

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

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IN THE MATTER OF: :
: Case No. 05-30
6000 NEW HAMPSHIRE AVENUE, N.E :
WEST GROUP DEVELOPMENT COMPANY :
LLC AND THE JARVIS COMPANY :
----- :

Thursday,
September 7, 2006

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

The Public Hearing of Case No. 88-34A by
the District of Columbia Zoning Commission convened at
7:30 p.m. in the Office of Zoning Hearing Room at 441
4th Street, N.W., Washington, D.C., 20001, Carol J.
Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

CAROL J. MITTEN	Chairperson
ANTHONY J. HOOD	Vice-Chairperson
GREGORY JEFFRIES	Commissioner
JOHN PARSONS	Commissioner (NPS)
MICHAEL G. TURNBULL	Commissioner (AOC)

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN	Secretary
DONNA HANOUSEK	Zoning Specialist

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OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

The transcript constitutes the minutes
from the Public Hearing held on September 7, 2006.

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

7:37 p.m.

CHAIRPERSON MITTEN: Good evening ladies and gentlemen. This is a continuation of a Public Hearing of the Zoning Commission of the District of Columbia. And today is Thursday, September 7, 2006.

My name is Carol Mitten and joining me this evening are Vice Chairman Anthony Hood and Commissioners Michael Turnbull, Greg Jeffries, and John Parsons.

This is a continuation of our hearing in Zoning Commission Case No. 05-30, which we began on July 20, 2005. There will be no public testimony at this hearing. We have a very limited agenda for tonight. No general public testimony. And I'll get to that in a minute.

The subject is a request by West Group Development Company LLC and the Jarvis Company for approval of a consolidated planned unit development and related MAP amendment for property bounded by Rittenhouse Street, New Hampshire Avenue, Peabody Street, Chillum Place, and Sligo Mill Road, which is Lot 74 of Parcel 126, Lots 69-73, 801, 824, and 826, in Square 3714, and Lot 858 in Square 3719.

Notice of today's hearing was published in

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1 the *D.C. Register* way back on April 28, 2006. And
2 copies of that hearing announcement are available to
3 you. And they're in the wall bin by the door.

4 This hearing will be conducted in
5 accordance with the provisions of 11 DCMR Section
6 3022, and as I said, we have a very limited number of
7 items to handle this evening. So we'll take up in
8 this order. We'll take up any preliminary matters for
9 this evening. We had reserved an additional
10 opportunity for the ANC to cross examine the
11 Applicant's witnesses. And then we'll have the
12 presentation of the ANC 4B report. And then we'll
13 have the Applicant's closing statement.

14 All persons appearing before the
15 Commission are to fill out two witness cards. They
16 look like this. And we won't have too many people
17 filling those out tonight. Just the folks from the
18 ANC and the Applicant's witnesses. Upon coming
19 forward to speak to the Commission, please give both
20 card to the report who's sitting to our right.

21 Please be advised that this proceeding is
22 being recorded by the court reporter and is also being
23 webcast live. Accordingly, we ask you to refrain from
24 making any disruptive noises in the hearing room.

25 When you come forward to speak, we ask you

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1 to take a seat at the table, turn on and speak into
2 the microphone, first stating your name and home
3 address. When you're finished speaking, we ask you to
4 turn off the microphone because they tend to pick up
5 background noise.

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

12 Ms. Schellin and Ms. Hanousek will be
13 available throughout the hearing to answer any
14 procedural questions that you might have.

15 We ask you to turn off all beepers and
16 cell phones at this time, so as not to disrupt our
17 hearing. And, at this time, we'll take up any
18 preliminary matters. Ms. Schellin, anything?

19 MS. SCHELLIN: The staff has nothing.

20 CHAIRPERSON MITTEN: Ms. Glasgow,
21 anything? Any preliminary matters?

22 MR. GLASGOW: Madam Chair, it may end up
23 being a preliminary matter, depending upon how the
24 Commission is going to be dealing with some of the ANC
25 documents that have been filed within the last day or

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1 so.

2 CHAIRPERSON MITTEN: Well, okay. Just
3 have a seat and, if you feel the need to come up, then
4 please do that.

5 I believe that the person that has been
6 designated now to represent the ANC is its chair,
7 Commissioner Whiting. And I'd ask her to come
8 forward. Ms. Whiting, when you come forward, just to
9 make sure that there's utmost clarity, could you just
10 point to the item in the record that designates you as
11 the spokesperson for the ANC?

12 MS. WHITING: Yes, I will. Good evening
13 to the Commission. Under Draft Minutes ANC 4B,
14 Special Meeting, September 5, 2006, page 5/6.

15 CHAIRPERSON MITTEN: Okay. Just let us
16 catch up here. Ms. Schellin, if you could just make
17 sure we have that. Which is it?

18 MS. WHITING: I have -- I have copies for
19 you if you don't have them.

20 CHAIRPERSON MITTEN: Okay. Let's make
21 sure that everybody has a copy of that.

22 MS. WHITING: The minutes were just
23 updated by our secretary, so you probably do not have
24 them.

25 CHAIRPERSON MITTEN: Okay. Then let's

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1 have those in the record.

2 MS. WHITING: She sent them to all the ANC
3 Commissioners.

4 (Whereupon, off microphone
5 comments/questions were made by an unidentified
6 person.)

7 CHAIRPERSON MITTEN: Okay. We are not
8 going to have a dialogue randomly from the audience.
9 So we have the Chair of the ANC here and is submitting
10 something into the record.

11 (Whereupon, a brief off-record discussion
12 of administrative business ensued.)

13 CHAIRPERSON MITTEN: Okay. So just let me
14 recap and you tell me if I have a correct
15 understanding. Which is that there was a vote of the
16 ANC as to who would represent the ANC. And it was
17 five to four. And then there was an individual who
18 elected to change his vote and that vote then was
19 recorded as four in favor and four opposed. So that
20 that motion failed. So we're back to the outcome of
21 the five to four vote, which named you as the
22 spokesperson for the ANC. Is that correct?

23 MS. WHITING: The -- the letter from
24 Gotlieb Simon --

25 CHAIRPERSON MITTEN: Yes.

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1 MS. WHITING: -- states that the four/four
2 stays and the vote fails.

3 CHAIRPERSON MITTEN: Well, the vote -- the
4 four/four vote was to change the individual who would
5 be the spokesperson. Is that right?

6 MS. WHITING: No. That's not. No.
7 That's -- that's for something else.

8 CHAIRPERSON MITTEN: Okay. Sorry. Okay.
9 What was it for?

10 MS. WHITING: The vote for who would
11 represent the ANC?

12 CHAIRPERSON MITTEN: Yes.

13 MS. WHITING: If you're on page five/six?

14 CHAIRPERSON MITTEN: Page five/six? Okay.
15 Okay.

16 MS. WHITING: In number two there was a
17 one to seven roll call vote. The Commission rejected
18 Commissioner Jones' original language. Commissioner
19 Jones was the only yes. Commissioners Green, Wheeler,
20 Grant, Hickman, Burke, Whiting, and Bawser voter no to
21 Commissioner Jones representing the ANC.

22 CHAIRPERSON MITTEN: Okay. And so who was
23 -- I really do not want you to randomly call out. So
24 what's the vote that preceded this, designating
25 someone? So that vote failed. Then what?

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1 MS. WHITING: The vote that you're
2 speaking of is on the entire resolution for support of
3 the West Group proposal.

4 CHAIRPERSON MITTEN: Okay. And that's
5 number 4 on page five/six?

6 MS. WHITING: That is correct.

7 CHAIRPERSON MITTEN: Okay. And then part
8 of that resolution, I see, as I go to the end says
9 that Commissioner Jones is the designate.

10 MS. WHITING: It says that Commissioner
11 Jones -- let's see, where it is -- where is it? By
12 consensus, the Commission agreed to add a last
13 sentence to the resolution that was drafted by
14 Commissioner Bawser. Furthermore, ANC 4B07,
15 Commissioner Jones shall be a representative of ANC 4B
16 in presenting the resolution only.

17 CHAIRPERSON MITTEN: Okay.

18 MS. WHITING: On September 7th.

19 CHAIRPERSON MITTEN: Okay. Okay. So
20 that's the part of the resolution?

21 MS. WHITING: And that's why -- that is
22 correct. And it was -- it was specified --

23 CHAIRPERSON MITTEN: Okay.

24 MS. WHITING: -- in the one to seven vote
25 that she would not be representing the ANC.

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1 CHAIRPERSON MITTEN: Okay. So you should
2 have company at the time that --

3 MS. WHITING: Of the resolution.

4 CHAIRPERSON MITTEN: Okay. So that will
5 be part of your report. But, for now, you are going
6 to do the cross examination?

7 MS. WHITING: Yes.

8 CHAIRPERSON MITTEN: Okay. Are you ready
9 to proceed with that?

10 MS. WHITING: I would prefer that the West
11 Group go first, if that's okay.

12 CHAIRPERSON MITTEN: They did go first.
13 That was the July 20th --

14 MS. WHITING: Well, they were going to
15 present more tonight as far as, you know, their
16 rebuttal. And that's the only thing that the
17 Commissioners wanted to see, if there were going to be
18 any questions on, on everybody.

19 CHAIRPERSON MITTEN: Okay. So you don't
20 have any additional cross examination questions on
21 what you heard already on the 20th?

22 MS. WHITING: No, Ma'am.

23 CHAIRPERSON MITTEN: And you don't have
24 any questions on any additional submissions you
25 received in the mean time?

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1 MS. WHITING: Submissions from West Group
2 or submissions --

3 CHAIRPERSON MITTEN: Submissions from the
4 Applicant.

5 MS. WHITING: No. No, Ma'am.

6 CHAIRPERSON MITTEN: Okay. That's fine.
7 That's good. Do you want to say anything, Mr.
8 Glasgow? Okay. You're cool, Mr. Glasgow? Okay.
9 Great. So then, we don't have any cross examination,
10 at this time. If they put on any rebuttal testimony
11 that you want to ask any cross examination on, we'll
12 get to that point.

13 So now we'll have the presentation of the
14 resolution.

15 MS. WHITING: Okay.

16 CHAIRPERSON MITTEN: So you should have
17 company at the table, right?

18 MS. WHITING: That's correct.

19 CHAIRPERSON MITTEN: Okay. Commissioner
20 Jones. Okay. Go ahead.

21 MS. WHITING: You're reading the
22 resolution.

23 MS. JONES: No. You are.

24 MS. WHITING: The vote was for
25 Commissioner Jones to read the resolution.

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1 CHAIRPERSON MITTEN: Okay.

2 MS. WHITING: And that's the scope of her
3 representation for ANC -- ANC 4B. You have the
4 minutes there in front of you and they're non-
5 disputable.

6 CHAIRPERSON MITTEN: Okay. Then why don't
7 we have Ms. Jones identify herself for the record and
8 present the resolution? Are you prepared to do that,
9 Commissioner Jones?

10 MS. JONES: No.

11 CHAIRPERSON MITTEN: You're not prepared
12 to present the resolution?

13 MS. JONES: I -- I can. Yes, I can.

14 CHAIRPERSON MITTEN: Okay. Well then
15 would you do that please?

16 MS. JONES: I have to -- I have to find
17 the changes that she made.

18 CHAIRPERSON MITTEN: I need you to take
19 the microphone in front of you so that we get you on
20 the record.

21 MS. JONES: Oh. Okay. I'm sorry.

22 CHAIRPERSON MITTEN: And maybe just
23 identify yourself, at this point.

24 MS. JONES: My name is Judy Jones. I'm an
25 ANC Commissioner for 4B07.

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1 CHAIRPERSON MITTEN: Okay.

2 MS. JONES: All right. I have my -- I
3 have mine.

4 CHAIRPERSON MITTEN: Okay. I just want to
5 be sure that we have the most current version of the
6 resolution in the record.

7 MS. JONES: Yes.

8 MS. WHITING: Yes, you do.

9 CHAIRPERSON MITTEN: Okay. And that was
10 attached to what?

11 MS. WHITING: To what Ms. Schellin just
12 handed out.

13 CHAIRPERSON MITTEN: What she just handed
14 out to us? Okay.

15 MS. JONES: Resolution for ANC 4B and ANC
16 4B07 to reject PUD Zoning Commission Case No. 05-30,
17 6000 New Hampshire Avenue, N.E., whereas, a quorum of
18 ANC 4B Commissioners were present on this date;
19 whereas the density -- whereas the density should be
20 closer to the density of the existing zoning on the
21 site; whereas there's a lack of consensus and consent
22 in the effected 4B07 area on many major issues, such
23 as density, design, affordability, traffic, and
24 amenities; whereas D.C. Water and Sewer Authority and
25 D.C. Fire Department's reports are inconclusive;

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1 whereas D.C. -- DDOT's conditional report demands
2 legal conditions and provisions; and be it resolved
3 that ANC 4B rejects the West Group plan. Furthermore,
4 ANC 4B07 Commissioner Judy Jones shall be a
5 representative of ANC 4B in presenting this resolution
6 on September 7th to the Zoning Commission.

7 CHAIRPERSON MITTEN: Okay. Are you
8 reading off of page four/six?

9 MS. JONES: Five.

10 MS. NEWTON: If I may, Chairman?

11 MS. JONES: Five. It says page six.
12 Excuse me.

13 CHAIRPERSON MITTEN: Okay.

14 MS. JONES: Page six of six.

15 MS. WHITING: If I may, Madam Chairman?
16 You're looking at the original resolution --

17 CHAIRPERSON MITTEN: Oh. Okay. I got
18 that.

19 MS. WHITING: -- that Commissioner Jones
20 presented. And we amended that resolution.

21 CHAIRPERSON MITTEN: Okay. I got you.

22 MS. WHITING: So it's five/six and
23 six/six.

24 CHAIRPERSON MITTEN: Okay.

25 MS. JONES: I didn't sent that.

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1 CHAIRPERSON MITTEN: I've got you.

2 MS. JONES: I'm reading off her minutes.

3 CHAIRPERSON MITTEN: I've got it.

4 MS. JONES: Okay.

5 CHAIRPERSON MITTEN: Okay. Is there
6 anything else from the official report of the ANC?

7 MS. JONES: Yes.

8 MS. WHITING: The official report of the
9 ANC stands as the resolution that was read.

10 CHAIRPERSON MITTEN: Okay.

11 MS. WHITING: And the minutes of that
12 meeting are attached, as well.

13 CHAIRPERSON MITTEN: Okay. So is that the
14 sum total of what you intend to present as the
15 official report of the ANC?

16 MS. WHITING: That is correct.

17 MS. JONES: Yes. But not me. I have
18 more.

19 MS. WHITING: That is correct.

20 CHAIRPERSON MITTEN: The official report
21 of the ANC is what is being present now. And all the
22 other opportunity for testimony was on the 20th of
23 July.

24 MS. JONES: Okay.

25 CHAIRPERSON MITTEN: Okay. Very good.

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1 Thank you.

2 MS. WHITING: Thank you.

3 CHAIRPERSON MITTEN: Mr. Glasgow?

4 MR. GLASGOW: I had noted in the record
5 that there had been -- one of the Commissioners had
6 stated that he was in the process of changing his
7 vote, which would have meant a four/four tie. And no
8 report from the ANC. But I think that, at this point,
9 I'm not going to cross examine them on that.

10 I mean, the record is what it is on that.
11 And you've got the report and it talks about the
12 Commissioner changing his vote. I don't know whether,
13 in the record, there was a report by Mr. Gotlieb Simon
14 stating that the effect of what had happened would
15 have been a four/four tie.

16 CHAIRPERSON MITTEN: We have the e-mail
17 that's the cover of this new exhibit.

18 MR. GLASGOW: Right. Right. Okay.
19 That's -- that's not on mine. But that's -- that's
20 all right. I just wanted to make sure that that was
21 --

22 CHAIRPERSON MITTEN: Okay. Well, we'll
23 make sure that you get a copy of that.

24 MR. GLASGOW: That's -- that's fine. So
25 I don't think that there's any particular purpose for

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1 me to serve to try to cross examine them on that.

2 CHAIRPERSON MITTEN: Okay. Would you like
3 to go ahead with the closing statement?

4 MR. GLASGOW: Yes. We'd like to go ahead
5 with our rebuttal and our closing statement.

6 CHAIRPERSON MITTEN: All right.

7 MR. GLASGOW: Okay. Thank you. Mr.
8 Jarvis?

9 MR. JARVIS: Good evening. My name is N.
10 William Jarvis. I am with The Jarvis Company and one
11 of the partners in the West Group Development Project
12 that is the proponent of the PUD application this
13 evening.

14 We'd like to introduce a Memorandum of
15 Understanding to the Zoning Commission that changes
16 slightly our PUD application and the plan.

17 After the hearing of July 20th, there were
18 certain representatives of the community that decided
19 to get together to see whether there was an ability to
20 come to some acceptable accommodation between the
21 community and the developer on this particular
22 project.

23 And they began to meet in earnest for
24 about 30-45 days. And about two weeks ago, they sat
25 down with us and went through some of the design

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1 principles that they though were important and some of
2 the changes that they thought were important.

3 And we came to an agreement with them that
4 we could make those particular changes. And so we now
5 have a Memorandum of Understanding that has been
6 executed by some of the participants in that community
7 meeting. And it's an increased number of community
8 groups than were here beforehand, testifying.

9 And it does make some changes to the
10 development that we had presented to you on the 20th.
11 Specifically, it decreases the density in the -- in
12 the -- in the program. And so where we earlier were
13 indicating a development plan that had 187 residential
14 units, this new development plan has 169 residential
15 units.

16 We had replaced townhomes that were lining
17 Peabody Street, and actually I'm going to have our
18 architects and our engineers actually present this in
19 -- in more graphic form so that you can see what we're
20 talking about. But we had townhomes that were on
21 Peabody Street where maybe it was better to have
22 single-family homes. And so, single family homes are
23 now there and single family homes now ring the entire
24 perimeter of the project.

25 The -- to -- to give you a -- a recitation

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1 of what the proposed unit count would be, there would
2 be 73 townhomes, 38 single family homes, and 58
3 condominium units, still preserving the existing two
4 buildings.

5 And -- and, for the most part -- and all
6 the green space would remain as -- as we had done.
7 Although, we did make a commitment to them to
8 landscape and tier the great lawn area so that it
9 could not be used for anything other than enjoyment.
10 I mean, it would not be considered to be a -- a ball
11 field, or something along those type of lines, based
12 upon the landscaping process.

13 And so, with respect to the decreased
14 density, the number -- the unit count would not be as
15 demonstrated on this plan. But all of the other --
16 you know, the infrastructure issues that we had dealt
17 with, all of the landscaping, all of the sidewalks and
18 the -- and the other commitments, all those things
19 will remain the same way that they had been in the --
20 in the PUD application.

21 In addition, we did make a commitment to
22 -- well, I won't say this is a commitment. We did
23 feel the need, then, to also revise the number of
24 affordable units that we were dealing with. We would
25 be diminishing the number of affordable units because

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1 we were correlating the number of affordable units to
2 the total number of units on the property.

3 Whereas, in the -- in the previous plan,
4 there were 17 affordable units, there would not be 14
5 affordable units. And those 14 affordable units would
6 be divided between three affordable townhomes, and 11
7 affordable condominium units.

8 We also were making a commitment of
9 community resources -- of resources to the community
10 that we had an opportunity at least discuss with the
11 community beforehand.

12 And I think we made a representation that
13 we were willing to make a commitment of resources to
14 various organizations and -- and activities in the
15 community. But that we had not had the opportunity to
16 go back and forth with members of the community to
17 find out where those things should be placed.

18 And so we now have a higher dollar amount;
19 \$150,000 worth of community benefits and a specific
20 delineation of where those community benefits would
21 go; meaning which organizations and for what specific
22 purposes those organization should use that -- those
23 funds.

24 And so we -- we have -- we -- we would
25 like to distribute the -- it's a three-page Memorandum

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1 of Understanding.

2 CHAIRPERSON MITTEN: That would be great.
3 Let me just ask you while the things are being passed
4 out, has this been presented to the Office of Planning
5 prior to tonight? The revisions?

6 MR. GLASGOW: The -- the nature of the
7 revisions have been discussed with the Office of
8 Planning. We've discussed with them the decrease in
9 the number of units of the project; the respective
10 percentages of -- and we have some additional
11 information that we're going to be presenting tonight,
12 for the record, as to percentages of what the relative
13 decreases are in percentage of units of the project
14 and percentage of units of the affordable housing; how
15 those correlate.

16 CHAIRPERSON MITTEN: Okay.

17 MR. GLASGOW: Okay. But this has -- this
18 has been discussed with the Office of Planning. Yes.

19 CHAIRPERSON MITTEN: But maybe with a
20 certain lack of specificity?

21 MR. GLASGOW: That -- yes. That's --
22 that's right.

23 CHAIRPERSON MITTEN: Okay.

24 MR. GLASGOW: They are seeing some things
25 also, for the first time too.

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1 CHAIRPERSON MITTEN: Okay.

2 MR. GLASGOW: But we discussed with them
3 what it was that we would -- we would be doing this
4 evening.

5 CHAIRPERSON MITTEN: Okay. And then, in
6 terms of the ANC, have you presented any of this to
7 the ANC?

8 MR. GLASGOW: The -- there was a
9 representative of the ANC who has signed the
10 Memorandum of -- of Understanding. The ANC was part
11 of the process of the discussion.

12 MR. JARVIS: Well, let's make sure that we
13 are accurate, for the record. There was not a formal
14 ANC designated representative, but there were members
15 of the ANC --

16 MR. GLASGOW: Right.

17 MR. JARVIS: -- who did participate in
18 that small group. And two nights ago we did present
19 this information to the ANC. And also, the members of
20 this community group did present the reason -- the
21 rationale as to why their particular organizations
22 were now supporting this. So it all did go get before
23 the ANC.

24 CHAIRPERSON MITTEN: Okay. Anyone have a
25 follow-up question for the ANC?

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1 VICE CHAIRPERSON HOOD: Just a little one.
2 You showed a different drawing -- a different plan.
3 Are you all prepared to give us that plan tonight? I
4 guess we need to view the plan.

5 MR. GLASGOW: That -- that -- that plan
6 will be submitted tonight.

7 VICE CHAIRPERSON HOOD: Tonight?

8 MR. GLASGOW: Tonight.

9 VICE CHAIRPERSON HOOD: Okay. A smaller
10 version for us to look at as you talk?

11 MR. GLASGOW: That is correct.

12 VICE CHAIRPERSON HOOD: Okay.

13 MR. GLASGOW: As a matter of fact, you are
14 getting a copy of the drawing right now.

15 VICE CHAIRPERSON HOOD: Thank you. Good
16 man. Thank you.

17 COMMISSIONER JEFFRIES: I have a question
18 in terms of the reduction in the number of units.
19 What does that represent in terms of FAR -- change in
20 FAR from what was submitted before to now? Do you
21 have that number?

22 MR. GLASGOW: Yes. I think we're reducing
23 by about 25,000 square feet. Steven's got that
24 number. Mr. Sher has those numbers.

25 MR. SHER: At the risk of preempting

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1 myself later, for the record, my name is Steven E.
2 Sher, the Director of Zoning and Land Use Services
3 with the law firm of Holland and Knight.

4 And Ms. Schellin will get down the row
5 with you in a moment and hand you these numbers. But
6 we were at a gross floor area of 391,234. We're now
7 at a gross floor area of 369,684. That was .77 FAR
8 down to .73 FAR. And I'll go through those now or
9 later, at your pleasure.

10 COMMISSIONER JEFFRIES: And the number of
11 condominiums, that stayed the same?

12 MR. GLASGOW: No. They reduced by three.

13 COMMISSIONER JEFFRIES: Did they reduce?
14 They reduced by three? Okay.

15 MR. SHER: If you look at the top of --
16 the top sheet of what you just got --

17 COMMISSIONER JEFFRIES: Oh, I see. Okay.
18 I just got it. I got it.

19 MR. SHER: It went from 61 to 58. And
20 then all that -- that's set forth there.

21 COMMISSIONER JEFFRIES: Okay. And the
22 bulk of the -- and then, of the condominiums, most of
23 the affordable units will be condominiums? What's the
24 number?

25 MR. SHER: If you look at the second page

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1 -- no, I guess it's actually not in there. We would
2 have 14 condominium units -- 14 affordable units; 11
3 condominium apartment units and three townhouses.

4 COMMISSIONER JEFFRIES: Oh. Okay.

5 MR. GLASGOW: And Mr. Jeffries, before the
6 split was 12 and five.

7 COMMISSIONER JEFFRIES: Okay.

8 MR. GLASGOW: 12 in the condo building.
9 So we've -- we've tried to keep all of these
10 reductions --

11 COMMISSIONER JEFFRIES: Percentages pretty
12 much the same?

13 MR. GLASGOW: Yes. Proportionally.

14 CHAIRPERSON MITTEN: Anyone else have
15 questions at the moment? Do you have anything more to
16 present? I don't want to preempt you.

17 MR. GLASGOW: Yes. We would -- we would
18 like to run the Commission through the plans and --
19 and so that you can see how those changes are in the
20 site plan.

21 CHAIRPERSON MITTEN: Okay.

22 CHAIRPERSON MITTEN: And how we dealt with
23 the great lawn and -- and all of those type of things.

24 CHAIRPERSON MITTEN: Okay.

25 VICE CHAIRPERSON HOOD: Madam Chair, in

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1 your conversation, if you could talk about, and I
2 think I mentioned this at the last -- it's been a long
3 month. But anyway, I know we talked about the drop
4 and I'm looking at the houses along New Hampshire
5 Avenue. And we may have addressed it at the last
6 hearing, but I'm concerned about run-off. And I think
7 we discussed -- there are not basements along New
8 Hampshire Avenue. It's rocks?

9 MR. GLASGOW: That is correct.

10 VICE CHAIRPERSON HOOD: Still, if you'd
11 still talk about run-offs, because there's still the
12 floorless level to the ground. And let's talk about
13 that in your discussion. Thank you.

14 MR. LOHSEN: Good evening, Commissioners.
15 Arthur C. Lohsen, Frank, Lohsen, McCurty Architects.
16 I'm Design Architect for the project.

17 I -- I think Mr. Jarvis gave you a good
18 overview of the changes that have been made.
19 Primarily, it's lining Peabody Street with single
20 family houses, rather than the townhouses that were
21 originally proposed. That includes the out parcel
22 between First Street N.E. and New Hampshire, where we
23 used to have I think seven or eight townhouses, which
24 is now three single family units.

25 Again, the rationale for all this -- this

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1 major change was to decrease the density, but also to
2 face like with like in the neighborhood. To sort of
3 carry that to completion throughout the rest of the
4 project.

5 Adding those single family houses along
6 Peabody Street forced a slight change on the
7 townhouses going up to the large condominium building.
8 We still managed to line First Street N.E. with
9 facades, not -- not backs. The sides of the units
10 that actually face First Street, N.E., that's our type
11 5 townhome, which has a -- the front door on the side
12 and a porch, as well.

13 The great lawn was always a -- a slightly
14 sloped -- slightly sloped lawn with a retaining wall
15 on the -- the south and east sides. What we've done
16 is reduce the height of that retaining wall from about
17 three feet down to, I think, about 18 inches; which
18 has given us the ability to accentuate the terracing
19 of that lawn. So it's -- it's clearly not an
20 athletic field. But it still provides a wonderful
21 place for the community to -- to gather for casual
22 activities and -- and recreation.

23 The -- the -- as part of our sort of refit
24 of this part of the plan, we've endeavored to maintain
25 the diversity of housing stock that's been part and

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1 parcel to the project from -- from the beginning. And
2 we feel strongly that it's -- it's sort of a very
3 important part of the project; to maintain the
4 different types of townhome units; the different mix
5 of townhomes and single family homes and their
6 integration to the -- with the condo buildings.

7 Finally, we've done a -- a few massing
8 sketches to illustrate -- and we've got a board of
9 those and I think they're in your packet. Just some
10 quick perspective massing sketches to illustrate the
11 scale of the proposed homes in relation to some of the
12 existing homes adjacent; particularly along
13 Rittenhouse Place.

14 And I just also want to restate for the
15 record the commitment that the West Group and this
16 project has to a very high level of architectural
17 quality; a commitment to putting brick on all four
18 facades of -- of all these buildings, which is a -- a
19 significant esthetic, but also a financial burden that
20 we feel is important for this community.

21 There's also a level of architectural
22 detail, trim, moldings, details, etc., that are sort
23 of above and beyond what -- what wouldn't have to be
24 done by right, but we feel is important to integrate
25 these buildings into the community.

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1 And finally, there's an integration of the
2 infrastructure into the -- the project. We've made a
3 commitment to underground storm water retention, which
4 I think will -- is my initial response to Commissioner
5 Hood's question about run-off and drainage. And we
6 have our engineers -- our civil engineers here tonight
7 who can perhaps answer your questions in further
8 detail, should you require it.

9 But there's a -- an underground system of
10 storm water run-off storage and filtration, which is
11 sort of above and beyond what needs to be done by
12 right. But that allows us to -- to put all that stuff
13 away, manage the storm water run-off, but not have to
14 deal with storm water retention ponds and esthetic
15 issues that really aren't appropriate for the
16 neighborhood.

17 And I think that's -- that's a pretty good
18 overview of the changes that have been made,
19 architecturally.

20 CHAIRPERSON MITTEN: Thank you. Anything
21 else that you wanted to present?

22 MR. GLASGOW: Yes. We'd like to have Mr.
23 Sher make his presentation, going through the numbers.
24 And then we have Mr. Papazian here, I believe.

25 CHAIRPERSON MITTEN: Yes. We see him.

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1 MR. GLASGOW: Yes. All right. In case
2 there were any questions concerning traffic. But we
3 -- we have the -- the DDOT report. That's solely up
4 to the Commission members. We've reduced density.
5 We've assumed that if we didn't have a problem before,
6 with reducing density by 18 units, we -- but we're
7 prepared on that if there's some type of question.

8 CHAIRPERSON MITTEN: Okay.

9 MR. GLASGOW: All right. Mr. Sher?

10 MR. SHER: I -- I'd like to give the
11 statistical overview of what you heard before, on the
12 three pages that you've been handed. And just to --
13 to run through those quickly.

14 On the first page, we compared the
15 previous proposal, i.e., the one that was presented at
16 the hearing back in July, with what we've just handed
17 to you. And, as -- as I discussed briefly in -- with
18 -- in response to Commissioner Jeffries' questions,
19 we've reduced the number of units from 187 to 169.

20 The FAR's gone down slightly. The lot
21 occupancy's gone down slightly. The total area of
22 community parks has essentially remained the same. We
23 have not reduced any of those in -- in the changes.
24 But -- and the extra lot occupancy basically gets
25 picked up as open space around the individual units.

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1 If you look at the second page, or maybe
2 I'll -- I'll just skip to the third page, and then
3 come back to the second, we ran computations that we
4 presented at the first hearing on -- on occupancy and
5 green space over the site as a whole. And you can see
6 in the first column that our -- our lot occupancy
7 technically was 27 percent when you excluded the
8 private drives and -- and alleys that were in there
9 and -- and what I -- what I'll call you come up with
10 a net site area. The occupancy of that was about 35
11 percent.

12 The numbers now are 26.6 and 34.7. So
13 there's not a significant difference there. And when
14 you look at the green space, our number's gone up a
15 little bit and, as a percent of the total site, the
16 numbers are essentially the same. They're not --
17 there's not a significant difference there. But we've
18 provided those.

19 Then to turn back to the affordable
20 housing calculation, some of this required a little
21 bit of -- of making some assumptions on my part to get
22 here. Because you're comparing an R-1-A district now,
23 which doesn't have an FAR.

24 It -- it allows a -- a minimum lot size
25 and -- and lot occupancy and height and so forth, to

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1 a zone which has an FAR. And so how do you get --
2 it's sort of -- maybe it's Mackintosh apples to
3 Delicious apples or whatever it is.

4 But, to -- to get to a point where I
5 could come up with what I thought was a reasonable
6 comparison, what I assumed as the matter of right
7 density was if you took the entire site of 505,000
8 square feet and -- and assumed that you would have a
9 -- a lot area of 5,000 square feet, that would be 101
10 lots.

11 But, in order to actually build it, you're
12 going to lose some of those lots because of streets,
13 alleys, and so forth. So I knocked that down by 20
14 percent; which is a standard sort of reduction in
15 something like that. We haven't tried to lay that out
16 exactly, but 20 percent is the right order of
17 magnitude.

18 So that gets us down to 80 matter of right
19 lots. So, when you look at the first bunch of
20 calculations on that page, looking at the affordable
21 housing as a percent of units, we were at 187. The
22 increase was 107 over the 80. That's -- and we had 17
23 units. That was 15.89 percent.

24 Now we're at 169 lots. We have an
25 increase of 89. We have 14. We're a -- a shade off

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1 that. These are not -- you can't have half a unit.
2 It's either all of a unit or not all of a unit. So we
3 have 14 versus 17, 15.89 percent, versus 15.73
4 percent.

5 If you look at the square footage, which
6 is the next block, what I did there was -- was have to
7 make an assumption about what the -- the typical size
8 of a house would be under R-1-B. We assumed again,
9 and I think Mr. Parsons asked this question the last
10 time, if you have a 5,000 square foot lot and you're
11 allowed to occupy 40 percent of it over three stories,
12 you could, in theory, build a 6,000 square foot house.
13 That would be out of scale and unlikely in this
14 neighborhood.

15 So we looked at the size of houses we were
16 proposing on somewhat smaller lots, adjusted that, and
17 I used as my bench line a house of 3,500 square feet.
18 If you took 80 times the 3,500, that gets you to a
19 baseline of 280,000 square feet, under the existing
20 zoning. Again, that's net site, taking 20 percent out
21 and whatever.

22 When you run those numbers, you get to the
23 percentage -- the affordable housing as a percentage
24 of the increase of 20 percent of the old and 25
25 percent under this plan. So we have done better than

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1 where we were before, because of the sizes of the
2 units have changes, and so forth.

3 So that's all before you and -- and I --
4 I think the real, sort of, bottom line here is that
5 the proportions are all essentially the same. We --
6 we've changed somewhat the number of units. We've
7 reduced the number of units; changed the lot occupancy
8 and the FAR. But they're all essentially in the same
9 ratio as to where they were before.

10 CHAIRPERSON MITTEN: Okay. Thank you.
11 Anything else?

12 MR. GLASGOW: That concludes our rebuttal
13 testimony.

14 CHAIRPERSON MITTEN: Okay. Let me see if
15 the Commissioners have any more questions. And then
16 we'll get to any cross examination. Anybody else have
17 any questions for Mr. Glasgow?

18 COMMISSIONER JEFFRIES: Quick question for
19 the architect. The oval garden, what's -- I see that
20 some of the yards to some of the row houses are facing
21 that. What's exactly going on there?

22 MR. LOHSEN: The oval garden is adjacent
23 to the large condominium building? Is that what
24 you're referring to?

25 COMMISSIONER JEFFRIES: Yes.

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1 MR. LOHSEN: That is making use of the
2 space immediately adjacent to that large condominium
3 building. The townhouses along Sligo Place are
4 actually about three feet lower than the oval garden.

5 COMMISSIONER JEFFRIES: So there's some
6 clear distinction of space?

7 MR. LOHSEN: That's correct.

8 COMMISSIONER JEFFRIES: Okay.

9 MR. LOHSEN: The oval garden, there's a
10 landscape plan in the amended packet which shows the
11 edges of that oval garden are landscaped.

12 COMMISSIONER JEFFRIES: Okay. All right.

13 MR. LOHSEN: Sheet SO8. Are landscaped to
14 provide -- okay. And that's in the original package.

15 COMMISSIONER JEFFRIES: Oh. That's the
16 original. Okay.

17 MR. LOHSEN: And they're landscaped to
18 provide shelter and --

19 COMMISSIONER JEFFRIES: Okay. But there's
20 an elevation grade difference between those? Okay.

21 MR. LOHSEN: That's -- that is right;
22 between the alley and the lawn.

23 COMMISSIONER JEFFRIES: Okay. Thank you.

24 CHAIRPERSON MITTEN: Mr. Hood?

25 VICE CHAIRPERSON HOOD: Yes. We were

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1 talking about the storm water run-off, and you
2 mentioned the retention wall. Can you tell me where
3 it is on this schematic; where it would be located and
4 how many would it be?

5 MR. LOHSEN: I defer to Rob Jeter from
6 Kimley Horne Engineers to answer that.

7 VICE CHAIRPERSON HOOD: Okay.

8 MR. JETER: Sir, I would like to turn your
9 attention to sheets S-26, which is the proposed
10 grading and drainage plan on the amended package.

11 On the amended package, we have two large
12 indicators for underground retention --

13 VICE CHAIRPERSON HOOD: Let me catch up
14 with you. I'm not moving as fast.

15 CHAIRPERSON MITTEN: We don't have an S-
16 26.

17 MR. SHER: This was in the original
18 package submitted back in July.

19 CHAIRPERSON MITTEN: Oh, that one? Okay.
20 No, this one.

21 VICE CHAIRPERSON HOOD: There's a number
22 of packages here.

23 MR. SHER: Yes.

24 MR. JETER: Mr. Hood, I believe you have
25 the right package. The -- the amended package.

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1 VICE CHAIRPERSON HOOD: This one here?
2 Oh, I had the right one.

3 MR. JETER: You had the right package.

4 CHAIRPERSON MITTEN: Oh, I'm sorry. That
5 was me.

6 MR. JETER: There is one version in each
7 package. This amended package replaced the original
8 submittal.

9 CHAIRPERSON MITTEN: Here.

10 VICE CHAIRPERSON HOOD: Okay. I have it
11 now. Okay. Thank you. You can go ahead. I have it.

12 MR. JETER: The storm water on this site,
13 there's approximately a 30 foot drop from Sligo Mill
14 road down to New Hampshire Avenue. We will be
15 capturing the majority -- all of the run-off in
16 underground detention systems.

17 The run-off from the roofs of the
18 townhomes and the single family homes will be captured
19 on individual lot retention and underground filtration
20 systems.

21 The run-off from the roadways will be
22 captured in catch basins and will enter into the
23 detention basins. Before the water leaves the site,
24 it will go through one of three sand filters. On the
25 site, the sand filters are designed to treat the water

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1 quality on the site.

2 VICE CHAIRPERSON HOOD: Help me with the
3 location. I think I see it. Can you tell me the
4 location of the three; where they are located?

5 MR. JETER: Okay. They -- they're near
6 the exits to the property. So there would be -- there
7 would be down -- one on Quackenbos Place near New
8 Hampshire Avenue, where that tie-in to the storm water
9 would occur into New Hampshire Avenue.

10 VICE CHAIRPERSON HOOD: Okay.

11 MR. JETER: It's there. There is a
12 rectangle representing that sand filter there.
13 There's a -- there is a rectangle representing the
14 sand filter near unit AE-1, which is just north of
15 Quackenbos Place.

16 VICE CHAIRPERSON HOOD: AE-1? Let's see.

17 MR. JETER: There's a -- a set of six
18 parking spaces.

19 VICE CHAIRPERSON HOOD: Slow down and let
20 me read. I'm just trying to see. So basically, it
21 looks like so far the first two are in line with
22 each other as we progress up the hill?

23 MR. JETER: Correct. They are capturing
24 water as it is coming down that direction. There's a
25 sand filter near Rittenhouse Street at the exit to the

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1 property; a rectangle there.

2 VICE CHAIRPERSON HOOD: So what do we do
3 at Peabody and New Hampshire?

4 MR. JETER: The flow for this -- pretty
5 much this whole haft of the site is actually being
6 captured in the storm drain systems and being brought
7 back into the underground retention here. So all the
8 flow on the south -- southern half of the property
9 will ender into the sand filter -- or, excuse me,
10 first into the detention area -- the large detention
11 area, and then will exit the site through the sand
12 filter.

13 VICE CHAIRPERSON HOOD: Okay. Now, let me
14 ask you, previous experience has told this Commission
15 that they have to be, I guess, cleaned every -- what,
16 how many years? Every so often.

17 MR. JETER: The sand filters need to be
18 cleaned about once a year. And that will be the
19 responsibility of the Home Owners' Association.

20 VICE CHAIRPERSON HOOD: Okay. And that's
21 already -- I guess that's understood and that's been
22 discussed. Because I understand it costs quite a bit
23 of money.

24 MR. JETER: That would be something that's
25 under the Homeowners' Association. It's not uncommon

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1 in these type of developments. In fact, part of what
2 is -- what had been requested by the Commission before
3 was two pieces. One that we just submitted to Ms.
4 Schellin; the Planned Unit Development Inclusionary
5 Housing Commitment Standards; which is taken from the
6 standards that we did on the H Street Project that --
7 off of Rhode Island Avenue and Fourth Street.

8 And then also there is a sheet that talks
9 about the maintenance of common areas and green spaces
10 and uses of community room, which I recall the
11 Commission members wanted some language as to who
12 would be responsible for that.

13 And, in the first paragraph, the
14 maintenance of common areas and green spaces covers
15 all of those types of things.

16 VICE CHAIRPERSON HOOD: Okay. All right.
17 Thank you. Thank you, Madam Chair. That's all the
18 questions I have.

19 CHAIRPERSON MITTEN: I just wanted to ask
20 a follow-up question. Since Mr. Hood has been pretty
21 diligent about asking about this, I just want to get
22 a little bit more educated. If you have a site that
23 has slopes like this, is there some different standard
24 for dealing with the water? Because it's not just
25 falling vertically down; it's got this other force on

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1 it.

2 Is there -- how do you accommodate the
3 fact that it can -- it's not just going to sit on a
4 flat surface and be absorbed? How do you design to
5 deal with that?

6 MR. JETER: The slope on a site has to do
7 with the -- the pace of the run-off.

8 CHAIRPERSON MITTEN: Yes.

9 MR. JETER: So you'll have higher
10 intensity and flow rates, to which you have to
11 capture. So, as the water runs off faster, you have
12 to enlarge your storm drain system to be able to
13 capture the peak flows.

14 CHAIRPERSON MITTEN: So it's part of a
15 formula?

16 MR. JETER: It is, actually.

17 CHAIRPERSON MITTEN: Okay. Okay. Anyone
18 else? Mr. Turnbull?

19 COMMISSIONER TURNBULL: Madam Chair, I
20 just have one question. We have them -- and maybe if
21 there's an update to the areas that are subject to
22 land transition -- transaction; those areas. Is there
23 an update? Is that still something?

24 There are several parcels that are
25 indicated. There's one down by the -- on New

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1 Hampshire; the home.

2 MR. GLASGOW: We have letters of
3 authorization from those owners that we can put into
4 the record on those.

5 COMMISSIONER TURNBULL: Okay.

6 MR. GLASGOW: And I thought -- didn't they
7 get put in last time? I think they were put in the
8 last hearing.

9 COMMISSIONER TURNBULL: Okay. I wasn't
10 sure.

11 MR. GLASGOW: That's fine.

12 COMMISSIONER TURNBULL: Okay. Thank you.

13 CHAIRPERSON MITTEN: Anyone else? Mr.
14 Parsons?

15 COMMISSIONER PARSONS: I think you've made
16 some good progress over the summer in getting there.
17 There were a couple of points that I brought up at the
18 hearing that I don't see a response to, so I'm going
19 to bring them up again.

20 One is the observation I made last time
21 about the potential impact, and I don't know how to
22 describe it other than to just show it to you; it's
23 this house outside the project that is behind the --
24 or below the parking area, the six car parking area.

25 And we -- we talked about the need for a

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1 retaining wall there. What kind of relationship
2 between your development and this existing house was
3 going to occur. And I think the response was yes,
4 there will be a retaining wall.

5 And I was urging you to reconsider the
6 parking lot. Did you think any more about that?

7 MR. JETER: I would like to respond
8 regarding the constraints of the property with the 30
9 foot drop on the property.

10 We are constrained in terms of the roadway
11 network on the maximum allowable slopes; particularly
12 Rittenhouse Place. You'll see that the contours on
13 the exhibit that you're looking at are tightly spaced.
14 That is a DDOT requirement and we've committed to
15 making sure that our design of our streets meets
16 DDOT's criteria, both in -- in geometric design as
17 well as material design.

18 So, it's a matter of how fast can you get
19 down the hill, so to speak.

20 MR. GLASGOW: Mr. Parsons, I think we can
21 -- we've -- we have a fair amount of parking on this
22 site, I think, as the Commission is aware. And I
23 think that's probably part of your question; if we
24 have a lot of excess parking on the site, do we have
25 to have these six spaces.

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1 COMMISSIONER PARSONS: Yes.

2 MR. GLASGOW: And I've talked with the
3 Applicant and the answer is no, we don't need those
4 six spaces.

5 COMMISSIONER PARSONS: Yes. I was hoping
6 that we could pull back from that and maybe pull back
7 your requirement for a retaining wall to get it out of
8 this individual's back yard.

9 MR. GLASGOW: Yes.

10 COMMISSIONER PARSONS: And not have to
11 erect something on the property line, even though we
12 don't know how high it is from these drawings.

13 MR. GLASGOW: I think we can -- we can
14 work with that, Mr. Parsons, because we don't --

15 COMMISSIONER PARSONS: Can we take a look
16 at that? Can you give us another sketch?

17 MR. GLASGOW: Yes. Right. Because we
18 don't need these -- these spaces to make this project
19 work. We have -- we have sufficient parking for
20 guests, for our own needs, and -- and we've -- we've
21 accounted for that.

22 COMMISSIONER PARSONS: All right. Now, I
23 was also concerned last time about the setting of the
24 -- I'll call it the historic property, but we'll call
25 it the condominium -- the big building and the

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1 possibility of eliminating all of the I units and the
2 K units, that is four of each, to provide a grand
3 lawn, if you will, or a great lawn in front of that
4 building.

5 And I think the response of the architect
6 was, well these townhouses will provide an allay of a
7 sense of entry; sense of arrival at this place, or
8 something. I can't remember. I'm paraphrasing.
9 Which I disagreed with.

10 But I wondered if you'd had any
11 opportunity to think about that any further?

12 MR. JARVIS: Mr. Commissioner, I guess we
13 thought that they were still an important part of the
14 development.

15 COMMISSIONER PARSONS: Okay. Thank you.

16 CHAIRPERSON MITTEN: Anyone else? Okay.
17 Let's see if Commissioner Whiting has any cross
18 examination? No cross examination? Okay. Then Ms.
19 Jefferson? Or Mr. Martin, are you here? Okay.
20 Great.

21 Do you have any cross examination of the
22 rebuttal testimony, sir? I need you on a microphone,
23 so perhaps this gentleman can make room for you.
24 Would you turn the microphone on for me? Just state
25 your name for the record, so that we know who you are.

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1 MR. MARTIN: I's Lawrence L. Martin.

2 CHAIRPERSON MITTEN: Okay.

3 MR. MARTIN: I represent Citizens Aware.

4 CHAIRPERSON MITTEN: Yes.

5 MR. MARTIN: And I heard mentioned in some
6 of the earlier testimony something about traffic. And
7 I wondered whether, at this point, I could enter
8 empirical data to illuminate on that particular
9 subject?

10 CHAIRPERSON MITTEN: You can do that. You
11 can't do that orally, but you can submit that for the
12 record.

13 MR. MARTIN: Okay.

14 CHAIRPERSON MITTEN: Okay. Did you have
15 any questions on what you heard from the Applicant?

16 MR. MARTIN: Well, I did have questions.
17 They were talking about the Memorandum of
18 Understanding. I had problems with that and I think
19 the community has problems with that.

20 CHAIRPERSON MITTEN: Okay. This is not
21 the time to testify.

22 MR. MARTIN: Oh, okay.

23 CHAIRPERSON MITTEN: Did you want to ask
24 anything?

25 MR. MARTIN: I want to ask them a

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1 question.

2 CHAIRPERSON MITTEN: Okay. Great. Go
3 ahead.

4 MR. MARTIN: Mr. Jarvis, on the Sunday of
5 September -- I mean of August 27th, how is it that a
6 meeting was held to advance the proposal -- a change
7 in the proposal from July 20th with people who were
8 not representative of the community? And I notice on
9 the signed sheet, you have, if I'm looking at this
10 correctly, you have a Memorandum of Understanding and
11 you have a number of spaces for people to sign.

12 The Lamond Riggs's Association, Citizens
13 Aware, Lamond Community Action Group, and for the West
14 Group Development. And my question is, how did you
15 plan to negotiate this Memorandum of Understanding
16 without going through the proper channels?

17 MR. JARVIS: Mr. Martin, the -- I'm not
18 sure that I know that there is a specific proper
19 channel. We negotiated this Memorandum of
20 Understanding with the people who came to us,
21 indicating that they were the representatives of a
22 community group; some of whom were specific that they
23 had specific authorization from their organizations to
24 do this negotiation; some of whom were specific that
25 they didn't have authorization, per se, but they had

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1 participated in a community process and they still
2 wanted to relay the indications of what it was that
3 they wanted to make sure the design principles were.

4 So, from that standpoint, the development
5 team took the negotiating group that we negotiated
6 with as we found them. We didn't dictate who they
7 were and we didn't specify who they should be. They
8 came to us and we talked to them. And that's how the
9 Memorandum of Understanding came to be.

10 MR. MARTIN: Sir, are you aware of the
11 membership of the Lamond Riggs Citizens Association?
12 They claim they have 200 members.

13 I would suggest to you, and I have this
14 question, of the 200 members of the Lamond Riggs
15 Citizens Association, only a hand full belong to 4B07
16 4B08. The rest of the members are in 4B09 or in Ward
17 5.

18 And my question is they're on here to
19 represent the community. Now we are the ones who are
20 directly affected, and you don't hear our --

21 CHAIRPERSON MITTEN: What's the question?

22 MR. MARTIN: You're not listening to --

23 CHAIRPERSON MITTEN: Mr. Martin, what's
24 the question?

25 MR. MARTIN: The question is are you aware

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1 of the membership and the make-up of the Lamond Riggs
2 Citizens Association as a part of this Memorandum of
3 Understanding?

4 MR. JARVIS: Mr. Martin, yes, I am. And,
5 in fact, the Lamond Riggs Citizens Association came to
6 this body on July 20th and testified against us and
7 claimed to have standing. And therefore, we
8 negotiated with them and we came up with a Memorandum
9 of Understanding.

10 So they had standing on July 20th. We
11 were negotiating with the President. The President
12 indicated that he had the authorization of his body.
13 And that's who we focused with.

14 MR. MARTIN: On the meeting of September
15 5th, there was a great disagreement between a member
16 there and the President of Lamond Riggs Citizens
17 Association. I guess you were there?

18 MR. JARVIS: Yes, sir.

19 MR. MARTIN: My question there is, when
20 the challenge was made and you were sitting there,
21 then there was no mention made by you and how do you
22 still believe that this Memorandum of Understanding
23 represents the community?

24 MR. JARVIS: Mr. Martin, I can only deal
25 with the people who come to me holding the office of

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1 the organizations and make the representations that
2 they have the authority.

3 MR. MARTIN: Now, the other question I
4 have is on this Memorandum of Understanding there is
5 no space for the ANC 4B07, on which the property is
6 located. There is no space for her signature at all,
7 as a part of this Memorandum of Understanding.

8 My question is, why is there that
9 omission?

10 MR. JARVIS: Because that Advisory
11 Neighborhood Commissioner was not part of the small
12 group that came to us that wanted to negotiate a
13 Memorandum of Understanding.

14 MR. MARTIN: Why wasn't she invited or why
15 wasn't she a part of that small group of -- of people
16 who represented the community?

17 MR. JETER: I'd have to reiterate, we
18 didn't invite anybody. We didn't specify who the
19 group was. The group formed of its own and came to
20 us.

21 MR. MARTIN: Well, as I understand, a
22 meeting was held out of the area and these people had
23 to be invited to find -- to -- to know where they were
24 going. My question is, why is the single member
25 district ANC omitted from this list?

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1 CHAIRPERSON MITTEN: Just bear with me.
2 He already answered that question. And unless -- I
3 think the Commission understands that this was a group
4 that approached the developer. And they composed
5 themselves.

6 And if you have any more on the subject of
7 who was there and why were they there, I don't think
8 that's going to be helpful to the Commission at this
9 point. So I'm going to ask you to move on to another
10 subject, if you have one.

11 MR. MARTIN: All right. In terms of the
12 vote, the four/four vote, at the meeting were you
13 aware that the ANCs took a vote, five to three, and
14 then, after the meeting was adjourned, there was a
15 change in the vote, after the meeting was adjourned.
16 Then there was a --

17 So my question is, are you aware of that
18 change of vote after the meeting was adjourned?

19 MR. JARVIS: Madam Chair, if that's
20 helpful, I'm happy to attempt to answer.

21 CHAIRPERSON MITTEN: What's the purpose in
22 you asking that question?

23 MR. MARTIN: Because I think --

24 CHAIRPERSON MITTEN: We have a whole
25 litany of this and that and back and forth with the

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1 ANC.

2 MR. GLASGOW: Mr. Jarvis didn't testifies
3 as to any of that.

4 MR. MARTIN: Okay.

5 CHAIRPERSON MITTEN: Okay. Mr. Martin,
6 what's your purpose in asking that question?

7 MR. MARTIN: Because I feel that the July
8 20th vote should have stood or should stand, and not
9 the change of a vote after a meeting is adjourned on
10 a subsequent date on September 5th.

11 CHAIRPERSON MITTEN: Well, there's clearly
12 -- you know, our Commission, this Commission, the
13 Zoning Commission has to sort out what position of the
14 ANC will receive great weight. So you don't need to
15 debate that with the developer and you don't need to
16 draw more information out. I think the record is what
17 the record is on that subject.

18 So did you have any other questions
19 germane to the presentation that they made?

20 MR. MARTIN: No. Excuse me for a moment.
21 Mr. Jarvis, has the community seen the new drawings?
22 Has the community seen the new drawings?

23 MR. JARVIS: I would ask -- the answer is
24 no.

25 MR. MARTIN: Have the ANCs seen the new

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1 drawings?

2 MR. JARVIS: The answer is no. The
3 community came to us in a period of time that did not
4 afford the full architectural review of this process.
5 And so, in agreement, what the community has seen
6 repeatedly is our plan and now our plan simply has
7 less units.

8 MR. MARTIN: Therefore, I'm ask you, then
9 this is a new plan?

10 MR. JARVIS: Mr. Martin, I guess I would
11 disagree. It's the same plan. It's simply a plan
12 with less units and with a revision of moving some
13 single family homes to where some townhomes were.
14 But, for the most part, it's the same plan that has
15 been proposed to the community and with which we've
16 been discussing with the community for a year and a
17 half.

18 MR. MARTIN: Mr. Jarvis, this -- was this
19 the plan that was voted on by the ANCs?

20 MR. JARVIS: I can't speak for the ANC,
21 Mr. Martin.

22 CHAIRPERSON MITTEN: Did you have anything
23 else, Mr. Martin?

24 MR. MARTIN: No.

25 CHAIRPERSON MITTEN: Okay. Thank you,

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1 very much. Okay. Now I would like to ask
2 Commissioner Whiting to come back up for a second.
3 Because the question that Mr. Martin asked is a
4 question that I was curious about, myself. And he
5 can't ask it, so I will.

6 The vote that was taken by the ANC, were
7 any of the new elements that were presented to us
8 tonight before your commission when you took the vote?

9 MS. WHITING: They were presented without
10 pictures at the September 5th ANC special meeting.

11 CHAIRPERSON MITTEN: Okay. So
12 conceptually, with words, they were presented?

13 MS. WHITING: Yes.

14 CHAIRPERSON MITTEN: Okay. Anybody have
15 any follow-up on that? Okay. Thank you, very much.
16 Mr. Glasgow, would you like to have your closing now?

17 MR. GLASGOW: Yes. Just very briefly,
18 Madam Chair and members of the Commission, in
19 preparing for our rebuttal testimony and making our
20 final presentation and closing statement in this case,
21 we have worked extremely hard with community
22 representatives to put together a proposal that meets
23 the communities' and the District's needs.

24 We believe that we have come up with a
25 rationale and thoughtful development proposal for this

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1 ten plus acre site, which includes a combination of
2 unit sizes, types, detached single family homes,
3 townhomes, condominium living accommodations, with a
4 mix of affordable and market rate housing with large
5 community open spaces. That would not occur in that
6 fashion, obviously, if we were not going through a PUD
7 process.

8 In reviewing this case, the Commission I'm
9 sure is mindful and considers the significant benefits
10 that will occur as a result of the PUD. Part of that
11 is the storm water management and all of those things
12 that go into some of those processes that the
13 Commission has asked about tonight.

14 The project has an affordable housing
15 component with 14 units, which would not otherwise be
16 produced and which is approximately 16 percent of the
17 unit increase, as a result of the PUD, and
18 approximately 25 percent of the FAR -- of the
19 increased FAR in the PUD.

20 The proposal would also return the two
21 existing office uses to productive residential use, so
22 we would have a change of use on the site, from the
23 non-residential to residential use.

24 In addition, the quality of construction
25 should be very important to the community and the

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1 City. We've been down here and seen where the
2 Commission has taken great interest in the quality of
3 design in other projects that have recently been
4 reviewed.

5 In this case, we know the increased cost
6 of construction to the project to have masonry facades
7 on all views of the building is another \$5-600,000 in
8 expense. The additional costs for landscaping that we
9 have for sidewalk areas and areas in public space that
10 would be improved around the site is over \$1,000,000.
11 The triangular park located off of Chillum Place will
12 cost an additional \$200,000 to landscape and plant as
13 we have shown the Commission with our drawings. So
14 there are significant improvements to public space as
15 a result of this proposal.

16 The Commission is also aware that the PUD
17 process provides the opportunity for DOES First Source
18 Employment and LSDVE agreements which would not be
19 done under a matter of right construction.

20 We have been working with the Office of
21 Planning and the community for approximately a two-
22 year time frame to come up with this project, and we
23 recognize there continues to be some division with the
24 community with respect to the proposal. But we have
25 a Memorandum of Understanding. We have made

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1 significant progress with major community groups
2 within the area that now support the project that
3 didn't previously.

4 We believe that -- therefore, we believe
5 that we have a very well thought out and comprehensive
6 solution for development of this site which, while it
7 may not please everyone, certainly has substantial
8 support within the community.

9 We believe that implementation of this
10 plan will be an asset to the community and to the
11 District of Columbia; will further the goals of
12 affordable housing and provision of a number of
13 different housing types and styles within the
14 community, and is worthy of receiving the approval of
15 this Commission. Thank you.

16 CHAIRPERSON MITTEN: Thank you. I think
17 the only thing that we have left is to have the
18 revised site plan that reflects the removal of the six
19 parking spaces, as you discussed with Commissioner
20 Parsons.

21 MR. GLASGOW: That's correct. That is
22 correct.

23 CHAIRPERSON MITTEN: And, unless any of
24 the Commissioners feel otherwise, I'd like to leave
25 the record open for that item as well as the item that

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1 Mr. Martin wants to submit, which is some empirical
2 data regarding traffic. And, other than that, the
3 record will be closed as of tonight.

4 So there's only two items that it's open
5 for, is for the revised site plan and Mr. Martin's
6 data. And then --

7 MR. GLASGOW: Madam Chair, could I ask one
8 question with respect to that?

9 CHAIRPERSON MITTEN: Sure.

10 MR. GLASGOW: Because we also have data
11 with respect to accident counts and things at various
12 intersections around this area.

13 CHAIRPERSON MITTEN: Okay.

14 MR. GLASGOW: And so we would then, if
15 that is going to be receive from him, we'd like you to
16 receive ours.

17 CHAIRPERSON MITTEN: Okay.

18 MR. GLASGOW: Because we got our
19 information from DDOT.

20 CHAIRPERSON MITTEN: Okay. So we'll have
21 some traffic data from the Applicant and from Mr.
22 Martin. And, other than that, the record will be
23 closed as of tonight. And the record will stay open
24 to receive those materials until the 21st. Is that
25 how I'm supposed to read my note? Okay. So, you'll

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1 have to submit that, Mr. Martin, by the 21st of
2 September.

3 If you have a question, you need to come
4 forward.

5 MS. SCHELLIN: I think he might have it
6 tonight. Is that what it is? Do you want to submit it
7 tonight?

8 CHAIRPERSON MITTEN: Just let him answer
9 me.

10 MR. MARTIN: I would like to know whether
11 or not we have an opportunity to question the ANCs.

12 CHAIRPERSON MITTEN: Oh, you know, I'm
13 sorry. You know, I didn't give you that opportunity
14 when they made their report. So, did you want to
15 question them on their report?

16 MR. MARTIN: I would like to ask --
17 request -- ask questions of the single member district
18 or the Chair, Ms. Whiting, if I may.

19 CHAIRPERSON MITTEN: Is it confined to the
20 resolution that they submitted? Because that was the
21 sum of their testimony.

22 MR. MARTIN: Yes.

23 CHAIRPERSON MITTEN: So, Mr. Martin, you
24 wanted to ask the ANC about their resolution? Okay.
25 I didn't give them the chance, Mr. Glasgow. It's my

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1 fault. We'll have Ms. Jones and Ms. Whiting up front.

2 MR. GLASGOW: Madam Chair, will we have an
3 opportunity to submit a draft order?

4 CHAIRPERSON MITTEN: We would love that.
5 I haven't gotten through all the deadlines yet. Mr.
6 Martin, what are your questions? Mr. Martin, it's
7 time to ask the questions.

8 MR. MARTIN: All right. All right. The
9 resolution introduced, does it represent the prior or
10 the present -- or the new proposal just presented; the
11 prior or the new proposal just presented?

12 CHAIRPERSON MITTEN: I just asked that
13 question. I just asked that question. Okay. So
14 what's the next question?

15 MR. MARTIN: What -- what -- what was the
16 answer?

17 CHAIRPERSON MITTEN: The answer is that
18 the Applicant, at their meeting when they took this
19 vote, had orally presented the new concepts without
20 showing the boards that we saw tonight.

21 What's your question, Mr. Martin?

22 MR. MARTIN: My question is, did they vote
23 on that? Did the ANCs vote on that?

24 CHAIRPERSON MITTEN: That was the nature
25 of your vote, was it not?

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1 MS. JONES: No.

2 CHAIRPERSON MITTEN: Okay. You need to
3 sit back. Okay. Poor Mr. Martin. He's getting it in
4 both ears sometimes. Okay. What did you vote on?

5 MS. WHITING: We voted on what was
6 presented September 5th.

7 CHAIRPERSON MITTEN: And that includes the
8 oral changes, no boards?

9 MS. WHITING: The oral changes and the
10 resolution with the amendments.

11 CHAIRPERSON MITTEN: Okay.

12 MS. JONES: No, that was not. The
13 resolution I submitted, which was the resolution in
14 this, was the -- the prior presentation.

15 MS. WHITING: And that's why friendly
16 amendments were made to it, because of what the West
17 Group presented on September 5th.

18 CHAIRPERSON MITTEN: That's why, when I
19 looked on page four, you said look on page five?

20 MS. WHITING: Right. Right.

21 CHAIRPERSON MITTEN: Okay. So what you
22 voted on and what is your resolution reflects the --

23 MS. WHITING: September 5th's meeting.

24 CHAIRPERSON MITTEN: Thank you. What
25 else, Mr. Martin? Please sit down.

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1 MS. JONES: That's not -- that's not the
2 resolution.

3 MR. MARTIN: Where -- let me ask you this
4 question. Can you indicate where this is -- where
5 this is reflected?

6 MS. WHITING: It doesn't state that it's
7 voted on what date, just like the one on July 20th
8 didn't state what date it was voted. What we had in
9 front of us on September 5th is what we were listening
10 to and what we voted on.

11 We weren't voting on what was told to us
12 on July 27th hearing.

13 CHAIRPERSON MITTEN: She's testified to
14 it. What's your next question, Mr. Martin?

15 MS. JONES: That wasn't the Commission.
16 That wasn't the understanding of the other ANCs.

17 MS. WHITING: It's reflected in that
18 resolution, that we took a vote on September 5th. We
19 took a vote on what was presented September 5th, at
20 the start of the meeting, which was 7:13 until 9:00
21 something. It's listed in the minutes.

22 CHAIRPERSON MITTEN: Did you vote after
23 you heard the Applicant's presentation?

24 MS. WHITING: Yes. The vote was at the
25 end of the meeting.

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1 CHAIRPERSON MITTEN: Okay. I think that's
2 all we need to know. Mr. Martin, what else do you
3 have?

4 MR. MARTIN: I -- I have no further
5 questions. My -- my question to Ms. Whiting is, and
6 you say it's been answered, but I couldn't understand,
7 and I ask again, I couldn't understand why -- why,
8 after the vote was adjourned, the ANCs voted to
9 adjourn. And this change came about after the ANCs
10 voted to adjourn.

11 CHAIRPERSON MITTEN: I'm going to ask you
12 to -- I mean, I think that, you know, that's all
13 interesting. And you guys can talk about that amongst
14 yourselves. The Commission is pretty confined in
15 terms of what we can accept as the resolution form the
16 ANC that we will give great weight.

17 So how all the machinations went on at the
18 meeting, maybe you can talk about that after the
19 hearing is over. Okay?

20 It's not germane to this Commission's
21 decision making. Okay? Thank you. Thank you all
22 very much.

23 Okay. So, just to review because we --
24 and I apologize again, Mr. Martin, for not giving you
25 the opportunity at the time. The record is closed as

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1 of tonight, except for traffic data from the
2 Applicant, traffic data from Mr. Martin, and the
3 revised site plan.

4 And then those will be received by the
5 21st of September. Then the ANC and Citizens Aware
6 can respond to the submission that you see. You will
7 have the opportunity to respond. And then I guess
8 October 5th is the date by which you will have to file
9 the proposed findings of fact and conclusions of laws,
10 as well.

11 And then our meeting is on October 16th,
12 and all of these submissions, the timing is such that
13 this could be on the agenda for our October 16th
14 meeting, which is a Monday.

15 Does everybody understand the dates for
16 submissions? Okay. Then I would just -- first of
17 all, I'd like to thank as many of you who chose to
18 come back out tonight as did for joining us, because
19 I know it was a long night on the 20th and it's nice
20 to have you back with us. We had a nice break during
21 August.

22 And, as I said, you know, the record is
23 closed except for those few items. As I said earlier
24 also, we would intend that this would be on the agenda
25 for our October 16th meeting. The meetings are at

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1 6:30 and they are on the second Monday. And I guess
2 that's not quite the second Monday, but there's a
3 holiday in there or something. The third Monday, and
4 we're back in this room.

5 You're welcome to come and observe our
6 deliberation and voting, but typically folks don't
7 participate at those meetings. So, if you're
8 interested in finding out for sure whether it's on the
9 agenda, you can call Ms. Schellin at the Office of
10 Zoning. And the hearing is now closed and we're
11 adjourned.

12 (Whereupon, the hearing was adjourned at
13 8:51 p.m.)

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