRO: Okay. Thank you. Thank you,
4 Mr. Chair.

5 CHAIRPERSON HOOD: Any other questions or
6 comments of DDOT or OP? Vice Chair?

7 MR. MILLER: Yeah, sorry. Thank you, Mr.
8 Chairman. I meant to ask Mr. Lawson if you happen to
9 know of a status of the District's vacant lot that's
10 adjacent to this site. It's, I think there was some
11 reference that it's controlled by DGS. Is there an
12 RFP that's going to be put on that? Or maybe the
13 applicant knows because it's --

14 MR. LAWSON: Not that I'm aware of.

15 MR. MILLER: Okay. All right. Thank you.

16 CHAIRPERSON HOOD: Okay. Now it's time for
17 the ANC report. Chairperson Muhammed if you want to
18 -- you said you had a group coming up? Oh, I'm
19 sorry.

20 MS. ISRAEL: I have an answer to the hearing,
21 if that's okay.

22 It says on May 19th, it's actually a review
23 of the findings of the EA. So, you're right, it is
24 earlier on in the process. And that will be held May
25 19th from 6:00 to 8:00 p.m. at the Department of

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Employment Services Building on Minnesota Avenue.

2 MR. MAY: Okay. Thank you.

3 CHAIRPERSON HOOD: Let's see if we have any
4 cross. Does the applicant have any cross of either
5 Office of Planning or DDOT?

6 [No audible response.]

7 CHAIRPERSON HOOD: Okay. Chairperson --

8 MS. MUHAMMAD: Just one question.

9 CHAIRPERSON HOOD: Either Office of Planning
10 or DDOT.

11 MS. MUHAMMAD: For Ms. Israel.

12 CHAIRPERSON HOOD: Okay.

13 MS. MUHAMMAD: And that's regarding, you said
14 the street car would be traveling from the Oklahoma
15 or Benning Road to the Benning Road train station,
16 correct?

17 MS. ISRAEL: No, it would be an extension of
18 the current H Street line that would extend from H
19 Street -- well, technically it's already on a portion
20 of Benning Road. And -- sorry, am I -- and it would
21 extend to the Benning Road Metro station.

22 MS. MUHAMMAD: Okay. Thank you. My question
23 is, will there be any preliminary work on the Loraine
24 Whitlock Bridge prior to bringing that street car in?
25 Is there any plan to redress the condition of the

1 Loraine Whitlock Bridge?

2 MS. ISRAEL: I am not aware of that at this
3 time, but I can certainly find out.

4 MS. MUHAMMAD: Thank you.

5 CHAIRPERSON HOOD: Okay. Thank you. Let's
6 go to the ANC report.

7 MS. MUHAMMAD: I have with me Commissioner
8 Joanne Prue, who is commissioner for the River
9 Terrace area, and opposite Benning Road is
10 Commissioner Justin Lini, 7D-07, and he's
11 commissioner of the Parkside. Parkside/Mayfair area.

12 CHAIRPERSON HOOD: Okay. So, you all can
13 come up and do your presentation.

14 MS. MUHAMMAD: And if we may, Chairman Hood,
15 we'd like to begin with Commissioner Lini and then
16 Commissioner Prue. Or Commissioner Prue,
17 Commissioner Lini. I'll leave that to them.

18 MS. PRUE: My testimony is fairly ancillary
19 to --

20 CHAIRPERSON HOOD: Okay. So, we'll have you
21 all do it. We don't want that on the record.

22 MS. PRUE: Good evening, and please forgive
23 me. I've been having problems with my voice.

24 Good evening, Chairman Hood.

25 CHAIRPERSON HOOD: Let me just ask you, is

1 the green light on, on her mic? It is?

2 MS. PRUE: It is. Oh, now it is.

3 CHAIRPERSON HOOD: Just pull it a little
4 closer. There you go.

5 MS. PRUE: MY apologies. Good evening,
6 Chairman Hood and the Commissioners. My name is
7 Joanne Prue of the ANC 7D-04. I live in the River
8 Terrace Community and have been a resident throughout
9 my lifetime, over a period of 40 years.

10 Prior to my retirement, I was employed by the
11 U.S. Postal Service of 43 years, three months, and 17
12 days.

13 River Terrace has a rich legacy and culture.
14 Let me share with you the prominent leaders that came
15 out of the River Terrace community.

16 Dr. Floretta McKenzie (phonetic), the
17 superintendent of D.C. Public Schools; her brother,
18 Dr. Martin Dukes, gynecologist of Columbia Hospital
19 for the Women, here in Washington, D.C.; the first
20 female sergeant; the first female captain; the first
21 female commander; and the first female deputy chief
22 of police for the Metropolitan Police Department,
23 Joyce Leiland (phonetic); Alvin Carter, deputy fire
24 chief; James Shorts, deputy fire chief, who is now a
25 current board member of the Alcohol Beverage

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Regulation Board; Major Anderson, that we hold dear
2 to our heart, who is a Tuskegee Airman, who is now 92
3 years old and live on Anacostia Avenue, across from
4 the River Terrace Park, and not as earlier stated,
5 the Anacostia Park. There is a difference. River
6 Terrace had their own park.

7 Austin Carr, professional NBA basketball
8 player of the Cleveland Cavaliers; former fire chief,
9 T.R. Coleman (phonetic); Mr. Stanley Forshay
10 (phonetic), attorney and his son, Chris, followed in
11 his father's footsteps.

12 River Terrace was the number one civic
13 association of the Federal Civic Association back in
14 the days. Their leaders were Mrs. Suzy Forshay
15 (phonetic), the wife of the late Stanley Forshay, and
16 Mrs. Mary Rough (phonetic), which I have the
17 privilege of being my neighbor, directly across the
18 street where I grew up from, and where I am now
19 residing in the family home, that lived to be 100
20 years old on July the 11th, 2016, that passed away on
21 September the 25th, 2016.

22 As a commissioner, my approach has been grass
23 roots. Going door to door, talking with block
24 captains, attending River Terrace community
25 organization, and PSA meetings with the Metropolitan

1 Police Department. I've had many walkthroughs in the
2 River Terrace community with the outreach liaisons
3 for the mayor, and project managers to point out
4 repairs, maintenance issues, street lights, sidewalk
5 repairs, and et cetera. I know what it is when it
6 comes down to the duties and responsibilities of a
7 ANC commissioner. I was elected in 2008, and I
8 served six years, until 2014, and ran again in 2016.

9 I am honored to be serving as ANC
10 commissioner in the River Terrace community that I
11 grew up in from -- I mean, from 1949, was when my
12 parents bought in the River Terrace community.

13 I walked my community weekly to engage with
14 the constituents and request for assistance wherever
15 needed if they felt there was a need. I'm out in the
16 community, not just for a set few, but the young
17 generation that are standing on the corners, that are
18 smoking weed, that are selling drugs, right there on
19 Eads Street.

20 And when I speak, I speak with passion,
21 because I love serving and I love helping people. My
22 reputation is such that I am responsive, I am very
23 caring, and very efficient in addressing my
24 constituent's concerns for those that reach out to
25 me.

1 My initial thoughts and concerns to Mr.
2 Michael Giulioni, after being sworn in as the new
3 elected ANC commissioner, being briefed on a project
4 by the former ANC commissioner, I was not pleased at
5 all about this project.

6 The projects we grew from the previous ANC
7 commissioner, Mr. Cloyd McKay (phonetic). I have
8 also captured the raw feelings, the raw feelings of
9 the residents, and the response to this project. Mr.
10 Giulioni, to me, was not reassuring at some point, of
11 my concerns. And I'm going to give some specifics.

12 Number one, safety. Mr. Giulioni was on a
13 telephone conference call at our executive meeting.
14 And my concern was about the location, and keeping in
15 mind, seniors, 55 to 65, that was quoted. First, it
16 was 50, because I questioned 50. And then it went to
17 55 to 65, because as I know, and as Commissioner
18 Chairwoman Muhammad stated, that in the River Terrace
19 community the senior citizens, the seasoned senior
20 citizens, age into their homes so that they are not
21 going to sell their homes and give up over 1,000
22 square feet to move in a senior unit of only five to
23 600 square feet.

24 Number two, the question that was raised to
25 Mr. Giulioni on the telephone conference call, my

1 concern was, how are you going to, when the seniors
2 that have a disability and need Metro access to use
3 as their means of transportation, and the Seabird bus
4 connection, how are you going to address these
5 connections?

6 And Mr. Giulioni told me that they will pick
7 them up from the alley. I was disturbed about this.
8 The alley. It just took me back to Rosa Parks going
9 to the back of the bus.

10 Transportation services. I raised a question
11 dealing with the Eads Street being the main entrance.
12 I asked about the circular driveway, where if this
13 type of service is to be used for Metro access or the
14 Seabird connection, then why not put in a circular
15 driveway, because if you're having -- and I heard
16 earlier with the testimony, if they're going to be
17 picked up on Eads Street, they're going to be picked
18 up at the curbside. And this will impact that
19 traffic flow on Eads Street.

20 Now you will encounter the transportation
21 service sitting there with their engines idling until
22 someone comes out to gain access to that
23 transportation. This, I am not in agreement with.

24 The high density, as earlier mentioned, the
25 parking, and most of all the location. I walked 30

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Eads Street last night, I walked 36th Street, and I
2 walked Dix Street. And when I walked, I was out door
3 to door yesterday evening gaining more signatures for
4 the letter that was typed up to the residents to
5 oppose this project. And I've asked many times, if I
6 lived in Eads Street, I would have a problem.

7 And with the new homeowners that had just
8 bought on Eads Street, and the highest home that sold
9 was \$369,000, and then the high 200s, if I just
10 bought in Eads Street, and we already have a problem
11 with the element that's on Eads Street, because we
12 have one particular home on there, homeowner, that
13 draws all kind of elements. And this has been a big
14 concern and a problem of ours for years, and the
15 problem still has not been corrected.

16 MPD has been brought in on the problem for a
17 long time. Our crime rate has increased. I can't
18 give you the stats. The liquor store parking lot is
19 a problem. A young man that I held dear to my heart
20 had came and sat in his car, and he was murdered. He
21 tried to leave the -- he left the scene, and I was
22 coming in from South Dakota Avenue, traveling
23 Kenilworth Avenue to Benning Road, and 295 was just
24 blocked off, and I usually take that exit to go into
25 the backway River Terrace. But because I saw the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Street, throughout River Terrace, I was -- I came up
2 Eads Street about a month ago on a Friday night, and
3 the Chateau was having their fair. The parking was
4 horrible. It was horrible. I've never been on Eads
5 Street Friday night with the Chateau open. But the
6 parking lot where this project is going to be built,
7 was packed. Eads Street, people with special
8 permits, and seniors, and you were here for one of
9 them later on, that if you're not in your house by a
10 certain time you're going to forget it because you're
11 going to either have to walk a block or two in order
12 to get a parking space. And then it becomes a
13 problem for the other streets, because now when they
14 come home, they can't get a parking, because someone
15 else from another street is parking on their street.

16 The drop-off -- let me back up. I'm sorry,
17 I've already addressed that.

18 The River Terrace community residents feels
19 that we have been overlooked on so many things.
20 We've been fighting and protesting for so long. We
21 protest against the Shell station bringing the
22 hydrogen fuel into the River Terrace community within
23 100 feet of the River Terrace School. We fought, we
24 fought, we protest, and it went away after five
25 years. They weren't concerned about our needs. They

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 were based on what they wanted.

2 And I'll be done shortly. Another project,
3 the fire station, a temporary fire station from
4 Engine 27 off of Minnesota Avenue, DGS has a lot
5 there on Eads Street, right behind the old Gino's, or
6 KFC, which is vacant property through there. And
7 when I was former commissioner I had that lot fenced
8 in up to eight feet of fencing because it was used,
9 back in the days it was used as a tot lot for the
10 little children in the community. Then it became a
11 drug infested area, and drinking and liquor bottles
12 all into a government park.

13 So, I had asked that this be put in the
14 budget to put this fence up. And then at one point
15 they were cutting holes and cutting the locks off and
16 everything. Police had been called numerous times,
17 but now they're not doing this. They were throwing
18 furniture. They were angry because their space of
19 recreation was taken away from them.

20 With that being said, to bring this 70-unit
21 apartment building here in the River Terrace
22 community, it's going to create bigger problems than
23 what you all can imagine. Fifty-five years old is
24 young for senior citizens. And to 65. And in this
25 city, an if you were raised in this city, everybody

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 knows somebody.

2 What my concern is, with senior citizen, a
3 seasoned senior citizen, such as myself, that if I
4 was to live in that building, and I have
5 grandchildren, my grandchildren are going to come and
6 stay with me. And some senior buildings you have
7 grown children that are coming in, living with their
8 mothers. And my concern is, once that senior citizen
9 has expired, if management do not do their due
10 diligence, a lot of them remain in those units that
11 should not remain there because they never wanted a
12 lease in the first place.

13 I'm just passionate, and I represent the
14 River Terrace community. But on yesterday when I was
15 out passing flyers, the street stays filthy. When I
16 was former commissioner I used to get out there among
17 the guys. I'd say, oh you all are going to get this
18 cleaned up because I'm not tolerating it. I'm not
19 going to keep coming around here cleaning up your
20 mess, you know.

21 And then they started bringing bags out and
22 setting up trash cans or whatever. You know, they
23 were taking it a little interest in there because
24 they don't live on Eads Street, they just congregate
25 there. You know, that's their place where they hang

1 out.

2 With that being said, I wish you'd take it to
3 heart, and I want to go back to April the 19th. The
4 gentleman, he identified himself when he came down to
5 questioning, he said -- he called himself Mr. Wolf.

6 Mr. Wolf was very passionate because he grew
7 up in the River Terrace community. And he was my
8 twin. And he is my twin brother.

9 He was very passionate about why I should not
10 be there. I was kind of taken back in the behavior
11 and the manner that he was delivering his message.
12 And I'm not ashamed to say, he was under the
13 influence of alcohol. And I'm sure it's in some of
14 our families one time or another.

15 But, when I really thought about this, I kind
16 of felt shame about his behavior, but I understood it
17 because I understood his passion. But what I didn't
18 like was his behavior that he displayed before the
19 developers. And I stand here because -- I sit here
20 and talk because I have to clean my soul here when it
21 comes down to my family member. For those that know
22 him, know him well in the community.

23 But when he approached the developers, and my
24 colleagues here at the table, I just looked at him,
25 and he started pointing in people's faces, and to me

1 that's very disrespectful. But they understood the
2 behavior so they knew how to address it.

3 And then he came back and said, this is my
4 twin sister. And, I just looked at him. But I
5 engaged with conversation with him after that. But I
6 understand his passion. He has the same passion as I
7 have. He has the same passion as the constituents
8 and life-long residents of the River Terrace
9 community. They have stressed to me, many, they do
10 not want this project because it does not help the
11 community. We need something. We have apartments,
12 buildings, back in the back of River Terrace off of
13 East Capitol Street. We don't need an apartment
14 building there. We have children that are playing in
15 the street because their parents do not allow them to
16 go down to the River Terrace park because it's too
17 far for them to go.

18 We need something that's going to benefit our
19 young youth. They're playing footballs in the
20 street, they're on my street all the time, I'm out
21 there engaging with them. You even have adults
22 throwing football with them. And the neighbors are
23 complaining because they paid too much money for
24 their vehicles.

25 What we need in the River Terrace community,

1 and I've heard recreation center. That came up. But
2 recreation center, we know we're not going to get
3 because of the parcel of land. I've heard wellness
4 center. Seniors are asking for a wellness center.
5 We need something that our seniors and our children
6 can benefit from. And a senior high-rise building,
7 or a MU-7 high-rise building is not the place. It's
8 just not the place.

9 And my prayer is, and I solicit to you all,
10 to listen to what we are saying here, that you --
11 regardless of how many times these developers have to
12 go back to the table, and when they come to me, I'm
13 still going to be in opposition of it, because I'm
14 sitting here to represent the people. And I'm
15 speaking for them. And please, please, please,
16 please take in consideration before you make your
17 final decision about this project, because trust me,
18 you all don't live in River Terrace. I grew up in
19 River Terrace. I know the history of River Terrace.

20 And with that being said, I thank you for
21 your time.

22 MR. LINI: Good evening, Commissioners and
23 Chairman Hood. Thank you for the opportunity to
24 testify here. I'm Commissioner Justin Lini,
25 representing Paradise and Parkside, and I'm here to

1 support my colleague, Commissioner Prue, and my
2 neighbors in River Terrace.

3 I'm going to echo a little bit of what
4 they're going to say here later, and ask the
5 Commission to please refrain from rezoning this lot.
6 It would change the character of the surrounding
7 community. As a larger principle, in-fill
8 development is going to play a very important role
9 for the future of our ward. We've got a lot of empty
10 lots, and there's a lot of demand for growth. And I
11 ask the Commission to please set good precedence that
12 will be put to use to grow our communities, to take a
13 strategic approach, to encourage economic
14 development, because right now all we have in this
15 community is a rickety grocery store, a rickety drug
16 store, and -- which if you've been following the
17 community, has been quite controversial lately.

18 Unfortunately, this project seems to have
19 consistently been moving away from a missing middle-
20 style in-fill project. Under the last couple
21 revisions of it I've seen, the number of units has
22 moved up from 58 to 70. The number of parking spaces
23 appears to have been decreased because of the
24 elimination of underground parking. The massing
25 seems to have become bulkier, and the project appears

1 to be less friendly to the surrounding areas. As
2 Commissioner May noted, the mixture of bricks creates
3 a fairly institutional feel.

4 As I stated at the ANC 7D's April meetings,
5 I'm very concerned about what precedent this project
6 sets for the surrounding community.

7 Page 53 of the applicant's materials indicate
8 the potential for construction of an adjacent
9 building of a similar scale, a five-story tall
10 building, wall to wall.

11 The applicant also owns other lots in the
12 neighborhood, and other lots are also owned by
13 institutional, or owned by commercial actors. So,
14 there is potential for this neighborhood, parcel by
15 parcel, lot by lot, to be -- to, in an ad hoc manner,
16 be rezoned. And that is something that concerns me,
17 and I believe concerns the community.

18 The applicant, in their materials, noted that
19 M-7 districts adjacent to R-3 Zones and elsewhere in
20 the ward. And while that's true, these zones are
21 contiguous coherent centers of commercial activity,
22 when there's a mix of activities that -- activities
23 already occur, areas such as downtown Ward 7 Eads
24 Street. Doesn't really -- Eads Street is a townhouse
25 street. It's hard to see how these two things, in

1 terms of the personality and character of the
2 neighborhood reflect the precedent of downtown Ward
3 7. So, those are my contributions.

4 MS. MUHAMMAD: Thank you, Chairman Hood.

5 CHAIRPERSON HOOD: Thank you all for your
6 presentation. Let's see if any questions up here,
7 the ANC panel.

8 Okay. Does the applicant have any cross?

9 [No audible response.]

10 CHAIRPERSON HOOD: Okay. All right. Well,
11 thank you all very much, we appreciate your
12 testimony.

13 MS. MUHAMMAD: Thank you.

14 MS. PRUE: Thank you.

15 CHAIRPERSON HOOD: Hold on, before you leave,
16 the young lady, yeah. Commissioner Prue, I'm sorry.
17 One quick question, I want a quick answer. I'm going
18 to give you -- yeah, you can turn your mic on.

19 MS. PRUE: Oh, okay.

20 CHAIRPERSON HOOD: Quick question for a quick
21 answer.

22 MS. PRUE: Okay.

23 CHAIRPERSON HOOD: You said a lot of your
24 constituents don't care for this project. Is this --
25 there's still room in your mind, because you're the

1 single-member district commissioner, correct?

2 MS. PRUE: Yes, I am.

3 CHAIRPERSON HOOD: So it's still room to work
4 some things out, as I've heard earlier. Am I
5 correct?

6 MS. PRUE: Well, I'm not concerned about
7 that, you know, because more against it than are for
8 it. And I'm listening to what you're saying --

9 CHAIRPERSON HOOD: Okay. Well, let me --
10 let's hold off because I want to get straight to the
11 point.

12 What are they against? Against -- tell me
13 some of the things they're against.

14 MS. PRUE: They're against the location,
15 they're against the high-density, the safety issue,
16 the parking issue is a very big problem there. You
17 know. This is what they are against.

18 CHAIRPERSON HOOD: So, I'm confused, because,
19 and Chairperson Muhammad, you can help me with this.
20 I thought that we still could have some discussions
21 to try to get to where we needed to be, but I'm
22 hearing something different from the single-member
23 district commissioner.

24 MS. MUHAMMAD: Inherently, as ANC
25 commissioners, we --

1 CHAIRPERSON HOOD: You want to turn your mic
2 on.

3 MS. MUHAMMAD: It's on.

4 CHAIRPERSON HOOD: It is?

5 MS. MUHAMMAD: It's on. I'll push it closer.
6 Can you hear me?

7 CHAIRPERSON HOOD: Yeah.

8 MS. MUHAMMAD: Okay. Inherently, as ANC
9 commissioners, we can't approach a project dead-set.
10 We have to hear the application. That's statute.

11 However, we do reflect as Commissioner Prue
12 has already done, and quite well because she captured
13 what was stated in the April 19th special meeting.
14 Now, according to our ANC report, we can continue the
15 discussion. I spoke with Mr. Giulioni this afternoon
16 prior to the hearing. However, this is not the best
17 land use for this project. Clearly.

18 There has been statements on the part of the
19 applicants that they have met the zoning regulations,
20 but when it comes down to the nuts and bolts of what
21 makes a project thrive and sustainable, they have not
22 shown that. At least to the ANCs. They have not, to
23 us, ANC 7D. They have not shown where this project
24 is sustainable.

25 So therefore, we can continue to discuss.

1 They can try and make changes and come back. I think
2 you, yourself had mentioned there were some items on
3 this project that they would have to show better due
4 diligence. So, we can look at the project, we can
5 discuss, but I don't want to give the impression that
6 we are dead set against, and we cannot continue in
7 the conversation. But we just don't feel or agree
8 with this project that it's thrive, that it's going
9 to thrive, and it's sustainable, and it benefits the
10 community.

11 CHAIRPERSON HOOD: And I think you answered
12 my question. Before I start pushing something I want
13 to make sure, because there are some things that we
14 have to do in doing our due diligence, so we have to
15 make sure that what's correct, that we're doing
16 things within what's allowed by law, by the title.

17 And I just wanted to make sure that, you
18 know, I'm not going to sit here and hammer on the
19 applicant if it's a no-starter to start with. If you
20 come back to the community and try to work some
21 things out, because that's what I heard all in their
22 presentation, and that's what I even heard in the
23 cross-examination, I thought, that there was still
24 room for negotiations, still room -- because, at the
25 end of the day, I'm sure that Mr. Avitabile wouldn't

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 do this, but I don't know if you're watching the
2 news, you'll see that -- and I'll put it out there,
3 the Zoning Commission, we're taking the task. Our
4 decisions, they go to court and the court sometimes
5 will remand it back to us.

6 So, we have laws that we have to go by, and
7 the court is holding our feet to the fire.

8 MS. MUHAMMAD: Yes, I'm aware of that.

9 CHAIRPERSON HOOD: Okay. So, one of the
10 things we have to look at is we have to have
11 something justifiable. And that's why I'm asking.
12 Justifiable, if we were to turn this down for adverse
13 impacts, if we were to prove or something, we have to
14 make sure that we have a justifiable.

15 So, that's why I asked Commissioner Prue.
16 Yeah, Commissioner Prue, is this a no-started for me
17 to push Mr. Avitabile?

18 MS. MUHAMMAD: Well, let me just answer that
19 in addition, and then of course Commissioner Prue can
20 answer for herself.

21 As ANC commissioners, we have our own
22 personal insights and feelings and opinions, and then
23 we have the function of being the ANC commissioners.
24 So, we have to do due diligence by both. I would not
25 stand -- I wouldn't sit here and say that personally

1 speaking, I don't like this project. Nothing about
2 it states sustainable. From the parking and all of
3 the other points of review on the part of DDOT, on
4 the part of Office of Planning, on the part of the
5 Zoning Commission, this project for me, I felt, was
6 an overreach in what much of it has been presented.

7 However, I can't say as an ANC commissioner
8 that I will stop dialoging with the developers. I
9 just feel like they should show more competence in
10 the transportation mitigations. They should show
11 more competence in the site design and the analysis
12 because I see a huge slant of this project to the
13 progression of the project itself. But it has not
14 adequately taken into consideration the adverse
15 effects, and the impacts of this project to the River
16 Terrace community.

17 CHAIRPERSON HOOD: And I appreciate your
18 comments because I actually -- I appreciate your
19 comments. Okay. Commissioner Shapiro.

20 MS. PRUE: Thank you. May I --

21 CHAIRPERSON HOOD: Oh, I'm sorry. Ms. Prue.

22 MS. PRUE: Yes. And I wanted to address the
23 adverse effects.

24 Being such as it is, with 295 traveling north
25 and south, with that traffic flow, it's very

1 congested. Coming south and coming into the back
2 entrance of the River Terrace community, a lot of
3 that traffic makes that right to come through the
4 community. Sometimes they might turn left at that
5 stop sign, thinking they can get out, but it's a
6 dead-end.

7 CHAIRPERSON HOOD: They make a U-turn.

8 MS. PRUE: And they turn around and make a U-
9 turn and come back. And when I was the previous
10 commissioner, back in 2010, I had these barriers put
11 there, these poles put there, because I stood there
12 and I took pictures, and I called DDOT. And an
13 inspector came out and looked at the -- and he even
14 took pictures. The traffic thought they could get
15 out because they didn't want to get back on 295. So,
16 now they're caught in a jam. Now they're backing
17 down 36th Street to come out Eads Street, to go up to
18 34th Street, to hit Benning Road and travel, you
19 know, going Minnesota Avenue or downtown Washington.

20 With that being said, with that traffic
21 pattern right there, it's already an accident about
22 ready to happen because with the traffic coming from
23 Benning Road to 295, to go south or north, and during
24 rush hour, if we have an emergency, if we have an
25 emergency in that community so far, you know, the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 ambulance and the fire trucks coming in there --

2 CHAIRPERSON HOOD: Commissioner Prue, let me
3 just say this to you.

4 MS. PRUE: It's just --

5 CHAIRPERSON HOOD: If you were the one who
6 did that, you have done an excellent job because you
7 have accomplished what you have tried to do. But let
8 me go to Commissioner Shapiro.

9 MS. PRUE: Okay. Thank you.

10 MR. SHAPIRO: Thank you, Mr. Chair. Just a
11 quick question for you, Chairman Muhammad. I just
12 want to make sure I understood correctly. You're
13 saying that one of your concerns is that you feel
14 that the -- when you say the project isn't
15 sustainable, you're saying that you think there may
16 not be a market for the product that they're
17 developing?

18 MS. MUHAMMAD: I don't think that
19 logistically, there's sustainability.

20 MR. SHAPIRO: So, it's not about whether or
21 not there are enough seniors who want to move in.
22 It's more about the design of the project.

23 MS. MUHAMMAD: I think it's a combination of
24 both. I think moving forward -- right now,
25 currently, there was a constituent, one person that

1 asked for, you know, carte -- I won't say carte
2 blanche, but she wanted to have preferential --

3 MR. SHAPIRO: She wanted to get in.

4 MS. MUHAMMAD: Most likely.

5 MR. SHAPIRO: Right.

6 MS. MUHAMMAD: But she wasn't a senior.

7 MR. SHAPIRO: Right.

8 MS. MUHAMMAD: And so, so she doesn't fit the
9 criteria. But my point being that the seniors of
10 River Terrace, if that's the purview of Ms.
11 Crowder --

12 MR. SHAPIRO: Got you.

13 MS. MUHAMMAD: -- I'm not sure if there is a
14 market.

15 MR. SHAPIRO: Okay.

16 MS. MUHAMMAD: Because most of the seniors in
17 River Terrace are --

18 MR. SHAPIRO: And so, if I'm understanding
19 you correctly, the concern you're expressing is that
20 in that way, this building -- you don't see this
21 building serving the residents of River Terrace.

22 MS. MUHAMMAD: Not at all.

23 MR. SHAPIRO: No. Okay. Thank you.

24 MS. MUHAMMAD: Not at all.

25 MR. SHAPIRO: Thank you, Mr. Chair.

1 CHAIRPERSON HOOD: Okay. Thank you. Any
2 other questions up here?

3 Does the applicant have any cross? Did I do
4 that? I didn't do that. Does the applicant have any
5 cross? Okay. Thank you all very much. Appreciate
6 it.

7 Let's go to the -- I don't see on my list any
8 persons who are here in support, but let me call for
9 it. Any persons who are here in support? Besides
10 you guys.

11 [No audible response.]

12 CHAIRPERSON HOOD: Let's go to the persons in
13 opposition. You know what I've noticed, and I'm
14 going to say this tonight, but I noticed this the
15 other night. It seems like whatever side you're on,
16 have you noticed they sit on the same sides at every
17 hearing?

18 MS. SCHELLIN: Yes.

19 CHAIRPERSON HOOD: I'm going to start saying
20 that, because the people who are in opposition, I
21 noticed the other night at another hearing. This is
22 a friendlier group, I can say that. But I've noticed
23 that.

24 Okay, let's go to the persons in opposition.
25 Chairperson Muhammad has already spoke. Let's go to

1 Barbara Garnett, Malissa Freese, Jessica Jones
2 Capparell. Okay. Justin -- oh, okay. He was
3 already on the panel. Lacarry Lewis (sic). What is
4 it? Okay, is that you, number 8? Larry Lewis.
5 Okay. Olivia Payton. Coliece Rice. This screen
6 pops back and forth. Sarah Weis. Mr. Colver.

7 Let me ask, do we have enough seats? Yeah,
8 we have enough seats. Do we have enough seats?
9 Yeah, we have enough seats.

10 Is there anyone else who is here who would
11 like to testify in opposition?

12 [No audible response.]

13 CHAIRPERSON HOOD: Okay. So, this is our
14 opposition panel. But let's do this. Who has not
15 been sworn in? Not that we don't believe you, but
16 that's our policy. I know we may have one or two
17 that hadn't sworn in. So, if you haven't sworn in,
18 could you rise to take the oath right quick, please?

19 Anyone else who is here in opposition? Okay,
20 so this is the panel.

21 MS. SCHELLIN: I think the lady with the red
22 scarf, did you -- were you here when --

23 UNIDENTIFIED SPEAKER: [Speaking off
24 microphone.]

25 MS. SCHELLIN: Okay. All right. Those who

1 are going to testify this evening, please raise your
2 right hand.

3 [Oath administered to the participants.]

4 MS. SCHELLIN: Thank you.

5 UNIDENTIFIED SPEAKER: [Speaking off
6 microphone.]

7 CHAIRPERSON HOOD: Could you turn your
8 microphone on?

9 UNIDENTIFIED SPEAKER: How about that? Okay.
10 Could we testify as we're seated here? Just, we sort
11 of have an order, if that's okay with you.

12 CHAIRPERSON HOOD: Okay. So, what you mean,
13 you want to go first?

14 UNIDENTIFIED SPEAKER: No, Ms. Garnett is
15 going to go first.

16 CHAIRPERSON HOOD: Oh, you all have an order?

17 UNIDENTIFIED SPEAKER: Yes.

18 CHAIRPERSON HOOD: Oh, you're all organized.
19 Go right ahead.

20 UNIDENTIFIED SPEAKER: Thank you.

21 MS. GARNETT: We push the -- okay. Good
22 evening, Chairman Anthony Hood, and the D.C. Zoning
23 Commission.

24 My name is Barbara S. Garnett, and I'm a
25 resident of the River Terrace community. I've lived

1 in this community for 37 years. In fact, my home is
2 located on Eads Street, within 200 feet of this
3 proposed building. I am a former Ward 7 committee
4 woman with the Democratic State Committee, and a
5 former Treasury of the D.C. Lottery and Control
6 Board.

7 I am testifying to address my concerns with
8 the rezoning and potential development. Firstly, I
9 am very concerned about the proposed impact the
10 project will have on parking. They're calling it the
11 3443 Benning project, to the community and state.
12 There will be 17 parking spaces for 70 apartments.
13 It's suggested that seniors don't drive vehicles and
14 therefore don't need parking.

15 I am 84 years young, and I'm still driving my
16 vehicle, which I park outside of my home. We have to
17 pay for priority, that zone sticker parking, on this
18 block. And the street is only one block long. And I
19 still have difficulty parking at times.

20 Furthermore, even if seniors don't drive,
21 their guests do. Secondly, I am concerned about the
22 potential structure damage to my home caused by
23 digging and heavy construction equipment. I am not
24 in a position to repair damage done to my home
25 resulting from the building of this potential

1 skyscraper up the street.

2 I could go on with my concerns about the
3 proposed rezoning, but I know time is limited. The
4 MU-7 Zoning allows heights up to 90 feet, and this is
5 entirely too tall for the existing neighborhood. And
6 totally unacceptable.

7 In conclusion, if rezoning is allowed, the
8 zoning should be restrict -- the zoning should
9 restrict the building height forever, to no more than
10 five stories. It would be devastating if after
11 rezoning the developer decides to increase the height
12 of the maximum allowed by MU-7. Thank you.

13 CHAIRPERSON HOOD: Okay, thank you. Next.

14 MR. LEWIS: My name is Larry Lewis. I was
15 renting in River Terrace.

16 First and foremost, I've been in opposition
17 from this project from the first day it was snuck
18 into our community. This was a project that was not
19 actually brought to the community's forefront. They
20 snuck in, had little secret clandestine meetings
21 about what was to become that particular property.
22 But we found out what was happening, and from the
23 onset we've been against this project.

24 The project is too small. I mean, the
25 project is too large, when you think about it. First

1 of all, we've just had infrastructure improvements
2 inside of River Terrace. And with the new
3 infrastructure, the upgraded infrastructure in River
4 Terrace, we've had a lot of cave-ins and things like
5 that due to us being so close to the river bed.

6 That was not -- to me, there hasn't been an
7 environmental study done to show what you know, what
8 potentially what could happen to the homes in River
9 Terrace, or could we sink into the ground, or
10 anything else.

11 Secondly, with the environment, I don't think
12 there has been an environmental impact study based on
13 the fact that last year PEPCO itself said that the
14 pollution level on that particular site, which was
15 adjacent to River Terrace, also that the levels were
16 too high, that they can't even build on that PEPCO
17 property as of yet.

18 But yet, they wanted to start digging into
19 the ground inside River Terrace. And we're talking
20 about hundreds of years of pollution from PEPCO.

21 Even PEPCO has been closed for a number of
22 years and the levels are still high. They claim that
23 it's from another plume, not theirs. But we think
24 the numbers are still too high to go forward with
25 this project without an environmental study.

1 As far as the traffic study goes, there
2 hasn't been any traffic study. Benning Road is an
3 evacuation route. And if you've traveled up and down
4 Benning Road in the a.m., it's bumper to bumper
5 traffic in the a.m., bumper to bumper traffic in the
6 evening. To get from Anacostia Avenue to Minnesota
7 Avenue, takes at least 15 to 17 minutes, from just
8 one block. Like I say, from Anacostia Avenue to
9 Minnesota Avenue. It may take a little longer,
10 depending what's going on, on Minnesota Avenue.

11 Plus, also we've looked into other projects
12 that this particular developer has built, and it's
13 been the same thing that these projects were snuck
14 into these communities. They're claiming that, you
15 know, that they're in affiliation with other
16 buildings with inside the Anacostia area, but this is
17 not Anacostia. This is River Terrace, and River
18 Terrace has always been a community that's been
19 defined on the zone, it's been a family community for
20 years. And I don't think this project is for the
21 seniors. It's just about a dollar. It's another way
22 to get another dollar into -- another dollar for the
23 developer to come into our city.

24 We don't want this to be another Georgetown,
25 or another extended Capitol Hill. I mean, let's be

1 for real, man. I mean, you know, they come to our
2 community and they see the seniors was first, and
3 they want to do is take advantage of the seniors, get
4 them out of their homes. And then they start selling
5 out the homes.

6 I mean, we see it every day, and we just
7 don't want this to be another Georgetown forgotten.
8 Thank you.

9 CHAIRPERSON HOOD: Thank you. Next.

10 MS. WEIS: Good evening. My name is Sarah
11 Weis. I am a resident of Eads Street. My front
12 view, I guess, is the alley in question.

13 I have many, I guess, points of view on
14 opposition, but tonight I'm going to talk about
15 safety. Ms. Prue kind of brought up a lot of these
16 issues, but I'll delve into these a little bit
17 deeper. I've been a resident for three and half
18 years, so I live this day in, day out. There is a
19 lot of crime on the street. The drug problem is out
20 of control. Loitering is out of control.

21 When I go home this evening, I'll be lucky to
22 find a parking space in front of my home, because
23 there will be cars from Maryland, Virginia,
24 everywhere. I've seen Delaware, New Jersey. It's
25 drug dealers coming in and out of our neighborhood,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 hanging out on our street, loitering, playing their
2 music, smoking marijuana, drinking in the street.
3 There's a lot of problems on Eads Street, and I don't
4 think that the applicants have taken that into
5 consideration.

6 I invite you to come over on a Friday night
7 when the Chateau is really going. See if you can
8 find a place to park, feel safe. I don't think
9 you'll be able to.

10 And I'm a 36-year-old female. How is a 55
11 plus year old senior going to be feeling safe on this
12 block?

13 Been deep in contact with the Metro Police
14 Department. Nothing is being done. I've been on
15 ride-alongs with them, getting complaints, seeing
16 what they do. What could we do to address this?
17 Nothing is being done. I just don't think that this
18 is the right solution for that -- for this area of
19 Eads Street.

20 Also, some of the other -- let me see here.
21 Oh, I wanted to talk about X2 as we're talking about
22 transportation.

23 X2 is a very dangerous bus. There have been
24 stabbings on this bus. I've been called racial slurs
25 on that bus. There has been -- there's all sorts of

1 problems. I don't see seniors wanting to ride up and
2 down Benning Road corridor on X2.

3 And then also we have, like I said, some of
4 the problems over parking too, we also have street
5 cleaning on that block, on our block, twice a week
6 from March to October. Where are all these cars
7 going to go for three hours twice a week, while they
8 do the street cleaning?

9 So, that's all I have. Thank you.

10 CHAIRPERSON HOOD: Thank you. Next.

11 MS. RICE: Hi. My name is Coliece Rice. I
12 also live on the 3400 block of Eads Street. I'm
13 opposed of this because I've been on that block for
14 15 years, and that block has been a nuisance for 15
15 years.

16 When they first came to present this to the
17 River Terrace community, I was an opponent, because
18 all they were concerned about is getting money from
19 the city for PMI. They wanted it to be low-income.
20 And I was like, well, what happened to
21 gentrification? Well, we want money from the city to
22 fund this project. That's why they're rushing to get
23 this project done, to get the money, because their
24 time is running out. It's not about the community.

25 So, with that being said, I have been against

1 this project from the beginning because a lot of
2 older people in our community don't understand PMI.
3 And if they understood the -- I mean, I'm sorry, AMI.
4 If they understood the AMI a lot of them would have
5 been against it from the beginning.

6 So why, if you went into the census and found
7 that the revenue or the income of people was
8 moderate, why would you put more moderate people and
9 not try to thrive this community, because everybody
10 is not moderate anymore in that community. But they
11 took old census data and said, hey, we're going to
12 put more poor people with poor people.

13 And to me, I don't want to live with a whole
14 bunch of trash, because I'm living with it now, with
15 my street. And again, they only did the citizens,
16 probably because the residents were against low-
17 income, because I know I did not vote for low-income.
18 I grew up poor. I got out of 37th Street, if you
19 know where that is, and moved on. Who wants to live
20 in impoverished communities? These people do not
21 live where we live. They don't live what we endure
22 on our street every day. And to bring seniors on to
23 that block as, this is my neighbor.

24 So, to bring seniors on to that block they
25 are -- I mean, just recently, a girl got raped,

1 stabbed. We started getting all these logs -- e-
2 mails about things that are happening. So, you want
3 to bring seniors into that? I'm scared for my own
4 safety, and I'm a single woman living by myself.

5 So, I don't care who you bring in there.
6 Until the city actually clean that up, the zoning,
7 that monstrosity that they're trying to build, we
8 live in two-story houses. When the subway goes past,
9 our houses shake, so them building that would cause
10 more damage to our houses, because I can actually
11 hear my windows tremble when the subway come past.

12 When they did the streets, my windows
13 tremble, my house shaked. When the trucks, ton
14 trucks are not supposed to come down the street.
15 When they come, my house shakes. We told them all of
16 this. So, maybe that's why they're not building an
17 underground parking, but still, they will be digging
18 for water, you know, the power, and all of that
19 stuff. Thank you.

20 CHAIRPERSON HOOD: Thank you. Next?

21 MS. CAPPERELL: Good evening, Mr. Chairman
22 and members of the Commission. My name is Jessica
23 Jones Capparell. I am a resident of Eads of Street
24 Northeast in the River Terrace neighborhood of Ward
25 7. I moved to River Terrace in March of 2016 after

1 purchasing my first home, a little over a year ago.
2 And just last Friday I got married in my backyard.

3 Tonight, I stand with my neighbors and
4 respectfully asking for no zoning changes from R-3 to
5 MU-7 on the parcels designated by 3443 Benning, LLC
6 Neighbor Development Company for its 3450 Eads Street
7 project.

8 Since our first River Terrace meeting that we
9 attended, I've watched my neighbors lose trust in the
10 developer and the project over the course of the last
11 year. And some of the reasons that we oppose this
12 building include the following.

13 First, the size and story level of the
14 building has changed over the course of the
15 proposal's presentation. As proposed currently, a
16 five-level, 70-unit building does not fit within the
17 character of the two-story townhomes that comprise 90
18 percent of the neighborhood.

19 Second, parking along Eads Street and the
20 surrounding streets is already in high demand. It is
21 estimated that an additional 20 to 50 cars would be
22 added to the block, essentially doubling the vehicles
23 that need to park. With only 17 available parking
24 spots planned for the building, this would create a
25 serious issue for residents that own their homes

1 along the street.

2 The comprehensive transportation analysis
3 conducted by the developers for the project strongly
4 favors the developer over the existing neighborhood.
5 The analysis finds a Metro station, bike share, and
6 bus lines within a mile from the building, but fails
7 to recognize the difficulty that the targeted age
8 group of the building may have in using these
9 options.

10 How many seniors do you know that will walk
11 on a narrow pedestrian bridge over a major highway,
12 cross a four-lane major thoroughfare, then travel
13 down a busy sidewalk to get to a Metro stop? How
14 many seniors do you know that feel comfortable enough
15 to walk .3 miles to a bike share station, then bike a
16 mile to the Metro?

17 Finally, I understand that there is a
18 comprehensive plan for the growth of the City of
19 D.C., but I fail to see how this building fulfills
20 that growth. There are over 2,000 units within two
21 miles of River Terrace that are affordable housing
22 units. This does not include ongoing construction or
23 other projects currently being planned. While market
24 rate and luxury apartments are going up all around
25 the city, including in the neighborhoods of Petworth,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 Columbia Heights, and Shaw, some of which NDC itself
2 has built, none of them are being planned for Ward 7.

3 Statistics show that concentrated poverty
4 does not help a city or its people grow, and
5 according to the D.C. Fiscal Policy Institute, Ward 7
6 has the second highest poverty level in this city,
7 and yet corporations like NDC continue to use our
8 neighborhoods for subsidized apartments that only pad
9 their bottom line.

10 I would ask that the Zoning Commission vote
11 against the zoning changes proposed for this project,
12 as this project has not been properly researched and
13 does not demonstrate any value to the community
14 around it. I stand with my neighbors, the River
15 Terrace Community Organization, and the ANC 7D
16 Commission in opposing this project, and I ask you to
17 decline the zoning request.

18 CHAIRPERSON HOOD: Okay. Thank you. Next.

19 MS. PAYTON: Good evening, everyone. My name
20 is Olivia Payton. I am one of the co-operators of
21 the Chateau, the newly Chateau Remix, 3439 Benning
22 Road.

23 I signed the lease June 30th, 2016. I guess
24 my timing was off because I see that there is a
25 problem as far as the parking for the Chateau Remix.

1 On Sundays, we allow the church to park on
2 the lot that we're leasing now for -- with no cost of
3 course, that we're renting with the help of Mike
4 Giulioni.

5 On Tuesdays, we have our special needs folks.
6 We have close to 200 folks from neighboring group
7 homes to come in. We supply music or them, dinner,
8 and dancing for them. They come in wheelchairs,
9 walkers, with oxygen, or any means necessary to come
10 out and have a good time.

11 The parking lot is very important for us,
12 because that's where they unload, in front of the
13 building, and they use the parking area in the back,
14 in the rear of the Chateau Remix for their wheelchair
15 accessible vans.

16 It's very dangerous for them to park in the
17 street. We cannot use the parking lot that is
18 adjacent to our building that's in front of the
19 church, HVAC training center, and the market.

20 On Fridays, we have the Oldie but Goodies
21 night. That has been a tradition for over 40 years
22 in that area. We used the parking lot. We have to
23 use the parking lot. We do not want our seniors --
24 because I am 62 years old. The capacity at the
25 Chateau Remix is 350. Most of the time we reach at

1 least 300. We do not want our patrons to walk across
2 five lanes to get across the street to enter into the
3 building.

4 I am just asking that things like this will
5 be taken into consideration. Again, I have a five-
6 year lease. If anything happens, I hope it happens
7 after that, and not before.

8 Respectfully, we love the area. We are so
9 glad we were able to beat out 10 different men to get
10 this project. My partner is also a young black
11 female. And that's very rare in this area. So, we
12 would like to keep as it is, with some consideration,
13 at least from everyone concerned. Thank you.

14 CHAIRPERSON HOOD: Thank you. Next?

15 MR. CALVER: Good day Commissioner Members
16 Hood, Miller, Shapiro, and May. My name is Cinque
17 Claver, and I'm a fourth-generation resident of the
18 River Terrace neighborhood, living about two blocks
19 from 3450 Eads Street Northeast.

20 Much of the applicant's current project
21 proposal has left myself and other residents of our
22 community confused and uncertain. The applicant's
23 subsidiary name is 3443 Benning, LLC, but each time
24 residents have been contacted, Neighborhood
25 Development Company wanted to discuss the proposed

1 development of 3450 Eads Street Northeast.

2 While Benning Road is an arterial road
3 bounding the River Terrace community, Eads Street
4 barely sustains two-way traffic and is within the
5 River Terrace community.

6 But this is just the surface of the
7 inconsistencies our residents have experienced as we
8 considered this proposal. While the applicant
9 purports to serve the public good by developing a
10 vacant lot, 3450 Eads Street Northeast is not now,
11 nor has it ever been a vacant lot, but a regularly
12 utilized parking lot, which has doubled its space for
13 any number of celebrations and events, including
14 River Terrace Community Market Day.

15 The usage of the term, vacant lot through the
16 applicant's zoning map amendment application is
17 inconsistent with the actual and current utility of
18 the parcel. Actually, the proposed development of
19 the parking lot will decrease capacities for the
20 commercial area and force overflow onto residential
21 streets deep within River Terrace community.

22 Further, the applicant's request for MU-7
23 amendment, for the development in the interior of the
24 River Terrace neighborhood, on a nonarterial two-
25 story residential street is not consistent with the

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 current development practices as no other MU-7 or C-
2 3-A zone district developments are faced on
3 nonarterial thoroughfares throughout the District.

4 And president for such random developments
5 would eventually undermine the defining aesthetic
6 characteristics and cultural fabric, and
7 comprehensive planning in the District.

8 I think I'm actually going to skip ahead, but
9 can I turn in my testimony for submission? Couple
10 different points. You know, while the applicant
11 writes that this request is not inconsistent with the
12 inclusionary principles of the D.C. Comprehensive
13 Plan, their proposed development is certainly not
14 consistent with either the intent of the inclusionary
15 planning, or mixed-use development. The Department
16 of Housing and Urban Development defines their 30
17 percent AMI marker as extremely low income, and to
18 concentrate over 70 units on about 1,800 square feet
19 of property is the definition of concentrated poverty
20 in a ward that has, as my neighbor just attested, the
21 second highest poverty levels in the city. That's
22 not what the Inclusionary Zoning reads when I read
23 the -- read the Comprehensive Plan over the last
24 couple of weeks.

25 Currently, the project is not necessary, nor

1 welcome, to the moderate density residential zoning
2 of our neighborhood. It's not helpful, and very
3 possibly harmful to the public good. It's very high
4 density, and extremely low-income residences will
5 drive down our property values. Also, our likelihood
6 of retail offerings to offset the lack of public
7 service amenities now. So, we actually need the
8 reverse of the rest of the city in Ward 7, and around
9 River Terrace. Especially when we're trying to work
10 with the Great Streets and Main Streets in order to
11 implement amenities that we don't currently enjoy in
12 our part of the city.

13 A proposal undermines the intention, purpose,
14 and the available -- and the integrity of our zoning
15 regulations and is not comprehensive with my
16 understanding of the Comprehensive Plan as I've read
17 it several times.

18 And further, lastly, there is no undue
19 hardship for the owner to experience as the
20 subsidiary has no revenues, employees, or occupancy
21 needs and can define alternative utilizations to
22 realize profit. Basically, I'm asking that you deny
23 the current proposal for the current request for
24 amendment of the zoning code on these basis. Thank
25 you very much. And I have six copies of my testimony

1 submitted to the Commission.

2 MS. FREESE: Hello. Good evening, Chairman
3 Hood and Commissioners. My name is Malissa Freese.
4 I'm sorry, I'm new to the -- to cheaters here. My
5 name is Malissa Freese, and I am the current
6 President of the River Terrace Community
7 Organization.

8 I'm an 11-year resident of River Terrace,
9 which sort of makes me a newbie, compared to many of
10 my other neighbors. But though I haven't gone
11 through the trials and tribulations they have, I will
12 argue with them every day, that I love it just as
13 much as they do.

14 On my first ride over the Key Bridge, I knew
15 I had found my city, and in 2005, I found my home in
16 River Terrace.

17 I am a New York City girl. I mean, I am a
18 New York girl, but became a D.C. woman.

19 As a concerned resident of River Terrace, I
20 respectfully ask for no zoning changes for NDC. Not
21 because I and River Terrace are antigrowth. We, like
22 all of Ward 7 are aching for development and growth
23 in our corner of the city. We ask for no zoning
24 change because we are enthusiastic supporters of
25 smart planned urban development. We want to work

1 with NDC, but have decided not to succumb to just
2 anything in the name of development. Here are some
3 of our reasons.

4 The inappropriate use of a larger scale
5 development than prudent for the street and the
6 neighborhood. The proposed rezoning change is
7 incongruous with the neighborhood. A five-story MU-7
8 designation building is too large for the location.
9 The houses zoned R-3 across the street, and next to
10 the building, as well as the retail buildings which
11 are two-story on Benning Road, will be dwarfed.

12 Oh, sorry. Thank you. The increased
13 population density to a low-density area. If
14 approved, this planned unit development would
15 increase a low-density area of R-3 to a moderate
16 density area, adding 70 to upwards of 140 people to
17 the population of Eads Street alone. This magnitude
18 of change is impacting density dramatically within
19 the area, and the existing neighborhood must be
20 considered.

21 The increase in parking and traffic, and
22 you've heard about parking and traffic, there is a
23 potential of 20 to 50, to 70 cars coming to Eads
24 Street. That would make an already tenuous parking
25 situation absolutely a DPW parking enforcement

1 nightmare.

2 River Terrace will witness a dramatic
3 increase in traffic in an already congested area.
4 Although this project is branded as a senior
5 development, due to the high number of seniors in
6 River Terrace, now driving in their 50s, 60s, 70s,
7 and 80s, we are aware that age or income does not
8 guarantee the use of public transportation.

9 Eads Street Northeast, and River Terrace can
10 simply not handle the dramatic increase in traffic
11 that will occur if the rezoning is permitted and this
12 building is built.

13 The River Terrace community essentially has
14 three entrances and two and a half egresses. 36th
15 Street Northeast is a right/turn entrance egress
16 only. 34th Street is the Metro Bus route entrance
17 and exit for River Terrace and is heavily used.

18 The last entrance and exit in River Terrace
19 is Anacostia Avenue, and it's on the other side of
20 the neighborhood, and not easily accessible to Eads
21 Street Northeast.

22 I will not cover the congestion on Benning
23 Road, the only road into or out of River Terrace
24 itself.

25 My two last reasons are the most compelling.

1 The neighbors on Eads Street are against this
2 project. They are the most impacted. Eads Street,
3 again, 36th, the 500 block of 34th, and even the back
4 of Benning Road. Almost every neighbor who lives
5 within 200 feet of the property is against the
6 project and have been since it was first introduced
7 to River Terrace in April of 2016.

8 They are worried about crime increasing with
9 a vulnerable population taking residents in the
10 project, construction damage to buildings, and the
11 loss of the community history and culture of River
12 Terrace.

13 At one point, many felt they had no say in
14 stopping this building, and asked for the structural
15 monitoring to watch for damage to area homes. We can
16 thank the ANC 7D for informing us that we did have a
17 say if this building would and could be built.

18 The neighborhood does not support this
19 project. And this is my last reason. Spot zoning
20 for this development on this parcel is not only
21 inappropriate, but also circumvents a true
22 neighborhood plan. With the building of this project
23 there would be one project that fits into the
24 Comprehensive Plan, but did not take into
25 consideration, the rest of the neighborhood.

1 So, at this point, we have this one five-foot
2 building, and two-story or a five-story building, and
3 a two-story buildings surrounding it. For these
4 reasons, I urge you to vote against this proposed
5 rezoning. We understand the D.C. Comprehensive Plan
6 gives tacit approval to a development in Ward 7, but
7 current unplanned growth should not justify more of
8 just any kind of development. It should underscore
9 that more direction and planning of these
10 developments is needed. Thank you.

11 CHAIRPERSON HOOD: Thank you. And thank you
12 all. Let's see if we have any questions up here of
13 this panel. Any questions?

14 Okay, not seeing any. Does the applicant
15 have any cross? Does the ANC have any cross?

16 [No audible response.]

17 CHAIRPERSON HOOD: Okay. Thank you all very
18 much, we appreciate your testimony.

19 Okay. Mr. Avitabile, you have any rebuttal?

20 MR. AVITABILE: We may have a couple of
21 points. Would it be possible to take a two-minute
22 break for us to talk --

23 CHAIRPERSON HOOD: Okay. We'll take a two-
24 minute break and we'll come back and do rebuttal and
25 any cross on rebuttal, and that will be it.

1 [Off the record from 10:00 a.m. to 10:07
2 a.m.]

3 CHAIRPERSON HOOD: Okay. Let's go back on
4 the record.

5 MR. AVITABILE: We thank you very much,
6 Chairman Hood. I know that took a little bit of
7 time, but it helps us to present, I think, a more
8 cogent response.

9 So, we're going to address a couple of points
10 now. I'd like to start. Melody, if you could start
11 with the points we talked about, about the market and
12 demand for senior housing, and also how it operates?

13 MS. CROWDER: One second. Let me find my
14 spot.

15 MR. AVITABILE: These will be brief points.

16 MS. CROWDER: Okay. Residential One manage
17 11 senior properties within the District of Columbia
18 Metropolitan area. Of those 11 properties, they are
19 all 55 age -- for seniors 55 of age or older, or 62
20 years of age or older.

21 The demand is very high throughout
22 Washington, D.C. Every property that we manage in
23 D.C. has an active wait list for senior living.

24 Our portfolio -- Residential One has a
25 portfolio of over 7,100 units, of which 20 percent

1 are dedicated to seniors. Seniors, for this
2 community -- I'm sorry. Seniors for the Eads Street
3 location will be marketing again, the market is not
4 just for the Ward 7. Our Affirmative Fair Housing
5 Marketing plan, we have to market areas that are for
6 residents or prospective residents that would not
7 likely apply to this property. So, our marketing
8 efforts are wide range.

9 And I feel that this senior property will
10 have the volume that it needs to fill the occupancy
11 in a very short amount of time.

12 MR. AVITABILE: And then the other point to
13 talk about, how the senior housing program operates
14 where people come in and, you know, whether they can
15 have, you know, grown children or grandchildren, you
16 know --

17 MS. CROWDER: As far as the lease.

18 MR. AVITABILE: Yeah. Yeah.

19 MS. CROWDER: So, the way the lease -- the
20 leases are set up where you're -- we have
21 housekeeping inspections of course. Our housekeeping
22 inspections we have general annual inspections,
23 preventive maintenance inspections. During these
24 inspections, we're looking for overoccupancy,
25 underoccupancy, or unauthorized occupants. These

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 inspections happen four times a year, and under no
2 circumstances would if a tenant was to pass away or
3 move out, well, any other occupants or anyone staying
4 with them for the weekend, be able to reside in that
5 unit.

6 The unit are turned within five business days
7 of the occupant moving out. And we closely monitor
8 the activity of every resident in our building. So,
9 this will eliminate the -- what was said about
10 somebody else, you know, staying there, kids or
11 whatever the case may have been, with the young lady
12 prior to me.

13 It's our policy to perform these inspections
14 to prevent these exact reasons.

15 MR. AVITABILE: Great. Thank you very much.
16 Jim, I think, if you want to talk about the points we
17 discussed?

18 MR. WATSON: So, there was a little bit of
19 conversation just in terms of the general parking
20 demand for the site itself. Industry data, so ITE's
21 parking generation, which is based on national
22 studies of parking, tells us that demand for senior
23 housing is 56 percent. Or parking demand for senior
24 housing is 56 percent of that, that you would see for
25 standard housing.

1 You know, if we were to apply that to what
2 zoning would require, even before reconfiguration of
3 the zoning code, this would suggest that 14 spaces
4 would be appropriate for this site, which we still
5 exceed that by providing 17.

6 You know, I think there's a -- there is some
7 expectation that this is a lower income bracket and
8 that the auto ownership would be less than that of
9 market rate house, so that there is some of that to
10 consider within this as well.

11 Also, you know, if the residents were not
12 able to obtain an RPP zone, they would not be able to
13 park on Eads Street itself overnight. Or, you know,
14 throughout the day for fear of exceeding the zone,
15 were it policed properly.

16 I think there was another comment as well
17 about just how the drop-off/pick-up zone at the
18 curbside would work. As Evelyn from DDOT mentioned,
19 this would be a zone that's similar to many other
20 apartment buildings throughout the District. Likely
21 would be anywhere from 30 to 40 feet and would be on
22 the curb directly in front of the development. It
23 would be accessed from the west -- approaching from
24 the east when westbound on Eads Street and would
25 allow for some pick-up and drop-off activity curbside

1 for Metro Access or any other shuttle type services.

2 And I guess lastly, the only other thing I
3 wanted to touch on was just the X2 in and of itself.
4 You know, I know that there has been some issues with
5 that bus just, you know, from a crime standpoint.
6 But from an access standpoint the bus does provide
7 very frequent service for residents along that
8 corridor. And combined with the future Benning Road
9 street car, there will be multiple more options
10 available going forward in the future. Thank you.

11 MR. AVITABILE: Okay, Michael next. What we
12 talked about.

13 MR. GIULIONI: Thank you. So, we just wanted
14 to clarify in terms of our lease with the Chateau
15 Remix. So, we actually have two leases. One is for
16 the lot that's adjacent to their location, which is
17 here, and that's a one-year lease, and we actually
18 are on a month-to-month lease for this lot. We just
19 wanted to make that clear because there was
20 discussions about lease terms and I think she was
21 speaking of her lease term.

22 I guess, you know, there's sort of some
23 interrelated issues that have been raised related to
24 crime and economic benefits accruing to the area, and
25 you know, I do have two planning degrees, one in

1 urban design and one as an undergraduate in planning.
2 And I think there's a difference of opinion based on
3 my dialog with the community. You know, we see this
4 as providing more residents to the area that will
5 both help in terms of advocating for the mitigation
6 of crime, but then further they're an added
7 population that will help support additional
8 commercial uses along Benning Road and other sites
9 which would support commercial uses.

10 And I think you know, we've talked about this
11 at some of the public meetings. You know, the 50
12 percent AMI level is, number one, we wanted to
13 clarify, it's 80 percent of the building would be
14 delivered at 50 percent. The 30 to 50 percent AMI
15 band. So, it's only 20 percent that would be the 30
16 percent level.

17 You know, in many -- I was surprised when I
18 went and looked at the census that you know, 50
19 percent AMI is the current sort of income band of
20 this area. And so, you know, this is an example of
21 where things are relative, and right now this kind of
22 goes back to my other point is we're delivering
23 housing that, you know, should be affordable to
24 people who live there now, or other people who fit
25 with that -- in that income range. So, thank you.

1 MR. AVITABILE: Okay. And then the last
2 couple of items I just wanted to check on. I know
3 that there was a statement brought up about
4 environmental studies.

5 I think as the Commission knows, there are
6 multiple aspects to the environmental analysis of a
7 project. The bulk of it happens through the
8 permitting process through the environmental
9 screening form which, you know, evaluates whether
10 there are impacts and has them addressed.

11 Usually you typically hear in this process,
12 when we talk about environmental issues, we're
13 focused on sustainability and those measures. But
14 we're certainly happy to provide additional
15 information to the Zoning Commission if they feel it
16 would be helpful. You know, I think environmental
17 studies -- assessments you've done to date on the
18 property, you've done a Phase One?

19 MR. GIULIONI: Yes, we've done a Phase One
20 and we wouldn't have purchased the property had it
21 come back with a less than favorable review.

22 MR. AVITABILE: So, I guess if the Commission
23 is inclined, we can provide additional information on
24 that point, but otherwise I think -- I mean, this is
25 one the first issues that came up, one of the first

1 cases I dealt with, and at that time at least the
2 Court said, you know, environmental studies for the
3 most part are a permitting issue, not necessarily a
4 zoning issue. But to the extent that it's of concern
5 to any of the commissioners, we're happy to continue
6 to address it.

7 One point I wanted to also make, there was a
8 suggestion that this rezoning would allow us to go to
9 the theoretical 90 feet of height that a PUD in the
10 MU-7 zone would allow. But I think as you all know,
11 PUD related zonings are limited to what the applicant
12 seeks. So, if the Commission were to approve the
13 proposed we've proposed, we would be limited to five
14 stories. We could not build a taller building
15 without coming back to you all and asking for more
16 height, and the community having a say and a strong
17 and allowed say in that process.

18 So, this rezoning does not allow us to get
19 more than what we're specifically asking for here.
20 And I think furthermore, and as you all have reminded
21 us time and again, this rezoning does not necessary
22 set a precedent for the other parcels that are around
23 us. This project is being evaluated on its own
24 merits, based on what we've proposed and the benefits
25 and amenities that we're proposing, and whether it's

1 the DGS site that's right next door, or the sites on
2 Benning Road, they'll be evaluated on their own
3 merits, and what we request doesn't necessarily set
4 the table for that.

5 I think that is everything. Yes, okay.
6 That's our rebuttal. I don't think I need to make a
7 closing statement. I think I addressed that with the
8 close of our direct presentation. We certainly do
9 feel that this project meets the standards of the
10 zoning regulations.

11 CHAIRPERSON HOOD: Are you making your
12 closing?

13 MR. AVITABILE: What I was simply going to
14 say is, yes.

15 CHAIRPERSON HOOD: Okay. Before you make
16 your closing, any questions up here? Vice Chair?

17 MR. MILLER: Yes, just quickly, following up
18 Mr. Giulioni -- Giulioni.

19 MR. GIULIONI: Giulioni, like pepperoni.

20 MR. MILLER: Okay. Giulioni. That's a good
21 way to remember it.

22 So, on the 50 percent AMI, I think this would
23 be helpful to put on the record what that household
24 income, the expected household income for the
25 expected tenants would be. Do you happen to know

1 that? I think it's in the 50s. I think it's in
2 the --

3 MR. AVITABILE: It's approximate 44 to 52,000
4 (simultaneous speech).

5 MR. GIULIONI: So, well okay. Let me --
6 yeah, there was a slide we had here. Where was it?
7 Sorry.

8 [Pause.]

9 MR. AVITABILE: Sorry. Thirty-eight to 44.

10 MR. GIULIONI: Yes. So, again, okay, there's
11 a lot of variables that go into AMI determinations.
12 I wish it was simpler. I wish it was simpler to
13 explain to people, I really do. But one of the
14 factors here that is important is that, you know, as
15 your household size changes it adjusts accordingly.
16 So, that's why there's a multiplicity of numbers.

17 So, this is at the 50 percent range. For,
18 you know, one person it would be 38,000. But two
19 people, which would be the maximum allowable in the
20 unit, we're looking at around 44,000. But, important
21 to note is, you know, income ultimately plays another
22 factor in it. But let's not get into it.

23 MR. MILLER: No, I just thought it was
24 important to put on the record because even though 50
25 percent AMI might be called low-income under the

1 Federal HUD standards, it's the area median income
2 that includes all of the region, the richest counties
3 in America. And for those income levels, that is a
4 lot of our residential population. I just thought
5 that was -- and that is where the D.C. -- where we've
6 received testimony in our Inclusionary Zoning
7 hearings, where there is a lot of need by existing
8 residents for that level of affordable housing.

9 Can I just ask Melody. I forgot your last --
10 Crowder? Crowder?

11 MS. CROWDER: Crowder.

12 MR. MILLER: Okay. The senior's buildings
13 that are in high demand that you manage, or that
14 you're part of helping manage, are they income
15 restricted as well?

16 MS. CROWDER: Yes, they're affordable. Yes.

17 MR. MILLER: Okay. And the seniors that --
18 and the restrictions on nonseniors, living with the
19 seniors, whether they're a child or a grandchild,
20 what are the typical restrictions that you would
21 expect in this? I mean, obviously, the grandchild --
22 well, I don't know. Can a grandchild can come visit
23 for the weekend, I think you mentioned. Is there a
24 restriction on like, continuous use?

25 MS. CROWDER: Uh-huh.

1 MR. MILLER: Of more than a certain number of
2 days a week, a month, or a year?

3 MS. CROWDER: Yeah. So, weekend use, daily
4 use, I mean, there are restrictions that will be
5 identified in what's called the tenant selection
6 criteria plan, which will identify how long an
7 occupant can have a visitor.

8 For senior facilities normally it's, no one
9 is staying longer than a seven-day period without
10 management's permission. And that includes children.

11 CHAIRPERSON HOOD: Let me just follow up on
12 that note. Sometimes seniors have to take care of a
13 child who is autistic.

14 MS. CROWDER: Uh-huh.

15 CHAIRPERSON HOOD: And that situation, and
16 the child may be -- not child. Let's not suggest,
17 sometimes adults, and they can't stay by themselves,
18 and they're autistic, and they're autistic their
19 whole life, are there concessions in that regulation
20 or whatever you all -- is there something out there
21 that they can be able to stay there because they
22 can't really go nowhere else. And if they have a
23 senior already staying there, are they allowed to be
24 able to stay there? Let me -- are there concessions
25 for special cases like that?

1 MS. CROWDER: Yes.

2 CHAIRPERSON HOOD: Okay. All right. All
3 right. Commissioner May, you had a follow-up? I
4 mean, any follow-up on rebuttal? None? Oh, okay.

5 All right, does the ANC have any cross on
6 rebuttal?

7 [No audible response.]

8 CHAIRPERSON HOOD: Okay. Well, this is the
9 last -- this is it, so -- okay. It's questions now.
10 On rebuttal.

11 MS. GARNETT: [Speaking off microphone.]

12 CHAIRPERSON HOOD: It's on rebuttal.

13 MS. GARNETT: [Speaking off microphone.]

14 CHAIRPERSON HOOD: Well, I'm going to help
15 you because it's 10:30. I'm going to really help
16 you.

17 MS. GARNETT: This is to Ms. Crowder, is your
18 name? I listened to your -- your statement that you
19 just made, and my concern is, how are you going to
20 manage and monitor the stay of grandchildren or older
21 sibling that were there -- be there caring for their
22 loved one? What type of measurements do you have in
23 place to control that, because it just doesn't set
24 right with me, because once they're in, they're in.

25 MS. CROWDER: We have, they're called lease

1 violations. Again, we have other seniors that will
2 be living throughout the community that will actually
3 give us these tips.

4 When doing the inspections, management will
5 be on site. So, we will see the children. As we get
6 to know the tenants, you know, these are not things
7 that we will just automatically know or just do
8 surprise inspections. But as time goes on, these
9 people become comfortable and they're seen often.
10 And that's when the lease holder is questioned and an
11 inspection is performed, and a lease violation is
12 given from our attorneys, and then a 30-day notice to
13 vacate for breach of lease.

14 MS. GARNETT: Well, I'm going to give you a
15 case. My aunt lived in a senior building up here off
16 of 6th Street Northwest. And when she passed, and
17 that's why I raised the concern. And when she passed
18 -- well, before she passed, she had grandchildren
19 living with her, and even grown sons.

20 And after she passed and moved -- and they
21 transferred her out to her resting place, guess what?
22 Those children and grandchildren removed -- remained
23 in that apartment for over a year. Because you know
24 why? I think it was called Gibson Plaza Apartments.
25 And let me tell you, they were living, my cousins and

1 their children were still living in that apartment
2 because you know, why? Because everybody in that
3 building new each other. And everybody had the same
4 circumstances at one time or another. And guess
5 what, if they left there they became homeless.

6 So eventually, after a year or so --

7 CHAIRPERSON HOOD: Okay. Commissioner, do
8 you have --

9 MS. GARNETT: -- the ended up giving up. So,
10 that's what my concern is to you.

11 CHAIRPERSON HOOD: Okay, I think we got it.

12 MS. GARNETT: Thank you.

13 CHAIRPERSON HOOD: We all got it.

14 MS. GARNETT: Thank you.

15 CHAIRPERSON HOOD: You have any other
16 questions? Thank you very much.

17 MS. GARNETT: That's it.

18 CHAIRPERSON HOOD: Okay.

19 MS. GARNETT: Thank you.

20 CHAIRPERSON HOOD: All right. Can we get
21 your closing?

22 MR. AVITABILE: This project is an all-
23 affordable senior housing project that meets a
24 critical need that the city has identified in not
25 just the Comprehensive Plan, but in other planning

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 documents. We've identified this as a site that is
2 identified for redevelopment. It is an in-fill site.
3 These are the sites that need to be redeveloped.
4 When we have to capitalize on the opportunities to
5 create this, this type of housing that we can.

6 I do think that that said, the scale of this
7 building, the way it's been located, the way it's
8 been sited, the way it's been designed, it has been
9 designed in a manner that is compatible with the
10 surrounding neighborhood. It has been pushed away
11 from the street. It's pushed away from the alley, it
12 steps down in height. All of these things contribute
13 to this building, navigating what is admittedly a
14 transition between a two-story rowhouse community,
15 and a planning -- set of planning documents that say
16 there should be bigger, taller development right next
17 door.

18 But that's what happens when you have these
19 sites that are right at, you know, right at the edge.
20 This is a transitional site. This is an edge site.

21 And so, I think the features that we've
22 included in the building do provide that transition.
23 There have been a number of impacts that have been
24 identified. I think we've done our best to talk
25 about the ways in which we are trying to address them

1 tonight. I think we've gotten some feedback from the
2 Zoning Commission, and I think we've also, in
3 listening again tonight, have thought of some other
4 things that we could consider, and we certainly can
5 come back to the Zoning Commission with whatever it
6 is you'd like us to look at, and address that
7 further. But we do certainly appreciate everyone's
8 time tonight and everyone's participation. And we
9 look forward to continuing to move this project
10 forward. Thank you.

11 CHAIRPERSON HOOD: Here's something that I
12 want that I didn't ask for. I want a perspective,
13 and I think the Vice Chair mentioned it earlier on.
14 I want a perspective of how it looks with -- how this
15 project is going to look with what exists now. And I
16 want different sites, one coming from I guess, down
17 in there, the edge of River Terrace, one looking from
18 Benning Road, one looking from the backside where Ms.
19 Prue has made it so I can't turn around no more, and
20 one from 295. I want to be able to see how it's
21 going look within that whole area, okay? All the way
22 around. Okay?

23 MR. AVITABILE: Yes, sir.

24 CHAIRPERSON HOOD: And I don't want it to be
25 cartoonish. I want to see exactly what's there now

1 with the project.

2 MR. AVITABILE: Drop it into an existing
3 photograph. Got it.

4 CHAIRPERSON HOOD: Existing, right. What
5 else? I think we have most of the stuff. Anything
6 else up here?

7 [No audible response.]

8 CHAIRPERSON HOOD: Okay. And, also before
9 you come back to us, I know you all are going to be
10 going back to the community, right?

11 MR. AVITABILE: Yes, sir.

12 CHAIRPERSON HOOD: All right, and maybe more
13 than once.

14 MR. AVITABILE: We will do what we can.

15 CHAIRPERSON HOOD: Okay. Anything else up
16 here? Do we need to go over the list?

17 MR. AVITABILE: I think I'm clear.

18 CHAIRPERSON HOOD: Okay. All right. So, I
19 don't know. I don't know if we need to set any
20 dates.

21 MR. AVITABILE: I do think it would probably
22 be helpful to have a date set to keep all of us
23 moving forward and perhaps direct us.

24 CHAIRPERSON HOOD: Okay.

25 MR. AVITABILE: We don't necessarily need to

1 -- I don't think we need to necessarily pick a date
2 that's in, you know, later this month. You know,
3 there are too -- just, things drag otherwise.

4 CHAIRPERSON HOOD: Right. Okay. So, we're
5 looking at, maybe looking at this, our last meeting
6 in June?

7 MS. SCHELLIN: So how much time do you think?
8 Maybe four weeks for the submissions?

9 MR. AVITABILE: Now, this all said, let me
10 think about this because this ANC meets the second
11 week of the month, correct? So, you all are meeting
12 next --

13 MS. MUHAMMAD: The second Tuesday of every
14 month with the exception of July and August.

15 MS. SCHELLIN: Okay.

16 MS. MUHAMMAD: We're in recess for those two
17 months. So, after June we'll reconvene in September.

18 MS. SCHELLIN: Okay. So, the second Tuesday.
19 So, they meet next week.

20 MR. AVITABILE: So, we certainly need -- we
21 won't get to --

22 MS. SCHELLIN: And they'll meet on the 13th.

23 MR. AVITABILE: -- I mean, we could try to
24 get to the next week, but my guess is we'll need a
25 little more time than next. So, I think we need to

1 have whatever it is we submit be ideally a week or so
2 after their meeting in June.

3 MS. SCHELLIN: Okay. So, it appears, then,
4 they would meet June 13th.

5 MR. AVITABILE: Yes.

6 MS. SCHELLIN: Okay. So --

7 MR. AVITABILE: And that probably means that
8 we're not going to make the June meeting, the June
9 26th meeting, because we would have to submit
10 something.

11 MS. SCHELLIN: Correct. You won't.

12 MR. AVITABILE: Okay. That's what it is.

13 MS. SCHELLIN: So we'll shoot for the July
14 10th meeting. But they meet on June 10th -- I
15 mean --

16 MR. AVITABILE: No, no, no.

17 CHAIRPERSON HOOD: But no, no, he's going to
18 already be out there because one thing I do not want
19 to hear is that we did something in July and August
20 when I know the community groups are on vacation.

21 MS. SCHELLIN: He's going to come in June.

22 CHAIRPERSON HOOD: He's going to come in
23 June. And one thing I do want to assure you, that I
24 served as the president of a civic association for 20
25 years, and we didn't do anything in July and August,

OLENDER REPORTING, INC.

1100 Connecticut Avenue NW, #810, Washington, DC 20036

Washington: 202-898-1108 • Baltimore: 410-752-3376

Toll Free: 888-445-3376

1 and I don't play that down here because people do try
2 to do things in July and August, and everybody knows
3 I don't like doing stuff in July and August, even
4 though we are finishing up our stuff that we have
5 done previously, we're not going to do that to the
6 community.

7 MS. SCHELLIN: Right.

8 CHAIRPERSON HOOD: So, they're going to go
9 out in June.

10 MS. SCHELLIN: Yes, so we need the ANC --

11 CHAIRPERSON HOOD: And we're going to deal
12 with it in July.

13 MS. SCHELLIN: Right. So, we need the ANC to
14 schedule them in June, and then we could have your
15 submission, the applicant to make their submissions a
16 week later by 3:00 p.m. on June 20th. And then the
17 ANC would have an opportunity to respond to those
18 submissions to submit their report, or follow-up by
19 3:00 p.m. on June 27th, 3:00 p.m. Draft findings of
20 facts, conclusions of law would be due by 3:00 p.m.
21 also on June 27th, and then we can put this on our
22 July 10th meeting agenda for consideration.

23 Does that work?

24 CHAIRPERSON HOOD: Okay. We have anything
25 else?

1 MS. SCHELLIN: That's it.

2 CHAIRPERSON HOOD: All right. I want to
3 thank everyone for their participation tonight, and
4 this hearing is adjourned.

5 [Whereupon, the public hearing adjourned at
6 10:32 p.m.]

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25