GOVERNMENT

OF

THE DISTRICT OF COLUMBIA

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BOARD OF ZONING ADJUSTMENT

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PUBLIC HEARING

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WEDNESDAY

MAY 5, 1999

The Public Hearing convened in Room 220, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice at 11:45 a.m., Sheila Cross Reid, Chairperson, presiding.

BOARD OF ZONING ADJUSTMENT MEMBERS PRESENT:

SHEILA CROSS REID Chairperson
BETTY KING Vice Chair
JERRY GILREATH Board Member
ANTHONY HOOD Zoning Commissioner

STAFF PRESENT:

Sheri M. Pruitt, Director
Alberto Batista, Staff
John Nyarku, Staff
Paul Hart, Staff
Beverly Bailey, Staff
Alan Bergstein, Esq., Staff

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

(11:45 a.m.)

MS. REID: Good morning.

MR. PETTIWAY: Good morning.

MS. REID: This hearing will please come to order. This is the May 5th public hearing of the Board of Zoning Adjustment, District of Columbia. My name is Sheila Cross Reid, Chairperson.

Joining me today are Betty King and Jerry Gilreath representing the National Capital Planning Commission.

Copies of today's hearing agenda are available to you. They're located to my left near the door.

All persons planning to testify, either in favor or in opposition, are asked to fill out two witness cards. These cards are located at the end of the table in front of us. Before speaking to the Board, please give both cards to the reporter who's seated to my right.

Order of procedure for special exception and various cases will proceed as follows. 1) statement and witnesses of the applicant, 2) government reports including Office of Planning, Department of Public Works, ANC, etcetera, persons or parties in support, persons or parties in

opposition, and closing remarks by the applicant.

Cross examination of witnesses is permitted for persons or parties with direct interest in the case.

The record will be closed at the conclusion of each case except for any materials specifically requested by the Board, and the staff will specify at the end of the hearing exactly what is expected.

Decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that persons present not engage the members of the Board in conversation.

At this time, the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today, but requests for postponement, continuance or whether proper and adequate notice of the hearing has been given.

If you are not prepared to go forward with the case today or if you believe that the Board should not proceed, now is the time to raise such a matter.

Does staff have any preliminary matters?

MR. HART: No.

MS. REID: Call the case, please.

MR. HART: Case No. 16444, Application of St. Martin's Catholic Church/City Lights School, pursuant to 11 DCMR 3108.1 for special exception under Section 206 to make alterations to a special education/alternative education school and to construct an addition to the school to be used as a vocational arts building to train students in industrial arts (carpentry, etcetera). The property is located in an R-4 District at premises 62 T Street, N.E. (Squares 3531 and 3532, Lots 824, 826 and 834).

Those persons planning to testify, please raise your right hand and take the oath.

(The witnesses were sworn.)

MR. PETTIWAY: My name is Ron Pettiway. I'm the Executive Director of City Lights School. And to my right here is Mr. Joe Quarterman who is the architect for the school for this particular project. And before I begin, I would like to ask the committee, could I get their permission to submit this document here to make it part of the record that addresses Article 206.

MS. REID: Okay.

MR. PETTIWAY: I have two more copies of you need them.

MS. KING: Here's an extra one here.

MS. REID: Okay. You're going to have to just project your voice because we don't have our recording system operating properly today. So just speak loud.

MR. PETTIWAY: Speak loud. Okay.

MS. REID: Okay. Before you start, Mr. Pettiway, there was a request for fee exemption for your organization, and we'd like to address that at this time. We, as the BZA, does not have authorization to be able to waive fees for nonprofit organizations or anyone else, for that matter. That's beyond our purview, so that is not something that, even though we would like to some times in certain circumstances, it is just beyond our authorization to be able to do so.

MR. PETTIWAY: Okay. Thank you.

City Lights School is a nonprofit school that provides special education services to kids in the District of Columbia. We currently have a capacity of 85 kids, but we currently have 78 that are enrolled. And what we would like to do is to enhance our vocational training program by building a vocational shop that will train these special ed kids in drywalling, basic carpentry and a little bit of finish painting.

And to that end, I've worked with Mr. Quarterman to help design that shop and now Mr. Quarterman can give you an idea of what the shop would look like.

MS. KING: Excuse me. What other classes will the participants who are using this facility be taking?

MR. PETTIWAY: What other courses?

MS. KING: Yes.

MR. PETTIWAY: They will be taking their -- it's a special ed school, so they will be taking their regular academic curriculum.

MS. KING: Oh, I see.

MR. PETTIWAY: In addition to the vocational training.

MS. KING: Vocational training in addition to a regular academic program.

MR. PETTIWAY: Yes.

MS. KING: Because there was this question of a trade school that was giving me some concern, but I understand now.

MR. PETTIWAY: No, it's not a trade school.

MS. KING: No, I understand.

MR. GILREATH: Special education now, are these handicapped children? What's their

status?

MR. PETTIWAY: This status. Well, in the District of Columbia, their status is like Level 4, severely emotionally disturbed. There are no physical handicaps. These are psychological and emotional.

MR. GILREATH: I see.

MS. REID: Mr. Pettiway, also, when you appeared last before us, there was an issue regarding the posting of the building, and you have this time made sure that that was taken care of. Correct?

MR. PETTIWAY: Yes. That was taken care of and was submitted.

MS. REID: Okay. Thank you.

MS. KING: Proceed.

MR. QUARTERMAN: Primarily, what I want to do is read from the --

MS. PRUITT: Excuse me. Please state your name for the record.

MR. QUARTERMAN: Yes. My name is Joseph Quarterman. I'm the --

MS. KING: And address.

MR. QUARTERMAN: My address?

MS. KING: Your home address.

MR. QUARTERMAN: 3927 South Dakota

Avenue, N.E., Washington, D.C. I'm here representing informally the national architect, Mr. John Tronton. What I would like to do is read the document that we prepared to address the 206 section of the --

MS. KING: The document that we were just given?

MR. QUARTERMAN: Yes. And then we can go to the drawings as we go forward.

MR. GILREATH: Madam Chair, we've read the material.

MS. KING: There's no opposition.

MR. GILREATH: The only concern I would have is the sound factor across Todd Place. Is that residential across the street?

MS. KING: Yes, it is.

MR. GILREATH: Houses are there.

MS. KING: Yes.

MR. GILREATH: If you can explain some of those factors, that'll really all I need to listen to unless the Board members want something.

MR. QUARTERMAN: We met with the ANC leadership and we explained to them.

MS. REID: And did they submit a letter to you? I didn't see one in the record.

MR. QUARTERMAN: We met with them two

days ago.

MS. REID: Do any of the other Board members have anything?

MS. KING: No, we have nothing in writing.

MS. REID: If, in fact, they have some opposition, we would know about it. So if we don't hear from them, we assume that they're all right with your application.

MR. QUARTERMAN: Yes. I was speaking with Mr. James Perry downstairs before I came up. He couldn't wait any longer, so he left and said he would be submitting a letter.

MS. REID: Who is James Perry?

MR. PLUMPE: James Perry, he's the ANC.

MS. REID: ANC Commissioner?

MR. PLUMPE: Yes.

MS. REID: Okay. He will be submitting a letter?

MR. PLUMPE: Well, he said there was -- I also met with him and he said that if you wanted to have a letter of support, he would submit one.

MS. REID: And he was in agreement?

MR. PLUMPE: Yes. There were no objections.

MS. KING: But they asked for planting

of trees.

MR. PLUMPE: Yes.

MS. KING: Was there anything else they asked for?

MR. PLUMPE: No.

MS. KING: Would you explain the site to us and the noise factor and how the trees are going to screen the noise.

MR. QUARTERMAN: Well, the trees won't be screening any sound at all. The sound will be contained within the building by the use of attenuating blanketing. It's sort of like a batt insulation. You may have seen this. There are special types that absorb more sound than others and, of course, building the ceiling with it will also absorb sounds. And we're speaking of sounds from small power tools such as hand saws, circular saws, drills and that sort of thing. So it's not like large industrial equipment, trucks and that sort of thing that will be disturbing.

So we're speaking of a noise factor of about 100 to 120 decibels. That material is capable of solving 90 to 95 percent of it.

MS. REID: Are you going to install sound proofing panels? Is that what you mean?

MR. QUARTERMAN: No. They won't be

sound proofing panels. They'll be pretty much basically gyp wall but inside the wall you put what's called sound attenuation blanketing.

MS. REID: Insulation?

MR. QUARTERMAN: Yes. It's --

MS. REID: Sound proofing insulation. That's what it is?

MR. QUARTERMAN: Correct.

MS. REID: Oh, okay.

MR. GILREATH: Now, the building is going to be metal.

MR. QUARTERMAN: It is a metal building.

MR. GILREATH: Are you going to have a certain kind of paint or something so the light will not be reflective or unduly noticeable? Is it going to be silver or is it going to be kind of a dull color or what?

MR. QUARTERMAN: It will be the zinc, the normal zinc gray that is natural to that type of building.

MR. GILREATH: How will that reflect sunlight? Very strongly?

MR. QUARTERMAN: Well, the north side, you must understand, this is north and the sun rises in the east, as they say, and circles to the south and sets in winter. So you won't have the problem

of having sun hit this building and glaring into any of these houses at all. So it's the north side which will be in shade at all times.

MS. KING: Where are you installing the trees?

MR. QUARTERMAN: This is why we have two charts. This is the lot itself and here's the building. The trees are being installed right along that north face, evergreen, pine trees.

MS. KING: To screen it for visual reasons. Is that it?

MR. QUARTERMAN: Exactly. Now, you must also understand that this building sets about 18', 15 to 18' above the street level. So when you look up, you don't need very high trees to screen what you see. If you were to -- I think I have a picture from Todd Street. If you would look from Todd Street at First Street which is this intersection here. This is First Street and this is Todd. If you were to stand right here and sort of look up, you would see the top of the gray and the fencing here and I would say a 10' tree would screen everything along here.

MS. KING: But not from the second and third stories of the houses across the street.

MR. QUARTERMAN: Yes. They're above 15'

second story, which they're also down. If you look out the second story window of these houses, you're pretty much level with that grade.

MR. GILREATH: What's the color of the material the school is made of? Is it brick?

MR. QUARTERMAN: Brick. Natural red brick.

MR. GILREATH: You've got a red brick school and you've got kind of a silver colored prefabricated building behind it. Right?

MR. QUARTERMAN: As well as cars. Now, you have cars that park along here, so that sort of shiny --

MR. GILREATH: Is there any additional cost involved? Is it practical to get that metal -- it comes in different colors or it only comes in silver or whatever it is? Zinc color.

MR. QUARTERMAN: Yes. Zinc is the natural gray color of that.

MR. GILREATH: This doesn't come -- you couldn't order some kind of duller gray or even a light brown or something that would be more compatible with the color of the school? If it's not practical but if you contacted the contractor and they said yes, this comes in different colors. Have you investigated that?

MR. QUARTERMAN: No, we have not. To our understanding, the building was initially purchased as part of some type of gift or whatever some time before we went into designing. We're designing pretty much the interior of the location, but the building is already -- did you want to elaborate?

MR. PLUMPE: Yes. The -- when we -- well, first of all, it was a -- we got the building through a grant that was a gift and again, the only colors that we had was the standard colors of the zinc like Joe was just describing. I don't know if there are other colors that exist, but the ones that we looked at were all the same. That was the industry standard.

MS. PRUITT: But zinc will oxidize over time, so it's not a shiny type silver. It's a very dull matte color silver. Is that correct?

MR. PLUMPE: Yes.

MS. PRUITT: So it's a typical Butler building with a sort of dull matte finish. So there's not a lot of reflectivity.

MR. QUARTERMAN: There's no shine in it at all.

MS. PRUITT: So if you're concerned about reflecting --

MR. GILREATH: Well, I think he's taken care of that but if I lived over there and I looked out the north -- is that the north side? Yes. And the trees will screen some of that. But further over to my right here looking at that, if I looked up at it and I saw this corrugated metal facility there, I mean it looks almost like a storage facility or something. Here is a brick school. I was just wondering if you had a color -- would it be possible to have them at least investigate whether or not this came in a color that would be more compatible to the school?

MS. PRUITT: But my understanding is this is an existing building that is already there. I mean existing structure that you're just going to move there. Is that correct?

MR. QUARTERMAN: It's not there.

MS. PRUITT: But it's an existing structure that you have.

MR. QUARTERMAN: Yes.

MR. GILREATH: Is it already assembled and does someone bring it here or is it just in parts you'll eventually bring over?

MR. QUARTERMAN: In parts that will be assembled on site.

MS. PRUITT: They have two fabricated

buildings called Butler buildings that are components that you put together and it's very difficult to interchange. Like you couldn't add a facade to that component.

MR. GILREATH: I understand that. I was thinking like this anodized metal. Sometimes you get different colors. It may not be practical. Could we at least ask them to see whether or not this prefabricated building comes in other colors? Maybe other Board members aren't concerned. To the degree that it would be feasible, if you get a color a little more compatible with the school, I would prefer that but I won't hold up the building if it can't be done.

MS. KING: I don't feel strongly about it. I mean it's not going to be a gorgeous building, but it is -- I mean it's essentially a building in the middle of a parking lot.

MR. GILREATH: Well, it's just the neighbors nearby and their houses. If I lived there, I think I'd have a concern of almost like a storage building stuck in the back.

MS. KING: Well, maybe we could have them extend their evergreen planting.

MR. GILREATH: That might be a solution.

MS. KING: You know, another few feet so

that it more effectively screens.

MR. QUARTERMAN: Well, actually, from here on is all overgrown trees such as what you have here.

MR. GILREATH: I wasn't aware of that.

MS. KING: And so are your evergreens that you're going to plant going to carry on to the line to the point where those overgrown trees start?

MR. QUARTERMAN: Let's take a look and see if I've got a picture of exactly what it looks like there.

MS. KING: Whatever you give us will have to go into the record, of course, unless it's a photograph.

MR. QUARTERMAN: There may be some photographs already there.

MS. KING: Let's see them.

MR. PLUMPE: That's the north line, property line.

MS. REID: Okay. These are different from the ones we have.

MS. PRUITT: That's the north side on Todd Street.

MR. QUARTERMAN: That's on Todd Street looking from Todd Street. That's not on the lot itself, but you see the edge of the lot. The fence.

MS. REID: This is the entrance.

MR. QUARTERMAN: In fact, you're looking at the entrance. You're looking from here straight on down the street.

MS. KING: Okay. So to allay Mr. Gilreath's fear about disfiguring the view for the people across the street, what you're going to do with your planting of evergreens is to fill in the gap between the edge of the school or the driveway or whatever.

MR. QUARTERMAN: Exactly. It's a very high decline there -- incline. What we'll do is plant right along this area here.

MS. KING: Okay. So you're going to fill in that gap so that it will be screened.

MR. QUARTERMAN: Yes.

MS. KING: I don't think then therefore we have to ask them to find another material.

MR. GILREATH: Okay.

MR. QUARTERMAN: This is pretty much the site. This is the existing building and this is the side building that I speak of in my letter. This is probably the only building that it's actually facing and this view is that way, so they're not really looking at the building itself. These are the views you're concerned with. Todd Street, Summit, First

Street, Lancaster and T Street.

On this side of the street you have McKinley High School, Langley High School, I believe, and there could be some view out of the third floor onto the parking lot, but this area along here is pretty well overgrown also with trees. In fact, the entire lot is surrounded by deciduous trees.

MS. KING: Would you deal with the question of the third point under 206, the parking question. Would you just for the record tell us about parking.

MR. QUARTERMAN: This is the approach to the site. This is the site itself. And right now there are some markings on the unfinished paved area. This is what we had proposed to upgrade once the area was blacktopped. There's a requirement of 20 parking spaces to accommodate the facility and there are more than 20. There's about 60 parking spaces.

MS. KING: Your written submission says 50.

MR. QUARTERMAN: More than 50, I believe.

MS. KING: It says more than 50. Yes. Okay. The parking lot exists but is not paved. Is

that what you're saying?

MR. QUARTERMAN: Oh, yes, it's all paved. The entire area is paved, but it's not striped.

MS. KING: Oh, not striped. Okay.

MR. QUARTERMAN: There are some stripes along here. I believe Mr. Pettiway and his organization do intend to upgrade that.

MS. KING: Is that true, Mr. Pettiway?

MR. PETTIWAY: Yes.

MS. KING: You're going to stripe the parking lot to give you more spaces.

MR. PETTIWAY: Yes. As he said, we currently have -- I don't know how many spaces we have, but when the building is up, we're going to make more spaces on the other side of the parking lot. We don't use the entire parking lot.

MR. QUARTERMAN: There's an existing shed and storage building in this corner of the lot. That's going to be torn down, so they'll pick up about eight spaces in this corner. Right now, these areas are marked and there are a few markings in here which, to my understanding, accommodates the school.

MS. KING: In the lower right hand corner of that plan, what is that building?

MR. PLUMPE: Catholic Charities for battered women.

MS. KING: It's not part of your operation.

MR. PLUMPE: No. It's part of the St. Martin's.

MS. KING: Okay.

MR. GILREATH: Will they be able to see this metal building from their building? How is that building on the back? Are there windows? On the back side of the building looking toward this proposed facility, what kind of activities occur in the school? Do you know off hand?

MR. QUARTERMAN: Yes. In this area here there are playground type stuff for the kids. There's swings and seesaws and that sort of thing in this area.

MR. PLUMPE: Is that Summit?

MS. REID: How old are the children?

MR. PLUMPE: At City Lights School?

MS. REID: Yes.

MR. PLUMPE: They are from 12 to 18.

MS. KING: Oh, you mean for the day care there are seesaws. Not for City Lights.

MR. QUARTERMAN: That's right. Not for City Lights.

MS. REID: Okay. There's no -- you're not providing any play area, are you?

MS. KING: No, no. That's a separate operation.

MS. REID: No, I understand. I'm clear on that but my next question then was given the fact that the students are 12 to 18, there's no play area.

MR. QUARTERMAN: We have on T Street side of the facility, we have a black top that they have like a basketball area.

MS. REID: Yes, that's what I was talking about. I was speaking in terms of that kind of play area for the older students, basketball court or athletic field or whatever. Are you providing that kind of --

MR. QUARTERMAN: It's already there. The basketball court.

MS. REID: And that's all. That's the only play area.

MR. PETTIWAY: Well, we have the basketball court and we also use the gym at St. Martin's Church for physical education and we also use some of the -- you know, we use McKinley football field that's close and we also use a little bit of the Technocrat Charter School field and also

McKinley's track.

MS. REID: Okay. Technocrat Charter School used to be Langley?

MR. PETTIWAY: Well, Langley, Marcus Garvey.

MS. REID: Okay. All right.

MR. GILREATH: You say that's a day care facility in the lower right.

MR. PETTIWAY: It's not a day care facility. It's a house for battered women with their children.

MR. GILREATH: Are they aware of this proposed facility? Have they been consulted?

MR. PETTIWAY: Yes. Yes, because Father Kelly --

MR. GILREATH: Have they voiced any concern? It's all right with them?

MR. PETTIWAY: Yes, because we -- I mean you know basically we kind of like share the facility and they're pretty amenable towards us and receptive to the idea.

MS. REID: What is the name of that facility for the battered women?

MR. PETTIWAY: Catholic -- I don't know.

MS. REID: Is it a residence or is it --

MR. PETTIWAY: Short term.

MS. REID: I see. Okay.

MR. PETTIWAY: Short term residence.

MS. PRUITT: Mr. Pettiway, all that property is owned by St. Martin's?

MR. PETTIWAY: Yes.

MS. PRUITT: So basically you all are subleasers to St. Martin's.

MR. PETTIWAY: Yes.

MS. KING: May I suggest if it is a battered women's shelter it could be put on the record what the name of it is.

MS. REID: Oh, okay. Sure. I just ask for clarification but I understand that caveat.

MS. KING: Don't tell us. Don't tell us.

MS. REID: Ms. King acknowledges the fact that typically those types of places remain anonymous more or less to protect the women who are there. I didn't think about that when I asked.

What about food? Are you going to be supplying any lunches or how are they going to receive nourishment during the day?

MR. PETTIWAY: The kids at City Lights?

MS. REID: Yes.

MR. PETTIWAY: We provide them with lunch.

MS. KING: We heard this case -- I mean this is ancillary to the approval that we gave you earlier for City Lights, is it not? I mean this is--

MS. REID: They didn't get approval. They hadn't posted the property.

MR. PETTIWAY: We hadn't posted it.

MS. KING: No, but I mean didn't City Lights have to get permission to go into this originally? Don't you have a BZA order?

MR. PETTIWAY: To go into the building itself?

MS. KING: The school building.

MR. PETTIWAY: Yes, I think so. I wasn't there then, but I think we did.

MS. KING: So I think that, if I'm not mistaken, our order that allowed them to establish City Lights in this location deals with the food service. They're not going to be serving food in this new building.

MS. REID: Actually, we should have had that copy of that order in this package so that we could look and see exactly what the -- I don't think it's here -- what the conditions were.

MR. PETTIWAY: Your comment was that they would not be serving food?

MS. KING: They're not going to be serving food in this building. In the building that you're asking permission for.

MR. PETTIWAY: This building here? Oh, no, no, no. No.

MS. KING: You serve the food in the main building.

MR. PETTIWAY: Yes. Yes. But no, we don't have any plans to serve food in that building.

MR. GILREATH: It's just like an additional classroom.

MR. PETTIWAY: Yes, that's it.

MS. PRUITT: Actually, on the application it's a vocational arts building.

MR. PETTIWAY: There won't be any foods served in that building.

MS. REID: I have no further questions.

MS. KING: I don't either.

MS. REID: Okay.

MR. GILREATH: Are we ready for a motion?

MS. REID: One other thing I wanted to have in the record is you have submitted for the record responses to Section 206 of the regulation which you appear to comply with but with regard to 206.2 which is in reference to adverse impact,

noise, traffic, and otherwise objectable conditions as it relates to the surrounding community, you addressed that in part but my question is have you had any complaints or any opposition from anyone to your knowledge in regard to your application?

MR. PETTIWAY: No one.

MS. REID: All right.

MS. KING: There are no government reports, Madam Chair.

MS. REID: And no ANC report. However, in that the ANC wants to submit, they said they would, a letter of support, do we want to allow that to come in?

MS. KING: I don't think so.

MS. REID: We don't need it. Okay. And there's no one here in opposition or in support, so we go now to closing remarks by the applicant, if you have any closing remarks.

MS. KING: Just say please.

MR. PETTIWAY: Please.

MS. KING: Madam Chair, I move that we approve this application.

MS. REID: I will second it.

MR. GILREATH: Provided that --

MS. REID: With conditions.

MS. KING: With two conditions. One,

that they provide -- that where existing trees do not screen the building from sight of the people across Todd Street, that they will infill with evergreen plants of 10 feet. Is that what you said?

MR. QUARTERMAN: Minimum.

MS. KING: A minimum of 10 feet in height when installed and keep them in healthy and growing condition. And that once the work is completed, that they will paint stripes on the parking lot to indicate where the parking spaces are.

MR. QUARTERMAN: Ten foot trees are very expensive to plant trees that tall. I would ask for maybe a change to maybe five feet and within a year or two they'll grow.

MS. KING: What kind of trees are you going to put in?

MR. QUARTERMAN: Evergreens. They're very expensive. Ponderosas or something like that.

MS. KING: All right. A minimum of five feet when installed and kept in healthy growing conditions so that they can reach 10 feet.

MR. GILREATH: This is not part of the requirements but I would like to encourage you to at least check in to see whether or not these prefabricated buildings come in colors. If they

don't, then fine. But if they were to come in a more compatible color without additional cost, I would suggest perhaps you consider that.

MR. PETTIWAY: Certainly we'll do that.

MS. REID: All in favor.

(Ayes)

MS. REID: Opposed.

MR. HART: Staff will record the vote as three to zero to grant. Ms. King, Ms. Reid and Mr. Gilreath. This will be a summary order.

MR. PETTIWAY: Thank you very much.,

MS. REID: Thank you.

Then this concludes our hearing for this morning. We'll convene at 1:00 this afternoon.

(Whereupon, off the record at 12:16 p.m. to reconvene at 1:00 p.m.)

A-F-T-E-R-N-O-O-N S-E-S-S-I-O-N

(1:11 p.m.)

MS. REID: Good afternoon. The hearing will please come to order. This is the May 5th public hearing of the Board of Zoning Adjustment, District of Columbia.

My name is Sheila Cross Reid, Chairperson. Joining me today are Betty King and Jerry Gilreath representing the National Capital Planning Commission. Representing the Zoning Commission is Mr. Hood.

Copies of today's hearing agenda are available to you. They are located to my left near the door.

All persons planning to testify, either in favor or in opposition, are to fill out two witness cards. These cards are located on each end of the table in front of us. When coming forward to speak to the Board, please give both cards to the reporter who's sitting to my right.

The order of procedure for special exception variance cases will proceed as follows. 1) statement and witnesses of the applicant, 2) government reports including Office of Planning, Department of Public Works, ANC, etcetera, persons or parties in support, persons or parties in

opposition and then closing remarks by the applicant.

Cross examination of witnesses is permitted for persons or parties with direct interest in the case.

The record will be closed at the conclusion of each case except for any material specifically requested. The Board and the staff will specify at the end of the hearing exactly what is expected.

The decision of the Board in these contested cases must be based exclusively on the public record. To avoid any appearance to the contrary, the Board requests that persons present not engage the members of the Board in conversation.

The Board will make every effort to conclude the public hearing as near as possible to 6:00 p.m. If the afternoon cases are not completed at 6:00 p.m., the Board will assess whether it can complete the pending case or cases remaining on the agenda.

At this time, the Board will consider any preliminary matters. Preliminary matters are those which relate to whether a case will or should be heard today such as requests for postponement, continuance or withdrawal or whether proper and

adequate notice of the hearing has been given.

If you are not prepared to go forward with the case today or if you believe that the Board should not proceed, now is the time to raise such a matter. Are there any preliminary matters?

MS. PRUITT: Madam Chair, staff has some preliminary matters.

MS. REID: Okay then, staff, please give us your preliminary matters.

MS. PRUITT: We have two requests for postponement. The first case is 16417 which is the first case on our agenda. They're requesting a postponement.

MS. REID: Are the applicants here? Is anyone involved with that particular case? Come forward, please.

MS. PRUITT: We apologize. Our sound system is not working, so if you could just please speak loudly so everybody can hear, particularly the reporter.

MR. NEALE: Richard Neale. We're not prepared to go forward with that case this morning, as indicated by our letter, and we ask for an indefinite postponement.

MS. REID: Indefinite?

MR. NEALE: indefinite postponement.

MS. REID: Can you just indicate for the record the reason why you're requesting such a postponement.

MR. NEALE: Unreadiness on the part of the applicant, wanting to prepare a case that has a better chance of succeeding before the Board.

MS. PRUITT: Madam Chair, if you remember, this is a case that came before the Board originally, has been before the Board and was rather confusing on the type of relief that they were requiring self certification and they're trying to clarify exactly what type of zoning relief is required and needed before coming back here so that they can efficiently use the time.

MS. REID: All right. I have no problem with that. Board members?

MS. KING: No.

MS. PRUITT: So we will wait to hear from the applicant before we reschedule this.

MR. NEALE: Thank you.

MS. REID: Okay. By consensus, we will grant the postponement.

MR. NEALE: Thank you very much.

MS. REID: Thank you.

MS. PRUITT: The next case that's requesting a postponement is case 16455. Is the

applicant here for that? Mr. Brown's the representative. You should have a letter in your package in reference to the request.

MS. KING: Mr. Glasgow -- oh no, that's the other one. The attorney, Mr. Brown, is he here?

MS. PRUITT: Actually, he's requesting it because he was unable to post the property.

MS. KING: Oh, we couldn't hear it in that case.

MS. PRUITT: Right. So it needs to be rescheduled and postponed to a new date.

MS. REID: Do we want to do that now?

MS. PRUITT: Yes. Unless we add this on to an existing agenda, which are all full at this point, the first available date would be July 21st.

MR. GILREATH: It's hard to say with certainty, but this may not be a very typical project. Our schedule is so tight --

MS. PRUITT: I think right now we're hearing at least eight or nine cases each day, so we don't have a light schedule unfortunately.

MR. GILREATH: Okay.

MS. REID: All right. By consensus again, we'll grant postponement and continuance.

MS. PRUITT: This will be the only notice that this case has been postponed to July

21st. It will be the fourth case on the agenda in morning session.

MS. KING: Might I suggest, Madam Director, that you let anyone who's a party to it know so that we don't schedule them again and they don't show up. You don't have to publish -- you know--

MS. PRUITT: That's why we usually announce it at the public hearing here.

MS. KING: Yes, but there's nobody who's a party at the public hearing. That's why I'm suggesting that it would be useful and not wasting our time to make sure they know.

MS. PRUITT: We'll do what we have in the record. The parties haven't been declared yet. So the only one we could call would be the applicant, ANC.

MS. KING: Okay. Would you do that, please?

MS. PRUITT: Yes. That concludes staff's preliminary issues.

MS. REID: Okay. Mr. Hart, would you call the first case, please.

MR. HART: The first case, Application 16457, Application of Kass MA, L.L.C., pursuant to 11 DCMR 3108.1 for special exceptions under

Subsections 410 and 2516 to allow the construction of 33 new single family detached dwellings with garages in a theoretical lot subdivision and 176 luxury garden apartments in the R-5-A and R-5-B districts at premises bounded by Good Hope Road, S.E. between 24th Street, S.E. to the east and 18th Street, S.E. to the west (Square 5735, Parcels 211/96, 220/31 and Lot 804 and Square 5763, Parcels 219/38).

Will those persons planning to testify, please stand and raise your right hand for the oath.

(Whereupon, the witnesses were sworn.)

MS. REID: Before you begin, let me get an idea as to those persons who are requesting party status in this case. I received a letter from a Reverend Oliver Johnson. Is he here? Requesting party status. Can you all hear me? We apologized earlier for the fact that our recording system is not working, so we just have to speak loud and amplify our voices and hopefully you can hear me in the back of the room. Can you? Okay.

MS. KING: If you can't, move forward. There's lots of room.

MS. JONES: Did you ask for party status?

MS. REID: Yes, I did.

MS. JONES: I have party status.

MS. REID: All right. Come forward, please, ma'am.

Don't touch the microphone. Those of you who are in the back, you might want to fill in these chairs up here so that you can hear and then we don't have to yell so much.

MS. KING: We just need your name, your home address, and information about why you are seeking -- on what basis you are seeking party status.

MS. JONES: Why I'm seeking party status?

MS. KING: Your name and home address.

MS. JONES: Oh. My name is Thelma E. Jones. I live at 2217 T Place S.E., Washington, D.C.

The reason I'm seeking party status is because I'm going to testify. I'm the president of the Fairlawn Citizens Association and I'm testifying on behalf of the community and that's the reason I'm seeking party status because I have some in depth questions about the development.

MS. KING: I suggest that she be granted party status.

MS. PRUITT: Madam Chair, I would

suggest also that you ask her to explain how she is either more affected or aggrieved than the regular community, the surrounding community.

MS. REID: Okay. Answer that question, please.

MS. JONES: What was the question?

MS. PRUITT: How, ma'am, are you or your association more affected or aggrieved than, say, the average person who lives in that area or in that community?

MS. JONES: How is my association the most affected?

MS. PRUITT: Yes. More so. In order to get party status, you need to identify how you're affected more than other people.

MS. JONES: Okay. Because the Fairlawn Citizens Association has been incorporated since 1975. It originated in 1960 as a block club and we have had party status in other hearings and so we service the community and we are -- we interchange with the District government and which we get work done, calling the departments, different departments in the D.C. government and we work closely with the PSA 609. We attend all those meetings.

We also attend -- we have board members on the Anacostia economic development and anything

that goes on in the southeast community, it's someone from the Fairlawn Citizens Association that's always involved in what goes on in the Fairlawn community.

MS. PRUITT: I just want to state for the record though, ma'am, because you were granted party status in a previous case, it's done on a case by case basis.

MS. JONES: Yes, I understand that.

MS. PRUITT: So I just wanted to make that clear.

MS. KING: I suggest that Ms. Jones be granted party status. She's a leader in the community that surrounds this development area, and I think it would be appropriate for her to be able, as a party, to express the concerns of her neighbors.

MR. HOOD: Madam Chair, I do suggest that we give Ms. Jones party status because the people who are most affected are involved in that citizens association.

MS. REID: Okay. I need to get an understanding, Ms. Jones. Are you requesting party status on behalf of the Fairlawn Community Association?

MS. JONES: And myself who received a

letter from the BZA Board of Zoning Adjustment because of the 200 feet that is required for a letter coming to me and so I feel that with that I am qualified to seek a party status.

MS. REID: But are you speaking on behalf of and representing this organization?

MS. JONES: I'm speaking in a twofold capacity here today.

MS. REID: Okay. In the capacity as the representative of the organization then, we would like to see some authorization from that body.

MS. JONES: You want me to show you my membership card?

MS. REID: Delegating you as the spokesperson for the organization or you then can be a spokesperson for yourself but I don't know if we could accept your --

MS. PRUITT: We need a written authorization.

MS. KING: We have a letter from Ms. Jones who signs herself as the president of the Fairlawn Citizens Association. Rather than wasting further time, let's just empower her as a party on her own behalf and, in that capacity, she can ask any questions that she wants. She lives within 200 feet. She is a community leader.

MS. REID: All right. Understand that without the letter of authorization from the Fairlawn Association delegating you as their representative, you would have to testify here as an individual, an individual with party status because of the fact that you are in such close proximity and also your concerns are addressed through your party status position.

MS. JONES: And the letter was introduced at our meeting and was voted on that I represent the community in a party status and that letter was submitted to -- on April 26th, that letter was submitted to you all. Also, it should be a letter on record that I wrote to Ms. Pruitt-Williams requesting party status. The letter which was dated April 10th.

MS. REID: Okay. You basically want party status so that you can cross examine and so that you can receive any communication involving this case. Correct?

MS. JONES: Right.

MS. REID: Then yes. Then we will give you party status.

Is there any representative from the ANC here?

This letter dated May 3rd from Reverend

Oliver Johnson requesting appearance as a party in this case comes on ANC 6B letterhead, but we don't have a representative from ANC 6B or Reverend Johnson here today, so we'll just move on.

Thank you very much, Ms. Jones.

We can move now to the applicant. How long, Mr. Feola, do you anticipate your case will take to put on?

MR. FEOLA: For the record, Phil Feola with Wilkes-Artis. I think we'll take about 45 minutes to get through it.

MS. REID: Okay. How many people are here in opposition to the case? May I see a show of hands. All right. How many people are here in support of the case? Okay. And we have one person who has party status. So for the sake of time, we want to impose a time limit for your testimony which is typically three minutes for persons testifying as individuals and for a party we will allow -- how much time for a party?

MS. KING: Ms. Jones, when you put on your rebuttal or your case, how much time do you think you're going to need to make your statement? Five minutes, 10 minutes?

MS. JONES: Can I hand you all a copy of it so that you -- it's not very long.

MS. KING: At the appropriate time.

MS. REID: Can you do it in five minutes?

MS. JONES: I imagine so. Maybe five or six minutes.

MS. REID: Okay. That's fine.

MS. JONES: And I also want to approach the map when I finish my testimony.

MS. REID: Sure. You may do that.

MS. KING: You can return to your seat now, however, while the applicants put on their case.

MS. REID: Thank you.

MR. FEOLA: Thank you, Madam Chairperson.

For the record, my name is Phil Feola with the law firm Wilkes, Artis, Hedrick and Lane. With me is Richard Nero, urban planner of our firm.

We're here today on behalf of the applicant seeking approval of a mixed use residential development with two major components: a garden apartment component and a single family detached housing component.

Both components, I think it's important to note, are matter of right uses in the respective zones on these properties. As Mr. Hart indicated,

the zones of the property R-5-B and R-5-A. And both components meet all the requirements and restrictions of the underlying zone, R-5-B and R-5-A of the site. In fact, the project with 176 garden apartments and 37 single family detached houses totaling 213 dwelling units is well below the density allowed on this site on the underlying zoning. Roughly 800 plus units could be built in a combination of these properties. So we're at 25 percent the capacity.

The application before you seeks no variances or other deviations from the zoning regulation. We're here seeking as two special exceptions that are required by the zoning regulations for this type of development in the R-5 zones. As you know, the R-5 zones for theoretical subdivisions require site plan review by this board and Section 410 of the zoning regulations require site plan review for anything but single family detached in the R-5-A districts.

Both of the site plan review processes were put in place by the Zoning Commission, essentially site plan review, and were designed by the Zoning Commission to insure high quality, responsible development in the District of Columbia. We think that's what this project brings to this

Board and to this community. We think we achieve all those goals. We'll have a high quality housing development in southeast, a project that will encourage residents to stay in the District of Columbia where they might otherwise look to improve their housing stock outside the boundaries of District of Columbia.

The project is consistent with the comprehensive plan, with the land use map calling for moderate density residential development and it meets the letter of Sections 2516 and 410 of the zoning regulations.

We intend to call four direct witnesses. We have a bevy of other consultants here to answer specific questions or the Board or the community are so inclined. We have two experts that I would ask the Board to recognize as experts in their respective fields. Mr. Joseph Plumpe, who's a principal with Studio 39, landscape architect and site planner, and Mr. Osborne George, traffic engineer and transportation planner. Their résumés are included in the applicant's pre-hearing submission, Tab H, and we can look at those if you like and see if we can have--

MS. KING: I've looked at them, Madam Chair. It seems to me that Mr. George, of course,

has been here many times but the other gentleman I think also should be accepted.

MS. REID: I also read the résumés and I have no problem with them being accepted as expert witnesses.

MR. GILREATH: I concur.

MS. REID: No problem.

MR. FEOLA: Thank you, Madam Chairperson. We have a slide presentation that sort of flows and maybe in the interest of time to compress our presentation, if the Board is inclined, we can run through our presentation right from top to bottom and all four of our witnesses and maybe do it in 30 minutes and then hold it open for questions. I know it's a little different than the Board usually does it, but it might make a little more sense.

MS. REID: Mr. Feola, I have no problem with that, and you can proceed in that manner and, if there is an overwhelming need to stop you, then we will but basically I see no problem with that.

MS. KING: I'm the only problem with that. You know how I am. But go ahead. I'll try and restrain myself.

MR. GILREATH: We indicated that if indeed something develops, but you may approach at

this point.

MS. REID: If need be, we'll stop you.

MR. FEOLA: Thank you, Madam Chairperson.

As our first witness, I'd like to call Mr. Richard Knapp who's senior vice president of KSI Services and maybe we can dim the lights. No one is allowed to fall asleep, on our side anyway.

MR. KNAPP: Thank you very much. My name is Richard Knapp. I reside at 2731 Woodley Place, N.W., Washington, D.C.

We're very pleased to be here. My company is KSI. I'm one of three principals there. I'm going to be presenting some background about who our company is and the kind of development we'll be involved in. The company started as Kettler and Scott in 1977. The company is locally based at Tyson's Corner although myself and the other principals have deep roots in Washington, either living here or having worked here for many years.

We specialize in building high quality planned communities. Virginia Run was one of our first communities done in the early '80s in Centreville, Virginia. It was done in conjunction with a property called Sully Station. These are elaborately planned communities that include rec

centers, a hierarchy of different housing types, apartments, single family homes and commercial centers as well.

A more recent development we did was the Cascades out in eastern Loudon County, another planned community involving a hierarchy of uses. We plan to take this planned community background to Good Hope Road for the project we'll be talking about today. This is a picture of Virginia Run when it opened in 1984, an example of the kind of lotting we do for single family homes in a planned community.

I want to just show you a couple other of our relative projects. This is a project located in Pentagon City next to the Pentagon where KSI is developing 325 high end luxury rental apartment communities.

Our core area though involves lower density garden apartments. This is a picture of a project called Cascades Overlook which is very comparable to the apartment community we're proposing for this development.

This is a project called Ashton out in Manassas, Virginia which is financed with housing bonds, the same kind of financing we propose for the subject property. This is a picture of a club house

and a swimming pool which is very similar to what we're proposing. A typical interior. We strive for high quality, upscale type of housing, the type of housing that anybody would really feel comfortable living in.

We do a lot of rehabs as well. We've admired what William C. Smith has done on the east side of the river. Our rehabs tend to be in northern Virginia and suburban Maryland, although we're very interested in taking our act into Washington, D.C.

I have to emphasize that we own and manage all of our properties. This is a picture of some of our management executives. We have a very diverse, talented staff that will be involved in managing the property. We're a relatively young firm. We're in it for the long haul. Long term ownership and property management is our core area.

I want to describe the extent of community outreach efforts we did because this was very important to our company. We went out to the community east of the river a number of times and met with all the key stakeholders. We met with the east of the river, CDC and AEDC, the two leading nonprofits for the area. We had a major sit down with the Frederick Douglas Community Improvement

Council and, of course, we met with the Fairlawn Civic Association who I see have shown up in strong force here today. We've also met with the Park Skyland Civic Association.

We met, of course, with ANC 8B and ANC 6C. We were heavily involved with them to the extent that they accommodated us in the process. They, of course, got all the pre-hearing materials that were submitted to them. We actually got a formal letter of non-opposition from ANC 8B and we're in midstream in working with ANC 6 to get a similar letter. We attended the mayor's meeting in Anacostia --

MS. KING: Excuse me. Could we have the letter from 8B for the record.

MR. FEOLA: Thank you, Board Member King.

MS. KING: Excuse me for interrupting.

MR. KNAPP: That's quite okay.

We met with lead housing agencies such as the D.C. Housing Finance Agency and the D.C. Housing and Community Development Agency which are extremely supportive of the project. The reason we meet with the community group is we really want to learn. We really want to have our ears open as to what is making the neighborhood tick.

We heard loud and clear, primarily from the Fairlawn group, to include single family detached homes in our development. For that reason, we took half of our acreage for which we were going to develop a few hundred apartments and we dedicated it to a single family apartment development.

I have with me my distinguished partner Gene Edgecombe of Vertex who's going to talk about his program to develop single family detached homes as a premier quality developer of single family homes.

We heard loud and clear to use local contractors. We're proud to say that we've already used a series of local people that have done a great job for us through the excavation stage. We have Anthony Bell here. He's involved in the fitness center of Marbury. He's going to be helping us with security and fitness program and activities programming at our development.

We heard loud and clear to own and manage for the long term. That's something we do as an ordinary course of business, but that was emphasized over and over again, especially by ANC 8. They want a long term property owner and steward. Don't over use bus capacity on Good Hope Road. That was the major lesson we learned from our

Frederick Douglas meeting and, for that reason, we dispatched O.R. George to specifically examine the bus capacity along Good Hope Road and he has a determination about that.

We were asked to take a broad view towards revitalization, to focus not just within the boundaries of our site but to look at other deteriorating buildings at our fringes to see if we can work with owners of restoration. We were asked by Sharon Ambrose, a council member of Ward 6, to see if we can get something going on the retail front to spur retail revitalization along Good Hope Road, which we're very eager to do and we'll be working on.

Gene Edgecombe will talk about some ancillary single family home developments that he's looking at in the Fairlawn neighborhood.

Produce quality apartment homes. We heard that over and over again, that there's a need for up scale quality apartment homes east of the river, and that is something we tried to strive to do. Our definition of a quality apartment community would be a gated community. We thought that was very important in terms of aesthetics and rent potential to have that kind of feel. A pool, a fitness center, a club house.

After school enrichment and computer training. We like to include services such as enrichment programs and training inside our club house facility. Children's play area, modern, efficient floor plans, washers, dryers, fireplaces, vaulted ceilings, free line for cable, fax, online service. We plan to have a fine residential community that's similar to the excellent residential communities one is finding in areas of northern Virginia and Maryland which institutional developers are bringing online.

We have a very strong market for rental apartments. We've done an extensive market study which is fully available. The market study determined that Marbury Plaza, Skyland Park, Naylor, have comparable rents and are at full occupancy, that there's a tight market, no new supply, combined with the removal of older units. So we have classic situation of pent up demand east of the river. People currently leaving Anacostia in search of better housing. It's a shame but there's people who want to stay in Anacostia or come into Anacostia from P.G. County but can't find the quality housing they're looking for, whether it's single family homes or apartment homes.

Good Hope Marketplace Shopping Center is

an important anchor. This is critical. We've been to the Safeway a number of times. It's a wonderful facility. It's one reason why we picked Good Hope Road because of that anchor, but it's reciprocal. We will be providing the rooftops that will help support that anchor retail user.

Financial ability to proceed. Financing is always the key to these deals. Equity will come from Sun America. That's a $10 million west coast insurance company that we've done numerous developments with. Debt will come from housing bonds. We've previously used these sources to produce over 500,000 units of rental housing, and this has been high quality rental housing comparable to what we're proposing.

Time table is construction start and closing September of this year. First occupancy, middle of next year. Complete for lease-up by the end of the year. That's what we plan to do.

I'd like to turn it over to Gene Edgecombe of Vertex Homes who will be talking about the single family home component of the development.

MR. EDGECOMBE: Thanks, Dick.

Madam Chairman, members of the Board, I'm Gene Edgecombe. I'm a developer and I'm also a registered D.C. architect. I'm here representing

Vertex or for this project Vertex Management Systems. I'm here also with my business partner of eight years or more, Andy Botticello, who will not testify today, of IDS. So VMS/IDS will be the development entity for the single family homes.

MS. PRUITT: Excuse me. Would you give your home address for the record.

MR. EDGECOMBE: I'm sorry. My home address is 3903 Charles Avenue, Alexandria, Virginia.

The project you are looking at is our most recent successful project. It's here in northeast Washington, D.C. It's called Woodridge Place. That project, you're looking at phase one of the project where we have completely sold out. We've got four building types, and they range in size from 1,700 to over 2,200 square feet. Currently sell for $165,000 to just about $200,000.

The brick front that you see are standard. They're not optional. We would do the same thing for the products that we would develop on our Good Hope Road site.

You're looking at the construction for the Woodridge phase two. The final 17 homes. We've started construction. We've completely sold out and, in fact, we're taking backup contracts now, all

to say that we're extremely pleased with the marketplace. One thing we have found, the District is very, very interested in being able to provide alternatives within the city, particularly for the middle income home buyer. We fill that niche. Most of what Andy and I have done over the last 10 years or more have primarily been in the urban areas, both in Washington and in the Baltimore area.

These are the same products that we would develop on our Good Hope Road site. We're talking about 37 new homes with single family lots ranging in size. Lot size ranging from roughly 5,500 to a little over 7,500 square feet, dependent upon the particular lot.

Dick has already given you an idea of the overall context. We would propose to start construction simultaneous with the rental housing. We're going through a process right now of subdivision planning. That's another example of one of our more popular models. That home there is about 1,900 square feet and is one of our best sellers. Again, this is just an idea of what a cluster of our homes would look like.

I show this because I think it's kind of interesting. It shows our involvement in the community. Some years ago when we first took on

this project, we approached the District government. What you're looking at is one of the buildings under construction, complete gut renovation of the old Montana Terrace public housing. It's unfortunate that I don't have the slide of the buildings in the condition that they were, but for those of you who are familiar with Montana Terrace, they were in pretty bad shape.

What we approached the District on was that we were prepared to do market rate housing if in fact the District would allow us to essentially take over the public housing, to renovate the public housing, to create part of it for home ownership and the other part of it for rental housing with a major change including other programs, down payment assistance and so forth. All that over the years has taken place and what you're looking at now are the final products and I defy you to tell the difference between the market rate housing and the calibre of the aesthetics of this low income rental housing and home ownership housing. We're very, very proud of it.

Our role with regard to this part of the project is as development managers, and it's an ongoing role.

One thing I might add. If I had a

pointer here -- here it is. This is the site where we're proposing to do the single family 37 houses. This is not part of our real presentation today, but the site up here at 22nd and T, we're finalizing the deal right now, a land deal, where we're proposing to add 22 more single family homes and it will be the same design that we're proposing here. As a matter of fact, we're prepared to start immediately right in that area to develop our two models and effectively link the two sites together for a single family development.

Like I said, we're right at the point of finalizing that deal and we'd be prepared to start construction at the same time.

MR. FEOLA: Our third witness, Madam Chair, is Joseph Plumpe, landscape architect and site planner, and he'll walk you through the plans.

MS. KING: Could I just ask a question. On the curious shaped thing, the hatchet shaped thing on the left is where the townhouses are going to be, the single family homes are going to be.

MR. FEOLA: Detached houses. Yes, ma'am.

MS. KING: And then the other, the gray area over here, is that where the apartment buildings are going to be?

MR. FEOLA: Yes, ma'am. Mr. Plumpe will get into that in specifics.

MS. KING: Okay. Thank you.

MR. PLUMPE: For the record, my name is Joseph Plumpe, Studio 39, landscape architecture. My home address is 9366 McArthur Wood, Burke, Virginia. The office is located in Alexandria, Virginia.

This is -- to the north of the property here which is other single family homes.

MS. KING: Could you speak up.

MR. PLUMPE: Is that good? Sorry.

The combined site area is approximately 15.8 acres, both sites combined, both the single family parcel which is approximately 7.6 acres and the multi-family housing parcel to the east there is 8.1 acres. Combined in the middle area, that is a natural area which will stay natural which is owned by the National Park Service.

Generally, the single family housing parcel is both an R-5-A and an R-5-B zone and then the multi-family housing parcel is the R-5-A as well.

As you go along Good Hope Road, it's a well established neighborhood with large street trees, elms, maples, and our site happens to be just

to the right of the tree right there where Dick is pointing. That is pretty much where the start of the single family housing parcel would be. Again, tree lined. That's what type of effect we're trying to achieve once you're into the property over time.

Adjacent to the property to the east of the property, which is called Skyline, is an existing multi-family housing complex right now, somewhat gated and also there's ornamental iron work that leads one into the individual units themselves and as well you can see there's a nice tree lined type effect. We're trying to duplicate that, as well, through the multi-family housing parcel.

This is our site right behind the Skyline project itself. Again, you see the fencing there which is in existence. We'd like to duplicate that also or something similar to that along Good Hope Road as well as on the perimeter road property.

MS. KING: This is existing housing site or ---

MR. PLUMPE: No, no, no. This is the multi-family housing part. We're going to talk multi-family housing site first, then later a presentation on single family housing.

What's in the background of the trees is the Park Service property. So our site right now is

basically a denuded landfill site with scrub growth on it right now.

You can see another picture of that. It's really sloped down to the National Park Service property and those are views of existing multi-family housing projects in the distance across Good Hope Road.

The site plan itself, starting from the left which is the west part of the property, the single family component which we'll discuss later in the presentation, with the National Park Service piece in the middle, again with the multi-family housing piece to the right or to the east of the property.

The multi-family housing parcel goes from Good Hope Road to the top of the screen which is the north part of the site into a gated type community which will be shown on this slide here which shows the gated entrance way. Car read security type atmosphere so that visitors can park up against the club house area. The club house itself is to serve the pool, the kiddie pool, the pool area itself, and also the tot lot area proposed in that general vicinity.

Typical things that are around the village itself is the landscaping. Landscaping is

very important in communities of this magnitude. The landscape is to help soften the buildings as well as to provide good transition from the street to the buildings themselves.

The light fixtures will be a continuous feature through both parcels of the property itself using the acorn fixture very similar to what you see on Pennsylvania Avenue.

The overall site plan. I failed to mention with the multi-family housing piece. Architecturally, we are very concerned with the heights of the buildings themselves. On the perimeter points of the buildings on the north where Dick is pointing and one on the south part of the property, there are three story components to this building and then there's another three story component up against Skyline properties. The rest is all four story components.

The single family housing component -- as many positive views into natural open space as well as to channelize the people to a nice treescape component starting from Good Hope Road and leading through the property traversing through and going to 18th Street.

The Park Service property is right below. As you can see, those are what Gene went

through before earlier.

Another little blow up that shows what could happen off of Good Hope Road. Comes off into the housing complex. What's interesting is it is not just the lots that are different but the housing types, too. The lots themselves range from a width of approximately 55 feet to 75 feet in width. So it gives you a variety there so it's not all the same house after one another. That's the unique thing about it.

Within the communities themselves, there are -- at the top of the screen which are connected to posts made out of stone or something similar to that which will connect both the multi-family and single family components. Then with the different types of tot lot equipment which could happen in the multi-family and the single family parcels.

Again, the multi-family housing type component showing the layout. Also notice that we're trying to treat the open space behind the buildings themselves with additional vegetation. Right now there's no vegetation there, so we're trying to play up that so that we're trying to transition the parts of this property which is heavily wooded onto our property so it's a nice even blend to the community.

Also, the streetscape plantings and the tree islands themselves through the parking lot area and also the courtyards in between the two buildings there to the right.

Architecturally, this is something that could happen, I mean with brick on it itself, brick to match or to be very similar to the ones on the single family housing part of the property.

That's it for me for the slides themselves.

MR. FEOLA: I guess we can have the lights now.

Mr. Plumpe, are you familiar with Section 2516 of the zoning regulations?

MR. PLUMPE: Yes, I am.

MR. FEOLA: And are you familiar with Section 410 of the zoning regulations?

MR. PLUMPE: Yes, I am.

MR. FEOLA: Does any provision of this development violate any of the requirements or restrictions of either of those sections?

MR. PLUMPE: No. No, sir.

MR. FEOLA: Maybe you could tell the Board a little bit about the density of the project, the FAR versus the permitted FAR, the lot occupancy versus permitted.

MR. PLUMPE: That's not a problem. Starting with the multi-family itself, there's 176 units of low rise apartments ranging from three to four stories in height. The FAR generates .64 FAR with a combined lot occupancy of 20 percent of the property, well below which is a .9 FAR and a 40 percent lot occupancy meaning almost half of what it could be.

The single family homes, there's 37 single family homes with a combined lot occupancy of 15 percent versus the 40 percent permitted on the property itself. So again, we are below as well as with the FAR which we are one third of what it could be. The FAR on the single family lots is .3 versus the .9 which is permitted on the property itself in the single family.

MR. FEOLA: Thank you very much.

And our last witness is Mr. Osborne George, if it pleases the Board. Mr. George, would you state your name and address for the record, please.

MR. GEORGE: Yes. My name is Osborne George. My address is 6036 Westchester Park Drive in College Park, Maryland.

MR. FEOLA: Could you describe to the Board your role in this project and any findings of

any report you may have done.

MR. GEORGE: Yes, sir. I've been retained by the applicant to undertake a traffic parking assessment of the land use proposal that's the subject of this application and to determine whether it complies with the relevant sections of the zoning regulations.

MR. FEOLA: Would you kindly describe to the Board briefly the analysis.

MR. GEORGE: Yes, sir.

MR. FEOLA: In summary.

MR. GEORGE: Yes, sir. The analysis undertaken in accordance with the guidelines and established procedures of the Department of Public Works. The report is indicated at Tab D of the applicant's submission and I stand by that report today.

In summary, we began the process by engaging in discussions with the staff of the Office of Intermodal Planning regarding the study area roadway network and other issues which would be of concern to the department. Using the exhibit which is before you, Madam Chairperson, the site is located, as has been indicated earlier, south of Good Hope Road and the study area defined and agreed upon with the staff is indicated in that little

bubble here. Essentially it included five intersections along Good Hope Road extending from 25th Street in the east to the intersection with Minnesota Avenue to the west.

Our study found that the intersections currently operate at acceptable levels of service. We also found that this roadway which is classified as a minor arterial based on the city's functional roadway classification serves a considerable amount of through traffic or commuter traffic, perhaps more than the designated function would justify.

As far as the future traffic situation, we found that assuming build out of the development by the year 2001, the road network would continue to operate at acceptable levels of service with the exception of two intersections during the morning peak hour only. And I add that one of these would be subject to very limited traffic use based on the trip distribution pattern of the site and again, the situation is as it exists today. In other words, today that intersection currently operates at an unacceptable level of service during one peak hour only.

The exhibit before you shows some of the more sub-area and perhaps regional roadways serving the area of the site. This is Pennsylvania Avenue

which runs from the District line here and this is the bridge over the Anacostia River. The two roadway segments that are indicated in red were so indicated because of concerns that had been raised by the community regarding the heavy volumes of through traffic and so the applicant commissioned us to try to determine why and was that really the case.

What we did was undertake travel time observing along this section of Pennsylvania Avenue and also observed traffic flow along Branch Avenue which, as you know, is the extension of Maryland Route 5 into the Prince George's County suburbs. There's severe delay along both of these segments and, as a result, we think that considerable percentages of through traffic along this road is caused by traffic seeking to find alternative routes to save time to access the downtown area.

As you are aware, Madam Chairperson, the city is undergoing a number of studies associated with what is termed the Barney Circle Project which should enhance access into the Capital Hill and southwest area and, as such, this situation is likely to be relieved considerably in the future. However, as far as our traffic projections, we assume that the status quo would continue and so we

factored up the existing traffic, this certainly leading to the finding of minor level of service deficiencies at the two intersections noted.

Based on discussions with the applicant, we learned that this was a major issue to the community. We also conducted a vehicle license plate survey along this section of Good Hope Road. In other words, we looked at the license plates of vehicles using that roadway during the morning and afternoon peak period and, indeed, it was confirmed close to 80 percent of the vehicles along this road indeed were vehicles with other than District of Columbia license registrations. Of course, they have a right to use the road but we're simply pointing out some of the overall traffic-related issues within the area because we think this has a clear bearing.

Another issue raised by the applicant as far as his own marketability study for the project was related to the parking provisions of the applicant's proposal. The zoning regulations calls for a maximum of one parking space per residential unit, and this is what the applicant is providing. However, the applicant wanted to be sure that this was indeed in keeping with demand. This was also an issue which I understand was raised by the community

in order to insure that there would be no overspill of parking into the adjacent areas.

We did two things in order to determine whether or not this was a reasonable assumption or whether the provisions of the zoning regulations would be adequate. #1, we undertake a parking usage survey of two similar communities, multi-family residential communities within the area. One is the Skyland Apartments immediately to the east and the other Park Naylor immediately to the north. We did that by serving parking demand during the period of 4 a.m. to 6 a.m. in the morning, and we found out that on the average the vehicles parked per unit was in the range of .75. In other words, three quarters of a vehicle per unit during the period of peak parking demand.

MR. FEOLA: And we're happy to report that none of Mr. George's employees got interested during that part of the day snooping around that neighborhood.

MR. GEORGE: Yes. The second thing we did was look at data available from the Census Bureau regarding vehicle ownership within the general area. We looked at five census tracts within which the subject property is located and the five that are immediately adjacent. The bars to the

left and right indicate the total multi-family residential units. That's the higher bar in red and the lower bar in blue indicates the vehicle ownership for the entire census tract. So these were the five tracts we looked at. It's the data that is currently used by the District of Columbia Office of Planning.

The vehicles per occupied multi-family residential unit ranges from .49 in the case of this census tract to .88 in the case of this census tract. The census tracts are numbered here and the arrows point to the particular one. On the average, it shows that of the roughly 6,000 units within this area, the average vehicles per household is .64. We therefore feel that the applicant's proposal to provide one parking space per unit per the zoning regulations would more than adequately meet the needs of the development.

As such, Madam Chairperson, we were able to conclude that the proposed development should not adversely impact the adjacent community, the adjacent properties, from the perspective of traffic and parking and this is in conclusion our finding.

MR. FEOLA: Madam Chairperson, that concludes our direct presentation. If there is an opportunity, if we have a chance to add a little

rebuttal at the end of everyone's comments, we'd appreciate that. We're open for questions.

MS. REID: You're now ready to do what?

MS. KING: Present rebuttal. You can do it in your final --

MR. FEOLA: Yes, ma'am. We're open for questions.

MS. KING: I, of course, have questions.

MS. REID: Of course.

MS. KING: Mr. George, this is going to be -- I mean you're talking about parking with both the rental units and single family homes, aren't you?

MR. GEORGE: Yes.

MS. KING: Are the single family homes home ownership or rental?

MR. EDGECOMBE: They're home ownership.

MS. KING: They're home ownership. What about the apartments? Strictly rental.

MR. EDGECOMBE: Yes.

MS. KING: It's not going to turn condo?

MR. EDGECOMBE: That's not the plan. Yes, ma'am.

MS. KING: Okay. Now, we're talking about one parking space for each single family home.

MR. GEORGE: Yes. I'm sorry. For each

multi-family. Each multi-family apartment would be provided.

MS. KING: And that is going to be somewhat up market in comparison -- I mean it's going to be of the nature of the Marbury Plaza and the other buildings in that neighborhood.

MR. KNAPP: It's going to be --

MS. REID: Give your name. As you speak, give your name and answers the question for the record.

MR. KNAPP: Commissioner King, the apartments will be up scale apartments.

MS. KING: Okay. So there will be one parking space for each unit.

MR. KNAPP: That is correct.

MS. KING: And if this up scale development ends up having one car or an average of one car because there are going to be some people who are going to have two cars and some people who won't, but I mean there's no visitor's parking whatsoever.

MR. KNAPP: No, that's not correct. There'll be six visitor parking spots and a handicap spot.

MS. KING: For 176 units?

MR. KNAPP: I should add that our

experience is that we always have had adequate parking. In the few cases where parking gets tight, what we start to do is designate specific parking spots rather than having open parking. But we're not anticipating any issues with parking. We feel we've extensively studied the issue and we have extensive experience that our parking will be adequate.

MS. KING: Okay. And how many parking spaces are there, Mr. George, for each of the individual houses? You know, the ones on the left.

MR. GEORGE: Yes. They would be garage dwelling units so each --

MS. KING: One car garage for each unit?

MR. GEORGE: One or two garage units, I think.

MR. EDGECOMBE: We have some car garages. We also have driveways and there are some opportunities for parking on the street.

MS. KING: Okay. It doesn't appear that there would be, even if two or three or four, 10 people were giving parties on the same night, that that would be a problem. I do have some concern. Now, what is the area surrounding the rental units? Mr. George, what's on the street there? What's

across the street, for example? I mean are there -- Good Hope Road, which is the road that goes right through, is there parking on both sides of the street?

MR. GEORGE: Yes. Parking is allowed on both sides of the street.

MS. KING: I'm not interested in the left hand side. I'm only interested in the right hand side. Both sides of the street there?

MR. GEORGE: I believe that except for bus stop locations, parking is generally permitted within the area.

MS. KING: And your study showed that between 4 a.m. and 6 a.m. those situations were vacant or were they filled?

MR. GEORGE: What we did was study the situation within the community. In this case, Skyline Apartments here and in the case of Park Naylor up to the north. In the case of Park Naylor, that's a similarly gated community comparable to the one that's proposed here and so the parking was indeed self contained. There was considerable vacancies, even at the parking demand ratio of roughly .75.

MS. KING: And the Park Naylor rents for approximately what you are going to charge?

MR. KNAPP: Yes. Our rents are comparable to Park Naylor, to Fort Chaplin, to Marbury. To put it in real numbers, a two bedroom two bath renting for about $750, a three bedroom renting for about $850. These are rents that are prevailing in the market place in selective units.

MS. KING: Okay. So it is analogous. The Park Naylor is analogous to what you're going to charge.

MR. KNAPP: Yes.

MS. KING: Thank you.

MR. GILREATH: Madam Chair, I have a question. Sitting on this Board, I work for the National Planning Commission and one of my responsibilities is to be mindful of federal interest impact. Fort Staten Park divides these two project areas. Do you anticipate any kind of runoff? Will you be treating the lawns with pesticides so this would affect the park or do you feel that there's not going to be any difficulty in that regard? Environmental concerns. Any kind of corrective measures or preventive measures or just what the impact might be.

MR. LUTOSTANSKI: For the record, my name is John Lutostanski of Vika Engineering. My home address is 13905 Waverly Creek Court in

Chantilly, Virginia. Our office is in McLean, Virginia.

It's a two part question I'll answer. First --

MR. FEOLA: Excuse me. Mr. Lutostanski, would you explain your role in the project.

MR. LUTOSTANSKI: Yes. I'm with the civil engineering and landscape architecture aspect of this project as well.

In dealing with the civil engineering aspects of it, we had met with D.C. Storm Water Management Branch to discuss how storm water would be treated. And, quite honestly, we were told in no uncertain terms not a drop of storm water shall enter the park from the apartment side. Mr. Cary Cary was extremely clear about that message. No question about it. If I could just take a brief moment to explain what would happen is the water would be collected along the parking lot. The water would be collected along here and then along the back and then it would be piped this way, held in a storm water detention vault about here and then piped through a closed conduit system in Good Hope Road.

Very specifically, no storm water management would outfall onto the Park Service

property. Along this portion here, this is actually lower. This ground is lower than the Park Service portion, so this is going to drain out that way toward the closed conduit system as well.

As far as pesticides go, generally speaking, we use pest management control. My personal feelings on these are that we don't just green up a lawn for the sake of having a green lawn with pesticides on it. Personally, I feel don't put it on the lawn if you don't want to drink it. That's what I do. But basically, using a combination of applied pest management, we can really control the problems if problems should occur. Also, I'd like to bring up one point.

The landscaping materials that are being proposed specifically are going to be hardy materials, pest resistant materials. We're not talking about delicate roses and things like that. We're talking about hardy materials that won't really need pest management.

MR. GILREATH: Thank you.

MR. HOOD: I have a few questions. First of all, going through the development, the street that's going through on the single family home side, is that going to be private or public or is that a continuance of an existing street that

already exists or what do we have?

MR. EDGECOMBE: I'm sorry. Are you talking about --

MR. HOOD: I see a street going through the diagram I'm looking at.

MR. EDGECOMBE: Right. We are proposing that that be a public street and we would go with all the District street standards for that.

MS. KING: And that would become the responsibility of the District government?

MR. EDGECOMBE: I'm sorry. Did I say public?

MR. HOOD: You said public.

MR. EDGECOMBE: I'm sorry. That is a private street.

MR. HOOD: That's a private street. Do all the houses abut that specific private street front entrance?

MR. LUTOSTANSKI: Essentially, of the 37 houses, 33 would remain on this private road. These are built within a theoretical lot subdivision and the four houses here have road frontage along the public street frontage which is Good Hope Road. On this portion, this is entirely a private street 25 feet wide to work with the subdivision regulations and that's from this point to that point at Ragnor

Road.

MR. HOOD: The elevation between the park in the middle to the apartment piece and the housing piece, what is the elevation?

MR. LUTOSTANSKI: I can give a quick overview. Generally speaking, if you look at the site today, let me focus over here for a second. If you look at it today, this is really a Metro fill site and if you go out there, I think you'll notice that there's large pieces of rubble debris, there's organic debris, there's building construction material. So basically when they built the Metro, they took everything and just dumped it down the hill in uncompacted fill areas. It's not the best materials.

The top is a much better soil material. It's roughly in the elevation of 208 elevation roughly and down here, right here it's 100 elevation. It's about 100 feet vertical elevation change between the two.

MR. HOOD: So you're saying it's going like this.

MR. LUTOSTANSKI: Right. Exactly. With the park in between. The park has a stream valley that occurs.

MR. HOOD: The people at the other side

of the apartment complex, the view is being blocked to the --

MR. LUTOSTANSKI: Coming from Skyline, yes. From the east looking towards the west. There'll be open views in between the buildings. If you notice --

MR. HOOD: I'm saying the view is being blocked.

MR. LUTOSTANSKI: Portions of the view would be blocked. There's an open spot so you can look this way, to look out that way, and also physically it's a little bit higher. Skyline Park is a little bit higher but also physically we're going to grade it such that the units are starting to go down the hill a little bit to try to work with some of that natural grade. That's going to lower them a little bit. It's not going to make a drastic change, but it will help a little bit.

MR. HOOD: My next question is how many sites previously have been done like this, successful sites? I'm aware of one or two, but how many successful sites with the simultaneous piece with the apartments and the single family homes being done at the same time?

MR. KNAPP: KSI and Kettler and Scott Companies has replicated this at least a dozen

times. It's very common for us to have single family homes back to back with multi-family apartments. We can show you many examples of it, whether it's at Cascade, whether it's at Virginia Run. There's a whole science method of doing this.

For example, we have programs where our apartment renters have the ability to accrue equity towards the purchase of a home. They live in our apartments and rent for about a year. Then when it comes time to buy a house across the street, they get some rental -- they get some equity credit toward the purchase of that house. So this is a very common configuration to do in a planned environment.

In this case, we have uniform nomenclature. The community will be known as Woodmont. The apartment product will be known as the Apartment Homes at Woodmont. Gene's product will be known as the Single Family Homes at Woodmont. So this is something that has been done numerous times before in a planned community setting.

MR. EDGECOMBE: Also, Mr. Hood, as I pointed out in my presentation, it's the same thing we're doing over at Montana and our Woodbridge site.

MR. HOOD: Let me stop you right there.

As far as I'm concerned, I'm aware of that one. I wanted to find out about some other ones that I thought were maybe more successful than what's going on over there.

Another question. What were some of the concerns -- I'm sure I can ask the citizen's associations and ANC when they come up. What were some of the concerns that it seems like they have with the apartment use?

MR. KNAPP: Are you addressing that to us? I'd like to answer that. And obviously you will hear from Fairlawn. I had my ears open as much as I could to the Fairlawn Civic Association and I really believe that they think the apartments that our group are going to be developing will be similar and comparable to some of the apartments that they've seen developed in Anacostia that have been subject to deterioration, absentee ownership, vandalism, lack of maintenance, abuse, drug infestation. These have been some bad examples of apartment ownership and management, not just in Anacostia but throughout the area.

The Fairlawn residents have been exposed to a lot of the bad. I don't know if they've been exposed to our style of apartment community which is luxury in nature, very upscale, carefully controlled

and managed, secure, has intensive programs. So I feel that somehow our apartments are being tarred with the same brush of other apartments. I think that's really the fundamental issue.

MR. HOOD: The only reason I saw in the literature stating that feasibility of that not continue to be the single family piece across on the other side was because of the market. Is that correct?

MR. KNAPP: Can you repeat the question, please?

MR. HOOD: The only thing that I saw in our presentation that you cited was the reason you didn't continue that single family home piece on the other side was because of the market.

MR. KNAPP: Well, economics. The project economically does not work as a single family development. The economic engine driving this development is the multi-family. Multi-family will be an excellent use in its own right but through the economic engine of the multi-family we're able to create a single family development working with Mr. Edgecombe which would not otherwise be possible without the multi-family.

MR. HOOD: It's too bad because that single family piece shines, but I'll wait and ask--

MR. KNAPP: We heard that and we tried to maximize to the extent we could the single family piece.

MR. HOOD: For example, let me go back to Woodridge. Single family homes in Woodridge do work well and it does go well but that other component, there's a problem, as far as I'm concerned, with the other component. I see another problem resulting here. I'll wait for further testimony.

MR. FEOLA: If I just may address that, Madam Chair, for a second just to make sure the record is clear on that because I want to make sure it's clear. The Montana Terrace revitalization does still include public housing and some home ownership. There will be no public housing involved on this property. And, as Mr. Knapp testified earlier, there is a market demand for good apartments in this part of the world. Good quality apartments. And the simple fact is that Fort Chapman had a waiting list for 20 years. Somebody moves out, the next day they paint it and somebody moves in. Marbury, the same way. Just sold for a lot of money per unit. Some people want or need to live in apartments. So I think that's part of the mix here that's driving it. But it's clearly an

economic reason.

MR. HOOD: Let me just ask. How many floors in the apartments?

MR. FEOLA: They're four stories. Three and four stories. There's one full three story building, the two end buildings are three and it goes to four stories. They're walk up apartments.

MR. GILREATH: In terms of security, will it be controlled entry, particularly for the apartments, or anyone can drive in?

MR. KNAPP: No. It will be a gated community with controlled access. The control point will be right here. This club house facility will be open for public use but if you get beyond the club house into the community, you'll have to be let into a gate. This is a very common way of developing and designing luxury rental communities these days.

MR. GILREATH: Will the people in the apartments accrue this equity? Does the same kind of program apply to this?

MR. KNAPP: Yes.

MR. GILREATH: They accrue equity and eventually buy a home other in the other area?

MR. KNAPP: Yes, that is correct. It's called a rent to buy program and it's something

we've done in other communities.

MS. REID: How does it work? I'm not familiar with that concept. How does that work?

MR. KNAPP: We find that our rental customers are very frequently saving up money because they're on the way to home ownership. These are typically professional people that are renting for a year while they get settled in a new job, accrue some money. We have found that the end buyers of the single family home product are very frequently customers that have once lived in a nearby rental community.

So what we learned how to do a few years ago is to institutionalize this and every month when a renter pays rent towards their apartments, we designate about $150 of that per month to accrue toward the down payment on a single family home so when they go across the street to the single family home and they've rented for a year at the apartment community, they have accrued a couple of thousand dollars towards the equity of a home purchase.

The mechanism to monetize this is we're cutting out of the transaction a broker. In other words, the resident moves directly from our apartment right to Mr. Edgecombe's operation. There's no intermediary broker. There are savings

that are passed on to the resident through the rent to buy program. It's a very common mechanism that's been done in numerous situations.

MS. REID: Okay. I have a few questions. Some of the issues that have been raised by community residents and the ANC 8B with regard to what they have described as having experienced various developments coming into the community and making profit and, after a time, abandoning those same communities leaving in its wake crime and drug havens and the whole nine yards.

What assurances have you proffered to the community that you would be there for the long haul, and the number 25 years or more was raised.

MR. KNAPP: Ma'am, we agree with what you said about ANC 8B. They did not oppose our project, but they did raise that issue as a concern, whether we would be there for the long haul. We took the Commissioner of 8B, Hope Etienne, to view a couple of our properties to try and show her the quality by which we manage them. The only thing I could say is you have our commitment. We're going to be managing and owning these properties long term, and we can certainly handle it contractually as well.

MS. REID: Okay. So --

MR. KNAPP: There are methods by which we can contractually arrange to own and retain ownership and control of the property.

MS. REID: That was my question. So you have proffered to them some type of arrangement or agreement whereby you would be conducive to agreeing to a set number of years.

MR. KNAPP: Ms. Chairperson, to date I haven't been asked specifically to make such a proffer, but we are prepared to do that. It's something that's aligned with our goal. We want local people, we want long term ownership and management. That is something we can contractually handle.

MS. REID: I would think that, given the fact that the response I'm seeing coming from the community for the most part seems to be supportive, but those were some of the reservations that I was seeing in that you're the developer going into this community that you would try to do whatever you could to mitigate some of the reservations that folks had there.

My other question is, and I guess I just can't remember. Just refresh my memory. With regard to the density of the apartments, what is the breakdown of one, two and three bedrooms?

MR. KNAPP: Ma'am, it's 176 units.

MS. REID: Right.

MR. KNAPP: Two thirds of the units are two bedroom, two bath. One third of the units are three bedroom, two baths.

MS. REID: No one bedroom?

MR. KNAPP: Excuse me?

MS. REID: No one bedroom?

MR. KNAPP: There are no one bedrooms. Our studies have shown that the customer out there wants two full baths, two full bedrooms. That is the market. So we want to design to meet the market.

MS. REID: Now, in regard to the parking, you said earlier that there was a provision for one parking space per unit.

MS. KING: In the rental unit.

MS. REID: One per unit even though they have two or three bedroom units. And six, you said, for visitor parking and you deem that adequate?

MR. KNAPP: Yes, I certainly do. The studies have shown that .75 would be enough. We've given ourselves a cushion, accounting for the fact that we do have a few more twos and threes than some of the comparables. But our experience is that yes, we certainly have adequate parking. Our studies

have shown that a lot of our customers such as Marbury will be professionals taking the bus 15 minutes to go to high paying jobs in the District.

MS. REID: So when you refer to the on street parking on Good Hope Road, that was not in regard to the apartment complex, was it?

MR. KNAPP: That is correct.

MS. REID: Okay. Here's what I don't understand. This is a gated community.

MR. KNAPP: Right.

MS. REID: Where you drive ostensibly for fortress type of safety atmosphere. Then would someone be compelled to park outside of that gated community to walk into the community?

MR. KNAPP: No, ma'am. A guest would come to this entry circle and there's a little station there where they enter the apartment code of their friend and ask, Can I be let in? And the friend buzzes them through and they park. We know from experience there are going to be surplus unutilized spaces. To the extent of some peak demand, it's not uncommon to have life in the big city where you do park outside the community, then get buzzed through as a pedestrian. But that would be the exception. For the most part, visitors will be coming through the gates to park in surplus

spaces available.

MS. REID: Well, okay. Let me rephrase my question. My question was not pertaining to pedestrians as visitors. I was referring to the people who would be actually living in this particular complex. Are you saying that in fact some of those persons who live there parking on the street?

MR. KNAPP: Absolutely not. No, absolutely not. Absolutely not.

MS. REID: You were proffering that as perhaps for visitors or people who don't live there.

MR. KNAPP: Yes. Absolutely not. That would be unprecedented for our customers not to be able to find on site parking. We've never had that situation happen before.

MR. FEOLA: Mr. Knapp, are you going to charge extra for the parking spaces?

MR. KNAPP: No. Parking is built into the rent structure. The rents are fairly high, and that does include the luxury of having your own parking space.

MS. REID: Okay. You've got a follow up.

MS. KING: They will be numbered so that apartment one has parking space one, etcetera?

MR. KNAPP: Ma'am --

MS. REID: Not initially.

MR. KNAPP: As I stated earlier, we have not found that necessary to do tags and designated parking because parking has not been an issue. To the extent it is and we're surprised -- it happens every once in a while -- we do have the ability to control parking through stickers. But at this point, we don't think that's going to be necessary because we think there will be surplus parking.

MS. REID: Numbered parking spaces are more typical for condominium complexes rather than rental.

In this particular complex, are there going to be any low or moderate income set asides?

MR. KNAPP: No, ma'am. There'll be no skewing of rent. The rent structure will be a two bedroom, two bath for $750, a three bedroom, two bath for $850. There'll be a few smaller two bedroom, two baths which will rent for $825 but there'll be no low income set aside or affordable dwelling units or any such thing.

MS. REID: Okay. Mr. Osborne, I have a couple of questions for him, please. Osborne George. You in your report indicated that you don't foresee -- your authority stipulated that you don't

foresee any great impact as a result of this development coming on line in this community, save the possibility of two intersections, one of which was Good Hope and 25th Street which is already, you said, problematic.

MR. GEORGE: Yes, ma'am.

MS. REID: You suggested that perhaps adjustment of the signal's timing might be a solution for mitigation of that particular adverse impact. Can you explain what that means or how that's going to be achieved.

MR. GEORGE: Yes, ma'am. That intersection, as you alluded to, is signalized and the capacity of a signalized intersection can often be enhanced by minor adjustments in the timing. That is, the amount of green that is allocated to the various movements. Now, this is a service that we have performed for the Department of Public Works at other locations outside of development applications and we typically use optimization tools, software programs, so that determining the optimum phasing for intersections to increase their capacity.

And we have shown that even based on the current timing, signal timing, there would be minor level of service deficiency. We've also shown that

by minor adjustments in the timing, in other words, the amount of green given to a particular movement at a particular time of day, considering the directional flow of traffic, that you can obtain additional capacity and greater efficiency of the intersection.

MS. REID: Okay. You also mentioned the Barney Circle project. I'm not familiar with that. Could you give us some additional information. You proffered that as a basis for a further mitigation of some of the adverse impacts. I need to understand what that is so that I can garner where that comes into play.

MR. GEORGE: I think the term Barney Circle refers to a circle which used to be in this area which was at the approach point of a number of roads, some leading to the RFK Stadium area and, of course, the 295 expressway area or 395, as well as Pennsylvania Avenue. Over the last perhaps 10 years, the city has been looking at general improvements, part of which have already been implemented in the widening of the bridge over the Anacostia River here. Other ramp connections have been providing access to the RFK Stadium. I did not do a detailed research or in fact any significant research regarding the status of this project, but

information that I had gathered as part of other products -- this includes a section of Pennsylvania Avenue, a heavy commuter route.

Now the reason we indicated this section in red is because of the extreme delays, the congestion levels that are currently being experienced. And I think that is one of the objectives of the Barney Circle project. What we said is that --

MS. KING: Excuse me, Mr. George. I thought the Barney Circle project was dead in the water?

MR. GEORGE: Well, I know -- I think some elements of it may be. But indeed some elements have indeed been implemented.

MR. FEOLA: May I, Ms. King? The freeway portion of the Barney Circle project is dead. There are still road improvements that were part of the Barney Circle study that I think DPW anticipates funding and building.

CHAIRPERSON REID: Lights?

MR. FEOLA: Light signalization, widening of roads, and so forth.

CHAIRPERSON REID: Where? On this -- where you have indicated in this heavy red tape?

MR. GEORGE: What we are saying is that

this section of roadway is heavily congested and that was part of the objective of that overall project, to improve mobility along this section. Likewise, this section of Branch Avenue to the south. Because of this, there is significant intrusion of traffic along roadways such as Good Hope Road, which again our studies have shown that during the morning peak hour, 75 percent of the vehicles heading westbound along Good Hope Road is of other than D.C. registration. And so we are saying that should the District of Columbia implement some of these other sub-area improvements, we expect the situation along that roadway to be similarly relieved.

MS. KING: But that is problematical and somewhere in the future?

MR. GEORGE: Somewhat -- yes, but it -- yes, I do concur.

MR. FEOLA: But, Mr. George, did you anticipate those improvements in your study?

MR. GEORGE: No, we did not.

MR. FEOLA: So you assumed no change in the existing --

MR. GEORGE: Exactly. In fact, we took the existing volumes, which we think reflect that intrusion, and we factored those up. So there is a

built-in, perhaps, factor of safety, if you call it, as far as our projections. In other words, assuming not only that the status quo would continue, but that it would continue to grow.

MR. FEOLA: Have you been able to talk with the Department of Public Works about your report?

MR. GEORGE: Yes. As I indicated, we consulted with DPW in establishing the study area and the basic parameters of our study. We understand from Mr. Abdullah Ibah, who is a staff person typically assigned with responsibility for reviewing the study, that he has a copy and that he has reviewed it. Unfortunately, his indication to me as of yesterday was that other pressing assignments would not allow him to prepare a response in time, but he had no questions or no concerns regarding our methodology or the conclusions of that study.

MR. HOOD: Madam Chair, may I just ask may the record be open so we can obtain that from Department of Public Works?

CHAIRPERSON REID: DPW?

MR. HOOD: Right.

MR. HOOD: Yes, I would very much like to see that report from DPW because being reasonably

familiar with this area and in regard to ingress and ingress of automobiles coming down those major arteries, presently it is problematic.

MR. GEORGE: Yes.

CHAIRPERSON REID: And I would like to see a better proffer of possible mitigation and diffusing of what I see to be a considerable impact in regard to traffic.

MR. GEORGE: Yes. Well, my response would be two-fold. Number one, we have shown that the minor or marginal level of service deficiency at the location first of all currently exists at the one location to the east. And secondly, we have the documentation or the analysis results which shows that it can be improved just by adjustment in the signal timing and phasing.

CHAIRPERSON REID: Well, that being the case, it would seem that someone would have thought about that before now.

MR. GEORGE: Yes. It is typically the case there are other --

CHAIRPERSON REID: If it is just a simple adjustment of the timing or the signal.

MR. GEORGE: Yes.

CHAIRPERSON REID: That seems to be a very simple process or procedure.

MR. GEORGE: Yes.

CHAIRPERSON REID: We could have done that.

MR. GEORGE: I would like to make it clear that I am not suggesting that every intersection within the city could be brought up to an acceptable level by such means.

CHAIRPERSON REID: I didn't think you were saying that, Mr. George.

MR. GEORGE: Right. Okay. Yes.

MR. FEOLA: Madam Chair, while the applicant believes that Mr. Hood's suggestion is a good one that the record be left open for a Department of Public Works report, I would ask that the Board put some time limits on that because I think the Department of Public Works would react better to knowing they have to have it done by such and such a date as opposed to open-ended.

CHAIRPERSON REID: Well, that is a given, Mr. Feola. We have already -- once Mr. Hood requested it, that is something that Ms. Pruitt-Williams would have automatically regarded to set up a time line for the receipt of such. Any other questions?

MR. GILREATH: Yes. Madam Chair, I certainly want to make sure there are no adverse or

significant transportation or traffic impacts. But I don't think we should get in the situation of -- as I have understand it that the majority of these cars are serving the residents of Prince George's County and Maryland tags. And to say the District cannot build any more housing because if we put more cars on the road there, it is going to impact them. There has to be some kind of balance and certainly we need mitigation.

CHAIRPERSON REID: Wait, wait. Did he say that?

MR. GILREATH: He said most of the tags as a fact were non-D.C. automobiles passing on those streets.

MR. GEORGE: Yes.

CHAIRPERSON REID: I heard him -- I am sorry, I just didn't hear the percentage. Did you say that most -- you said was it 70 or something? That 70 some percent, you were saying those were not D.C. tags?

MR. GEORGE: Exactly, were none other than -- other than District of Columbia registration.

MR. GILREATH: Commuters.

MR. GEORGE: Commuters.

MR. GILREATH: Commuters coming from

outside the District?

MR. GEORGE: Yes.

CHAIRPERSON REID: Well, what about the people who live there?

MS. KING: What about that?

CHAIRPERSON REID: Yes.

MS. KING: What about that?

CHAIRPERSON REID: I mean how many cars -- you indicated a number of so many cars per person that you had analyzed in that area.

MR. GEORGE: Yes.

CHAIRPERSON REID: What was that? Did you say --

MR. GEORGE: For the entire area for which we collected and analyzed census track data, it was .64.

CHAIRPERSON REID: Oh, .64.

MR. GEORGE: Right. Vehicles per multi-family rental unit. That was the ownership ratio.

CHAIRPERSON REID: What about single family ownership?

MR. GEORGE: Those varied. Those were high, indeed between 1 and 1.5 and 1.6 vehicles per household for owned residences.

CHAIRPERSON REID: It seems very strange to me, Mr. George, that given the fact that you do

have a considerable amount of automobile ownership in that immediate vicinity that 75 percent of the tags would be from out of state or out of town.

MR. GEORGE: Yes.

CHAIRPERSON REID: I find that very complexing. But --

MS. KING: Well, it is a major artery to bring people in from Maryland.

CHAIRPERSON REID: But the people who live there have to travel those roads as well.

MR. GEORGE: Yes.

CHAIRPERSON REID: That is the only way that they can travel those roads and get in and out.

MS. KING: I mean, I live near Reno Road and 34th Street and I suspect that Mr. George has probably done surveys on Reno Road and 34th Street like that in my neighborhood 75 percent of the cars during rush hour in the morning and evening don't have D.C. tags either. I mean, it is what happens to you when you live on a major arterial coming in from the suburbs.

CHAIRPERSON REID: Okay. I just find it baffling.

MR. GEORGE: Madam Chairperson, I would say this is by no means unique here. We have done similar surveys. I don't think, Ms. King, not on

Canal Road, but on Georgia Avenue, which leads into Maryland, and the statistics are similar.

CHAIRPERSON REID: I just -- I was saying that to just basically illustrate the fact that I was not familiar with that aspect of the trafficking. I did not -- it wouldn't have occurred to me that most of the traffic on those roads were people other than those who live there. But I am not a traffic person.

MR. GEORGE: Yes.

CHAIRPERSON REID: Mr. Hood?

MR. HOOD: I am not a traffic expert. I want to switch over.

CHAIRPERSON REID: Anyone. Anything.

MR. HOOD: Okay. I just wanted to ask a question. I am here looking through the packet again and I may have missed it so bear with me. Vertex and IDS, are you going to do a project similar to what you have proposed to do over in Woodridge as far as dealing with computer training employment? Is that what I am understanding? Or is this in the package just for us to know exactly what you were working with and what you are doing?

MR. EDGECOMBE: No. Right now the only thing we may add to our package over here that we are giving consideration to is the potential for

adding the telecommunications piece whereby homeowners would have access to Internet, telephone and cable through a system that all the homes would be connected to similar to what we have over at Woodridge right now whereby you can plug into one gang outlet and have access to those three services. That is something that we are looking at right now, but nothing beyond that at the present time.

MR. HOOD: And you have that already in existence over at Woodridge?

MR. EDGECOMBE: Yes.

MR. KNAPP: In the multi-family community inside our clubhouse facility, we will be doing computer training. We will have a room dedicated to training with computers and it is comparable to something we have done in our other planned communities.

MR. HOOD: Now who is going to head that up? Is it going to be IBS personnel?

MR. KNAPP: No, no. This will be handled by KSI, the management agent. We have found that there is a lot of need to enrich the lives of children after they come home from school prior to their hard-working parents coming home. So we know as a matter

-- we know that we are going to be engaged heavily

with our children on site in after-school enrichment programs and other training programs.

MR. HOOD: And that is going to be for the multi-unit?

MR. KNAPP: That is correct.

MR. HOOD: As opposed to the single family homes?

MR. KNAPP: That is correct.

MR. HOOD: And what about the existing homes? Will they be able to come in and participate?

MR. KNAPP: There will be an arrangement with the homeowners association, Mr. Edgecombe, where for a fee they can use our rec facilities such as our swimming pool, our exercise facility, our tot lot and our computer training facility. But that would be as an a la carte fee to be worked out with the HOA of the homeowners. For my on-site apartments, it is included in the rent.

MR. HOOD: Okay. Now would that just apply to new construction? What about existing construction that is already in the area?

MR. KNAPP: No. This will just -- what I am talking about just applies to a community called Woodmont. It is exclusive to our community called Woodmont. Because it is a private facility.

MS. KING: I am sorry, do you mean it will apply -- the clubhouse will be used by the people who live in the multi-family dwellings and the single family homes and that is it and their guests presumably?

MR. KNAPP: Yes. With one exception. We will be glad to open our doors to regularly scheduled community meetings, for example ANC meetings, Frederick Douglas Meetings, Fairlawn Civic Association meetings. We will do that. Because certainly as a major landowner in the area and operator, we see that we should be part of any agenda. Inevitably, we will be part of the agenda in terms of lighting, landscaping, maintenance and all that. So we customarily open our doors to community group activities and meetings.

MR. EDGECOMBE: One thing, a point of clarification on Mr. Hood's comment as related to our Woodridge Montana tourist piece. Through IDS, we have a non-profit and that non-profit put together a program to assist low-income families to help them get into job training and to assist them in the home ownership program that we have established. So that was a little different scenario there.

CHAIRPERSON REID: Okay.

MR. HOOD: And let me just say this, Madam Chair. The reason I really didn't want to focus on Woodridge was because I was a part of that. I have worked with them on that and I know a little bit about that. So I want to put that out on the record.

CHAIRPERSON REID: Okay. Just one last question. In regard to the gated community, is that literally a gate around the parameter of that development? Where is it? Can you point to it for me and tell me what type of gate?

MR. KNAPP: Yes, ma'am. It is going to be an attractive wrought iron gate that surrounds the community.

CHAIRPERSON REID: How high?

MR. KNAPP: It is 6 to 7 feet. In quality, it is comparable to those pictures we showed of Sidelands wrought iron fence. It is an attractive wrought iron fence. In areas that are in the tree line and less visible, the wrought iron fence could transition into a chain link fence in areas that is not visible. But in any high impact visible area, it will be a very attractive black, dark-colored, wrought iron fence. It will have automatic arms that open up when activated by a customer.

CHAIRPERSON REID: Is that depicted in the plans that you submitted?

MR. KNAPP: There is not specifics, I think. I don't think there are specifics.

CHAIRPERSON REID: Okay. But we have -- the plans were here, so we still have to take the time and look at them. And just out of curiosity, when you did the single family development, why did you decide not to make that also a gated community?

MR. EDGECOMBE: Typically on our single family -- and as I mentioned, we are doing -- we have got three of them under construction right now. None of which we have made gated. We have given consideration to it. Quite frankly, most of our single home family buyers really have not desired gated necessarily. However, within our homeowners association, we do have an article within their by-laws relating to fencing in general for individual property owners. But not a gated community. And we don't necessarily think it would fit this community.

CHAIRPERSON REID: Well, that is interesting because my take on this is the reason why you have elected to make this a gated community is because of the various elements that are perhaps known to be in this particular area and as a safety vehicle. That is my understanding. Is there

another reason why you would --

MR. KNAPP: Ma'am, it is really a matter of economics. The gate and the gate system costs a few hundred thousand dollars. That could be easily spread across 176 apartment units such that it has a very negligible impact in the rent of our renters. When you try and put a gate around a 37-unit community, it is really the same cost, but it is allocated among very few individual homes. And there just comes a point where the gate is nice and our customers are willing to pay maybe $5.00 or $10.00 a month for it, but it is really hard to have them pay $50.00.

CHAIRPERSON REID: I understand.

MR. KNAPP: It just becomes a matter of economics.

CHAIRPERSON REID: That is an amenity that is absorbed by the number of units.

MR. KNAPP: Yes.

CHAIRPERSON REID: Wherein on the other side, it is just not economically feasible to do so.

MR. KNAPP: Exactly.

CHAIRPERSON REID: You know, you answered my question. Because I just wondered why on this side you have the gated community and then over here, right across from it, you did not have

it.

MR. KNAPP: It really has to do with economics. We found in other locations, whether it is Reston or Bethesda that the gates were, that the renters like the gates because it doesn't have a huge impact on their rents, but it is very beautiful and it creates a sense of security and privacy that they are willing to pay an extra $5.00 or $10.00 for. To the extent it becomes a $50.00 a month item, then we think it is less marketable.

MR. EDGECOMBE: The other issue is that our developments -- our single family developments tend to be under 40 houses, far less traffic and a lot easier to maintain in terms of visual maintenance. When you start getting into the larger 100-plus houses, it becomes a little bit of a different issue.

CHAIRPERSON REID: There is a homeowners association for each, the apartment and also -- I mean, an apartment association for the apartments and a homeowners association for the single family homes?

MR. KNAPP: It is a little different. For Mr. Edgecombe, he will have a traditional homeowners association. For me, the property management agent -- you know, my company -- will be

involved as the property manager and we will have all responsibility for maintenance, paying the bills, and upkeep. So it is the management company in the apartments as opposed to a tenants association.

CHAIRPERSON REID: Okay.

MR. HOOD: Mr. Edgecombe, what do you project the homeowners association fee will be for the single family homes?

MR. EDGECOMBE: Since we are primarily fee simple without the whole lot -- we don't have any large amenities or open spaces, probably in the $30.00 to $40.00 a month range for assessments.

MR. HOOD: And we are saying that is going to be a private street?

MR. EDGECOMBE: That will be a private street, yes.

MR. HOOD: And the residents will be responsible so many years on down the road to repave or whatever?

MR. EDGECOMBE: That is correct. And we would take the responsibility for putting together the by-laws and so forth for the homeowners association.

MR. HOOD: So you will have that already set up when the residents purchase?

MR. KNAPP: Exactly. We did the same thing at Woodridge.

CHAIRPERSON REID: Okay.

MS. KING: Madam Chair, I have a couple of legal questions.

CHAIRPERSON REID: Okay.

MR. FEOLA: Ma'am? I assume you are addressing them to me. Maybe you should address them to one of the others.

MS. KING: You. What is the enforceability of the 25-year commitment to continue to own and manage these or to continue to manage the private houses and to continue to own and manage the rental? I mean, you know we have heard some language about yes, we would commit. We will still be there 25 years down the road and they can count on us. But I mean --

MR. FEOLA: The truth is if it is done by private contract, it is a contractual enforceable right.

MS. KING: In other words, the question is could your clients sign a contract with the Fairlawn citizens association undertaking -- and the ANC whatever it is?

MR. FEOLA: The ANC couldn't because it is a government agency. But certainly Fairlawn

could. This Board doesn't have the authority, quite frankly, to limit --

MS. KING: No, no. That would have to be -- the courts would have to.

MR. FEOLA: Right.

MS. KING: But I mean could it be enforced?

MR. FEOLA: Yes.

MS. KING: With penalties should your client fail to --

MR. FEOLA: Like any contract, that is correct. I mean, it will be subject to everything else in the world like bankruptcy and foreclosure and things like that. But it would be a contract enforceable like any other contract.

MS. KING: Okay. Have you seen a copy of the letter that Council Member Ambrose sent to the BZA?

MR. FEOLA: I did not.

MS. KING: Could the staff give a copy, please, to Mr. Feola?

CHAIRPERSON REID: Wasn't he supposed to have gotten a copy of that?

MS. KING: He should have been. But it came in at --

CHAIRPERSON REID: I think it came in

today.

MS. KING: It came in at seven minutes of one. Let me give you my copy and could I read from yours in asking my questions? I don't need another copy. She is writing in support of the Fairlawn community in this case, and she says amongst other things -- you will see in the middle of paragraph 2 -- "It was to protect the concerns about preserving the residential character of the community that I introduced and so enacted into the comprehensive plan the following language, to wit, to encourage rowhouse construction compatible with existing neighborhoods while discouraging the development of additional multi-family in the Fairlawn community. The purpose of these amendments are to protect the housing stock and families in the Fairlawn community." As you know, one of the things that we have to look at is compatibility with the purpose and intent of zoning regulations and maps and I wonder if you would explain to us how you would like to argue against Mrs. Ambrose's -- the question Mrs. Ambrose has raised.

MR. FEOLA: In the first instance, the comprehensive plan, which has recently become law as it has come down from the Hill, hasn't changed the zoning. And until the Zoning Commission changes the

zoning to make it not inconsistent with the comprehensive plan, both of these properties are zoned for multi-family housing development. And it is R5-A and R5-B. And what we have tried to strive here is a compromise between the desires of the community and what the Council member is trying to achieve, and the underlying zoning, which the seller of this property, which is not here at the table, anticipates getting a return for. If this property were zoned R-1A or R-1B, we couldn't be before this Board trying to establish a 176-unit apartment building. We would have to go through a zoning process.

MS. KING: So, I mean, the comprehensive plan is now enacted in the next stage -- let me just get this clear. It is for the Zoning Commission to make the changes to the maps that reflects the law that exists now, is that it?

MR. FEOLA: That is correct. And any other changes as well to the text or the maps.

MS. KING: Okay. I understand that. But I mean the fact that it has gone through the council, the mayor signed it -- a mayor has signed it, I assume the last mayor and not the current one, and that the Congress has reviewed it and it has survived. I mean, minus the fact that the -- I

mean, absent the fact that the Zoning Commission hasn't done anything, isn't it law and does it matter if the Zoning Commission has acted as long as the council, the mayor, and the Congress have acted?

MR. FEOLA: Not with regard to land use. The council -- the comprehensive plan with regard to land use is a policy guide to the independent agency, the Zoning Commission, and the Zoning Commission is then charged with evaluating the zoning regulation's consistency with that plan. The Zoning Commission in the District of Columbia is the legislative body that changes the zoning laws -- makes the zoning laws and changes them. And the fact is that the zoning of this site is R5-A and R5-B and has been for almost 50 years, and the Zoning Commission may decide to change it or may not decide to change it based on this policy guideline. I don't see the council -- or I haven't seen the language in the plan and I don't see the council members language saying change parcel 175 or whatever it is to R1-B. It says to discourage the development of multi-family housing. You are an independent agency of this government. You could read that to mean no more apartment houses in Fairlawn or maybe only good apartment houses in Fairlawn. What is discourage multi-family housing?

But I think the courts would sustain the fact that the zoning permits this.

MS. KING: At present.

MR. FEOLA: At present.

MS. KING: But it may change before we make our final decision?

MR. FEOLA: Very unlikely. I mean, just a zoning case takes by notice and --

MS. KING: But have you seen the -- Mr. Feola, have you seen the bill that has now gone through the whole legislative process?

MR. FEOLA: The comprehensive plan?

MS. KING: Yes.

DR. KROBOTH: Yes, ma'am.

MS. KING: And do you know what it says about the specific location of the multi-family housing?

MR. FEOLA: I don't know, no, ma'am. I can look it up.

MS. KING: Madam Chair, I would like to request that staff brief us on that, either in writing or before we make any decision in this case.

CHAIRPERSON REID: Mr. Hart. Let's put it aside. I can't see -- and would you please ask her to see that so that we do get that information.

MR. HART: Sure.

MS. KING: If we could have copies of the appropriate section that impacts this.

MR. FEOLA: Sure. We would be happy to provide it for the record. That might be easier.

MR. HOOD: Madam Chair, may I just ask Ms. King a question? Ms. King, you are referring to the comprehensive plan?

MS. KING: Yes. Sharon Ambrose in her letter says that she got an amendment to the comprehensive plan. My question is -- well, you heard what Mr. Feola said about the Zoning Commission having to act before it became utterly official.

MR. HOOD: Right. He is correct on that.

MS. KING: But my question is not withstanding that you all haven't done anything yet, if you do follow the recommendations, is it going to impact this specific piece of property? Because if it doesn't, you know there is a very different --

MR. HOOD: That was one of the questions I had, Ms. King. If I could just clarify that.

MS. KING: Yes, please.

MR. HOOD: I was informed that the comprehensive plan, as Mr. Feola has said, is basically a guide. It is not necessarily saying

that the Zoning Commission has to make zoning changes specifically. That is what they would like for us -- that is the guide for us to kind of stay and to adhere to.

MS. KING: Right.

MR. HOOD: If that brings any more clarification.

MS. KING: No, it does. But the thing is that if Ms. Ambrose got that specific piece recommended for rezoning that would make this kind of development utterly impossible, I would like to know it. Notwithstanding that we are now dealing with -- we have to deal with what exists now. I still would be -- it is a matter of academic interest to know whether Mrs. Ambrose specifically targeted that piece of property or not.

MR. FEOLA: I would be happy to get that.

MR. HOOD: It would also take the Office of Planning some time.

MS. KING: No, I understand. I mean we have to deal with what is now. But it is of academic interest to me to know if the elected officials in this town have set a policy that that piece of property should or should not be permitted to be developed for multi-family housing.

MR. FEOLA: And just not to belabor the

point, I think that is an excellent request and we can provide that for you. I don't believe there is a particular provision, but we will research it.

MS. KING: It would be very helpful.

MR. FEOLA: The other thing I would like to say on behalf of the applicant, though, is that there are provisions in the land use element of the comprehensive plan, the land use map element of the comprehensive plan, that were established in 1984 that haven't been adopted by the Zoning Commission, either by lack of prosecution of those changes or in some cases actual rejection. So the Zoning Commission is very protective of its role as an independent agency.

MS. KING: Even if everything was running on greased wheels, we would still be dealing today with what is the law today.

MR. FEOLA: I understand.

MS. KING: You know. But I just -- just to complete the picture for us, I would like to know.

MR. FEOLA: We will be happy to provide that.

CHAIRPERSON REID: Let me ask a rhetorical question. Given the reconcern in regard to the density of this development, is there a

possibility of looking at scenarios whereby you would get to a number wherein it would be a reduction of the apartment units and an increase in the single family homes, maybe to include townhouses or a combination -- mixed housing, where it would still be economically feasible but cause less consternation within the community and within the other powers that be here in the city?

MR. KNAPP: Ma'am, I point out that the property allows about 800 units of development. We are only doing 213. I also point out that our original intention was to do multi-family on the western parcel. But because of this citizen interest in single family homes, we felt we made a major accommodation by dedicating this entire tract to single family development, thereby reducing our apartment community to only 176 units. That is a small size rental community to begin with. Remember, we are having all of these services such as a swimming pool, a clubhouse, a fence, and after-school enrichment programs, and we can't cut it down to anything below 176 units and still have it operate on an economic basis as well as support the cost of this whole development as well. So we feel we have already made that accommodation and pushed the multi-family down to a minimum size of 176

units.

CHAIRPERSON REID: Okay. Any other questions?

MS. BAILEY: Madam Chair, I have a technical question. Is it okay for me to ask it?

CHAIRPERSON REID: Sure.

MS. BAILEY: Can you hear me, Ms. King?

MS. KING: Yes, I can, thank you.

CHAIRPERSON REID: State your name so that they pick it up on the record.

MS. BAILEY: Beverly Bailing, Office of Zoning. Mr. Feola, the application came in under subsections 410 and 2516 of the regulations.

MR. FEOLA: Yes, ma'am.

MS. BAILEY: Under section 410, that applies to the gardenhouse apartments or to the apartment component?

MR. FEOLA: Yes.

MS. BAILEY: Under section 2516, that is the single family component. You could have applied under another section, which is 25 -- I am sorry, section 353 for new residential development in the R5-A district. Why did you choose to apply under 2516 rather than section 353? Is it because under 2516 that allows you greater density?

MR. FEOLA: No, neither allow greater --

there is no difference in density. The theoretical lot -- to create lots that are not funding on public street, and that is in this case Good Hope Road or one of the side streets, which 33 of the single family houses do not have, I believe you are required to use 2516 as a theoretical subdivision. And that requirement was put in by the Zoning Commission not too many years ago as the large estates in mostly upper northwest were being broken up into multi-family housing. It used to be a matter of right, the theoretical lot subdivisions. And the Zoning Commission changed that to require a special exception before the Board. I don't believe 353 applies.

MS. BAILEY: Well, it has for new residential development in the R5-A district.

MR. FEOLA: Let me look. Oh yes. It says -- 353 says in the R5-A districts, all new residential developments except those comprising one family detached, which is what we have, can do this. But then if you read 2516, you can have a theoretical lot that doesn't have public frontage.

MS. BAILEY: Okay. So the theoretical provision is what kicks in and what pushes you to --

MR. FEOLA: Right. If these were public streets, you are correct, and we had all the

required lot occupancy like we do, we wouldn't have to --

MS. BAILEY: So will new lots of record be created?

MR. FEOLA: What will happen is the entire single family property will be subdivided into a single lot of record, one recorded lot in the surveyor's office. And then there will be theoretical lots approved by the zoning administrator, subject to this Board's approval, on these laws of the individual lots.

MS. BAILEY: Approved by the zoning administrator?

MR. FEOLA: After this Board acts or doesn't act. I mean, this Board has to approve it first.

MS. BAILEY: Approved by the surveyors?

MR. FEOLA: No. By the zoning administrator. And it is consistent with what has been done at the Cloisters, Foxhall Crescents, Hillandale development on Reservoir Road and a whole series of other subdivisions that happened that are considered theoretical subdivisions. I mean, for example, the Hillandale development on Reservoir Road is a 42-acre site and one record lot covers the whole property, 200 and some units.

MR. GILREATH: Madam Chair, I would like to just get a little consideration. If we get in the position of saying over in southeast we understand there is this apartment problem and we say that only single family housing can be developed in the area henceforth, we are in effect saying that --

MS. KING: We can't do that. That is for the Zoning Commission.

MR. GILREATH: Okay. But we would say that for people who cannot afford $200,000.00 homes, the rental available economically will have to go elsewhere, which means they will be going to Prince George's County. Certainly we have to show merit to this, but to simply say that any project has got to be -- to exist in the future, it has got to be single family, we are in effect saying that the people who can't afford single housing but rental, they are going to have to go elsewhere. Which means to my mind we are pushing them over into Prince George's County. That is just a broader consideration we need to at least give some weight to as we evaluate this.

CHAIRPERSON REID: Is that a question for them?

MR. GILREATH: No, it is just a

rhetorical statement on my part.

CHAIRPERSON REID: Okay.

MS. KING: The applicants are very happy to hear you speak, Mr. Gilreath.

MR. GILREATH: Well, when I look at this, I am looking at it from the point of view of good judgment, whether it supports him or not.

MS. KING: I understand what you are saying.

MR. GILREATH: It is a judgmental matter on my part.

MS. KING: Okay.

MR. FEOLA: Just one last point on Mrs. Ambrose's letter, and that is the portion of this property that is before you today that is in her ward and most closely associated with Fairlawn is being developed as single family detached housing. The portion that is being developed as multi-family is in Ward 8, in ANC 8-B, which has shown no opposition. So I just point that out.

MS. KING: No, I understand.

CHAIRPERSON REID: All right. We would like to take a 10-minute recess and return at 3:30.

MR. FEOLA: Thank you very much.

(Whereupon, at 3:14 p.m. off the record until 3:27 p.m.)

CHAIRPERSON REID: The hearing will please come back to order. The hearing will now come back to order, thank you. All right. Has the representative from the ANC come in yet for this case? ANC 8-B or 6C?

MS. KING: Mr. Jones or Reverend Jones is not here? Okay. Now we will have cross examination.

MS. KING: Reverence Johnson.

CHAIRPERSON REID: Mrs. Jones -- I am sorry, ma'am. Ma'am, can you come forward? Yes, you, please. I just wanted to ask you, I see you raising your hand. Are you here to testify?

MS. THOMAS: I am here as a concerned citizen from 8-B.

CHAIRPERSON REID: To testify?

MS. THOMAS: Yes.

CHAIRPERSON REID: Give your name, please.

MS. THOMAS: I am Hattie R. Thomas.

CHAIRPERSON REID: And your address?

MS. THOMAS: I live at 2365 Good Hope Road, apartment 2106, adjacent to the property that they want to build apartments on.

CHAIRPERSON REID: Okay. So are you going to testify in opposition to it?

MS. THOMAS: Yes.

CHAIRPERSON REID: Okay. Well, right now is the cross examination time. So --

MS. THOMAS: Just let me know when I am supposed to speak.

CHAIRPERSON REID: Yes. You won't be able to ask any questions.

MS. KING: Mrs. Jones --

MS. THOMAS: I just have a pertinent point to what they are saying. I want to make sure that the zoning people know about it.

CHAIRPERSON REID: Okay. Mrs. Jones is the one who is going to be asking the questions.

MS. THOMAS: Okay.

CHAIRPERSON REID: You don't have party status, so I would suggest that if you do have a question, you can give it through Mrs. Jones, because she has party status.

MS. THOMAS: All right.

CHAIRPERSON REID: Okay.

MS. JONES: I just have a few quick questions for Mr. Knapp.

CHAIRPERSON REID: Give your name.

MS. JONES: Oh, my name. Thelma E. Jones, 2217 T Place, S.E., Washington, D.C. 20020. I would like to know when you made your presentation

to the Fairlawn Citizens Association, why weren't we shown some of these slides that you showed here today at this hearing?

MR. KNAPP: There is no particular reason other than that I thought I would just keep the presentation relatively informal as opposed to a BZA hearing, where I felt a more formal presentation was in order. That is really the only reason.

MS. JONES: My second question was how did you all get from 33 homes to 37?

MR. KNAPP: We -- I think consistently we have always had 37 homes. The confusion has to do with the fact that 33 of those happen to be theoretical lots, while the additional 4 are record lots. So within the 37, there is just this artificial distinction between a theoretical lot, which is subject to the BZA approval, versus a by right record lot, which already faces a public street. You see, there are four houses that face the public street that don't require this BZA action, and then there are 33 homes that are on a private street that do require the BZA action because they are on that private street. So that is why there is confusion. But all along there has been approximately 37 single family homes.

MS. JONES: No. Because when you

started out --

CHAIRPERSON REID: Ma'am -- Mrs. Jones?

MS. JONES: Just ask questions?

CHAIRPERSON REID: What you have to do is ask questions. But pose your whatever you want in the form of a question. Whatever you want to say, pose it in the form of a question. Okay?

MS. JONES: Okay. Well, why did it -- well, I can state those when I give my testimony.

CHAIRPERSON REID: Okay.

MS. JONES: From Mr. Edgecombe, do you live on any of these properties that you all compose the by-laws?

MR. EDGECOMBE: No, ma'am.

MS. JONES: Well, why wasn't that left to the homeowners to compose their own by-laws?

MR. EDGECOMBE: Typically in single family subdivisions, the developer normally has the responsibility prior to leaving the site to develop the homeowner's association set of laws. Now the homeowners themselves do have an opportunity to participate in that process. But traditionally, the homeowners are far more comfortable to have the developer do it prior to the developer leaving the site.

MS. JONES: Okay. Well, in doing this

construction -- you are the construction -- has any things been given towards the disability people moving into any of these apartments or houses? Because I didn't see anything mentioned about wheelchair ramps or things like that.

MR. EDGECOMBE: I will speak to the single family. On the single family, we have houses that you can gain access to. However, we do not have specific houses that are -- where the whole house is for the disabled. Dick, do you want to speak to the apartments?

CHAIRPERSON REID: I think that she is referring to just the accessibility -- ADA accessibility.

MS. KING: Of the whole project.

CHAIRPERSON REID: Of the project.

MR. EDGECOMBE: Right. Yes, we do have ADA accessibility to some of the houses, not all the houses.

CHAIRPERSON REID: We are worried about the apartments.

MR. KNAPP: Ms. Jones, for the rental apartments, I assure you we are in full compliance of the fair housing laws and the ADA laws, which require accessibility of the ground floor units for handicapped persons as well as accessibility of all

public spaces. Out of the 176 units, we have 48 units which meet the full ADA requirements. So we are under full compliance with the Fair Housing and the ADA laws. That is something we take very seriously and put a lot of work into. We do have here in this room true experts in this field who can testify if required.

MS. JONES: And how do you assume that you are going to have adequate parking for the tenants in the apartments where they will only have one parking space? And also when the visitors come, where are they going to park? Because they will be having out-of-town visitors. And if you are building two bedrooms and three bedrooms and they have to put people up over night, these people have to have somewhere to park.

MR. KNAPP: Yes. Ms. Jones, we spent a lot of time using the traffic consultant to study the parking requirements for a property. We surveyed comparable properties and found that the parking ratio was .75 spots per apartment. We have increased that up to one spot per unit, which also complies with the zoning. But it also complies with what we think is the market, so it creates an extra cushion of extra spaces for those people that want to visit. So we have six visitor spots and then we

have a cushion of an extra .25 spots per unit for visitation. We don't think we are going to have any trouble with accommodating parking, including both our customers as well as visitors.

MS. JONES: My next question is --

CHAIRPERSON REID: Mrs. Jones, speak so that it is recorded.

MS. JONES: My next question is where your apartments abut Skyland, is that a fence? I don't see a street back there.

MR. KNAPP: Yes, Ms. Jones. That is an existing fence. The slides I showed showed the Skyland fence that runs along the perimeter there of our property. And we will be involved in probably -- we may have to enhance that fence to help with some improvements to it and some maintenance to it on a shared basis with the William C. Smith Company. Because that becomes a joint fence that has to be maintained for the two properties.

MS. JONES: Are those doors on that side that is facing the fence?

MR. KNAPP: Yes. Those are breezeway entrances right there, but they have a sidewalk so that residents can walk on the sidewalk from their parking lot along a sidewalk into the breezeway.

MS. JONES: How will the fire department

be able to reach the other side of that in case of an emergency? The ambulance and rescue squad and emergency vehicles get back there?

MR. KNAPP: Would the engineer like to -- John L., why don't you address the emergency access.

MR. LUTOSTANSKI: The emergency access is going to be --

CHAIRPERSON REID: Give your name, please?

MR. LUTOSTANSKI: Sure, John Lutostanski. The emergency access would be both from the entrance on Good Hope Road and from Wagner Street. We have made the radiuses --

CHAIRPERSON REID: Excuse me, can you use the light that demonstrates what you are referring to?

MR. LUTOSTANSKI: In laying out the radiuses of the roads, there is a minimum that is required, between 43 and 45-foot radius for a large fire truck to turn. Smaller radiuses are required for ambulances and such. We have looked at softening up these radiuses to make sure fire trucks can turn into this whole thing. It is hard to tell from this sketch, but we softened up the radius at this point, that point, that point and that point so

that fire trucks can come in back this way and they would gain access to the building along this way. The buildings are only -- that happens to be a three-story building, which is not more than 40-feet in height, so they could have ladders right up against the side of the building pretty easily from that point.

MS. JONES: But I mean on the rear of those buildings. That is what I am speaking of.

MR. LUTOSTANSKI: Right there you mean?

MS. JONES: Right down there where that fence -- where it abuts up against that fence.

MR. LUTOSTANSKI: Not every face has to have complete accessibility for a fire truck as long as certain portions of the building are. It is a function of the height of the building. So if the building isn't that high, the fire department doesn't require complete access all around the building. And you will find many apartments don't have complete access all around them.

MS. KING: Could I ask a question?

MR. LUTOSTANSKI: Also, one other quick point. The complete apartment units will be fully sprinklered as well. So that helps a lot. It is also part of the code. The fire department looks at several items -- accessibility, is the building

sprinklered, and the height of the building. And as long as we meet those certain conditions, they grant the acceptance.

MS. KING: Is the only entrance and egress from Good Hope Road? Or you keep talking about Wagner Street.

MR. LUTOSTANSKI: Right there -- right now today Wagner Street is actually barricaded off. That would actually come down and this is planned to have a circulation loop right through that way.

MS. KING: Oh, I see. So you could enter from Wagner Street or you could enter from Good Hope Road?

MR. LUTOSTANSKI: We are looking at the entrance being -- the front door, if you will, is at Good Hope Road. But there will be a gate similar to what Mr. Knapp described along here and over here as well. So people can flow right from this way out to that way if they wanted to.

MS. KING: But can they come in that way or not?

MR. LUTOSTANSKI: Residents only with a flash card or something like that.

MS. JONES: What about the emergency vehicles?

MR. LUTOSTANSKI: Emergency vehicles

have several different -- that is very good. Emergency vehicles have several different systems you can use. They could have either enunciators that are based on the frequency of the sirens. Also, they have different kinds of panic bars and different types of mechanisms that allow the emergency vehicles to come in that way. But what we were looking at doing is specifically limiting service vehicles and outside traffic from coming in that way. Service vehicles -- we want to have service vehicles enter and be controlled, if you will, at a main point coming in this way. But residents clearly can come in and absolutely emergency vehicles can come in through the back. It is not uncommon at all to have that.

MS. JONES: My next question is in this application it says all front entrances shall abut. Is that considered a front court or a front yard? What do you consider that because there is no street? I don't see a sidewalk. So if that is the front entrance --

MR. LUTOSTANSKI: Specifically in order to meet Fair Housing and Americans With Disability Acts, we are looking -- you have to provide an equal means of entrance to buildings, front doors that is to say. So this building right here, really the

front of that building would be considered along this face right here, and there will be -- it is hard to see, but there is a sidewalk there. That doesn't exceed 5 percent in grade. The maximum without a handrail is 5 percent. So we keep that sidewalk to a lower slope than at the front. And actually what you have is a sidewalk here, a sidewalk here and then a sidewalk in the front as well. So there is really access along -- between each of those three points. This is the front. This is the sidewalk along here. And this situation is really what is coming up along Skyland right back over there.

MS. JONES: Okay. Well, have you all taken into consideration about senior citizens renting or what will you do about them?

MR. KNAPP: Ma'am, our doors are open to everybody. By law we can't discriminate based on age or familial status. So seniors, just as families, singles, married people or whatever will have -- will be fully invited into our community. We will market actively to them just as we will market actively to every other lifestyle type.

CHAIRPERSON REID: I think -- Mrs. Jones, are you trying to determine if there is any special concessions or consideration given to senior

citizens?

MS. JONES: Because with the rent that they have stated, they charge -- you see, they have started out with one basic rent when they made their presentation.

CHAIRPERSON REID: I understand that. Just yes or no. Is that what you are trying to find out?

MS. JONES: I am trying to find out will any of these units be accessible for senior citizens at a reduced rate.

MR. KNAPP: No. The laws do not allow us to discriminate against elderly and provide any special incentives for elderly.

MS. JONES: Well, the next question is how did you increase the rental price on your units or when did you increase it?

MR. KNAPP: Ma'am, we have done an extensive market study, which I am glad to provide to you at this meeting. I don't think the rents change radically from what I discussed with you at my initial meeting. But the current rents are a two bedroom/two bath for $750.00 and a three-bedroom/two bath for $850.00, and I think that is about the range which I previously described.

MS. JONES: No. This printout is what

you gave us at our meeting.

MR. KNAPP: Yes, ma'am. When I met with you, it was January --

MS. JONES: January 19th.

MR. KNAPP: Right. It was in the earlier stage of the predevelopment process. Since then, we have done extensive traffic studies, engineering studies, soil investigations and things change. But generally what I told you is accurate at the meeting that we were going to provide upscale, quality, luxury apartments.

CHAIRPERSON REID: What was that? Mrs. Jones, you are holding up a paper. What does it say about the rents?

MS. JONES: Oh, it says development, 176 units consisting of 40 two bedrooms, 925 square feet, for $725.00. 76 two bedrooms/two baths, 1010 square feet, at $750.00. Sixty three bedrooms/two baths, 1175 square feet at $850.00.

MR. KNAPP: Ms. Jones, that is exactly what I stated. Okay, $725.00, $750.00 and $850.00. So that the rents have remained consistent.

MS. JONES: I think when you gave your testimony, you said the two bedrooms would start at $750.00.

CHAIRPERSON REID: He did.

MR. KNAPP: Ma'am, I generalized.

MS. JONES: I wrote it down.

MR. KNAPP: There are some -- I also mentioned that there is a subcomponent of the two bedrooms, a smaller two bedroom that starts at $725.00. I am sorry, I may have over-generalized by saying $750.00.

CHAIRPERSON REID: That is not the understanding we had either. I am glad that that was brought out in the cross examination. Do you have a question, Mr. Hood?

MR. HOOD: That was my question too about the pricing. And I am just wondering if the longer you talk about it, it seems like the prices keep going up. For me with those situations, and I just wanted to know if Ms. Jones had a copy of that.

MS. JONES: Yes, I can -- you all can have this because I have other copies.

MR. HOOD: Madam Chair, could we get that in the record?

MS. JONES: This is the end of my questioning.

MS. KING: Thank you.

MS. JONES: And thank you all for listening.

CHAIRPERSON REID: Okay. Well, let me

ask a question. Do you have a scale for the increases already established?

MR. KNAPP: No, ma'am.

CHAIRPERSON REID: In other words, so much percentage per year?

MR. KNAPP: No, ma'am, it is set by market. The market will dictate the rental escalations.

CHAIRPERSON REID: You could -- that could be done like that. And another approach would be to set a scale as to percentage of increase per year over time. That can be done any number of ways. That is another thing. The other thing in regard to the questions about senior citizens discount, did I understand you to say that the law would not allow you to offer a discount to seniors?

MR. KNAPP: That is correct.

CHAIRPERSON REID: What law is that?

MR. KNAPP: Fair Housing, which prohibits discrimination based on age or familial status.

CHAIRPERSON REID: Just a moment. Okay, well I just have never heard of a situation where a business owner could not offer a senior citizen discount if they so desired. I guess I would have to check that to see what law --

MR. KNAPP: Yes.

CHAIRPERSON REID: I mean see how the Fair Housing Law factors into this equation.

MS. KING: Maybe Mr. Feola could supply that together with the information about the comprehensive plan.

CHAIRPERSON REID: Could you -- okay.

MR. KNAPP: There are age restricted communities where 100 percent of the community is age-restricted, but that is not our situation. This will be a general occupancy apartment community, and by law we cannot discriminate based on age, familial status and race obviously.

MR. HOOD: I don't think you understand -- either he is not understanding or I am not understanding. I think the question is -- you are saying that there is a law under the Fair Housing Act, which I am familiar with, that states that you cannot offer some type of break to seniors.

MR. KNAPP: That is correct. The discrimination goes the other way. Then the discrimination is against the people who aren't aged, if you will. The discrimination is that you and I -- well, maybe not me anymore -- wouldn't be able to participate in that reduction. The discrimination would be against the people that

aren't elderly.

MR. HOOD: Well, under the Fair Housing Act, isn't there something where you have to also make something affordable to low income?

MR. KNAPP: No.

MR. HOOD: Okay. But you will supply us with that?

MR. KNAPP: Yes, sir.

CHAIRPERSON REID: Okay. Now government report?

MS. KING: Yes, Madam Chair, we have a report from the Department of Housing and Community Development, which we have all received in our packet.

CHAIRPERSON REID: Mr. Montiele?

MS. KING: Yes, Richard Montiele, Director of DHCD, who recommends approval. We also have a letter that I referred to earlier from council member Sharon Ambrose, who has written in support of the position of the citizens of the Fairlawn community.

CHAIRPERSON REID: Okay. ANC report?

MS. KING: We have a letter from ANC 8-B, which says in essence that they would like some assurance from KSI that they will manage the properties, and I presume the inference is that they

will manage them well for at least 25 years or more. The letter does not indicate that this was at a publicized meeting or that there was a --

CHAIRPERSON REID: A quorum?

MS. KING: A quorum present. So I guess we aren't required to give it great weight, but nevertheless, it is here in the record. We have a fax from Reverend Oliver Johnson from ANC -- that ANC was 8-B -- from 6-C saying that he will be here and appear as a party, but Reverend Johnson is not here, is that correct?

CHAIRPERSON REID: He doesn't appear to be here.

MS. KING: So that is it with the ANC's and the government reports unless somebody has anything else.

CHAIRPERSON REID: Okay. Thank you very much. We are going to now move to persons and parties in support of the application. Please come forward. One -- there is only one person? Okay.

MR. BELL: Is everyone in here who intends to testify -- I mean, has everyone in here who intends to testify been sworn? Okay.

MR. BELL: Good evening, Madam Chairperson and ladies and gentlemen. My name is Anthony Bell. I am a native Washingtonian and a

retired D.C. police sergeant. I served the District for 23 years, 4 months and 15 days. I currently own and operate a fitness center in southeast inside the Marlbury Plaza Apartments located at 2300 Good Hope Road, S.E.

MR. HART: Give your home address, please?

MR. BELL: I beg your pardon?

MR. HART: Your home address.

MR. BELL: 2624 Afton Street, Temple Hills, Maryland. My last years on the police department were served in the youth division as assistant director of police boys and girls clubs. When I first took over that position, I wondered what a sergeant did in the youth division. I wondered how in the world I would have an impact on crime assigned to the youth division. I was in charge of 10 boys and girls clubs throughout D.C. as well as director of the police boys and girls club summer camps. We fielded many football, baseball and basketball teams of all ages in each area and caused them to compete. Here is what I didn't understand at first. In order to play on these teams, a child would have to have integrity, character, strength, a sense of fair play, respect, and get good grades in school as well. These traits

taught them how to be good citizens, to respect themselves, their parents, teachers and each other. Far too often, developers come in and build and build without any plans for the community's well being. Having attended several meetings through the AEDC, I had the opportunity to sit down and listen to this developer's plans and confess I found them quite refreshing. They have plans for safety and security of its residents, after-school activities for the children, and health and fitness for all. They had addressed crime safety, fire safety, recreation and education in my opinion.

As such, I feel that this innovative approach is worthy of support. These children that are going to be living in these communities are going to hang somewhere, why not encourage them to hang in a wholesome environment with the proper positive role models. Thank you.

MR. HOOD: What meeting did you attend?

MR. BELL: The one on Martin Luther King Avenue in D.C.

MR. HOOD: Was it a civic association? What meeting? I didn't catch that. An ANC meeting or a civic association meeting?

MR. BELL: I don't know. The AEDC sent flyers around and invited all the businessmen in the

area.

MS. KING: The Anacostia Economic Development Company or whatever. You know, Arrington Dixon --

MR. HOOD: Arrington. Okay. Thank you.

MR. BELL: It is Butch --

MS. KING: Oh, Butch Hopkins.

MR. BELL: Butch Hopkins, yes. And Albert Hopkins, yes. I was invited down by his office.

CHAIRPERSON REID: Mr. Bell?

MR. BELL: Yes, ma'am.

CHAIRPERSON REID: Let me ask you a question. When you refer to the children being exposed to a wholesome environment, elaborate on that.

MR. BELL: They are talking about having a swimming pool and they are talking about having a recreation center. They are talking about having educational facilities there and after-school activities for the children. Many times that is when children get into trouble, directly after school and before their parents get home. If there is some type of facility that is properly supervised for them to be in doing constructive things -- as a matter of fact, when I was running the boys and

girls clubs, one of the things that we were big on is when the kids come in, we would sit them down and say, look, do your homework. And around report time, every kid who was playing for boys and girls clubs came to show us their report cards. Because if they didn't get good grades, we sat them down and we counseled them then and we brought the parents in and counseled them at that time too. If these goals can be achieved in any type of community, I think it would be for the betterment of the citizens not only in the community but surrounding the community also.

CHAIRPERSON REID: Okay. Thank you. Persons or parties in opposition to the application come forward.

MS. KING: Starting with Mrs. Jones?

CHAIRPERSON REID: Sure. Come up four at a time, please. Four at a time.

MS. JONES: Ms. Reid, did you say just parties or persons and parties?

CHAIRPERSON REID: Oh, I did. I am sorry. I said persons in support. However, I forgot that you are a party. However, you can sit there. Mrs. Jones is a party who has been afforded additional time to give her testimony. And then individuals have three minutes. Mrs. Jones says she needs 5 or 6 minutes.

MS. KING: Mrs. Jones, did you say you have copies of your testimony for us?

MS. JONES: Oh, yes.

MS. KING: I wonder if you --

MS. JOHNS GRAY: I represent a civic association. I sent the letter in almost two months ago.

MS. KING: What is your name?

MS. JOHNS GRAY: Frederick Douglas Community Improvement Council.

MS. KING: Yes, we have a fax.

CHAIRPERSON REID: You asked for party status? Did you request party status?

MS. JOHNS GRAY: No, I didn't. I just requested to testify.

CHAIRPERSON REID: All right. Well, you will be given the opportunity to testify. Are you saying that you want to testify as a representative of the Frederick Douglas Community Association?

MS. JOHNS GRAY: I am testifying on behalf of the civic association.

MS. KING: The Community Improvement Council?

MS. JOHNS GRAY: Yes.

MS. KING: Okay. This fax that we received on the 26th of March just says that

homeowners -- please register our civic association, which will present testimony, and you are free to do so.

CHAIRPERSON REID: All right. Ms. Jones?

MS. JONES: Good afternoon. My name is Thelma E. Jones. My address is 2217 T Place, S.E., Washington, D.C. 20020. I am here today to testify in two capacities. One as a resident who received a notice of this hearing from the Board of Zoning Adjustment, and two, as president of the Fairlawn Citizens Association, Inc. In both capacities, I will be reiterating my and the residents and this community's opposition to docket no. 16457, filed by Mr. Phil Feola for the owner of property Kass Management, L.L.C., 1568 Springhill Road, Suite 400, McLean, Virginia 22012.

By the way, the residents of the 2200 block of Good Hope Road did not receive notices of this hearing, and I do have a copy of the people that were sent notices and the people that live directly across from where they posted their hearing notice on the tree on public space, those people in the 2200 block of Good Hope Road did not receive any hearing notices.

First I would like to request

documentation I use in my testimony before the Board of Zoning Adjustment Commission today be entered into the record as part of my testimony. As a resident of the Fairlawn community and serving as the president of the Fairlawn Citizens Association, I had the opportunity to talk to Mr. Richard Knapp, senior vice president for KSI Management Corporation several times. On one of these occasions, Mr. Knapp made a request to me to make a presentation to the Fairlawn community on the proposed development of the site on Good Hope Road, S.E., of 33 single family detached dwellings and 176 garden apartments in Square 5735, parcels 211/96, 220/31, and Lot 804, Square 5763 and parcel 219-38.

Mr. Knapp was invited to attend Fairlawn Citizens Association regular monthly meeting held on January 19, 1999, where he made a presentation of the single family dwellings and the marketing director, Melanie Russell, made the presentation of the apartment buildings. The communities response was total rejection of any more apartments being constructed in our community. The question membership repeatedly asked Mr. Knapp was why couldn't he build all single family homes on both sites. Mr. Knapp conveyed to us that it was not economically feasible for his company to build all

single family homes. He also stated that he would get a non-profit organization to build the single family homes, because he wasn't going to a government agency to help build the development.

The residents of the Fairlawn community informed Mr. Knapp that our community is already overrun with apartment buildings that the owners of those apartments, which are not vacant or abandoned and boarded up, are seeking tenants to fill the many vacancies. Some examples are the Skyland Apartments, which abuts the very site of this proposed new development, is seeking tenants. The Altamount Apartments located directly across the street also are seeking tenants, as well as the Marlbury Plaza, which consists of two very large apartment buildings with 670 units, an apartment which is located directly behind where the proposed single family homes will be built is also seeking tenants. I could go on and on about the vacant apartment units in our community.

Needless to say, these vacant units and buildings are attracting criminal activity to our neighborhood. I will present some crime analysis at the end of my testimony. History has shown that the luxury Marlbury Plaza with the surrounding pool, kiddie play area, and tennis meeting room cannot

avoid having a high turnover of renters moving out or getting set out. We question why wouldn't the KSI luxury development with its gated entrances become another transit development.

Developers have not given this community any guarantees or safeguards against water runoff or soil erosion. As of now, we have heavy rains and the soils do not carry the water very well. There is water build-up of about two to four feet in width at the curb at some parts of Good Hope Road. There is also water that seeps up out of the Good Hope Road from an underground stream near the stoplight on the south side of Good Hope Road.

Another problem we have is the vehicular traffic on Good Hope Road. It is already terrible and additional traffic coming from the new development would only add more travel time in trying to reach the 11th Street Bridge during the morning. It is very hazardous trying to get to and from work. Residents trying to get onto Good Hope Road from side streets have a long wait. In addition, transportation on the metro buses in the morning and evenings is very crowded and the bus schedule for the other times of the day is unpredictable. And quite simply put, more cars mean more pollution in our neighborhood.

Parking in the community will be greatly affected, because we already have people living in the many existing apartments parking on our streets as well as on the south side of Good Hope Road. The parking spaces on Good Hope Road will be reduced because of the proposed streets that will be built into the development. The lack of adequate apartment parking for the residents and visitors will create more spillover onto our streets.

The shopping center at Good Hope Marketplace is used by residents of Wards 6, 7 and 8. The Safeway at the shopping center cannot afford the impact of the additional people that this development would bring. We cannot find a parking space now at the shopping center, and the Safeway most always has long checkout lines and often runs out of supplies. I have talked with Ward 8 planner Vanessa Atkins about this situation. She says that she has shopped there and what she wants is often not on the shelves.

The Ketcham Elementary School cannot accommodate too many more elementary school age children according to the school superintendent's budget request for physical year ending September 30, 2000. The projected enrollment is 526 without additional residents. The building capacity at

Ketcham is 752 and program capacity is 604. This information was provided by Ward 6 school board member Benjamin Barnum, and I will be presenting that at the end of my testimony.

This community has been waiting for over 25 years for a development of the commercial area on the lower end of Good Hope Road and Martin Luther King, Jr. Avenue. Without development of businesses in the community, we cannot afford development of 176 apartment units. With the mayor advocating economic development, I do not see this as economic development for this community. Mr. Knapp is doing economic development in Bethesda, Maryland with assistance from the government. Why is it he cannot do it in Washington, D.C. and build only single family homes on that entire site.

In closing, we the members of the Fairlawn Citizen Association representing our community, we are aware of the need for more housing in Washington, D.C. We are not naive enough to believe that development will not happen. All we ask for is a fair decision on what type of development. We have many single family homes which makes this a stable neighborhood. We feel that the most purposeful type of planning for that land would be for single family dwellings for home ownership.

It is a realistic and feasible request.

I wish to submit for the record the attached school enrollment information, a police crime report, and an article from the Washington Post. Thank you for allowing me to testify at this hearing.

And I would like to make an additional statement. On the first inception of this construction, I think AEDC was sent a letter asking them to participate in building the lower site, which is the single family homes. And in that letter, it stated that they wanted 22 homes. But when they filed their application, it stated to develop 33 single family homes. On one Saturday in April, I attended the development over at I think it is Michigan Park. I went over there and they showed the site of the homes. I went over there to visit -- to look at the homes. The homes were constructed very well. But I was given another printout that the young man that is to market these homes and he got that printout, which was on a Friday, and in that they stated 41 homes. So I am confused at just how many homes they intend to put on that theoretical site. But I don't have a copy of that because one of my neighbors was supposed to make that presentation, but his wife got sick and he has

that information. But I do have the information that the letter that was sent to the AEDC about the 22 homes. This information you all already have where the mailout to the people in the 200 feet. Do you all have a copy of that?

CHAIRPERSON REID: I don't know.

MS. JONES: Because the people in the 200 block, they didn't get it. Also, in my newspaper article, it is the copy that was in the Washington Post, where he is doing the development in Bethesda, and he is getting monies from the government. And he is renovating those buildings, and which we asked him why couldn't he renovate some of those existing apartments that is already vacant or boarded up in our area. I had it. Where did I -- well, I won't take up too much --

MS. KING: While you are looking for that, Mrs. Jones, with regard to the number. If this Board grants him permission, he will have permission for 33 or whatever number we decide, of theoretical lots. He doesn't -- in the plan he has there, there are four that face on Good Hope Road for which he does not need to seek our approval. He sought our approval for 33 in addition to those four. So that is the number now. If he wishes to add more, he would have to come back to us through

another hearing.

MS. JONES: Okay.

MS. KING: Or have them face an existing public thoroughfare.

MR. HOOD: I had a question for Ms. Jones. Ms. Jones?

MS. JONES: Yes.

MR. HOOD: My question is the boundaries of your citizen's association. Does it cover both sites? I just want to know if both sites are included.

MS. JONES: Okay. Our boundaries run from the 11th Street Bridge, along Fairlawn Avenue, over to Pennsylvania Avenue, up across Minnesota to 25th Street, up 25th Street and goes into Naylor Road. Naylor Road then turns back into 25th Street and Good Hope Road, and we come down from 25th Street down the north side of Good Hope Road. All of this surroundings will impact on us because we live -- I live right at the Marlbury Plaza. I live on T Place. The garden apartments of Marlbury Plaza, they have the little steps going up to their driveway and the people from Marlbury Plaza is constantly coming -- this morning I went out and picked up a forty, where they sit out there at night and drink and go off.

MR. HOOD: But, Ms. Jones --

MS. JONES: But getting away from that --

MR. HOOD: But, Ms. Jones, forgive me because my orientation is a little off right now. I just wanted to know if --

CHAIRPERSON REID: Just say yes or no, Mrs. Jones. Is it or is it not the entire development within the boundaries of your Fairlawn Civic Association?

MR. HOOD: Citizens Association.

CHAIRPERSON REID: Citizens Association.

MS. JONES: It is on the south side of Good Hope Road. We are on the north side.

CHAIRPERSON REID: Okay. Are you saying that -- you are saying the answer is no, but you are impacted because of the proximity.

MS. JONES: The proximity to the Fairlawn area.

CHAIRPERSON REID: I see.

MS. JONES: And can I ask a question from the Board? This other site that they are talking about building on 22nd and T Place and he said they are going to build it simultaneously along with the other site, how is that connected with this and they are supposed to do this large development

simultaneously?

CHAIRPERSON REID: What is this on that paper that you point out, Mrs. Jones?

MS. JONES: This is part 5 of their application, where they are saying they are in compliance with Section 410 on page 5.

CHAIRPERSON REID: Well, that development that they are referring to has nothing to do with this case.

MS. JONES: That is what I am confused about why they are tying it in with this.

CHAIRPERSON REID: Well, Mrs. Jones, that would have been a question to proffer to them during the cross examination because we wouldn't know. We wouldn't have that answer.

MS. JONES: All right.

CHAIRPERSON REID: That was part of their presentation.

MS. JONES: Oh, okay.

CHAIRPERSON REID: Mrs. Jones, let me ask you a few questions. This is just to clarify for myself what I deem to be conflictive testimony that occurred here today, and that is in regard to the apartments in that area. On the one hand, the applicant is telling us that there is a need for more apartments or there is a tenant demand there

for more apartments. And I am seeing from your testimony submission -- the submission of your testimony that at this point in time, there are abandoned and vacant apartment buildings.

MS. JONES: Yes, yes.

CHAIRPERSON REID: Are you saying that these vacant and abandoned apartment buildings are in close proximity to this site?

MS. JONES: Yes. Let me show you -- can I show you on this map?

CHAIRPERSON REID: Sure.

MS. JONES: I mean, I can show you on this. I think Ms. Gray will attest to that when she -- this is 19th Street. Where V Street is -- 18th Street where V Street is. When you come off of Good Hope Road into -- I am confused with this map here. Okay, you turn off of Good Hope Road into 19th Street and you circle around. Coming off of here, you have apartments on both sides of 19th Street, which I think is what he has here. On the other side of 19th Street, you also have two apartment buildings here. When you come around on U Street, you have another apartment building sitting here. Then you come up to 18th Street and you come over to V Street and there is an abandoned apartment building here.

CHAIRPERSON REID: Are all these abandoned?

MS. JONES: No, these aren't. But they are seeking tenants.

CHAIRPERSON REID: When you say seeking tenants --

MS. JONES: Well what I am saying is that they have vacancies. When I say seeking tenants, I mean there are vacancies there.

CHAIRPERSON REID: Okay.

MS. JONES: And starting at Good Hope road and -- right at the Mason's Funeral Home just before you get to Bendle Street, you start with apartment buildings all the way up Good Hope Road. When you get to 18th and Good Hope Road, you have apartment buildings sitting up on the hill across from the library. And they are always looking for tenants. This apartment building here on Good Hope Road at 22nd Street on this side of 22nd Street right next to this here, it is a mound of dirt. It is an apartment building that sits back off of Good Hope Road. They are always sitting people out on the sidewalk. Even at the Marlbury Plaza, once a month and sometimes twice a month, you go up Good Hope Road and there is furniture sitting out. So this is why I can't understand why he wants to build

more apartments when we have apartments everywhere. Even when I go down my street, my T Place turns into T Street after you cross 18th Street, and there are apartments on the south side of 18th Street and then going down T Street into the 1700 block, you have got apartments. One apartment is -- the people just hang out on both sides in the apartments. And then you have the abandoned one -- and I talked with DPW about they boarded up the bottom windows but the kids have broken out all of the top windows. I have voiced my concern to DPW and Consumer Regulatory Affairs about that and they are supposed to look into that. On U Place and V Street, S.E., it is vacant apartments.

CHAIRPERSON REID: Mrs. Jones, in regard to Marlbury Plaza that you referenced in your testimony, where is that in proximity to this development?

MS. JONES: That is -- okay, right across the street where they want to put the houses. These are the houses. Where is the stoplight? That is Marlbury Plaza right here.

CHAIRPERSON REID: Okay. Now Marlbury Plaza is considered to be in your testimony a luxury apartment?

MS. JONES: A luxury apartment, yes.

CHAIRPERSON REID: All right. Then here is where I am having some difficulty understanding. It is a luxury apartment building right there across the street that you say people are being put out -- there are evictions?

MS. JONES: Yes. Because you see when I first moved over there, the tenants -- the clientele has changed. The tenants that were in there were teachers, were professional people. Some of them had been there for years. Just recently, in the last five or six years -- and I think they are taking what they call tenants assistance or --

CHAIRPERSON REID: Section 8?

MS. JONES: Section 8. And they are just tearing the place up. And I am constantly going out. I talked with Mrs. Glenn, the resident manager. They are even -- in the parking lot behind the garden apartments, they are conducting -- the young man is conducting himself an auto -- where he fixes autos.

CHAIRPERSON REID: Repairs?

MS. JONES: At the Marlbury Plaza behind the garden apartments. I even talked to Mr. Knapp about that when he first called me to tell me he wanted to build the apartments. I told him we didn't need any more apartments because of what we

are experiencing already in our neighborhood.

CHAIRPERSON REID: Marlbury Plaza -- I remember a few years back, it was considered to be a very nice development.

MS. JONES: It is a very nice development. It is. The apartments are large and spacious.

CHAIRPERSON REID: But you are saying that in recent years it has gone down?

MS. JONES: In recent years, yes. But now they have a new owner, and he is attempting to make some upgrades over there. Because I know she has enclosed the lower floor patios. I spoke with Mrs. Glenn about them putting a fence up there to keep them from -- those kids just run down and DPW and I have had a thing about who owns what because it is on a little incline when it gets to my street. The cars are coming down the incline and they have scratched up my car.

CHAIRPERSON REID: Okay. Mrs. Jones, in regard to economic development, is it my understanding that you are contending that part of the problem that you are witnessing occurring on Good Hope Road is attributed in part to the fact that there has not been adequate amount of economic development, and is that partially why you seem --

you are testifying that Marlbury Plaza has gone down? Okay, answer that question first.

MS. JONES: Yes. And I believe so because of we don't have hardly any stores. They have been talking about rebuilding Good Hope Road. I spoke to a gentleman that works for the Department of Housing and Consumer --

CHAIRPERSON REID: Development?

MS. JONES: Development -- last week. And he said that he would be calling me for some input because he has been out there on Good Hope Road to try to find out from some of the businesses, the few businesses that are there, what would they like -- you know, how do they think that they could entice other people to come over there. And as I said, up there at the shopping center, if I go up there, I can't -- I have to park over by the bank to walk to the post office. I have gone in that Safeway at 2:00 in the evening to get a quart of milk and there is no milk. And I ask the manager, are you -- do you have some in the rear? Oh, no, we will get some in at 2:00 in the morning. So, I mean, if we get more people here, it is going to impact on what little bit --

CHAIRPERSON REID: Services that are there.

MS. JONES: Because three Wards are using that one facility.

CHAIRPERSON REID: So, Mrs. Jones, are you saying that the tenants that used to occupy Marlbury Plaza, the professional, higher end people, have now moved out because of the fact that the economic development has not come there to support their needs and as a result of that, you have had an influx of lower income people?

MS. JONES: Right. And one of the gentlemen who used to be the tenants association president up there said he was not going to pay that high end rent while these other people come in and get subsidies on his tax money. And he had been in that building since they built it. And Mr. Jessop -- him and a lot of others -- Ms. Bernice Brown, who used to work for the school board. All of these people just have moved out because of all of this. Who is it to say that because they put a gated fence up there. Because what I find is when you have a locked in development, somebody puts something in -- a penny or something or a pin to keep that gate open. And also in Marlbury Plaza, the lieutenant of my PSA said that is where most of their crime is. They also hire D.C. government policemen who I have spoken to Ms. Glenn about who is not doing anything

but sitting up there in that front building. They are not coming out and patrolling that area. That is --

CHAIRPERSON REID: Most of the crime comes from where?

MS. JONES: In the Marlbury Plaza. And it is being done, they say, by a lot of the tenants that is living there already.

CHAIRPERSON REID: Any questions?

MR. FEOLA: No questions.

CHAIRPERSON REID: Okay. Thank you very much, Mrs. Jones. Next witness? I am sorry, do you want to wait, Mr. Feola, until after everyone has testified and then cross examine or did you want to cross examine this witness, Mrs. Jones, at this time?

MR. FEOLA: No questions.

CHAIRPERSON REID: All right. You want after --

MR. FEOLA: We have no questions.

CHAIRPERSON REID: Okay. All right. Next witness, please?

MS. KING: Excuse me, I do have a question for Mrs. Jones. Mrs. Jones, does your organization contemplate any circumstances under which you could sign -- negotiate and sign an

agreement with the developers that you would support the apartment building?

MS. JONES: No. We have heard nothing since -- he did call me and thank me for inviting him to our meeting.

MS. KING: No. That isn't the question. Are there any circumstances --

MS. JONES: No, no.

MS. KING: Thank you very much.

MS. JONES: Who do I give these to?

CHAIRPERSON REID: Staff, please.

MS. KING: We already have copies.

CHAIRPERSON REID: That is something -- she had some additional attachments that we didn't have yet. Okay, next witness please.

MS. THOMAS: My name is Hattie R. Thomas I live at 2365 Good Hope Road, S.E., apartment 2106, Washington, D.C. 20020. I have been living there for approximately almost 19 years now. I live adjacent to the field where they are going to build the apartments and everything. My concern is that if the Habitat for Humanity can build the houses they built for people behind that area, why couldn't they build some houses for people to live in. I think we need more people that have permanency or resident ownership, not just apartment transient.

We have enough apartments in there. Like she said -- like Ms. Jones said, we have enough apartments in that area. We don't really need apartment buildings. We need people who are able to anchor there and live there, ownership. If they are going to build apartments, why can't they be condominiums instead of the transient apartment rental property.

I have also -- I noticed what they were saying about the parking. I live in Skyland Apartments at Good Hope Road and 24th Street, right adjacent to where they are going to build. If they have 220 apartments in Skyland apartments -- 220 dwellings there -- already the parking is very tight. There are no extra spaces. When everybody is home, there is no extra spaces in that area. I can't see them having -- like they said, having one parking space per unit and they've got two bedroom apartments and three bedroom apartments. I don't believe that that is going to take care of the overflow. That is not going to take care of the people they have. Because people usually have two cars. Sometimes they have three cars to a family. And that is going to be a lot of excess parking on the other streets. We already have got streets already packed up with cars. Where are they going to go? Where are they going to park? And they

already -- they must not have done that study too well, because already Good Hope Road and 24th Street are already completely packed with cars of people who already live there. So where are the cars going to go? I know good and well there are going to be extra cars in that development. They may be a gated community, but everybody is not going to be able to park inside that community and they are going to come out on the public street, which we don't own, of course, but then we have nothing to say about it once they take our parking spaces and we already live there first.

CHAIRPERSON REID: You have one more minute. You have one minute.

MS. THOMAS: Okay. I am finished.

CHAIRPERSON REID: No, you have --

MS. THOMAS: That is all I wanted to say about the parking. I don't understand what they are going to be doing about the parking.

CHAIRPERSON REID: Are you done?

CHAIRPERSON REID: Yes. That is all I wanted to say is two points.

CHAIRPERSON REID: Because you do have a little bit more time.

MS. THOMAS: Some condos -- the people should have ownership of those apartments. Some

ownership of apartments should be done and the parking. Those are the two points I wanted to make. Those are the two points I don't get quite clearly. I don't believe it is going to be really right.

CHAIRPERSON REID: Thank you very much. I think that your points are well taken. You would rather see ownership --

MS. THOMAS: Ownership, yes.

CHAIRPERSON REID: Building developments there as opposed to the transient apartments.

MS. THOMAS: Right.

CHAIRPERSON REID: Okay. Next?

MS. JOHNS GRAY: My name is Carolyn Johns Gray. I live at 2009 18th Street, S.E., which is located in Ward 6. I am a native Washingtonian. I have lived in Ward 6 for 23 years. My husband and I have lived east of the river for the entire 37 years of our marriage, and we have been involved in the community all of those years.

Mr. Knapp of KSI met with our civic association and the presentation he made was not this one, but it was similar to this one. The reason we were in opposition was because he did not provide the information we asked for -- soil borings, the student impact on the schools, traffic and transportation impacts, and just to totally

congest the area. I am not going to address the apartments. We totally support the Fairlawn Civic Association and their testimony in the upper part of Good Hope Road. I am going to address the houses that are here in Ward 6 only.

We are not against them building new houses there. We would much rather see six or seven houses instead of 37. We have people who are leaving our community and moving to Maryland and Virginia just to get yard space. As soon as they move, the first thing they do is have a picnic and say come on over and they talk about all the space they have. I don't know why developers thing we need to live like crabs, one on top of another. I also don't want to see all of those houses around that park and we lose that park the way the city has lost Lorton Penitentiary. The park is there and the park is used and we don't want them moving all those folk in there saying they don't want to hear that noise and they don't want those children who already live in the community to be in that park playing and put pressure on the Park Service to close it.

We are concerned about a ghetto. Because these houses are going to cost $100,000.00 does not mean that they cannot become a ghetto. Everybody thought the Marlbury Plaza was going to be

the dream of southeast. But it has proven that it is not a dream anymore. It is a nightmare. Marlbury Plaza has monthly and sometimes weekly evictions. You ride up Good Hope Road and you see furniture sitting out there. Almost every other day somebody's furniture is on the street.

We are concerned about too many houses. You can't really have good neighbors if there are just too many people packed on top of each other. They have to realize that whether it is gated or not, the people who can afford to buy these houses are the well-organized pimps, prostitutes, and drug dealers. We are not concerned about crackheads and drug users and people who are shooting people. That is what people are concentrating on. But you need to look at the more sophisticated one who moves into these homes, buy them and then sublet them to someone else. And we are concerned about them coming in and taking over that housing development.

CHAIRPERSON REID: Your time -- are you just about done?

MS. JOHNS GRAY: No. How much time did I have?

MS. KING: Three minutes.

CHAIRPERSON REID: You have three minutes.

MS. JOHNS GRAY: As a civic association?

CHAIRPERSON REID: How much more time do you need?

MS. JOHNS GRAY: Well, I have a whole list of things here that I heard here today that just disturbed me. Normally we submit written testimony. But when I came here and heard some of the things they said --

CHAIRPERSON REID: Okay. Well, just try to summarize and get it done quickly, please.

MS. JOHNS GRAY: Our community is oversaturated with vacant houses and apartments. We would like to see a developer come in and maybe develop some of those houses. And I am not saying it is the responsibility of the developers. It is the responsibility of the government to get behind the present landlords to make those places habitable. If those places were habitable, we wouldn't have an onslaught of developers coming in and trying to build apartments sideways, slanted, one behind another, any way they can get them on a lot.

We are also concerned that they mentioned AEDC is supposed to build these homes. AEDC is facing litigation, if they are not already in litigation, for substandard housing in our

community. We don't want to see any more substandard housing.

CHAIRPERSON REID: Who is?

MS. JOHNS GRAY: Anacostia Economic Development Corporation. They are either facing litigation if they are not already in it for substandard housing that they built last year or the year before last.

MS. KING: Can you provide us after today with details of that?

MS. JOHNS GRAY: Yes.

MS. KING: Of your allegation against AEDC?

MS. JOHNS GRAY: That is not an allegation. That is fact.

CHAIRPERSON REID: Can you --

MS. KING: Please supply us with information about AEDC.

MS. JOHNS GRAY: Okay. In the area of 19th Place and Good Hope Road, there has been a water problem there for over 20 years that the D.C. Government has not been able to correct, yet Mr. Knapp said they are going to be able to correct it. We are concerned about them building houses on waterlogged land, as AEDC has already done in the other case that I was talking about.

CHAIRPERSON REID: Excuse me, what waterlogged land? Are you saying that that -- are you contending that that land is waterlogged?

MS. JOHNS GRAY: Yes. There has been a water problem there.

CHAIRPERSON REID: All right. You said that you requested soil borings from the developer?

MS. JOHNS GRAY: We asked -- when the developer came to meet with our civic association, we asked for that.

CHAIRPERSON REID: And?

MS. JOHNS GRAY: We didn't get it.

CHAIRPERSON REID: Okay.

MS. JOHNS GRAY: We didn't get anything that we asked for. Last evening, after I talked to him on the telephone, he faxed something from WMATA, and what he read to me from WMATA was a lie. Because I ride the bus and several people in the community ride the bus. The buses are congested. We don't have enough of them right now. And the city is not going to put on any additional buses because they brought in some additional people. We have never been able to get additional buses because we got additional people.

MR. HOOD: Ms. Gray, can I just interrupt? Madam Chair, she can have another

minute.

CHAIRPERSON REID: Sure.

MR. HOOD: What civic association are you with?

MS. JOHNS GRAY: I am with the Frederick Douglas Community Improvement Council and this Ward 6 community that they want to build in is within our boundaries. As a matter of fact, it is right in front of my house.

MR. HOOD: The Ward 6 piece is within the boundaries?

MS. JOHNS GRAY: Yes, it is within the boundaries. If would be nice when the developers come that they would give the community something in exchange. They want us to come here and support them for them to go against the laws that protect our community. And they are going to give a computer class or after-school class or something to their residents in those apartments or the houses. It would be nice if they gave us a community recreation center so that all the children could use it. It has been proven in the past that when you are in a gated community or you are in a little subdivision and you want to set yourself apart from the existing community, you are not good neighbors and it causes a lot of confusion with the children.

And we don't want to see that happen because we are congested with children.

The company wants to ignore the wishes of the residents, the City Council, and the mayor. And I think that if you are a good neighbor and you claim that you are coming to do something to help our community, you would not be ignoring the wishes of the community. We take resentment in them telling us that they are bringing us some upper income people or some middle income people. Many of us live in Anacostia by choice, and it doesn't mean that we are poor. And most of my members are a long ways from being poor. Most of them own their homes and they have no say whatsoever when a development comes in. For once we have a council member and a mayor who wants to support our community, and we still have developers coming to zoning and going to the ABC Board and other places asking to skirt the laws against the community.

The rest of this I will just type up and send it in. I apologize for not having the one that we were going to use, but it meant nothing compared to what I heard in here today.

CHAIRPERSON REID: Are you saying that your testimony is not typed but you are going to submit it?

MS. JOHNS GRAY: No, because -- I am going to submit it. What I am saying is what I heard in here today just did not go with what we were going to submit.

CHAIRPERSON REID: Okay.

MS. JOHNS GRAY: So I will type this up and refine it and send it. But I had some questions for Mr. Knapp. Do I still get a chance to ask those?

MS. KING: No.

CHAIRPERSON REID: No.

MR. HOOD: She could just put those questions, I believe, in her comments. Can we look at them? Because I am interested in knowing what her questions are. Even though I know she cannot ask Mr. Knapp. She can put them in her piece that she is going to turn in.

CHAIRPERSON REID: Were you here when we had the cross examination?

MS. JOHNS GRAY: No one called me forward.

MS. KING: Yes, but she is not a party.

MS. JOHNS GRAY: You know, when I called the --

CHAIRPERSON REID: Wait, wait, wait.

MS. JOHNS GRAY: When I sent that letter

to --

CHAIRPERSON REID: Wait, wait. Let me go back. Let me ask my question again. Were you here?

MS. JOHNS GRAY: Yes.

CHAIRPERSON REID: Okay. Now at that time I said that if you weren't a party, then you really couldn't cross examine. However, you could have your questions asked through Mrs. Jones, who does have party status, since there is no ANC representation in here today. And you didn't do that.

MS. JOHNS GRAY: Well, ma'am, I wrote a letter and asked the question about this and then I called and asked for the procedures and they told me just to show up.

CHAIRPERSON REID: You have a question in your letter?

MS. JOHNS GRAY: They told me just to show up. I asked what the procedure was for filing to testify.

MR. HOOD: Let me just ask, Madam Chair. Ms. Gray, were you here when we first started the case? You were here?

MS. JOHNS GRAY: Yes. I heard her say ask the questions through Mrs. Jones, but I didn't

even have my questions composed at that time, because I thought I was going to be asking them myself. And when I called here and talked to the person who said to call that was on the notice from zoning, they did not tell me that I had to ask for party status or anything like that.

MS. JOHNS GRAY: You weren't really familiar with the procedure?

MS. JOHNS GRAY: They told me just to show up. Because I called her and asked her.

CHAIRPERSON REID: Okay. Did you say your question was on this document that you submitted?

MS. JOHNS GRAY: I sent that in. When I didn't hear -- when I didn't get an answer to that, I called. And I wanted to know --

CHAIRPERSON REID: Oh, okay. Then let's see --

MS. KING: The question is why the people on the 1700 block of U Street, S.E. didn't get notice? And presumably it is because they are out of the 200 foot -- they are more than 200 feet away from the project.

CHAIRPERSON REID: And the other one was that --

MS. KING: That is the question.

CHAIRPERSON REID: No, there is another question.

MS. KING: Which is?

CHAIRPERSON REID: It says application 16457 requests a special exception under subsections 410 and 2516 to allow the construction of 33 new single family. What are these exceptions? Is that your question?

MS. JOHNS GRAY: Yes. We didn't understand what they were asking for. Because they told us they had a right to build there whether we objected or not. So we wanted to know why they were coming to zoning if they had a right to build.

CHAIRPERSON REID: So your question is how can they come to us to ask for --

MS. JOHNS GRAY: No. I wanted to know what were they asking for? What do you need to approve is what I was asking.

CHAIRPERSON REID: Oh, okay. Before they can build on these theoretical lots, and those are lots that they are -- that are vacant right now, this is what is being proposed, they have to come to the Board of Zoning Adjustment for us to determine whether or not they comply with the zoning regulations. And those zoning regulations are concerned with things like the adverse impact, how

it impacts on the community. Is there any adverse impact or is it in compliance with the setback regulations or the FAR regulations. In other words, whatever is required under that, and I don't know it off the top of my head, but whatever is required that they are in compliance with the regulations and that they are not imposing undue adverse impact on the community in regard to noise, traffic, lights, parking and any other negative type of impact that may have an effect on you.

MS. KING: Madam Chair, I would suggest that --

CHAIRPERSON REID: And, if I may, the other thing is that their approval of their special exception or their application does not impair the intent and integrity of the zoning regulations or map. This is what they are here for.

MS. JOHNS GRAY: Okay. Well, like I am saying, I did call the staff person and ask her for the procedure, whoever is listed on that notice, and she told me just to show up and everyone would be heard. Had I known that we were going to be restricted to five minutes or so, I would have broken my testimony up between 7 or 8 of the civic association members so that it could have been heard in its entirety. But I will know the next time.

CHAIRPERSON REID: Mrs. King, were you trying to say something?

MS. KING: Just that if she wants to know the details of the subsection under which this is being heard, sections 410 and 2516, the staff can provide you with copies of it.

MS. JOHNS GRAY: Okay. And the 1700 block of U Street is across the street from the houses. It is right -- I mean, the 1700 block is right next -- diagonally across from them and they should have received notice.

CHAIRPERSON REID: I don't know if -- the requirement is that the notices are sent to all persons who live within 200 feet of the subject property.

MR. HART: It is required for 200 feet from the subject property.

CHAIRPERSON REID: All right. You are saying that they should have?

MR. HART: And we have a listing of who all these people are. That is in the file. And I don't understand it. They should have --

CHAIRPERSON REID: No one in that lot received any notification you are saying? Okay.

MS. KING: Do you live in that block?

MS. JOHNS GRAY: No. I live in the 2000

block of 18th Street. I live right in front of the park or the area where they want to build.

MR. GILREATH: Did our staff confirm that these people did not receive notice? Is there a way of checking that?

MR. HART: Well, the only way that we can confirm it is if the notices went out and they did receive it. Then the notices should come back.

CHAIRPERSON REID: Well, we have the mailing --

MR. FEOLA: Madam Chairperson, we can cut through it. This is -- that properties -- those properties are not within 200 feet.

CHAIRPERSON REID: Give your name again.

MR. FEOLA: I am sorry, Phil Feola for the record. I could enter this into the record. This is the map upon which the 200 property onus list was drawn. There is nobody on the 1700 block of U Street that falls within the green circle. I will submit it for the record. And I will also note that the property has been noticed. The signs have been up. Clearly people know about it. Mr. Knapp presented this to a number of citizen organizations and I think it is a false issue quite frankly.

MS. KING: I agree. Can we get on to the next witness, Madam Chair?

CHAIRPERSON REID: As soon as I get a chance to look at this map.

MR. HART: Oh, I am sorry.

MS. BAILEY: Mr. Feola, the people in the 2200 block of Good Hope Road, are they not within that 200 foot radius as well?

MR. FEOLA: I don't have the map anymore, but my guess is no. I mean you can look at the map.

CHAIRPERSON REID: Mr. Feola?

MR. FEOLA: Yes, ma'am.

CHAIRPERSON REID: I need you to walk me through this. What is the hundred block here?

MR. FEOLA: Okay.

MS. JONES: May I approach the bench?

CHAIRPERSON REID: Just one second.

MR. FEOLA: This is U Street. These properties front on 18th Street. So they have 18th Street addresses. These properties front on U Street. They are just outside the boundary.

CHAIRPERSON REID: That is on the other side of the street?

MR. FEOLA: Yes, ma'am.

CHAIRPERSON REID: So the people on this side of the street did?

MR. FEOLA: Yes.

MS. JONES: Okay. Now the people on the

1800 block of -- or the 2200 block of Good Hope where they placed -- who placed that sign?

MR. FEOLA: We did.

MS. JONES: Well, you put it on the tree. You know, you are not supposed to put it on the tree. And it is directly across the street from Mrs. Cook's house, who lives at 2216 Good Hope Road. This is a copy of the mailout list, and it is not on there.

CHAIRPERSON REID: Well, Mrs. Jones and -- I am sorry, your name again?

MS. JOHNS GRAY: I am Caroline Gray.

CHAIRPERSON REID: Mrs. Gray, it looks like that hundred block just missed the boundaries of the 200 feet. So that is apparently why that did not get out to those persons living in that 1700 block.

MS. JOHNS GRAY: Okay. Well, that is a government issue and not a contract issue then.

CHAIRPERSON REID: What?

MS. JOHNS GRAY: That is a government issue and not a contract issue. They are right that they didn't have to notify them.

CHAIRPERSON REID: Well, they complied with what is required of them. Unfortunately, it just barely eliminates those persons. Sir? Thank

you very much.

MR. KILGORE: I am Richard Kilgore --

CHAIRPERSON REID: Excuse me one second. Make sure you give your written testimony to --

MS. JOHNS GRAY: I will get the written testimony in.

CHAIRPERSON REID: All right.

MS. KING: Does she have a deadline to submit it?

CHAIRPERSON REID: Mr. Hart will give it to her.

MR. KILGORE: I am Richard Kilgore of the Fairlawn Civic Association, and my home address is 1430 T as in television Street, S.E., Washington, D.C. 20020-5652. I am here to bring up the issue that I think has been overlooked about the congestion that this project will create in this area. First of all, the one parking space per apartment I think really is a joke. I made an estimate that approximates 3 cars will be with each family. And if you do -- if my arithmetic is correct, if you do 3 cars per 176 units, you are looking at 528 cars. And if you did 33 -- and I am estimating approximately 4 cars per single family home -- there would be 132 cars. So you combine that together and you are looking at approximately

1890 cars per day that will be utilizing that area once it is constructed or if it is constructed.

The congestion that exists now, you have the shoe shop, you have the cleaners, you have the barber shop, you have the carryout shop, you have the senior citizens facility, the radio/TV shop, all this is on Good Hope Road before you get down to Altamount Place. In addition to that, you have the bus stop on the north and south side of Good Hope Road coming from Alabama and coming from Naylor Road. So there is actually three stops there within about a three block area. You have the Skyland Liquor. You have the Anacostia Post Office, the carrier station zone 20 over in the old Safeway Store. You have the CVS. You have the Burger King. You have the new training facility that was just built there when the old Safeway moved out. And there also was a Pep Boys there, so you had the Pep Boys, a laundromat, and also the training center. You have the KFC on that side of Naylor. You have the McDonalds. You have the Dollar Store there. You have a full-service gas station there that is under construction or remodeling, the Popeyes, the Discount Mart, the Skyland Garden Apartments right around the Wagner Street area. The pedestrian traffic of the young people getting from one side of

Good Hope to the other to utilize the laundromat. The Stanton Elementary School right there at Naylor and Good Hope, just a block from the new Safeway and Good Hope Market. You have the dental office there. You have Mason's Funeral Home, which would be on the same side of the street, just a few blocks down opposite the old Anacostia Chrysler Plymouth Dealer, the Anacostia Library at 18th and Good Hope Road. You have Dr. Roundtree's Outreach Program that is occupying the area where the car dealership used to be. And the traffic light situation now is a problem coming down Good Hope Road there in front of Marlbury Plaza and as you proceed down.

CHAIRPERSON REID: You've got about one more minute. Do you have much more?

MR. KILGORE: No basically --

CHAIRPERSON REID: Sir?

MR. KILGORE: Yes, ma'am.

CHAIRPERSON REID: Do you have much more?

MR. KILGORE: No, ma'am. No, ma'am. Well, actually it ties in, I guess, as an attachment to Mrs. Jones.

CHAIRPERSON REID: Okay.

MR. KILGORE: The bus lines that utilize Good Hope Road -- you have the Friendship Bus that

comes down and proceeds and goes down 27th Street around by Pope Funeral home. It makes a left and goes out Pennsylvania Avenue. You have the L'Enfant Plaza V5 Bus that utilizes that corridor that goes down to the HUD and goes down to L'Enfant Plaza shopping center area. You have the Duke Ellington Bus that uses Good Hope Road, the 90 and the 92. And you also have the Garfield Bus that comes up Good Hope Road and makes the loop there by the church. You have the Greater Southeast Community Bus, the small mini-bus that utilizes that area from the shopping mall. You have the new senior citizen building there right on the corner of Good Hope Road, the 2500 block of Good Hope Road.

So all of this that is existing now simply impacts and just personifies congestion right in that area. And if you add additional apartments there and probably two to three cars from each apartment dwelling and maybe three to four cars from each single family home, on Good Hope Road you have the morning rush hour from 7:00 to 9:30 on one side and you have the evening rush hour from 4:00 to 6:30 on one side. You have the construction that is already going on with 295 coming from the 11th Street Bridge and proceeding up north and proceeding down south. So basically what I am saying is that

this would have a tremendous impact on adding so much more congestion right in that area. It is enough congestion there now. When you come out in the morning to come and make a turn on Good Hope Road, because of the influx of cars -- and as they stated probably 80 percent is coming from PG County and a lot from Charles County, which they utilize Route 4, which is Pennsylvania Avenue extended and Route 5, which is Branch Avenue extended, you can imagine this huge conglomeration coming in on you each and every day and to add this with additional apartments and additional families, how much mess that would be. Look at the problems just getting around now from point A to point B in the morning or evening rush hour or during the non-rush hour.

So in summation, this would only create a tremendous amount of congestion that is already there. It would just add on. It would just boil over.

CHAIRPERSON REID: Okay. Thank you very much. Any questions board members?

MS. KING: No questions.

CHAIRPERSON REID: Okay. Next witness, please?

MS. COLLINS: Madam Chairman and members of the Board, I have looked at this problem from the

traffic --

CHAIRPERSON REID: Your name?

MS. COLLINS: Susie Loretta Collins, 2211 T Place, S.E., Washington, D.C. 20020. I had thought of the traffic. It is horrendous going out onto Good Hope Road in the morning. Now I admit a lot of the traffic is from out of town. But to congest that area worse is to almost ask for problems with the traffic. When the light changes, the traffic very quickly -- I mean speeds down. The civic association has actually called the police in to discuss this with them. How that traffic comes down Good Hope Road entirely too fast. I am a victim.

The other problem I was looking at was parking. I have -- my son married and of course moved into a small area or a smaller apartment so he could be okay and pay his rent. In doing this, they had assigned -- it was like the condominiums. They had assigned parking spaces. People do not all work at the same time. Those who are off will move their car into these little six or seven guest parking spots so that the husband can come home or the wife or the son or the daughter and take the assigned parking spot.

MS. KING: There are going to be no

assigned parking spots. That was a response to a question that I asked.

MS. COLLINS: And that is worse. Okay. The water drainage -- I have lived where I live for 32 years, and I have watched that water there on Good Hope Road. There seems to always be a problem. If it gets too hot, there is a problem. If it gets too cold. The water drains down Good Hope Road and the water seems to wet basements on Good Hope Road. We have talked about that at the civic association with the DPW. We have discussed this wetness of basements, this dampness from the water draining down Good Hope Road. And as it comes, it brings trash with it. People do not just put trash in trash cans. They drop trash. And it just brings it on down the road with it. This is all the water.

And parking on Good Hope Road -- if the traffic is traveling west, you can't -- if the traffic is coming west during rush hour, you cannot park on the west side. In the afternoon, you cannot park on the south side where the traffic is going east. So it is not just, oh, they have open parking on Good Hope Road. No, that is very restricted.

That is -- the others have taken care of most of what I wanted to say except one more thing except one more thing, integrity. I have heard

different numbers for the separate houses and the apartments. The numbers have fluctuated according to the tale being told. I think that is an insult to us. Because we watched Marlbury Plaza supposedly have 9 stories, and we watched it go up to 12 because of feasibility of economics. To whom? To the builders. We are not concerned about the builders feasibility of economics. It is the people who live in the area that I am concerned with. And that is it.

CHAIRPERSON REID: Thank you. Next?

MS. BROWN: My name is Norma Brown. I live at 1933 S Street, S.E., 20020. My testimony is in opposition to the KSI project 16457, which plans to be constructed in our community. My major concerns are as follows -- insufficient parking facility, overcrowded school. Right now the capacity for the Ketcham School is not overcrowded. But when we bring in two and three bedroom apartments, this is going to increase the students there at Ketcham. Both foot and motor traffic congestion. Right now we have traffic coming through the residential sections from the thoroughfares to avoid the thoroughfare traffic coming through residential sections such as S Street, R Street coming off of Naylor Road, avoiding

Good Hope, which is already congested. Also, we have high crime rates. As was said before, neglected houses already in the area that is badly in need of renovation.

In conclusion, construction of this project will be a disservice to our community which will be serving to the benefit of the wealthy builders, who would not dare consider such a proposal such as this project in their neighborhood. Thank you.

CHAIRPERSON REID: Thank you very much. Next?

MS. GLOVER: Yes, my name is Ora Glover, a charter member of Paradigm Citizens Association and Founder of Friends of El Casavandra.

MS. KING: Home address, please. Could we have your home address, please?

MS. GLOVER: Oh, 1408 T Street, S.E., and I have lived there for over 35 years. I love Anacostia. And we have just been taken advantage of by new developers coming in. But now no more. We are opening our eyes and we want things to satisfy us. So I agree with everything that everyone has said from Fairlawn and so forth -- in opposition I should say. I would agree with them. One thing, when they were talking about the traffic, they

didn't count the cars. I live on T Street. Back in 1970, we had to insist on a light being put near Good Hope Road because neighbors and citizens of that community cannot cross and children were getting hit right and left trying to get across the street. So, two, I just want to stress that to you about the traffic and crossing Good Hope Road. I guess -- and there is another thing, we appreciate and know children have to have some place to go. But working with the library, we have put typewriters there and we have computers there and we are trying to get something for the children. We have so many children using our library, including the kids who you would hear Gingrich talk about -- that is who he mentions, you know. They use our library, and we are trying to be helpful, of course. If the developers wanted to do anything, it seems like they would give us a community center, because we are the only one in Ward 6 who do not have a community center and that puts a force on the Anacostia Library.

So I am not here to talk about the library, but I am just talking about the impact that the development would have and could relieve the library and citizens if they would want to do something for the community. Because I love

Anacostia and they are not coming in here with anything that they want to put in anymore like they have done for years. Thank you. Hopefully they won't.

CHAIRPERSON REID: Thank you. Are there any other persons in opposition who want to testify?

MR. MURPHY: Madam Chairman?

CHAIRPERSON REID: I am sorry. Yes, come up to the front so you can be on the record. Are there any other persons here who are here in opposition? Okay.

MR. MURPHY: Madam Chairman, my name is David Murphy, and I represent the National Park Service and Agency. The address is 1100 Ohio Drive, S.W., Washington, D.C. I have with me James Rosenstock, who represents the National Capitol Parks East, that is the administrative office.

CHAIRPERSON REID: Okay. I don't know if you were here earlier when we first began. I mentioned the fact that our system is not working properly. So you are going to have to amplify -- I can barely hear you myself.

MR. MURPHY: All right. I am sorry.

CHAIRPERSON REID: So you are going to have to speak loudly so that it will be picked up and everyone in here can hear you.

MR. MURPHY: Okay. All right.

MS. KING: Do you have --

CHAIRPERSON REID: Were you sworn?

MS. KING: Do you have authorization from the National Park Service? Are you officially representing them?

MR. MURPHY: Yes, ma'am, I am.

MS. KING: We have nothing in writing on that subject or are you going to present it to us now?

MR. MURPHY: I will provide -- we needed to hear the testimony today and see the presentations and that will be actually part of our commentary.

CHAIRPERSON REID: And you will provide us with any authorization that we need for your --

MR. MURPHY: Yes, if you so need, yes.

CHAIRPERSON REID: Supply it to the record.

MR. MURPHY: Again, David Murphy, representing the National Park Service, 1100 Ohio Drive, S.W., Washington, D.C.

MS. KING: What is your home address?

MR. MURPHY: 7910 Woodrow Place, Cabin John, Maryland. Our concerns are two-fold today. They deal with the cultural historic nature of the

parks and the impacts that this development may have on them, and also the natural values of the parkland. As testimony has been provided to you, you are aware that the proposal has as an adjacent owner or adjacent property national parkland that is part of the Fort Circle Parks system that is following the topographical of the Nation's Capitol. I brought one illustration and I would like to present that.

It is a bit redundant, but it will explain a number of things. The green on this map represents the band of Fort Circle Parks as is administered by the National Park Service. The blue represents the proposed development and the Anacostia River here. Fort Circle Parks is often referred to -- and for your edification, we have placed the location of Fort Baker, Fort Stanton, Battery Ricketts, and Fort Wagner.

MS. KING: They are all existing now as part of your park system?

MR. MURPHY: They are not. They are locations. They are high ground. You can see Fort Circle Parks is also on the high ground, and that is part of the concern we have got. One of the reasons setting aside Fort Circle Parks, which is a chain of parks that was identified probably prior to the

McMillan Commission report of 1902, but certainly was implemented by the National Capitol Planning Commission all during the 1930's, was not only to preserve the chain of forts and the concept of the defenses of Washington, but also to preserve the wooded forest ridge that creates the topographic bowl of the Nation's Capitol.

The wooded ridge in this case is very narrow, and in fact it encompasses the park land, as you see, and portions of the applicant's land. The elevations are some of the highest. The average is 200 feet. The tree cover on top of that is approximately 90 feet. So what we are finding is that as one of the applicant's representatives indicated, that there would be significant views from this development. And we are fearful that the marketing of the views is going to be at the detriment of park land. We are below the development. The development of the apartment complex is on a fill land, substantial fill, which will create a very high level, approximately 200 feet with buildings proposed to be 62 feet, which means that these buildings would be visible from the Anacostia Freeway, which is one of the bands of area that becomes the viewing point for this wooded ridge around the Potomac. If you think about how the

ridge is preserved, it is not only preserved for the immediate viewer, but also the long range.

We see no vegetation potential to screen these buildings unless it is placed on the applicant's land. We did not see this application until yesterday. We have seen various versions of it. We have not seen the development grading until today. We have had no opportunity to analyze this or to undertake cross sections and to really make substantial comment to you on the impact of this development on view shed. A very quick study indicates that we will probably see 50 feet of these buildings above what appears to be the treetop or the tree line of the ridge. We are very concerned about the development of that tract, which is as somebody described, metro landfill, which means it is probably not going to be able to support reforestation of any substance.

So this is a very tight design. It needs a great deal of thought. We have not seen that to date. On the lower section, the residential area, we were aware on the earlier submissions that we -- we use your records. So whatever is in your records, we come here and review. So whatever site plans were in the file two weeks ago is what we have been troubled with. We did not get an updated set

until yesterday. There is, as we understand, a Corps of Engineers Waters of the United States survey, which identifies a number of wetlands and open water areas in the residential area. We do not see how the housing as laid out could be built according to that. On top of that, the District of Columbia under its own regulations requires preservation of wetlands. We do not see that being put on this now, so we are very troubled that the houses that may not be able to be built because of the wetlands under the Corps of Engineers regulations may even be more problematic when the District of Columbia applies its regulations on wetland and forest.

Why is it important to us? Most of these wetlands are contiguous to or adjoining wetlands that are on the area of Fort Circle Parks. We are -- and I will bow to Mr. Rosenstock to make comment on the potential for rare and endangered plants and animals in this area in the seeps. So this is an area of great concern. We were hoping to see substantial presentation today and to you. What we have seen to date really doesn't give us much position other than to take a position of opposition and suggest strongly that this area be very carefully considered, far more carefully considered

than has been evidenced today.

CHAIRPERSON REID: Are you saying, sir, that you are now going to do a more in-depth analysis and submit it to this Board?

MR. MURPHY: Well, that really depends on what you would request of us or suggest. We can do that. We will do that within a time frame, but I would suggest that perhaps this whole question be given a delay or a continuance and we revisit this with more substantive evaluation.

CHAIRPERSON REID: From you?

MR. MURPHY: For you -- for ourselves and by the applicant. The applicant has not shown, other than a great deal of detail on laying out and lotting and plotting. But as far as the inherent substance of what this site represents and what possible adverse impacts it may have, we are very concerned. We understand that this obviously will be more than a million dollar development and we understand that the Department of Health -- the District of Columbia Department of Health requires some level of environmental assessment, especially on these areas of wetland. So we are not sure that the documents to date have been submitted to a level that allows you to make a balanced decision.

CHAIRPERSON REID: Well, even not

withstanding that we may request the analysis from the applicant, but your analysis would also be very helpful to us.

MR. MURPHY: We would be ready to provide that.

CHAIRPERSON REID: In order for us to be able to analyze the information as submitted to us by the applicant. We would appreciate that.

MR. MURPHY: All right. Now that we have a set of documents that appear to be the record set which has been submitted, we can now look at it. However, that lower section with the wetlands, any comment we would have would have to be prefaced subject to further consideration, because we are not sure that it is at all clear to anyone how much of the wetland in that area can, in fact, be disturbed.

CHAIRPERSON REID: So you are saying that you would want to see a further submission by the applicant for you to then respond to --

MR. MURPHY: I think that would be much more productive.

CHAIRPERSON REID: By virtue of or in the form of an analysis predicated upon what they then submit.

MR. MURPHY: I didn't mean to voice over you. I think that would be more productive.

CHAIRPERSON REID: Okay. All right.

MS. KING: So what you are asking for is more specific plans of what they intend to do on the residential or single family home section? Is that what you are talking about?

MR. MURPHY: That and more specific plans and indication of how they are going to deal with the slopes between the garden apartments and park boundary. It is now about a 1 to 4 slope. We don't know and we have not been able to analyze by any cross sections they have shown what this would result in. Also, this has been described as industrial fill. It does not grow trees. We have a standard with WMATA where they do major work. We have three to four feet of topsoil placed. I don't know how that could be done. This area has been excessively filled. So we are looking at some major environmental and design problems that really need to be addressed. This is not casual. But we are just not seeing the applicant providing any significant documentation to date.

CHAIRPERSON REID: Okay. Mr. Hood, do you have any questions for this applicant?

MR. HOOD: Well, I just wanted to ask. So, I guess one of the things we will be looking for is an environmental assessment? Is that were we are

going?

CHAIRPERSON REID: From the applicant. We will request it from the applicant and then we will do a timeline as to how much time they will have to then respond to that in the form of a submission.

MR. HOOD: I was just wondering if we were going to ask for an assessment. I believe you need to have an assessment to see whether or not you need to have an impact study. So that is where I am going with that. So you are asking now for the applicant to give us an assessment.

MR. MURPHY: We are saying that as we understand the District of Columbia regulations on a development of more than a million dollars, an environmental assessment/impact statement is required. This clearly is a million dollars. But I am not sure at this stage, at this late date, how that relates to this project.

MR. HOOD: I believe the impact or the assessment would require whether we have to do an impact study.

MR. MURPHY: Underneath of that --

MR. HOOD: I just want to make sure we ask for the right thing.

CHAIRPERSON REID: Mr. Gilreath, do you

have any comments or questions?

MR. GILREATH: Well, I think the applicant should address these issues. As I understand wetland regulations, in some instances the developer can actually utilize a wetland if there is a mitigation whereby an additional wetland is created. So that we are not necessarily locking the developer in and saying that you can't touch a wetland that exists there. But we ask to what degree it can be mitigated and so forth. I have no problem with them providing something of that nature.

CHAIRPERSON REID: Well, that is exactly what we have. Ms. King, do you have any questions or comments?

MS. KING: No, but I concur with Mr. Gilreath and Mr. Hood on the need to explore much further before we even consider making a decision in this case the whole ecological impact and the wetlands and the slopes and the landfill and all of that.

MR. MURPHY: Madam Chairman, one thing that we have been working with the Department of -- the District Department of Health and Mr. Cummings' office on the analysis of the District -- of what preservation is necessary under the District

regulations for wetland protection, which is different than the federal regulation.

MS. KING: Is it more stringent?

MR. MURPHY: Say it again?

MS. KING: Is it more stringent than the federal?

MR. MURPHY: It appears to be. It appears to be. Because there is so little wetland left in the District, it appears that the discussion of mitigation by replacement elsewhere really doesn't lend itself. Because we are not talking large gross areas. We may be talking a half acre or two acres. And this area has spring seeps, which mean that the only place that that wetland can exist is right there at those heads of springs. So it is a very problematic site. And while we are not opposing development of this site per se, but what you have seen to date really we cannot stand here and say is something that doesn't have a great deal of concern attached to it.

MS. KING: And is your colleague going to testify on spore and fauna?

MR. ROSENSTOCK: Yes, ma'am. Are you done, David?

MR. MURPHY: Yes.

CHAIRPERSON REID: Thank you.

MR. ROSENSTOCK: For the record, James Rosenstock, representing National Capitol Parks East at 1900 Anacostia Drive, S.E., 20020.

MS. KING: Your home address?

MR. ROSENSTOCK: My home address is 13508 Harrison Avenue, Fort Washington, Maryland 20744. I am going to amplify a little bit on what Mr. Murphy had to say. I listened --

MS. KING: Could you speak a little louder?

MR. ROSENSTOCK: Oh, I am sorry. I am going to amplify a little bit on what Mr. Murphy had to say. I listened with interest to what some of our neighbors had to say. Clearly, they are feeling a little crowded by this project. The National Park Service is also feeling crowded in some ways by this project.

In regard to the wetlands near the single family subdivisions, this is a rather dense development right to the edge of park land. There are some wetlands on their property that will clearly be impacted. That is not our direct concern, except that they are contiguous with National Park Service wetlands. Some of the wetlands on Park Service property closely adjoining this property are some rare wetland seeps. The

Smithsonian professionals have found some rare topapods and ampapods, micro invertebrates living in some of these spring seeps that are candidates -- very rare species. In some cases, possibly the only locations where these are known to exist.

I don't have a polished presentation here. I do have some xeroxes of some polaroids I took yesterday afternoon, however, of some of these wetland seeps. This is just behind the project with Jewel Weed, Sweet Bay Magnolia, Lady Ferns, and such like that. My apologies -- Sweet Bay Magnolia an indicator of some of the highest quality wetlands and Lady Ferns. Again, I apologize --

MR. FEOLA: Madam Chair, may I have a clarification? Are you talking about on the Park or on the property?

MR. ROSENSTOCK: This is on the park just closely adjacent to the property. And we are very concerned frankly. Beyond the edge of current development, there is a lot of invasive vegetation, plants that don't belong there that are pushing into very high quality woods further back. And typically we find that invasive vegetation tends to push back from disturbed, i.e., developed areas. And we feel that this potentially very rare wetland could be potentially impacted by a development so close.

Also, with the large number of relatively small yard houses -- I enjoyed the lady's comment about she would like to see four homes there, but that 37 was problematic. We tend to find that where there are many small backyards backing up on park land, the impacts on the natural systems beyond are often problematic. So we have serious concerns about what this construction on existing wetlands and wetlands contiguous with the National Park Service would have.

Moving on to the apartment site, which is a rubble fill. Again, my apologies for the low quality of the pictures.

CHAIRPERSON REID: I am sorry, a what?

MR. ROSENSTOCK: A rubble fill -- the metro fill.

CHAIRPERSON REID: A rubble fill?

MR. ROSENSTOCK: Yes.

CHAIRPERSON REID: Okay.

MR. ROSENSTOCK: It is --

CHAIRPERSON REID: I understand. I though you -- I did not hear what you said. I thought you -- it sounded like you said a rubber fill.

MR. ROSENSTOCK: Basically the soil there is very poor. There is concrete, asphalt, all

kinds of rubble sticking out of it. The entire site is highly eroded. It is gullies of erosion graded across it. It is a very high mesa looking from the park up onto the site. You have at least a 50 foot vista going straight up. We have a public trail that runs through all of the Fort Circle parks, from Fort Mahan all the way down to the lower parts of Fort Stanton, the hiker/biker trail. And actually when this metro fill was done in approximately 1986, there was massive soil movement from this fill site onto park land. We lost a lot of trees. I have a photograph I will submit for the record also of a park boundary sign that was 7 feet in the air and we have a picture of a park ranger pointing down at it. In fact, Mrs. Kass was cited by the Department of Consumer and Regulatory Affairs even back in 1987 for this. And there is currently massive erosion on this site. There is impacts every time it rains on National Park land down-slope from this site.

I am concerned about the hiker/biker trail. This rubble-filled mesa is easily visible from certain points along the trail, and I am concerned with 60-foot apartment buildings on top of this already unnaturally high mesa on a slope that will unlikely support the kind of forest and vegetation that would be appropriate for our

National Park land. I am very concerned about the placement -- the height and mass and the proximity of the apartment buildings to our National Park land. I do wish the applicant had consulted with us more closely in drawing up these plans. We certainly could have shared these comments sometime before.

Like I say, this rubble site has been a source of problems for the National Park Service since approximately 1986, and we are very concerned that the construction of massive buildings on top of it will frankly add insult to the current injury, both in terms of the view from Fort Stanton and the Fort Stanton hiker/biker trail, and also from historical sites down gradient -- Anacostia Park and even across the river, areas of Capitol Hill and possibly Lincoln Park. Again, we have not had time to do an in-depth analysis. But as Mr. Murphy was eluding to, the topographic bowl that the Fort Circle systems provide. When you watch the morning news and they show you sunrise over the Capitol, that beautiful forested ridge line behind it, that is Fort Dupont Park. The Fort Circle Parks serve as a major design element of the City of Washington, and they were so set aside in 1904, I believe, by Senator McMillan's plan. And we are very concerned

that the developments not pick away pieces at this very important plan of our very green Capitol City. If you have any questions, I will be glad to take them.

MR. GILREATH: How would the Park Service feel if the developers come in here and say they are going to build as a matter of right -- I understand that is R5-A and R5-B with a height of what, 90 feet?

MR. FEOLA: 90 feet.

MR. GILREATH: 90 feet. So if they said we are going to build here as a matter of right, in terms of the impact on the park, do you feel that 90 foot towers would be more adverse than what we are getting? It is just that I think we have to -- I don't know what the final decision will be, but we have to weigh those -- both factors. Let's say we vote in favor of this and say we don't like it or what have you, if they or some other developer came in with a 90-foot -- said they were going to put 90-foot towers in there, we have got to weigh that as well, I think. So 90-foot towers, how would you feel about that?

MR. ROSENSTOCK: I would think 90-foot towers would be absolutely awful, of course. And we are not opposing the right to develop. But I think

taking into context the adjoining National Park -- you know, the National Register of Historic Places Park, an important design element for the entire City of Washington, and the fact that these apartment buildings would be placed on an artificial fill at least 50 feet above the natural grade, I think that some judgment could be made in the placement of these buildings, of the height of them, of their orientation, and of screening capabilities. Seeing those buildings right on the edge of the very highest part of the mesa toward the back park, the opportunities to screen for either within the park or for areas beyond is just about nil.

MR. GILREATH: So what you are saying -- if I understood it -- you are not necessarily opposed to this in principle with certain mitigations in terms of height and placement of building and so forth?

MR. ROSENSTOCK: Yes.

MR. GILREATH: So it is a matter of you want to look at it further to see what mitigations can be achieved?

MR. ROSENSTOCK: Yes, sir. And that -- frankly in that configuration, I am very doubtful if things can be properly mitigated on site. But certainly extensive further analysis is necessary.

MS. KING: You are talking now about the apartment site or on both sites?

MR. ROSENSTOCK: Oh, well both for varying reasons. The apartment site is not built on a natural area at all. Of course, it does right now supply horrible erosive problems into the park. But beyond the apartment site, we have some extremely sensitive wetlands issues. I think the overriding issue on the apartment site from the National Park Service standpoint is the view problems. And like I say, it crowds us in terms of view and it crowds us in terms of our natural elements, just as our neighbors are feeling crowded in other ways.

CHAIRPERSON REID: Your decision to come here to testify today was predicated upon your seeing the posting of the site?

MR. ROSENSTOCK: I received notification from Mr. Murphy approximately two weeks ago.

CHAIRPERSON REID: Mr. Murphy?

MR. ROSENSTOCK: My colleague.

MR. MURPHY: Which is approximately when I received the notice.

CHAIRPERSON REID: And you received the notice --

MS. KING: You are within the 200 feet?

MR. ROSENSTOCK: We adjoin both sides.

CHAIRPERSON REID: Oh, okay.

MR. ROSENSTOCK: Fort Stanton Park. It is the property that bifricates the two sides.

CHAIRPERSON REID: Okay. So you came in and reviewed the file prior to coming in today?

MR. MURPHY: Madam Chairman, we have many applications that we see. And what we found is rather than reach out and chase applicants, what we have found is that your files and what is submitted to you, which is the public record, is the very best way for us to understand immediately whether or not we are going to be affected and how much and then how to respond. The difficulty with this particular project is that the early submissions left us in doubt as to whether or not -- we questioned the topography of the site. It did not appear that the high fill area had been captured in the early submission by the applicant. So we are looking at erroneous topography, erroneous wetland illustrations, and trying to determine where we will go from there. This is not an unusual situation, but we have found for us to deal with 20 or 30 possible applications, the most effective way is for us to use your public files, which the public -- that is the only file they have as well.

MS. BAILEY: Madam Chair, if I can kind

of piggyback on what was just said by Mr. Murphy. What we are finding is applicants are submitting information early in the process just to get into -- onto the calendar and so forth. And as the process goes along, they refine it. They meet with the community. They have additional meetings. And so what we get at the end, as in this case, is significantly different from what was originally submitted. And when someone comes into the office to review the record, they are looking at what was submitted early. But two weeks prior to the hearing, we have got a whole completely different package. And that is what is causing some of this confusion.

CHAIRPERSON REID: Thank you very much, Ms. Bailey. That really clarifies it and it makes sense also that the initial submission would differ sometimes completely and entirely from what we end up with in our packages that we receive a few days before the hearing.

MR. GILREATH: Madam Chair, I would like to ask if it would be reasonable to ask the developer to work with the Park Service and they can take a look at this when they come back. Sit down with the Park Service and identify the wetlands. You have done the view sheds and so forth and see if

something could be worked out that would be acceptable for you and the Park Service too could be satisfied. There is no guarantee, but at least an effort could be made. Is that unreasonable to request that of you?

MR. FEOLA: May I speak?

CHAIRPERSON REID: Sure.

MR. FEOLA: Madam Chairperson, in response to that, I want to say a couple things. First of all, I want to say that I have worked with Mr. Murphy for many, many years and this in no way is meant to be a slam on him or his integrity or anything else. Because I know he is a very busy man and is doing a lot of things. But I wrote a letter to the Park Service to Mr. Murphy in November of last year asking to sit down and meet about this project. Things happened. He was sick. There were a lot of problems, and we finally passed voice mail messages at the end of December, which I had transcribed. He basically said the Park Service seemed to be okay with this. They had some problems, but they would let us know. We filed the application and heard nothing from the Park Service -- nothing until 11:30 yesterday morning when I got a call from Mr. Rosenstock. That puts an applicant in a very bad position. Now maybe we should have

been more aggressive. Maybe we should have a month before the hearing sat down and tried to do it. But we were meeting with the community and we were trying to balance a lot of different things.

CHAIRPERSON REID: But the effort was made?

MR. FEOLA: We tried. And maybe we didn't try enough and maybe it is our fault.

MR. HOOD: But he did say you could have some problems.

MR. FEOLA: No. The message was that there didn't seem to be any problems.

MR. MURPHY: 11:30 yesterday --

MR. FEOLA: At 11:30 yesterday, I heard about the concerns.

MR. HOOD: No. I am talking about previously.

MR. FEOLA: There might be some -- there was a voice mail and a very vague message. I called him back and said we would still like to have a meeting and we never heard anything else. I want to say that Mr. Murphy has been a very straight, up front guy for the last 20 years I have been doing this stuff and --

MR. HOOD: Mr. Feola, I am trying to follow the process. You lost me there. You said at

the beginning that the Park Service said that there may be a few problems. So with you representing the applicant, I think I would have followed -- you should have probably followed up on it.

MR. FEOLA: I did. I followed up and asked for a meeting and we never -- and it dropped through the cracks. My fault for not doing the second follow-up.

MR. HOOD: But you knew that they had some problems and some concerns. It didn't just happen yesterday at 11:30. You knew prior to that, yes or no?

MR. FEOLA: No, no. I am sorry.

MR. HOOD: Okay. You see I am --

MR. FEOLA: The message back I got from Mr. Murphy on my voice mail was that the site that I -- I sent him a package of information and when he got the information he said that the site that he was thinking about was a different site, and this one didn't seem to be as many problems. We filed the BZA application and Ms. Bailey said things have changed since then. So they may have discovered problems and maybe we should have been more aggressive. I just want to leave the impression with the Board that we didn't try to sneak this past the Park Service. We tried early on, before we even

had plans, and it just fell through the cracks. I am not blaming the Park Service. I just want to make sure that the Board doesn't blame the applicant for not sort of staying abreast.

Now the other thing is we have done extensive wetland studies, and we have the expert from Greenhold & Mayer, who has been working with the Corps of Engineers and the District Department of Health on all these issues. These are not surprise issues. They may be a surprise to the Park Service and we will be happy to sit down with them and go through all the detail and all the data, as Mr. Gilreath had suggested. And by all means, they are the next-door neighbor and we want to work with them to make them comfortable that this is not an invasion on the National Park. I mean, this is private property, though. And if in 1930 they wanted to buy this property from the Kass family, they could have, and they didn't. So it has a certain zoning right. It has a right to housing. It has a right to R5-B classification, which by the way could be 400 units, 90-feet high, just on this piece of land. This could look just like Marlbury Plaza. A matter of right, not before this Board and not before anybody. Not before the Park Service or anything. So I think you've got to keep it in

perspective. We are looking at 213 units on twice the size land, and it does have some issues. And by the way, that 400 units would only require 200 parking spaces, a half a space per unit. So what we are trying to do is a responsible development. It is a long and winded answer to Mr. Gilreath's question. We will be happy to meet with the Park Service in a timely manner to try to move this thing along.

CHAIRPERSON REID: Okay.

MR. MURPHY: May I make a comment?

CHAIRPERSON REID: Sure.

MR. MURPHY: As I said, we as a matter of course utilize the records that are submitted to you all for the public review. It may not be the best system, but it is a system that allows us to make sure that we see what the public sees so that we are not suddenly finding that there is some vestibule agreement. Now as to wetlands, yes. Before we came in here, we were shown a wetland delineation. You were not shown a wetland delineation. You have not had any of this presented to you. So my comments are I want you all to be aware that these areas are of concern and that they need to be considered. As far as 400 buildings or whatever the numbers are, I feel like I really need

to respond to that, even though it is rather laughable. What is not pointed out is that, yes, in theory you could build 400 units X feet high. But it still has to be reviewed and approved by the District of Columbia for a building permit, which would still require it to be reviewed for wetlands preservation, which was not mentioned to you. So I don't know what the real number is. I can guarantee it isn't 400. But to me that is a specious argument. What we really need to do is look at this site in a holistic way and work it out and deal with it. But for us to do that and have the public not even aware of it is of great concern to me. So I am happy to work with the developer. We will respond to any analysis they can provide. We have on the record indicated where our concerns are. We would like to see them respond to it.

CHAIRPERSON REID: Okay.

MR. MURPHY: And we will be working with them in a timely manner.

CHAIRPERSON REID: Thank you. Thank you very much. Any other comments?

MR. GILREATH: I think that is very constructive. I am glad to hear that.

CHAIRPERSON REID: All right. Thank you. We will move now to -- are there any other

persons in opposition? I believe these were the last. Opposition? Are you the last person?

MR. BRADLEY: Yes.

CHAIRPERSON REID: Okay. Because I called before and you didn't come up.

MR. BRADLEY: I am not in opposition. I am in support.

CHAIRPERSON REID: Oh, no. We have already had --

MR. KNAPP: Madam Chairman, he was just out on a break during the time in which the supporters were called forth. So he missed the support, but he has been waiting patiently to provide some support.

CHAIRPERSON REID: All right. Okay. We will waive the sequence and allow him to, since he has been here waiting to testify.

MR. KNAPP: Thank you.

CHAIRPERSON REID: Is your -- have you been sworn in?

MR. BRADLEY: No.

(WITNESS IS SWORN.)

MR. BRADLEY: Good evening, Madam Chairman and Board members. My name is Fred Bradley. I am a resident of Anacostia for in excess of 33 years. I --

MR. HART: Your address, please?

MR. BRADLEY: Can you hear me?

MR. GILREATH: He asked where you live.

MR. BRADLEY: 1222 U Street, S.E., Washington, D.C. I am very blessed to have such wonderful neighbors that will be able to smile and wave at me tomorrow. Okay. You know, we talk about economic development, and being in Anacostia we was talking about it for some 20 some years now. Now the reality of it is it is about to happen. Sometimes it scares people, but it is going to happen whether we are here to see it or not. We know it is going to happen eventually. As far as this project, I think it is one of the best things, with the exception of the Safeway project that started this whole thing off. This is one of the best things that has been offered to Anacostia for the last 20 years. That is my opinion as a person and a resident who lives there.

I see economic development as different phases -- different phases or opportunities that will trigger. We talk about developing down on the gateway. It is this type of development that trickles itself down. You don't get it all at one time, but eventually it comes. Some of the problems that people talk about and the concerns -- and we

all should have concerns. I know we have them. Me being a resident, I have a lot of concern about it. I think we should also think of ourselves and what right we have as a citizen and resident of the District of Columbia.

We talk about the traffic -- the effect that an additional 200 or 300 cars will put on the community. Well, my response to that is I feel like those 200 or 300 cars will be part of us and part of our community, and I think we should have more right to go out, if it causes congestion or whatever it has, on those streets, Good Hope Road, than our neighbors that are coming across the line. Some of the people coming across the line may be our new neighbors.

Now in response to talking about whether houses are going here and the wetland, that is what development -- that is part of development -- drainage systems usually eliminates those things. This property here where the houses are going, it is solid. That area in there is good solid, firm ground for building. It just needs some drainage system which will take place with the development.

Now as far as the apartment up there, I would hope everyone would keep an open mind and never compare Marlbury Plaza with this type of

apartment. I am talking about a luxury apartment. They are on a different scale. They are bringing in a different type of people. If we was comparing peoples with the ones that we have now or the problem ones that we expect that we will maintain, since they are already there. I do not see where these apartments will bring in any type of negativeness. I can't see it. As far as the houses, I think it will be great for Anacostia to have 38 new members of our community -- taxpaying members of our community.

Now as far as the apartment, sure, all of that is true. We have a lot of vacant apartments in Anacostia. But it is not the developers fault. It is the owners and even part of the government's fault. A lot of those properties are owned by the government. Maybe they should consider tearing those apartments down and building single family homes that help enhance our community.

I am looking here at what I call a finished product of what we expect to see, and I cannot see where these type of housing can bring any negative to Anacostia, and I don't believe that the people that are going to buy those types of homes are going to be a type of people that we wouldn't welcome as neighbors. I would hope that we all

would at least try to adjust ourselves to some changes. Because if we continue to reject, we are going to wind up continuing to have what we have there, which no one is satisfied with. I know I am not. This is a decision that people have to make. Sometimes you may gain two and you may lose five or six. But some of the things that are proposed on our community at this time, what I consider as negative things that we should not have, such as advertisement from HUD, where he wants people to rent their homes out for people that they have on a waiting list. Those are the types of things we need to reject for Anacostia. Those are the type of things that bring boarded up homes over a period of time and decades. We have all seen that.

This is the first time that I was able to witness a developer came in our community and from my view was open from day one. They came to the community to present everything that they have access to at those times -- the meetings that I attended. They offered it to the community and gave the community an opportunity to be part of these developments. Normally, we just wake up and we see things happening and we are not informed. I would really hope that this body would give this project some real open consideration. Because I know I am

just one person, but there are others that share these opinions with me, although they are not present. When it is time to step up to the bat, a lot of people have different thoughts about things. But I really think that this would be a plus for Anacostia. And I want to thank you all.

CHAIRPERSON REID: Thank you. We afforded you an additional amount of time to speak because of the fact that we only had one other person in support to speak.

MR. BRADLEY: I appreciate that.

CHAIRPERSON REID: So in parity, we allowed you a little bit of additional time.

MR. BRADLEY: Okay. Thank you kindly.

CHAIRPERSON REID: Thank you very much for your testimony. All right. Closing remarks by the applicant? Rebuttal?

MS. KING: Brief closing remarks.

MR. FEOLA: I want to thank the Board for its indulgence in the time. This has been a very interesting case, not uncomplicated. And I am not going to prolong the agony, if you will. I would like to introduce Ernie Anderson, however, because he has been working on the wetlands for well over six months and the issue that the Park Service has raised. Just briefly, Mr. Anderson, state your name

and address for the record.

MR. ANDERSON: Ernest Anderson. My home address is 13223 Poet Court, Fairfax, Virginia.

MS. KING: Have you been sworn in?

MR. ANDERSON: Yes, I have.

MR. FEOLA: Just briefly tell the Board a little bit about your background. Briefly.

MR. ANDERSON: I understand the need for brevity. I have about 40 years experience in natural resource management. The first 30 years were with the Forest Service. The last 10 years of which were in Washington, D.C. in the headquarters. And the last 10 years, I have worked as a private consultant to both the public and private consumers.

About six months ago -- actually five months ago, we completed a wetland delineation to federal standards on both properties. That was followed by the Corps of Engineers, who have the responsibility to enforce federal regulations and they have approved that delineation and I have a representation of it here, which I could put up or I could submit.

MR. FEOLA: We will submit for the record.

MR. ANDERSON: We will submit. The point is we have also talked with Mr. Ruby from the

Department of Public Health, who recommended that we make our peace with the Corps and deal with the Corps on the wetland impact issues, in as much as the District had no authority to regulate wetland impacts, and that we work with him on any mitigation that is necessary, and we have now completed that activity and have a proposal to present to Mr. Ruby for consideration of an appropriate mitigation for the wetland impacts. I might say that the proposed wetland impacts on this situation of 15 acres is less than two-tenths of an acre. And so from my perspective, while I am not making public policy, I find the wetland issue perhaps to be somewhat blown out of proportion.

MR. FEOLA: We will --

CHAIRPERSON REID: Thank you.

MR. FEOLA: -- have Mr. Anderson work with the Park Service on following up on this. I want to ask Mr. Knapp one question. Mr. Knapp, you have heard some comments from the neighbors about the lack of need for apartments in this area. You might want to

-- could you address that, please?

MR. KNAPP: Yes. Certainly. We had a professional market study done by a national company called Robert Charles Wesser. This is a company

with excellent --

MR. FEOLA: Which I would like to enter into the record.

MR. KNAPP: The market analyst did a very in-depth study of the market in Anacostia, and they determined in fact that the market is very tight. There is a difference between a professionally managed large community, Class A apartment community, and small multiple dwellings that are owned by individual speculators foreclosed upon by the city and operated by HUD. If you look at the professionally run properties, they all have occupancies in the one or two percent. The most relevant property to look at is Marlbury Plaza, which is a beautifully managed property by Charles E. Smith, recently sold to H.G. Smith for almost $30,000.00 a unit. It is 672 units. It has got a 1.5 percent vacancy rate. There is always going to be a few apartments available just because of natural turnover. But that is a remarkably low rate and that is an indices of a market that is underbuilt or under-supplied.

We have Skyland, that is the adjoining property next to the proposed site. It is operated very beautifully by William C. Smith, 223 units. It has got 1.3 percent vacancy. By the way, both of

these properties have rents equal or in some cases in excess of what the proposed rents are. You have Park Naylor Apartments professionally managed by Edgewood Management Company, 231 units. It has got less than a 1 percent vacancy rate. This is a matter of fact. There is a whole series of secondary competitors, such as Washington View Apartments, which has no vacancies at all, Oxford Manor, which has 4.4 percent, Hillside Terrace, which has no vacancies, the Parklands, which has a 1.7 percent vacancy rate. It is a matter of fact that the apartment supply is very tight in the area. It is also a matter of fact that the middle class which would like to find good quality housing in Anacostia is unable to do that. There is a lack of opportunity in Anacostia. And the population of Anacostia has been on a steady decline mainly due to this lack of good, high quality housing, the type of housing you find in Bethesda, Connecticut Avenue, Georgetown. And we plan to bring this kind of quality housing into Anacostia, where there is a documented strong market for it.

MR. FEOLA: Thank you, Madam Chair. One or two very minor points that I would like to make. The first is on the environmental assessment and the need for it versus this project. Mr. Murphy was

correct. Mr. Hood is correct that this project because it is in excess of a million dollars will require at least an environmental assessment and maybe an environmental impact statement. That requirement is done through the building permit. We can't file a building permit unless the Zoning Board finds the zoning okay. Without putting the cart before the horse -- and there is a public opportunity for comment and hearing on that environmental assessment as well. We will put in the record more documentation on the environmental work that has been done to make sure that the applicant made sure that they could go forward with this if this Board approves it. But I just want everyone to understand that this Board is not the environmental assessment board, and the courts have sustained that. This Board is a zoning board, and first of all you have to tell us what we can build before we can evaluate the assessment. If you say build half the houses, that is a different assessment than if we build all that we ask.

MS. KING: Who is the environmental assessment board. After only 11 years in the mayor's office for boards and commissions, I have never heard of such an entity. Who does that?

MR. FEOLA: I am sorry. That was a

hypothetical board. There is not a board. It is the Division of Environmental Services.

MS. KING: Watch it with me, I know boards up the kazoo. But who does -- who makes it?

MR. FEOLA: It is the Department of Health. It is the Division of Environmental Services in the Department of Health.

MS. KING: Okay.

MR. FEOLA: They hold public hearings and they appoint a hearing examiner, so forth and so on. There is not -- you are absolutely correct, Mrs. King, there is not a board. And this applicant, I think -- and we respectfully appreciate the citizen concerns you have heard today. I think this applicant has demonstrated an opportunity to try to address those concerns.

But I want to point out that this Board is charged with implementing the zoning regulations. The zoning regulations as articulated by the request we have asked for, section 410 and section 2516, and based on the record that I heard today, there is nothing in the record that suggests that the applicant hasn't met those tests. We have heard that they would prefer single family houses. We have heard that the community would prefer more parking than the regulations require. We have heard

that the community would like less houses than the 37 that are proposed for the single family development. That is not what this Board is charged with. This Board is charged with implementing the zoning regulations. Not one iota of evidence has attacked any section of those special exception requirements as to this application's inability to meet them. And I think that is really important.

We think just the opposite of what we have heard today. I think picking up on what the last gentleman just said, we think the future of Anacostia and east of the river is set by private sector investment. There has been a lot of public investment in Anacostia, and it hasn't really turned it into the jewel that it could be. The jewels that we have heard, the Safeway and places like that, are all the product of private sector investment, private capital. This project -- no public subsidy -- will be a major investment of private capital east of the river, in an area that quite frankly could use new housing development. We think it is a win/win. New houses, new residents, new taxes, environmentally sensitive, and I have got to come back to the underriding or overriding concern. It is one quarter of the density that the zoning permits -- one quarter. As I pointed out when I was

up here talking with the Park Service, just that middle piece between -- point that out, Dick, please. Just that -- no, no, the single family piece. Just that piece right there, R5-B zone, could accommodate 400,000 square feet of high rise apartments and 90 feet high with one parking space for every two units. That is bigger than our 213 unit proposal with half the parking. Just to keep it in perspective. We think that this is a very reasonable, responsible development plan, and we understand that there is a lot that you would like to have in the record and hopefully after the record is complete, this Board would see fit to approve it. Thank you very much.

MR. EDGECOMBE: Could I make one small point?

MR. FEOLA: Certainly, Mr. Edgecombe. The client always has the last word.

MR. EDGECOMBE: Just one small point.

CHAIRPERSON REID: You are?

MR. EDGECOMBE: Gene Edgecombe.

CHAIRPERSON REID: Yes, your name for the record. Thank you.

MR. EDGECOMBE: One small point. I have heard both on the pro and the con side a concern about some of the troubled multi-family units out

there in their community, which I find very interesting. Because I have had conversations with District officials over the years, including Richard Montiele just recently. All of my work I do is either in the city or inside the beltway. The project that we are doing out in Prince George's County off of 202 was also a troubled multi-family complex. It had all the troubles you could name. And the Prince George's County government made a decision that that troubled complex should go. The opportunity exists here to do the same thing where there are troubled units. Essentially what we did was to come in and provide beneficial new single family homes for reasonable prices. And when I say reasonable prices -- someone sort of intimated that -- sort of gave an elitist status to middle income housing. Let me just say this, on our Woodridge houses, probably a third of our buyers were single parents. One of our first buyers was a single parent police officer, a female police officer. And the reason why we could do that was because the prices were affordable. So we would transfer the same idea to building here. And one of the reasons why we could do it is because of the price that we are paying for the land. So when you talk about giving back to the community, the standards that we

are building into those homes at the base price, we could sell those houses out in the suburbs for $20,000.00 to $40,000.00 more, and everybody knows it. But because we get the land essentially underwritten, we are able to build a quality house, comparable to what you would get out in the suburb, for a much smaller price. I just thought I would go on the record with that.

CHAIRPERSON REID: Thank you.

MR. FEOLA: Thank you for your indulgence, Madam Chair and the Board. It has been a long day.

CHAIRPERSON REID: All right, Mr. Feola. Obviously we cannot be able to make a decision in this case today. We have parties in opposition. However, at our next scheduled meeting, which would be --

MR. HART: Our next scheduled meeting will be June 2.

CHAIRPERSON REID: June 2? Okay.

MS. KING: Will that give you sufficient time to meet with the Park Service?

MR. FEOLA: We would like to try, Madam Chair. I mean, we would like to push it along. One of the frustrations I think -- it may have come out more harshly than I meant it -- was we have been

trying to get the Park Service to focus on this for quite some time and we were unable to. I think a deadline on us and on them would be helpful to make the process move along.

CHAIRPERSON REID: Okay. Let's do a timeline.

MR. FEOLA: There are also other things that you asked for in the record too.

CHAIRPERSON REID: Yes. We are going to go over those now.

MR. HART: Let me talk a little bit here.

CHAIRPERSON REID: All right.

MR. HART: I have been moving around some figures and the end figure is for aiming at the June 2 meeting. Now my concern is that there are quite a few things -- I don't have them listed -- but things that have been asked for. Some that can be produced rather rapidly, but some that are rather time consuming. So I think you should give me an idea. Because I have some days here with a deadline of June 2, and I am talking about ten days for now for -- I don't know if you want to get the submission responses and so on. So I would prefer that you give me a date that you can work with to meet your request from the Board, and then we will

back our way in from that. Because it would be presumptuous of me to say you can do this in the next 10 days and you've got to meet with the feds.

MS. KING: The comprehensive plan --

MR. FEOLA: I think the applicant can file all the things it needs to file with this Board and the Park Service and the neighbors within 7 days.

MR. HART: Within 7 days.

MR. FEOLA: And give us a week to work with the Park Service.

MR. HART: Okay. All right, listen to what I have here. You can file -- moving from today, if you can file everything that you need to file within -- I have put it to the 17th. Listen. Between the 17th and the 24th, which is a week, that will give me time to get it to the Board members. Is that workable?

MR. FEOLA: Yes.

MR. HART: But can you say this without even talking to the feds?

MR. FEOLA: Yes. I am sorry?

MR. HART: Can you say this without talking to the federal people?

MR. FEOLA: National Park Service?

MR. HART: Yes.

MR. FEOLA: We can get -- as I was eluding to before, Mr. Anderson has done all the work.

MR. HART: All right.

MR. FEOLA: We can get the Park Service all the information they need on the wetlands and the view sheds and the whole 9 yards tomorrow.

MR. HART: Okay.

MR. FEOLA: And we can get it to the Board -- probably it would need to be polished up a little bit for submission -- by the end of the week. So, again, if we can keep pressure on the Park Service to respond -- they may still not like it. I don't mean to suggest that we will convince them.

MR. HART: Yes.

MR. FEOLA: But they will have an opportunity to say that in writing.

MR. HART: There is another thing. You say you can get it together within a week to get it to the Board, but I don't think the Board wants to see it within a week without you talking to the Park Service.

CHAIRPERSON REID: Right.

MR. FEOLA: That is fine.

MR. HART: So you need to get together --

MR. FEOLA: June 17th works fine.

MR. HART: Fine. Which would be a Monday -- no, not June. May 17th.

MR. FEOLA: May 17th. Right, I am sorry.

MR. HART: That would be a Monday. And a week from that Monday you would have everything to us here at Zoning for me to get it to the Board. All right?

MR. FEOLA: Sure.

MS. KING: Now what about the time for the parties to reply?

MR. FEOLA: Well, if they got it on the 17th, they would have until typically the 24th.

MR. HART: The 24th.

MS. KING: Okay.

MR. FEOLA: In which case it still gives Mr. Hart opportunity to look at that.

MS. KING: Now I asked you for information about --

MR. HART: The comprehensive plan.

MS. KING: The comprehensive plan and about the 25-year covenant.

MR. FEOLA: Yes. And something else?

CHAIRPERSON REID: The --

MR. FEOLA: I wrote it down. You asked for something else, Mrs. King, as I recall. The

Department of Public Works.

MR. GILREATH: The wetlands and the view shed. You are going to talk to the Park Service about the height of those buildings and so forth.

MR. FEOLA: Yes, the vistas.

CHAIRPERSON REID: Mr. Hart, do you have all these things written down?

MR. HART: Yes, yes.

CHAIRPERSON REID: Do you have the -- the first thing was the submission from the applicant --

MR. FEOLA: The Fair Housing Act. Mrs. King asked about the Fair Housing Act.

CHAIRPERSON REID: And the environmental impacts. And then a response from the National Park and Planning in a week.

MS. KING: Oh --

CHAIRPERSON REID: Wait. Just a moment. And then a week from that --

MS. KING: The exclusion of seniors. That was it.

MR. FEOLA: Yes, that is Fair Housing Act.

CHAIRPERSON REID: Okay. So you have that?

MR. HART: Yes.

CHAIRPERSON REID: Then the section of the comprehensive plan that was eluded to in Mrs. Ambrose's letter. The --

MR. HART: Did we solve the discussion explaining about non-discrimination and discrimination?

CHAIRPERSON REID: That is what she was saying. Fair Housing information regarding not being able to offer senior citizens discounts.

MR. HART: Okay.

CHAIRPERSON REID: And an explanation that Mr. Feola was going to supply us with in regard to the -- what was the other thing Mrs. King asked for?

MS. KING: We just talked about it. The comp plans --

CHAIRPERSON REID: Public Works.

MS. KING: Oh, DPW's assessment of the --

to back up what the traffic plan is.

MS. KING: In response to Mr. George's traffic study.

MR. HART: Oh, okay.

CHAIRPERSON REID: The traffic report.

MR. HOOD: Madam Chair, can I also ask -- I don't know where we are, just to still have some

deliberations with the community?

MR. FEOLA: Absolutely.

MS. BAILEY: Madam Chair, our workload is such that if the applicant could get the information or request it from DPW, that would help us tremendously, and just keep a documentation. Because we are too overworked.

MR. FEOLA: We will be happy to do that. As I mentioned before, we asked the Board --

MR. HART: I am glad she said that, because I assumed you were going to do the DPW thing.

MR. FEOLA: We can do that.

MR. HART: Okay. Fine.

MR. FEOLA: If the Board will give DPW a date which it would like a response by, that could prod Mr. Bobbitt.

MS. BAILEY: Those dates that you were given.

MR. FEOLA: Okay. That will work.

MS. KING: But let's send a memo from here saying that we want a comment and that Mr. Feola is going to provide him with the information to comment on.

MR. GILREATH: I would suggest in terms of the environmental impact that you use the term

environmental evaluation. Because impact and assessment are almost legal or technical terms. Evaluation is a much more preliminary kind of --

CHAIRPERSON REID: I think that is what Mr. Feola is going to be working with the National Park and Planning Commission -- whatever you want to call it, a report or evaluation or analysis.

MR. FEOLA: Assessment and impact statement have very specific terms.

CHAIRPERSON REID: Right. We know what that is going to consist of, and that is what we want to have submitted.

MR. HOOD: May I just interject something that Mr. Feola said earlier. Even though it may not be in our jurisdiction, but part of our charge is to protect the safety and health of the residents and the citizens of the District of Columbia. I just want to put that on the record.

CHAIRPERSON REID: Adverse impact.

MR. FEOLA: You are right.

MS. KING: And that would include the rubble fill. Information about the rubble fill, that will be part of what you give us and what you discuss with the National Park Service?

MR. FEOLA: Yes.

MS. KING: Not only the wetlands issue,

but the rubble fill issue. The stability of the rubble fill to maintain the level of development that you are proposing.

MR. FEOLA: Right.

MS. KING: As well as the sight line question and the erosion and run-off from the rubble.

MR. GILREATH: The Park Service representatives have gone, have they not?

CHAIRPERSON REID: Yes.

MS. KING: Yes.

MR. GILREATH: If we make expect them to make a reasonable effort to meet with them and cooperate in assessing this. If we were to ascertain the Park Service had not made a reasonable effort, can we somehow say this would be prejudicial to the Park Service interest? The idea is if they just obstruct and delay and do not cooperate, I don't think they should get off scott free. How are we going to do this?

CHAIRPERSON REID: Well, we would move forward with basically what we have before us. And as Mr. Feola said, we would handle the zoning aspect of it as far as our decision is concerned, and then they still have to go through the permitting process, which would include environmental impacts.

So that is the best we can do.

MS. KING: And as we did in two cases this morning, if we are dissatisfied with the information we have received at the time that we are scheduled to make a decision, we can postpone the decision pending the arrival of additional information.

CHAIRPERSON REID: We could that as well.

MR. GILREATH: So if the applicant comes back in and says they have made a good faith effort to meet with the Park Service and we feel that is credible, to my mind the Park Service is abrogating its right to receive any kind of additional weight.

MS. KING: You are the federal representative here.

MR. GILREATH: Well, I know. That is exactly right. But the federal people --

MS. KING: But don't just sit back and do nothing. You have to make sure that they do it.

MR. GILREATH: Well, either I or the Board or somehow they can vote. Anyway, to my mind, as one board member, if we feel the Park Service has not made a reasonable -- the key word is reasonable -- a reasonable effort to cooperate and assess this, then I would be disinclined to give the Park Service

any significant weight in what they have said already. By not showing up, they are forfeiting their right to have a say in something. But I hope they will. I am not just saying --

MR. FEOLA: Oh, they will.

MR. GILREATH: Okay. So it is a moot question.

CHAIRPERSON REID: All right. Now, do we have everything?

MR. HART: Yes.

CHAIRPERSON REID: Then we can go on to the next case. You may want to submit our proposed findings or a draft order of proposed finding. Okay? Thank you very much.

MR. FEOLA: Thank you very much.

MS. KING: Please clear the room as quickly as possible. We have two more cases. And while you are clearing the room, please be quiet.

MS. KING: Okay. In our opening remarks, I said that we would make an assessment at 6:00 to basically get a status and to inform everyone as to whether or not we are going to go beyond, and obviously we are because it is past 6:00 now. But we anticipate that we have two more cases, both of which should not take terribly long. So we are going to continue and hopefully our aim is to

wrap up at approximately 7:00.

MR. HART: Application 16458 of the Estate of Jeane Dixon and the Jeane Dixon Revocable Trust. Pursuant to DCMR 3108.1 for a special exception under Subsection 508.1, convert existent vacant buildings to office use in the DCOD/SP-1 District at premises 1765 N Street, N.W., Square 158, Lot 810. Please rise those who intend to testify.

(WITNESSES ARE SWORN.)

MS. KING: Madam Chair, before we go into this case, I should say that Jeane Dixon was a friend of mine while she was alive. I also knew her husband. I know nothing about this case except what I have read in the documents. Without objection, I will not recuse myself from this case. But I should let you know that I --

CHAIRPERSON REID: Just to disclose it. Do you feel it would impair your ability to make a --

MS. KING: No, not at all.

CHAIRPERSON REID: You can be objective on this case. Fine, no problem. Mr. Collins?

MR. COLLINS: Thank you, Madam Chairperson and members of the Board. My name is Christopher Collins with Wilkes, Artis, Hedrick and

Lane. Seated to my left is Sarah Shaw of our office. Seated to my right is James Gaudino, the Executive Director of the National Communication Association, the contract purchaser of the property. Seated to my far right is Robert Morris of Robert L. Morris, Inc., a transportation consultant for this project.

CHAIRPERSON REID: Mr. Collins, the reason why I was addressing you was because I wanted to stipulate that in this particular case, there is no opposition and --

MS. KING: Is there -- we are sure there is no opposition? No one here is in opposition?

CHAIRPERSON REID: No one stood up to be sworn. So just for purposes of certainty, is there anyone here in opposition or in support? Okay, so you all are it. And --

MR. COLLINS: We are in support. We are not in opposition.

MS. KING: And we have read the documents.

CHAIRPERSON REID: Given the lateness of the hour, we can expedite this case. The Board members have read the material that has been submitted, and it is a pretty straightforward case. I don't think that there was a submission by the

ANC. So our assumption is that they have no opposition. And we have no government reports. We don't have any other letters in this file of opposition or support. So basically just give us the highlights so we can just move forward through this relatively quickly.

MR. COLLINS: Very well. The highlights are that this building is on the north side of N Street adjacent to the National Association of Broadcasters to the west. If you look at exhibit A on pages 7 and 8 of the statement of the applicant, you will see that we are within a very, very short distance, almost proximity to the Connecticut Avenue commercial corridor. We are directly across the street from an 8-story office building zoned C3-C, a 90-foot office building. The purpose of this application is to use the building for office purposes with no exterior changes except for a plaque identifying the occupant and additional the National Communication Association will provide a handicapped accessibility way by excavating a portion of a passageway in the front of the building. It is now raised on a slight terrace. You walk up to the first floor. So that the basement is actually at the same grade or approximately the same grade as the sidewalk. So there will be some

cutting into the hillside for that. That will have to go through the Historic Preservation Review Board. That has not been done yet. We are waiting for indications from this Board. We are comfortable that that will be approved. It has been approved on many other occasions. We have a very qualified architect, Mr. Eric Colbert, who is working with the National Communication Association on that project.

The requirements for Office use in the SP zone are set forth in Section 508, and we have set them forth in our statement of the applicant, which you have read. Those particular qualifications are listed on pages 3 through 6. We can either at this point go through them or stand on the statements in our written submission and answer your questions at this time.

CHAIRPERSON REID: I think that in this instance, Mr. Collins, we can stand on your submission because we have read through each section and I do not have any questions. Unless any Board members have questions, it seems that you responded to each of the segments of that section most adequately in your submission. It was very succinct.

MR. COLLINS: Well, if you have any questions or I could ask Mr. Gaudino if he would

like to make a few comments.

CHAIRPERSON REID: Sure. Sure.

MR. GAUDINO: My name is James L. Gaudino. I am the Executive Director. I reside at 6206 Labelle Court in Springfield, Virginia. Just a bit about the National Communication Association. We are an academic association founded in 1914, 501C3. We exist to promote research, teaching and practice of the scientific, humanistic, and artistic principles of human communication. We have a staff of 15 full-time employees. We do the normal academic association activities, conferences, conventions, academic journals, and so forth. We desire a relocation from Virginia, which is where our offices currently are in Annandale, Virginia, to Washington, D.C., primarily because of the proximity it affords to the other associations and agencies that we work with fairly frequently.

To give an example of the kind of member or the kind of person that belongs to our association, he was here earlier but had to leave for some duties back at Howard University. Orlando L. Taylor, who is the Dean of the Graduate School of Howard University, formerly the Dean of the School of Communication at Howard University. He was recently elected our president and fortunately for

us resides in Washington, D.C. So that is an example of the kind of scholarship that we represent. He is a noted scholar in language acquisition and in intercultural communication. And with that brief statement about who we are and why we would like to relocate into Washington, D.C., I will open myself up for questions.

MS. KING: There were -- in your presentation you talk about 15 staff and that that will not increase I gather.

MR. GAUDINO: We have no plans to increase them in the foreseeable future, that is correct.

MS. KING: You don't anticipate that it would. And three to four visits per week on an average?

MR. GAUDINO: On an average, correct. Yes, ma'am.

MS. KING: And what I am thinking about -- I mean, I am predisposed to move that we grant this application, but whether or not -- I am curious as to whether or not -- I think we need to put a condition that you will provide parking in a nearby lot for a specific minimum number of employees, and I wondered what that minimum number would be.

MR. GAUDINO: Yes, ma'am. We have

talked to our employees obviously extensively about this because it is a major change in their lives. Most of them currently -- our current employees -- and we will, I should state, will probably lose some of our current employees and be rehiring new employees, I suspect more from the local area than now. Some of the people work for us --

MS. KING: Try and hire District residents.

MR. GAUDINO: -- simply because of where we are located. But we have pledged to our employees that we will provide parking for any of those who demand to drive into the district, and there is a parking lot immediately across the street with available spaces.

MS. KING: But I mean if we are going to enshrine it in an order and probably say you will always provide a minimum of X number of spaces.

MR. GAUDINO: That is fine. We are also going to provide an association only carpool.

MS. KING: And what is that minimum number?

MR. GAUDINO: Eight would be fine.

MR. COLLINS: Wait a minute. You are not talking about the carpool.

MR. GAUDINO: We are going to also

provide a carpool. We are going to lease a van and haul those employees or transport those employees that live in clusters into the District and then park that van across the street. Now some may elect not to do that obviously.

MS. KING: I mean, it seems to me that to just say you will provide parking in a nearby lot, that could be one space for you or one space for the president, which doesn't address the parking impact on that neighborhood and the fact that your employees would probably have to walk a mile in order to park on the street. I mean, we all know the area. So if we are going to put parking in the order, just you all give us a ballpark minimum number.

MR. COLLINS: The zoning requirements --

MS. KING: What are the zoning requirements?

MR. GAUDINO: I thought you said three.

MR. COLLINS: Three -- I think the zoning requirement is three. Actually, if parking were required. It is a contributing building in a historic district where none is required.

CHAIRPERSON REID: So your parking requirement has been waived?

MR. COLLINS: That is right.

CHAIRPERSON REID: And the parking that you have indicated within your submission that you are going to be providing is basically a courtesy, paying for the employees who desire to drive to work?

MR. COLLINS: Who desire to drive to work.

MR. GAUDINO: We also are willing to pay our employees' mass transportation costs, be it Metrorail or bus.

CHAIRPERSON REID: And also that the Metrorail -- the Dupont Circle Metro is approximately two blocks from this site, as well as the fact that you just mentioned that you are also going to provide a carpooling van to offset the impact of parking.

MS. KING: Are you suggesting, Madam Chair, that we shouldn't put any condition regarding parking?

CHAIRPERSON REID: No. I think that with what you just stipulated and Mr. Gaudino has agreed to provide that parking. So by all means, we would certainly accept that.

MR. GILREATH: We are going with what? Three?

MS. KING: A minimum of three parking in

a nearby lot.

MR. GILREATH: That is reasonable with the carpool and Metro and all that.

MS. KING: I don't think given the area that we need to stipulate -- I mean, clearly the occupancy permit, which we have nothing to do with except that they can't get it without our -- will dictate the number they are able to cram into that building and the auxiliary building in the back. Given the neighborhood, I don't think we need to specify days and hours of operation or maximum number of visits per week and so forth. That is a highly commercial -- you know, regardless of the zoning on Jeane's property, it is a highly commercial area with hotels and offices and restaurants and so forth.

CHAIRPERSON REID: I had one question, Mr. Collins, in regard to your self-certification form that you submitted. There was a letter of authorization by the owner who -- well, the personal representative of the estate, who is an Evelyn Dwyer. And then the certification is signed by Mr. Gaudino. MR. COLLINS: Yes.

CHAIRPERSON REID: That strikes me as being a little odd.

MR. COLLINS: Well, the application --

the application was the Estate of Jeane L. Dixon and Jeane Dixon Revocable Trust. The contract purchaser is the National Communication Association. And I believe there are two letters in the file.

CHAIRPERSON REID: Yes, I see another letter. This one is from Evelyn Dwyer and the other one is the law firm of Wilkes, Artis, Hedrick and Lane representing the National Communication Association.

MR. COLLINS: Right.

CHAIRPERSON REID: All right. And then --

MR. COLLINS: And then the National Communication Association authorized us to proceed and they are named as the -- actually, they should have been named as a co-applicant here. It wouldn't have changed the degree of relief necessary.

CHAIRPERSON REID: No.

MR. COLLINS: They are the contract person. They have a property interest in the property.

CHAIRPERSON REID: That is just a technical --

MR. COLLINS: Yes.

CHAIRPERSON REID: So you are saying that Evelyn Dwyer should also sign the self-

certification form?

MS. KING: No. Actually nobody has to -- that I think we have discussed I think once before. As long as the -- according to the regulations, the architect or the attorney is the person who self-certifies. And the fact that the DCRA printed a form that requires the owner's signature is not according to law. So it really is redundant.

CHAIRPERSON REID: Mrs. King, let me clarify that for you. I do remember us having that conversation before when there was no signature on this form and I asked about it and the information that was proffered at that time was incorrect. And I later talked to the director who corrected that herself and said that by all means that is why the signature is there. Because it then authenticates the certification. So this is why I was bringing it up as a technical matter. The fact that I saw two different names for the owner. So what you are saying, Mr. Collins, as I understand it, is that the estate -- Evelyn Dwyer is authorized -- the law firm of Wilkes, Artis, Hedrick and Lane --

MR. COLLINS: To file the application on behalf of the owner.

CHAIRPERSON REID: To file on behalf of

the owner.

MR. COLLINS: Which is the estate.

CHAIRPERSON REID: Which is the estate. Okay. Now, but again, it is not signed -- it is signed by the contract holder.

MR. COLLINS: Right. It is signed by the contractor and we have been authorized to act on behalf of the owner. We have signed where it says agent. We probably could have signed where it says owner as well as the owner's representative.

CHAIRPERSON REID: No. You wouldn't sign -- you would sign it just as you signed it. You did it correctly. It is the other signature that I was questioning.

MR. COLLINS: Yes.

CHAIRPERSON REID: Okay. Well, I guess since we do have authorization from your law firm to represent the contract holder and the owner, maybe what we should do is also just have the actual owner of this particular property to sign this document, and we will just -- just as a technicality.

MS. KING: So are we going to delay our decision until we receive that document?

MR. COLLINS: We promise to submit it.

CHAIRPERSON REID: It should have been signed. And also Ms. Bailey is pointing out to me

that the Office of the Zoning Administrator has not signed it either.

MR. COLLINS: I believe that we have a copy that is signed. We must have put the wrong one in.

CHAIRPERSON REID: Oh, you do? I am a real estate practitioner. So I am a stickler for signatures and contracts.

MR. COLLINS: I understand.

CHAIRPERSON REID: And it doesn't mean a thing unless it has the correct signature affixed. And I just want to make sure that we proceed properly.

MR. COLLINS: All right. Could I ask that we ask for your decision when we get to that point as expeditiously as possible, including maybe even today, and then we would submit the required signature prior to your issuance of your written order?

CHAIRPERSON REID: Absolutely. We wouldn't hold it up because of that. That is just a mere technicality. It is just to make the record straight. That is all.

MR. COLLINS: Sure.

MS. KING: Therefore, I move, Madam Chair, that we grant this application.

CHAIRPERSON REID: Well, excuse me, before we do that, Mr. Collins, did you have any closing remarks?

MR. COLLINS: No, I don't. I think Mr. Morris's report is fine.

CHAIRPERSON REID: Mr. Morris, you would have nothing to say?

MR. COLLINS: I would be happy just to explain to you why you have neither an ANC nor an OP report. I spoke to them before. What we did with the associations -- they were very interested in moving forward with this project but did not want to encounter a project with significant opposition. So we called the ANC Chairman before even filing the application to request information or visit actually or a discussion as to whether they felt that this was something they could either support, oppose, or stay neutral on. And we got feedback -- I got personally feedback from the ANC Chair, who said -- to paraphrase his words, this looks like a great place for an office. Then we spoke with the Office of Planning and asked given the ANC's input and the case and shared with them a draft of our statement, and they determined that they didn't think there was anything that they could add. So that is why, no, they are not here.

CHAIRPERSON REID: Typically when we don't get anything from the ANC, we assume that they are not in opposition. Because if they were, they would be here and they would let us know. All right. Mrs. King?

MS. KING: I move that we grant this application with the sole condition that they provide at all times a minimum of three parking spaces in a nearby garage for the use of their staff.

CHAIRPERSON REID: Okay.

MR. GILREATH: And I second the motion. I think this is an appropriate use of the area where there is a lot of office on this particular block and across the street from other office buildings. So it is a very compatible use.

CHAIRPERSON REID: I concur. I think that they have met their burden of proof. They have satisfied the requirements under the section --

MR. COLLINS: 508.

CHAIRPERSON REID: Under Section 508. And there does not appear to be any adverse impacts to the granting of this application as well as the fact that it does not seem to impair the integrity or intent of the zoning regulations and map. Mr. Hood, did you --

MR. HOOD: I think everybody has covered it and I concur.

CHAIRPERSON REID: Okay. All in favor?

ALL MEMBERS: Aye.

CHAIRPERSON REID: Opposed?

MS. KING: Bench order and summary judgment?

MR. HART: Staff records the vote as 4 to 0 to grant, Mrs. King, Mr. Gilreath, Ms. Reid, and Mr. Hood. There is a summary order.

CHAIRPERSON REID: We are assuming that you want a summary order bench decision.

MR. COLLINS: Yes, please.

CHAIRPERSON REID: You will have your order in about two weeks.

MR. COLLINS: Great.

CHAIRPERSON REID: And good luck.

MR. COLLINS: Thank you very much.

MR. HART: The next case is application 16460, Washington Community Fellowship, on behalf of Urban Family Development, Inc., pursuant to 3108.1 for a special exception under the provisions of section 206 to continue to operate a private elementary school and increase from 45 students to 90 students and 10 staff on the basement, second and third floors of an existing structure in an R-4

district at premises 907 Maryland Avenue, N.E. This is Square 937, Lot 85.

(WITNESSES ARE SWORN.)

MS. KING: Is anybody here in opposition to this application? You are here in support?

CHAIRPERSON REID: Okay. Your name, ma'am?

MS. WILSON: My name is Jeanne Wilson.

CHAIRPERSON REID: And your address?

MS. WILSON: 2225 S Street, N.E., Washington, D.C.

CHAIRPERSON REID: Okay. Ms. Wilson, in interest of the time, and thank you for your patient waiting all afternoon. Other cases took an awful long time. We would like to expedite this particular case and as such just give us the salient points. You don't have any opposition here. So just give us the highlights of your case and demonstrate how you comply with Section 206.

MS. WILSON: All right. What we would like to do is increase our enrollment so that we can take our students through the sixth grade. Right now, we have 22 students in grades 1, 2 and 3. And we would like to add a grade 4 next year, accepting up to 15 students, and then one grade each year after as our children progress. And so --

MS. KING: And up to what year?

MS. WILSON: Sixth.

MS. KING: First through sixth grade?

MS. WILSON: Yes.

MS. KING: And 15 -- the goal being to have 15 children in each grade?

MS. WILSON: Yes. Now about Section 206. The conditions that you need to discuss are noise, traffic, number of students, and otherwise objectionable conditions. The noise -- instruction and the lunch activities will be conducted indoors, therefore the natural noise children make during these activities will be contained. There is no private property adjoining nor directly adjacent to the school site. The play area is located off-site. The children will be escorted and supervised by adults as they walk along E Street to the Lovejoy School playground at 12th and E Street. You can see there is a public alley on one side and a public alley on the back. The annex where the school is faces the side of an apartment building. This is the rest of the site, which is in three parts with a sanctuary on the corner of 9th and Maryland Avenue. The offices are here on Maryland Avenue. They do abut a private residence, but the children are not in and out of the offices. That is the church -- we

use the church offices.

So the children do not need to come in contact with any of the residents or their front areas.

MS. KING: Where is 910 -- well maybe -- where is 910 Maryland Avenue, N.E.?

MS. WILSON: All right. 910 Maryland Avenue is about right here.

MS. KING: Essentially across the street from your --

MS. WILSON: From the offices.

MS. KING: From the offices.

MS. WILSON: As I read Ms. Robinson's letter, I got the impression that she has a misunderstanding about where the children actually are. You see, she would be here. And the school is here. And this is not a townhouse. It is a three-story building with a basement and classrooms on --

MS. KING: Four different levels?

MS. WILSON: Yes. On at least three levels. And the children enter and exit on 9th Street, nowhere near where she lives. The children do not come in and out of the townhouse, which is the offices of the church. And so I am a little confused about her letter.

MS. KING: Are you licensed -- is your

school licensed by any authority?

MS. WILSON: No, it is -- we have membership in the Association of Christian Schools International.

MS. KING: But I mean there is no --

MS. WILSON: In the District, no.

MS. KING: There is no licensure requirement and that association imposes --

MS. WILSON: Not from the District of Columbia Public Schools, no.

MS. KING: Or any other authoritative body?

MR. GILREATH: She doesn't have to have an occupancy permit or something to that effect?

MS. KING: Oh, yes. She has to have an occupancy permit. She is here because she needs an occupancy. She was here last year because she needed an occupancy permit and she now wants to expand the focus of the occupancy permit. But I was just curious as to there is no licensure. I mean, you are an independent school and you are not subject to control or licensure by any authority anywhere?

MS. WILSON: Yes, except that we do comply for accreditation.

MS. KING: But that is voluntary. I

mean, you don't have to do that.

MS. WILSON: Right. Correct.

MS. KING: And you have checked with DCRA to make sure that if we grant you a doubling of the size of the staff and a -- I mean a doubling of the size of the student body and a tripling of the size of the staff that you would be within the square foot whatever?

MS. WILSON: Yes.

MS. KING: For that number of human beings in the building?

MS. WILSON: Right. Yes, we would be. The --

MS. KING: I mean the fire marshals aren't going to close you down if we say yes?

MS. WILSON: No, no. We already -- the only reason that we are back is because on our summary order, we had conditions of 45. That was what we asked for at the time. When we first started the process, that was about two years ago. Last year we got to the hearing stage and we were thinking small at the time. But now we see the need and the students are coming, and so now we are back to ask for --

MS. KING: And when you say you want 10 staff, that is 10 staff in addition to the four

volunteers or including the four volunteers?

MS. WILSON: Paid -- we are talking about paid staff.

MS. KING: Ten paid staff and four volunteer employees?

MS. WILSON: Well, volunteers. Volunteers come and go. That is one reason that we are asking for 10 staff. Because volunteers you can't count on. They come when they can. That is the essence of being a volunteer.

MR. GILREATH: Those are part-time employees then?

MS. WILSON: No, they are not employees at all. We do not pay them. They are parents. They are people like myself who are retired. They just come in to help.

MS. KING: I know. But it hasn't -- if they are coming -- if you have people working with you as volunteers on a regular basis, it does have an impact on the surrounding community because they come with cars and they come with traffic and you know -- noise and I don't know what all.

MS. WILSON: Let me address the --

MS. KING: I think it would be a mistake for us to -- I mean, essentially -- and what the Stanton Park citizen or whatever -- I can't

remember. I never know the difference between citizens and civic. But anyway, the Stanton Park Association has suggested that they have no objection to amending your existing order so that it would still be five years from the date of the original order or another four years and just change the numbers. Now what you are asking is that we change item 2 that says the number of students will not exceed 45, and you want that to be 90.

MS. WILSON: Yes.

MS. KING: The number of staff shall not exceed three paid and blank number of voluntary employees.

MS. WILSON: Yes. Well, we want 10 paid.

MS. KING: Ten paid and four voluntary employees. Okay. And nothing else is to be changed?

MS. WILSON: Correct.

MS. KING: That is it?

MS. WILSON: Yes.

MR. GILREATH: Before we said one parking space for the submission --

MS. KING: No, no. All of it -- you see, what I am suggesting is that we will amend -- instead of issuing a new order, that we would amend

order number whatever.

MR. GILREATH: Well, I agree with that. I am just saying in terms of -- I think does it say in the old one one parking space?

MS. KING: All of that stays in.

MR. GILREATH: Well, you have 10 employees now instead of five. What they say is that they have nine available parking spaces that belong to the church. Are those on the church property, the parking spaces?

MS. WILSON: No, they are on the street. No limited parking here and here. And --

CHAIRPERSON REID: What kind of parking?

MS. WILSON: No limits. There is no two-hour limit or anything.

CHAIRPERSON REID: Aren't you required to provide off-street parking?

MS. WILSON: No. If you look at the first page of the summary order in section A, you will see the action of your board last time.

MS. KING: Well, that was for three employees. For each three employees, you have to have one off-street parking space.

MS. WILSON: No, wait a minute. Let me get to it. The third paragraph of the summary order in Section A.

MS. KING: Oh, it is the Capitol Hill Historic District.

MS. WILSON: And then the last paragraph just before where it says vote on page 2 of the summary order.

MS. KING: They are in a historic district and therefore the historic preservation officer indicated that the parking requirement could be waived.

MR. GILREATH: But we still need to make sure that there is adequate parking.

CHAIRPERSON REID: It said could be waived. And then it said -- in this submission, it says reference having submitting something to the Historic Preservation and have they waived it? Actually waived it -- waived the requirement?

MS. WILSON: Well, if you will look at the last paragraph down there, this Board made a decision.

CHAIRPERSON REID: Which document? The summary order?

MS. WILSON: Page 2 of the summary order.

CHAIRPERSON REID: Okay.

MS. WILSON: Look under number 9.

CHAIRPERSON REID: Okay.

MS. KING: Nine is adequate trash removal.

MS. WILSON: Under number 9. The paragraph under number 9.

MS. KING: What we waived there was the requirement for -- that is --

CHAIRPERSON REID: Findings of fact and conclusions of law.

MS. KING: That you didn't have to write a draft mayor's order for findings of fact and conclusions of law. Nor did we.

MS. WILSON: Okay.

MS. KING: So that is what that was waiving.

MS. WILSON: All right.

MS. KING: Mr. Gilreath, I remember this case from last year, and we did have testimony and evidence at that time, including photographic evidence at specific hours of the day as to the parking conditions in that neighborhood, and I don't recall.

CHAIRPERSON REID: But what we have to comply with is what the regulations require and if the regulations require one space for every three employees or staff members, then 90 -- let me see.

MR. GILREATH: 10 employees and --

CHAIRPERSON REID: I am sorry, with 10 employees, you would then need a minimum of three parking spaces -- on-site parking spaces.

MS. KING: Except that they are in a historic district. So what she needs to do is to get another letter from the historic preservation officer saying that in spite of the fact that she is increasing the number of staff, she doesn't need to have --

MS. WILSON: All right. That is good. I will do that. But I just want to also let you look at the pictures in Section D of the addendum. On page D-1, you see the front of the church on Maryland Avenue. And this is taken on April 13 at 2:00. These are unrestricted spaces. And the picture at the bottom, that is on 9th Street, where the entrance to the school is. They are unrestricted spaces. And if you will open out page D-2, you will see on Maryland Avenue that here, here and here, those are spaces available at that time of day. And on Maryland Avenue, the fourth picture, you will see that this parking here is free -- no time -- no two-hour limit. And on page D-2 on Maryland Avenue, you will see the first three pictures there have two-hour limits. And there are spaces open during that time of day. And the fourth

picture is right here, where there is no two-hour limit. And then on page D-3, you will see on 9th and 10th Street what the parking is like in the middle of the day. And the fourth picture is this area right here.

CHAIRPERSON REID: Okay. But Ms. Wilson, you -- okay, go head.

MS. WILSON: So what I am saying is that even when I bring the letter from the Preservation officer, we will not be causing a hardship to the neighborhood because as you can see there is plenty of parking. And all of these places that you can park all day have plenty of parking, and they are not more than two blocks from the building, which is not far for an employee to have to walk.

MR. HOOD: Ms. Wilson, the pictures I am looking at show that you have zone parking on D-3 and D-2. Now I don't know what you --

MS. WILSON: Look at the last picture on each page -- on D-2.

MR. HOOD: Oh, you are not referring to all the pictures.

MS. WILSON: Right.

MR. HOOD: But you are saying -- the majority of the pictures that you have here show that you have zone parking.

MS. WILSON: Right. And only the ones that I have highlighted here in the fourth picture on each page in that area has unrestricted no zone.

MR. HOOD: And these were taken on a Sunday?

MS. WILSON: No. These were taken on April 13, which was a Tuesday at 2:00 p.m.

MR. GILREATH: But really what we need is simply she needs to bring in a letter from the Historic Preservation Board.

CHAIRPERSON REID: That is all.

MR. GILREATH: And once they say that this 10 employees additional parking need -- that you can be exempted from that, for me personally it is not important. I am certainly willing to accept that you have ample parking there. But they need to tell us that they are willing to waive it.

CHAIRPERSON REID: Right. That is correct.

MS. WILSON: Okay.

CHAIRPERSON REID: Okay. So go ahead and proceed, Ms. Wilson, with the remainder of your case.

MS. WILSON: Okay.

MS. BAILEY: Ms. Wilson, was a letter submitted with the last documentation from the

Historic Preservation Review Board?

MS. WILSON: Yes, it was. And --

MS. BAILEY: Do you recall their stamp on this page as well?

CHAIRPERSON REID: I don't think so, Ms. Bailey. Because in that instance it was low impact. It was only one parking space needed. Now that she has doubled the amount of students and tripled the amount of employees or teachers, then that is triple the --

MS. BAILEY: But the Historic Preservation Review Board is not going to say because you have 12 children or 90 children that you can't have parking. I don't think they would change their --

CHAIRPERSON REID: Oh, I see what you are saying. Once they are exempt, they are exempt. It doesn't matter if she comes back -- it doesn't matter if they come back to the -- by virtue of the location in that district, if they are exempted then that is just it. Okay, I see what you are saying.

MS. KING: In fact the provision of the one space is entirely voluntary.

CHAIRPERSON REID: And you do have that letter? The letter that exempted you the first time?

MS. KING: Yes, it is in our file.

MS. BAILEY: Yes, it is in the file.

MS. KING: And it is cited in the --

CHAIRPERSON REID: In the summary order?

MS. KING: In our summary order. Correspondence dated June 9, 1998 from the Historic Preservation officer, who indicated that the site is located in the Capitol Hill Historic District. This designation allows the parking requirement to be waived.

CHAIRPERSON REID: Okay.

MS. KING: Accordingly, the application was amended to delete the variance from the off-street parking requirement.

CHAIRPERSON REID: Okay. You read that before and I was interpreting it to mean that it could be waived or may be waived. But I guess they are accepting the fact that it has been waived and that is acceptable to me.

MR. GILREATH: But doesn't the responsibility fall on our shoulders -- the Board members' shoulders? Suppose she would come in -- she had a larger facility and she said 50 employees. That would definitely be a parking problem. So someone has to make the assessment. So I agree. I think there is ample parking. But someone has to

make the determination if there is an adverse parking problem. We are the ones who do it, I guess.

MS. KING: We are the only ones to do it. The Historic Preservation Review Board says that since they are in the Capitol Hill Historic District, as with all the other historic districts, you are exempt from the parking requirement.

MR. GILREATH: So from that they sign off and then we are the ones who determine whether or not there is going to be a problem with parking.

CHAIRPERSON REID: And another indication also for us is that we don't see any opposition here.

MR. GILREATH: Yes, I agree.

CHAIRPERSON REID: Because if it was impacting unfavorably, they would be here to oppose you.

MS. KING: Gail Robinson from 910 Maryland Avenue, N.E., has opposed it on the basis of an increase in street traffic and potential for accidents. The disturbance of the peace and the quiet of the neighbors and the inability to provide adequate playground and adequate means of minimum safety and school facility physical plant codes. Now since neither the ANC nor the Stanton Park

Association, which did respond, have raised those issues --

CHAIRPERSON REID: They were in -- the Stanton Park Association was in favor.

MS. KING: Has -- was in favor. I think, you know, we have given some attention to Ms. Robinson's letter, but I think that other concerns are primary in this regard.

MR. GILREATH: Well, the play area -- you walk these children to a particular play site?

MS. KING: Yes, off-site.

MR. GILREATH: Is that area sufficiently large to accommodate the large number of students?

MS. WILSON: Okay. Here we are and here is the play site.

MR. GILREATH: Is that a park? What is the name of it?

MS. WILSON: No, it is a playground.

MR. GILREATH: Oh, a playground.

MS. KING: From an old school, is it not?

MS. WILSON: Yes.

MS. KING: It is a playground -- I heard this so recently. It is a playground of a currently unused District of Columbia Government Public School.

MR. GILREATH: Would you take all 90 kids over there at one time or only certain numbers at a given time? In other words, would 90 students overwhelm the site or do you only take so many over at a given time?

MS. WILSON: This is the site. And you can see how many house lots are located within this site.

MS. KING: No, but Mr. Gilreath asked does the entire student body go to the playground every day at the same time or do you take different classes at different times?

MS. WILSON: At this time, we take all of them.

MS. KING: Well, because you only have 22. But when you have 90 --

MS. WILSON: When we have more, then we will probably have two lunch periods. As you get larger, you make adjustments. You have alternative plans. But this site could hold about 300 kids.

MS. KING: All playing -- not all playing at the same time. Really?

MS. WILSON: Yes.

MS. KING: Okay. Yes, it is the better part of a block.

MR. GILREATH: Dropping -- when the

parents drop the children off with the larger number of students, is that going to have any problem of traffic backing up behind the parents? Do they arrive by car to bring their children to a very large degree?

MS. WILSON: Of course any increase in people will cause an increase in traffic. But we have tried to offset that by having a drop off and pick-up pattern, which is in Section C. And the parents sign on to that and it is strictly enforced. So that people only drop children off going north on 9th Street, and there are never two cars -- you know, one going this way and one going that way so that no one can get past. And there is no turning around in the alley so that the street is blocked. The parents have been very cooperative and we intend to enforce that covenant that they sign with us.

MR. GILREATH: So you don't see -- even if they are all coming one way that the parents dropping their children off only takes maybe 10 seconds or so, so that you don't expect a line of cars racking up?

MS. WILSON: No. And we have an adult who greets the children there at the curb so that the parents don't have to get out of the car.

MR. GILREATH: Is that a condition -- is

that a --

MS. KING: Drop-off and pick-up of the students is identified in Exhibit 34, Section D of the record. But we were very insistent upon all of this.

MR. HART: I mean in reference to the one person that is sitting out there. Is that in --

MS. KING: Parents and guardians must approach the school by heading north on 9th Street, N.E. from D Street, using the alley adjacent to the building to drop off and pick up students.

MR. HOOD: I just didn't see. I may have missed it.

MS. KING: Oh, we could amend it by saying that there will be an adult supervising the drop-off and pick-up.

MR. HOOD: Because I too have some concerns. Let me just back up a little bit. About the playground being two blocks away. But apparently this case was heard before and I am sure all of that has been investigated. But taking it up from 45 to 90, that is a big increase, especially right now when you only have 22. But do you see in the foreseeable future that this is going to escalate to 90 as opposed to -- because you don't even have 45 yet.

MS. WILSON: We don't know when it will escalate to 90. We are hoping to purchase a building, but --

MS. KING: The building that you are in?

MS. WILSON: No. That building belongs to Washington Community.

MS. KING: This is not -- this --

MS. WILSON: No. He just asked me a question. Did I see it escalating to 90 at this site.

MR. HOOD: No, because my concern is --

MS. WILSON: And it is a possibility. That is why we are asking.

MR. HOOD: Hold on just a second. You only have 22 right now.

MS. WILSON: Right.

MR. HOOD: You only have 22 right now. You haven't even reached the 45 yet, and you are asking already for 45 to go to 90.

MS. WILSON: Yes. Because we could foresee coming each year to do this. This is my second year. So we asked for the capacity of the building.

CHAIRPERSON REID: So you don't have to come back.

MS. WILSON: Yes.

MR. GILREATH: But you come back in five years regardless.

MS. WILSON: Yes, five years.

CHAIRPERSON REID: But she doesn't have to come back every year. She won't have to come back every year like she just did.

MR. GILREATH: No. What I am saying is that she doesn't have to come back until the fifth year. And if she reaches 90, fine. But if she doesn't, she won't have to come back.

CHAIRPERSON REID: Right. Mr. Hood, do you think that you would like to have a condition on this order such that only a certain amount -- no more than so many kids would be escorted to the play area at any one time? Would that give you a comfort level?

MR. HOOD: I don't know if we would want to -- I don't think they would take all -- they don't have 90 to begin with. So I don't even need to speculate. They only have 22. I mean, I am sure it was fine for them just taking 22. But I mean I was under the assumption that they were going to have 90 kids -- they already have a plan for it and the provisions are made and they know that they are going to have 90 on the books.

CHAIRPERSON REID: But if they have 90,

for example, and we stipulate that they can only take 30 at one given time to the playground, then they would have to stagger that play time over a period so that it would be more manageable. I mean I am just suggesting that just to address your concern as a possibility. It doesn't have to be.

MS. WILSON: The children, I assure you, will be escorted. We are very responsible and concerned about the safety. We take the responsibility and the trust that the parents have given us to heart. And the children are safely escorted.

MR. HOOD: Your point is well taken. That is fine. I just -- that is quite a bit of a ways there, but I didn't hear the first part. I just can't -- my problem is they have 22 right now, and they are asking for 90 and they haven't even reached the 45. I understand trying to be -- looking to the future. I just have some concerns with that.

MR. GILREATH: It is hard to imagine. If you have 10 employees, it is going to take all 10 to escort 90 children over to the playground. You won't have anyone left in your facility -- administrative people to keep things going it seems to me. To say that you would be permitted to take 90

over at one time seems a little bit overly generous to my mind. So if we were to say a maximum of 45 at one time.

MS. WILSON: At a time?

MR. GILREATH: That would at least make it a little more manageable.

CHAIRPERSON REID: Could you live with that?

MS. WILSON: I could live with that.

CHAIRPERSON REID: Okay.

MR. HOOD: Madam Chair, let me back up. The ANC 6-A, were they in opposition or support?

MS. KING: They didn't make any reply.

MR. HOOD: They didn't make any. I know they were here earlier to speak on that. Were they supporting you?

MS. WILSON: Yes. We presented before the ANC 6-A -- let me see, a zoning and licensing subcommittee on April 14. And the vote was 5 to support us and one abstention. And Mr. -- Chairman Purnell was here to make that report. The whole ANC has not met. He said that he is going to fax something back when he left. I don't know if he did.

CHAIRPERSON REID: But they were not in opposition?

MS. WILSON: No, they were not in opposition.

CHAIRPERSON REID: Okay.

MS. BAILEY: Madam Chair, a staff person just went to see if something came by fax. He should be back in just a moment.

CHAIRPERSON REID: Thank you. All right, then let's proceed on. We have gone over Section 206 I think pretty thoroughly. And do Board members have any questions or comments? Then there is no ANC report. We just talked about that. No government report, except for the report from Mrs. Nome Fatah, who stated that actually we didn't need --

MS. KING: That is not germane.

CHAIRPERSON REID: Yes, we didn't need to have authorization from them. Then we had letters -- a few letters in support of your application. And then we had -- was it just the one in opposition, Mrs. King, from --

MS. KING: As far as I know just one in opposition.

CHAIRPERSON REID: And we had indicated that into the record. That was Ms. Robinson and you addressed that. So do you have any closing remarks?

MS. WILSON: Just that I think that we

have met and can continue to meet the conditions required. We are excited about the growth and progress that we are seeing in our students. We value the support of the community and we believe we have shown that this community is supporting us. And we request a summary order of your decision.

MR. GILREATH: I make the motion that we approve the application with the provision that it be a continuation for the four-year period.

MS. KING: May I make a friendly amendment to that? And perhaps the staff could tell us whether it is kosher or not for us to amend our order rather than issuing a new one.

MR. GILREATH: Okay. All right.

MS. KING: And could I make some suggestions as to how we should amend?

MR. GILREATH: Well, that only 45 students should be --

CHAIRPERSON REID: We are going to amend the --

MS. KING: We will amend --

CHAIRPERSON REID: Order #16341.

MS. KING: No change in the first provision so that they come back in essence in four years. And number two, the number of students shall not exceed 90. The number of staff shall not exceed

10 paid and 4 volunteer employees. No change in 3 and no change in 4. No change in 5. No change in 6. In 7, adequate off-site outdoor play space should be made available for the children and the children should be escorted to the off-site play area in groups no larger than 45.

MR. GILREATH: I have one question about the volunteer employees. We had 4 for 45. If that is increased to 90, wouldn't you need more than 4?

MS. KING: They have found that it is not very efficacious to rely on volunteer employees.

MR. GILREATH: I know that. But in terms of --

MS. WILSON: And please, if you could not say volunteer employees. Volunteers.

MR. GILREATH: Well, okay, volunteers. What I am saying is if you said 4 would be adequate for 45, do you feel 4 will be adequate for 90 students? Do you want to increase that number a little bit?

CHAIRPERSON REID: I think that they did indicate that they were going to increase.

MS. KING: I asked that question and she said no.

CHAIRPERSON REID: How many -- okay, let's do it like this. How many paid employees are

you --

MS. WILSON: 10.

CHAIRPERSON REID: 10 paid employees.

MS. WILSON: We are asking for 10 paid.

CHAIRPERSON REID: And are --

MS. WILSON: Is it absolutely necessary to put a number on volunteers if they come and go?

CHAIRPERSON REID: Wait a minute. And then in addition to that 10, you had said 4 volunteers?

MS. WILSON: Well, that was what was there before.

MR. GILREATH: For 45.

MS. WILSON: We had 4 volunteers.

CHAIRPERSON REID: Well, it is important because the number of people has a bearing on the impact. So if we don't have some type of parameters, then you could have 100 volunteers and that might have a negative impact on the surroundings.

MS. WILSON: All right. Now the last time, we didn't just say -- it came out to be four volunteers. But I think what they said before was at one time. Because of course volunteers are there for like one hour.

CHAIRPERSON REID: Well, then it should

say -- it should stipulate that. Is four still a good number? Do you want more?

MR. GILREATH: How about if we say eight? If you said 4 to accommodate 45, theoretically you could use 8. That doesn't mean you have to provide 8. We simply say you cannot provide more than 8 volunteers.

MS. WILSON: Okay.

CHAIRPERSON REID: All right. Is that acceptable?

MS. WILSON: That is acceptable.

CHAIRPERSON REID: You can accept that? Eight on premises at any given time. No more than 8 on the premises at any given time. Do you have that, staff? Okay. Let's make sure that we don't combine the paid staff with the volunteers. So make sure that that is separated. They have 10 paid staff members and in addition --

MS. KING: And not more than 8 volunteers.

CHAIRPERSON REID: At any given time. On the premises at any given time. Okay?

MS. KING: We are amending 7 to add the children should be escorted to the off-site play area in groups no larger than 45. Drop-off and pick-up of the students shall occur with adult

supervision provided by the school and as identified in Exhibit 34, Section D for the record.

CHAIRPERSON REID: Okay.

MS. KING: And 9 remains unchanged.

MR. HOOD: Can I just ask a question? I just want to add -- and I notice this was discussed in the first case. What happens on those cold days when those kids can't walk across two blocks to go and play on the playground? What happens then?

MS. WILSON: The same thing in every school. We have indoor.

MR. HOOD: But most schools have -- I don't see where you have the space.

MS. WILSON: Well, where the children eat, they can sit and talk. They got to the classrooms and they read and they play checkers and they play chess.

CHAIRPERSON REID: Oh, you have a playroom or something?

MS. WILSON: Yes. And there are places where they can do exercises. You remember indoor recess.

MR. HOOD: Yes, I remember indoor recess.

MS. WILSON: No playing. You just had to sit and play --

MR. HOOD: And the reason I brought that up is because I remember indoor recess and I just don't see where you have the space. Okay?

MS. WILSON: The same space that they are in to do their lessons.

CHAIRPERSON REID: The building can accommodate up to 300 students.

MS. KING: No, no, she said the playing field could accommodate 300.

MS. WILSON: The playground.

CHAIRPERSON REID: Oh, that is right. That is right. I am sorry, I got sidetracked.

MS. WILSON: You see, the same classroom where you work, you go down to the cafeteria to eat and come back and you read or you play checkers or you play chess, whatever.

MR. GILREATH: Well, I think you can apply that principle to just any school facility. A large modern high school, if there is a driving rain or snow, the kids don't go out.

MS. WILSON: Right.

MR. GILREATH: So on the really inclement days, you just let the kids stay in and you find things for them to do, checkers or whatever. So to my mind, at least for me personally, I don't think that is a problem.

MR. HOOD: Well, maybe it was different where I went to school, Mr. Gilreath.

MR. GILREATH: Well, maybe.

MR. HOOD: We still had a nice little place to play.

MR. GILREATH: You went out in the driving rain and the snow?

MR. HOOD: No, no. We didn't go out in the rain. But we had a nice place to play.

CHAIRPERSON REID: Can we take a vote? All in favor?

ALL MEMBERS: Aye.

CHAIRPERSON REID: Opposed?

MS. KING: Who seconded my motion?

MR. GILREATH: I'll second it.

CHAIRPERSON REID: You seconded it, didn't you?

MR. GILREATH: I don't know.

CHAIRPERSON REID: It is Mr. Gilreath's motion.

MR. GILREATH: I started to, but then she amended it.

CHAIRPERSON REID: We are all tired.

MR. GILREATH: She did a friendly amendment, remember?

MR. HART: Staff will record the vote as

4 to 0, Mr. Gilreath, Mrs. King, Ms. Reid, and Mr. Hood. A summary order.

CHAIRPERSON REID: Who seconded it?

MR. HART: I am sorry --

MR. HOOD: Mr. Gilreath seconded it.

MR. HART: No, no, no.

MS. KING: No, Mr. Gilreath proposed it and Mrs. King seconded it.

MR. GILREATH: And for the reason indicated, it was a friendly amendment to the existing order.

CHAIRPERSON REID: Yes.

MR. GILREATH: Okay.

MS. KING: There really is no such thing as a friendly amendment.

MR. GILREATH: Well, an amendment. It is amended. Okay. It just happened to be a friendly one.

CHAIRPERSON REID: Okay. Are we done? You should have your summary order in about two weeks, Ms. Wilson.

Good luck. And that will conclude our hearing for today.

(Whereupon, at 7:11 p.m., the hearing was concluded.)