

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

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PUBLIC HEARING

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IN THE MATTER OF:	:
	:
PUD and Related Map	:
Amendment at Squares 3765	:Case No.
and 3769 and Portions of	:06-10
Squares 3766, 3767, 3768,	:
The Morris & Gwendolyn	:
Cafritz Foundation	:
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Thursday, October 8, 2009

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

The Public Hearing of Case No. 06-10 by the District of Columbia Zoning Commission convened at 6:30 p.m. in the Office of Zoning Hearing Room at 441 4th Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairman, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD, Chairman
WILLIAM W. KEATING, Vice Chairman
KONRAD SCHLATER, Commissioner
PETER MAY, Commissioner (NPS)

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Board of Zoning Adjustment
District of Columbia
CASE NO. Transcript
EXHIBIT NO. null

OFFICE OF ZONING STAFF PRESENT:

JAMISON WEINBAUM, Director of the
Office of Zoning
SHARON S. SCHELLIN, Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
STEVEN COCHRAN

The transcript constitutes the
minutes from the Public Hearing held on
October 8, 2009.

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

2 6:42 p.m.

3 CHAIRPERSON HOOD: This is a
4 continuation of Zoning Commission Case No. 06-
5 10, the Morris and Gwendolyn Cafritz
6 Foundation consolidated PUD and related map
7 amendment at Squares 3765 and 3769.

8 Joining me this evening are Vice-
9 Chairman Keating, Commissioner May and also
10 Commissioner Schlater. Also our new director
11 of the Office of Zoning, Director Weinbaum,
12 Ms. Sharon Schellin and also the Office of
13 Planning, Ms. Steingasser and Mr. Steve
14 Cochran.

15 And I would just ask for the
16 record that the opening statement from the
17 first hearing be encompassed with this
18 hearing.

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

21 MS. SCHELLIN: Yes, sir, I believe
22 the Applicant has a couple expert witnesses

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1 that they want to proffer, next experts. And
2 they're asking for an opportunity to present,
3 for a 15-minutes presentation, some new
4 information.

5 CHAIRPERSON HOOD: Give me a
6 moment and let me get that in front of me. I
7 do know that we have some changes.

8 So, the Applicant's asking for 15
9 minutes. And we will cross examination on
10 that scope of 15 minutes only.

11 And, Ms. Schellin, thank you.

12 I don't think I need to read all
13 this. I kind of went through the opening
14 statement and I ask that it to be incorporated
15 from the first one.

16 A few things. Let me just bring
17 it to your attention, this proceeding is being
18 recorded by a court reporter and it's also Web
19 cast live. Accordingly, we must ask you to
20 refrain from any disruptive noise or actions
21 in the hearing room.

22 Again, the subject of this

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1 evening's hearing is a continuation from July
2 the 2nd, 2009 of Zoning Commission Case No.
3 06-10. This is a request by the Morris and
4 Gwendolyn Cafritz Foundation for approval of
5 a consolidated and first stage PUD and related
6 map amendment for property located at Squares
7 3765 and 3769.

8 Notice of this hearing was
9 published in the D.C. Register on May 15th,
10 2009 and copies of the announcement are
11 available to my left on the wall near the
12 door.

13 The proceeding will proceed as
14 follows: Preliminary matters, Applicant's
15 case, cross examination by the parties, report
16 of the Office of Planning, report of other
17 Government agencies, report of the ANC 5-A,
18 presentations by Lamond-Riggs Citizens
19 Associations, organizations and persons in
20 support, organizations and persons in
21 opposition, rebuttal and closing by the
22 Applicant.

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1 The Applicant will have 15
2 minutes; Lamond-Riggs Association will have 15
3 minutes; organizations, five minutes;
4 individuals, three minutes.

5 As you know, all persons appearing
6 before the Commission are to fill out two
7 witness cards.

8 Again, the decision of the
9 Commission in this case must be based
10 exclusively on the public record.

11 Please turn off all beepers and
12 cell phones at this time so not to disrupt
13 these proceedings.

14 Would all individuals wishing to
15 testify, please rise to take the oath.

16 Ms. Schellin, would you please
17 administer the oath?

18 MS. SCHELLIN: Yes.

19 (The witnesses were sworn.)

20 MS. SCHELLIN: Thank you.

21 CHAIRPERSON HOOD: Okay. Mr.
22 Quin, let's go over the expert witnesses.

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1 MR. QUIN: Yes, sir. There are
2 two that we'd like to submit; Shalom Baranes
3 and Mark Gilliland of Shalom Baranes
4 Associates, two architectural witnesses. Both
5 of them have qualified before the Zoning
6 Commission before.

7 CHAIRPERSON HOOD: Okay. We've
8 seen them.

9 MR. QUIN: With the other
10 architecture.

11 CHAIRPERSON HOOD: Yes, I think
12 we've seen them a few times, so we will go
13 ahead and accept them as experts, as we have
14 done previously.

15 MR. QUIN: Thank you. Also, we
16 have a request that the representative for
17 Muriel Bowser, Council Person Bowser, would
18 like to make a presentation. And with
19 courtesy and politeness, we would like to have
20 him go first, if that's okay with you.

21 CHAIRPERSON HOOD: Please bring
22 that representative up right now, whoever that

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1 is; I'm not sure.

2 MR. HAWKINS: Right here.

3 CHAIRPERSON HOOD: Come right on
4 up.

5 And I guess we wouldn't have
6 anyone from Ward 5, because I think that
7 representative was here last time. So, okay.

8 MR. HAWKINS: Good evening. My
9 name is Rob Hawkins. I am legislative counsel
10 for Council Member Muriel Bowser. I'm here
11 today on her behalf to read a letter that she
12 has written and that she would like to have
13 incorporated into the official record of Case.
14 6-10. I have extra copies, but I have also
15 faxed them in earlier today, so the Commission
16 should have them. If not, I will provide them
17 after the hearing.

18 This evening the Zoning Commission
19 will hold a public hearing on Case 6-10, a
20 mixed-use planned unit development proposed by
21 the Cafritz Foundation Arts Place. Although
22 this project is located in Ward 5, it borders

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1 Ward 4 and thus will affect the residents of
2 my ward. As such, I wanted to share the
3 concerns of Ward 4 residents and urge the
4 Commission to give them great weight. I am
5 writing to express my general support for
6 bringing vibrant development to this oft-
7 forgotten Metro site with several significant
8 caveats. I seek the Commissions support in
9 ensuring that the community's interests are
10 fully protected.

11 First among those interests are
12 building heights. Chief among my concerns are
13 proposed building heights in excess of the
14 heights recommended in the recently approved
15 Riggs Road/South Dakota Avenue Small Area
16 Plan. The small area plan recommends a height
17 limit of 65 feet.

18 Now, it's come to my attention
19 just this evening; perhaps this information
20 may be incorrect, but perhaps the small area
21 plan proposes a height of 90 feet. If that is
22 so, I'm willing to amend my testimony, but at

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1 this point I'll leave it as is.

2 In hearings on the plan, community
3 members testified to their concerns about
4 height and density. While we support
5 reasonable density increases around this vital
6 Metro station, buildings that soar to 90 foot
7 are not in keeping with the desires of the
8 community or the aesthetics of the landscape.

9 Next up is phasing. Arts Place is
10 an ambitious project that may evolve over a
11 10-year period, both in relief applications to
12 the Zoning Commission and in the
13 implementation of approved plans. Rather than
14 seeking planned unit development for all of
15 the land intended to be developed, the
16 property owner intends to phase their
17 requests. I caution the Commission to ensure
18 that relief from Zoning Regulations sought in
19 each phase be balanced by demonstrable
20 benefits to the community in the same phase.
21 I am concerned that promises made to the
22 community in later phases may or may not be

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1 realized.

2 Next up, Food and Friends access
3 and the Lamond-Riggs Library. The Commission
4 should ensure that a public access road is
5 created to provide Food and Friends access to
6 South Dakota Avenue, N.E. Likewise, the
7 Commission should ensure that should the
8 community elect to consider a new site for the
9 Lamond Rigs Library on the south side of South
10 Dakota Avenue, that the property owner
11 accommodates access to this vital public asset
12 in their planning process.

13 Next, amenities. The community is
14 excited about the promised amenities,
15 including senior housing units, retail space,
16 community office space, and a children's
17 museum. Before consenting to approve greater
18 development rights than the law permits, the
19 Commission should make clear the level of
20 commitment demonstrated by the property owner
21 that these promised amenities will in fact
22 come to fruition. Such commitment could be

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1 demonstrated by way of letters of commitment,
2 financing agreements, building concept
3 drawings, implementation time lines, etcetera.

4 Next up, and lastly, community
5 benefits. Finally, in addition to ensuring
6 that the benefits to the community are
7 balanced with the relief sought in each phase,
8 please be sure that said benefits are
9 commensurate with the relief provided. Much
10 of the site is currently zoned R-5-A. The
11 relief sought in some cases is equivalent to
12 a zoning of C-2-B. The requested relief is
13 significant and so should the benefits to the
14 community be. The Council is currently
15 considering the creation of a senior housing
16 modernization fund whereby PUD applicants can
17 contribute. Seniors in the PUD's catchment
18 area could apply for small grants to modernize
19 their own properties, a much needed benefit in
20 the Fort Totten and Riggs Park neighborhoods.

21 I feel strongly that the time is
22 now to enhance the Fort Totten and Riggs Park

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1 neighborhoods. I co-founded the Lamond-Riggs
2 Development Task Force while serving as an
3 Advisory Neighborhood Commissioner. The sole
4 purpose of the task force is to thoughtfully
5 consider the much-needed development interest
6 in our neighborhood and ensure that we have a
7 seat at the table while these important
8 decisions are being made. We have been
9 diligent in our part, and we know that the
10 Commission will be equally diligent in
11 consider our concerns. Please do not hesitate
12 to contact me with any of those concerns.

13 And I have attached to the
14 official copy the Committee of the Whole's
15 committee report on the underlying
16 legislation.

17 Thank you for allowing me to read
18 that into the record.

19 CHAIRPERSON HOOD: Okay. Thank
20 you. Hold tight. Let's see if we have any
21 questions on the testimony.

22 (No audible response.)

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1 Okay. Thank you and thank the
2 Council Member for her testimony.

3 Hold on. Have a seat. Have a
4 seat. Have a seat for a second. And I want
5 to thank you first; let me finish. I want to
6 thank the Council Member for her testimony and
7 thank you for pitch hitting for her.

8 Is there any cross examination
9 from the Applicant?

10 (No audible response.)

11 CHAIRPERSON HOOD: Does the ANC 5-
12 A have any cross examination for the testimony
13 heard from Council Member Bowser's office?

14 (No audible response.)

15 CHAIRPERSON HOOD: Okay. Thank
16 you.

17 Does Lamond-Riggs have any cross
18 examination?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. And I
21 think that's everybody. Thank you very much.

22 MR. HAWKINS: Thank you.

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1 CHAIRPERSON HOOD: Can the
2 representative for Lamond-Riggs Citizens
3 Association -- bear with me one second, Mr.
4 Quin.

5 Could you come to the mike,
6 whoever is going to be representing --
7 president, vice-president, whoever's going to
8 represent tonight? Typically, we only have
9 one person to do cross examination. I really
10 only need one person. I just have one quick
11 question.

12 Could you identify yourself,
13 please?

14 MS. VAMPLE: Yes, Gwen Vample.

15 CHAIRPERSON HOOD: Ms. Vample,
16 good evening.

17 MS. VAMPLE: Good evening.

18 CHAIRPERSON HOOD: Let me ask you
19 a question. It has been mentioned to staff
20 earlier today that the Lamond-Riggs Citizens
21 Association has now moved their position to
22 support. Is that correct?

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1 MS. VAMPLE: That's correct. We
2 have some concerns.

3 CHAIRPERSON HOOD: Okay. But more
4 or less support with conditions?

5 MS. VAMPLE: Yes.

6 CHAIRPERSON HOOD: Okay. And the
7 reason I ask, because that is going to change
8 the way we do business for a moment. So,
9 thank you. That's all I need.

10 MS. VAMPLE: All right. Thank
11 you.

12 CHAIRPERSON HOOD: So, Ms.
13 Schellin, I believe what I see here, we can
14 keep it as is. Okay. Thank you.

15 Thank you, Mr. Quin. You may
16 begin.

17 MR. QUIN: Thank you, Mr.
18 Chairman. My name is Whayne Quin with Dennis
19 Hughes of Holland & Knight. We represent the
20 Applicant in this case.

21 As indicated earlier, this is a
22 continuation of our hearing. We had completed

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1 testimony and had completed almost cross
2 examination. We requested additional time;
3 you remember the hearing was scheduled for
4 July the 20th, and we requested the
5 opportunity for additional time to make
6 adjustments in the design to building A.

7 We've continued -- and I really
8 want to make this an important point of my
9 opening statement, which is very brief. We've
10 also continued our community outreach during
11 this period with the tenants of Riggs Plaza,
12 as well as community organizations, including
13 ANC and Lamond-Riggs Citizens Association. We
14 really appreciate their consideration and
15 support and forthrightness.

16 We have submitted revised plans
17 and we had a very detailed description of
18 them, but we ask that Mr. Baranes be permitted
19 to go through the plans briefly so that he
20 could explain them. And we will submit just
21 before calling Mr. Baranes, since we've now
22 qualified him as an expert, four things: A

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1 signed copy of the First Source Agreement;
2 updated list of amenities; the value of
3 amenities; a copy of the PowerPoint that you
4 will see; and photographs of the material
5 board, which are located up front and will be
6 described by Mr. Baranes.

7 And at this point, unless there
8 are questions, I'd like to call Mr. Baranes to
9 start.

10 CHAIRPERSON HOOD: Items you are
11 passing up now, right, those items you just
12 mentioned?

13 MR. QUIN: Yes, that's correct.

14 CHAIRPERSON HOOD: Okay. Thank
15 you. You may begin.

16 MR. BARANES: Good evening. My
17 name is Shalom Baranes with Shalom Baranes
18 Associates.

19 We joined this team approximately
20 two, two-and-a-half months ago and our work
21 has been focused primarily on parcel A, and
22 that's what I will be addressing this evening.

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1 We've essentially been working
2 with the same program area that you saw in the
3 June submittal with the same functions and the
4 same square feet. What we've focused on is
5 reconfiguring the massing to better conform
6 the project to the scale of the neighborhood.
7 And we've attempted to achieve this by, you'll
8 see shortly, by breaking the project down into
9 a reading of three separate buildings on the
10 site, even though from a zoning standpoint
11 they really are a single building. And as
12 we've done this, I believe we have addressed
13 all of the comments that were made in the
14 staff report of OP, both in the report and at
15 the hearing last time.

16 There have been no changes to B, C
17 and D. The open area has all stayed the same.
18 You can see that building A is now divided
19 into three areas. We've kept the open space
20 on the corner that was in the June submission
21 and we've added one space of approximately
22 11,000 square feet, which I will elaborate on

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1 shortly.

2 We essentially took the plan that
3 you see on the left from the June submission
4 and split it apart. We introduced a new
5 access, which runs approximately north-south,
6 which is open to vehicular traffic and
7 pedestrians. And then we've also opened a new
8 access which generally aligns with Hamilton
9 Street, which is really a visual access
10 through the project, running all the way from
11 South Dakota above the retail to the north
12 side of the site and the Metro.

13 The residential entry which was on
14 Galloway, generally in this location, was just
15 a small indentation in the building. It is
16 now essentially developed as an extension of
17 the natural grade as it comes off the high end
18 of the site. Once you enter the residential
19 portion of the site at the high end here, you
20 get a pretty clear reading of the three
21 separate buildings that we have.

22 Now, what I'd like to do is start

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1 at this corner and just quickly walk you
2 around with some renderings to get a sense for
3 how these three buildings have very distinct
4 characters, very different from each other,
5 and how they relate to the street and to the
6 retail below.

7 So standing on the corner here of
8 Galloway and South Dakota, this is the first
9 building; it's the largest of the three. And
10 we have made one small change since we
11 submitted the drawings to you, which is that
12 we added a small piece of retail that we did
13 not formerly have there. This is in the
14 drawings that we are leaving with you tonight.

15 But what I want you to note here,
16 first of all, is just a palette of the
17 materials, which are brick, metal, curtain
18 wall, window wall, and the emphasis on the
19 two-story retail all across the base.
20 Individual shops run from the corner all the
21 way up to the grocery store. And then the
22 introduction here, the beginning of a large

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1 grocery store that runs from this point all
2 the way down to the break between the other
3 two buildings.

4 Now, we're going to move up to the
5 corner here and look back down South Dakota.
6 And here you see the corner building at
7 Ingraham, which has a different palette of
8 materials; you can see different glazing
9 systems, but again, similar emphasis on the
10 retail. We have a very tall retail floor,
11 single floor here. And then it turns at the
12 corner and goes all the way up Ingraham where
13 you start to get a view of the third building.

14 And now we're going to move up
15 here and look back down Ingraham with the
16 emphasis on that third building. You can see
17 it's a little bit taller. It sits up higher
18 on the hill than the building below at the
19 corner of South Dakota. We've added some
20 retail along here, more retail than we had
21 before, and we've brought it all the way up to
22 the corner of the service alley. And again,

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1 I would ask that you pay attention to the fact
2 that this exterior has a very different
3 character than the other two buildings.

4 This is a rendering taken from
5 approximately the same position, but just
6 attempts to show the relationship or the scale
7 of building A to future building B. I know
8 there's some concern here just expressed a few
9 minutes ago about the height of the project.
10 This is only 74-feet tall. I think the scale
11 on the street will actually be very nice with
12 buildings on either side that are
13 approximately in the 70 to 80-foot range.

14 Now, we've placed an enormous
15 emphasis on developing the character of the
16 residential portion of this project, and
17 that's what I want to address here first
18 before I get to the retail.

19 The model that we used really is
20 the turn of the century buildings up on
21 Connecticut Avenue where you have these
22 buildings such as the Broadmoor, where you

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1 have these large green spaces in front of the
2 buildings, and it softens your approach from
3 a very busy avenue, very busy street to the
4 front door of the building.

5 So we've introduced the park here,
6 a park we'd like to call Morris Park. And
7 rather having than having the entrance to the
8 whole project, as it was earlier, on the
9 street, we've pushed the lobbies back into the
10 interior of the site. So residents will come
11 in, they'll be framed by this essentially
12 quarter-acre park on one side, an
13 architectural pavilion on the other side. And
14 they'll enter a precinct here where there will
15 be plenty of space for all of the residential
16 functions that tend to occur in front of a
17 lobby. Pick ups, drop offs, services related
18 to the elderly, will all take place in here
19 away from the busy street, which has all of
20 the bus traffic on it.

21 As you come up from South Dakota
22 up Galloway, here is the park. We've removed

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1 the tree so you can see through. And one
2 other thing I'll say about the park is we put
3 no structure underneath it, no parking
4 underneath it, so that the trees on this
5 portion of the site will grow to be quite
6 large, which we think is very important. We'd
7 like to have a park-like setting. So on the
8 one side your entrance will be framed by the
9 park and on the other side it will be framed
10 by this architectural pavilion, which is one
11 of the more special parts of the project. It
12 has four stories of residential. It
13 accommodates some of the residential common
14 area uses down below.

15 And it has the day care center
16 located right at the base with an entrance off
17 of Galloway. We've also configured the
18 street here to have a lay by accommodating
19 approximately six cars that will be dedicated
20 to the day care center.

21 As you come up the driveway here,
22 you'll be approaching -- actually, let me go

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1 back for one second. One other thing I want
2 to note here is that here is a view of the
3 main entry pavilion for these two buildings.
4 And here is where we pulled the two buildings
5 apart so you have a view essentially as you
6 come through here, through the courtyard,
7 directly down Hamilton. I think it will be a
8 very dramatic view tying you back into the
9 grid of the city visually.

10 So once you're up here, and this
11 is that view I was talking about, you
12 essentially have the main lobby for these two
13 buildings. You have another lobby across the
14 driveway here. And we've taken all of the
15 common areas that were spread out throughout
16 the building before for the residential uses
17 and we've consolidated them all through here,
18 so we create this sense of a community, a
19 sense of residential community, a village
20 center, in effect.

21 These common uses will all have
22 continuity with this central courtyard here.

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1 This other courtyard will be devoted to
2 residential units. And then the courtyard on
3 your left will be partially devoted to
4 residential units and the other part of it
5 will be devoted to the day care center. So
6 the day care center is very consolidated. You
7 have pick up and drop off, you have the space
8 that they need, and directly adjacent you have
9 the open space. We think it will function
10 very efficiently.

11 These are essentially double-
12 loaded corridors in these two buildings. Here
13 we've taken the parking garage, which is above
14 grade and we've laminated three sides with
15 residential. I think last time we only had
16 two sides. And on the alley, on the service
17 alley side where the garage is exposed, we
18 will introduce a green screen to cover that
19 portion of it.

20 Another change that we have made
21 is with regard to the senior affordable
22 housing. Rather than placing them on two

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1 floors of this building on the corner with
2 very long corridors, we've flipped them to the
3 other building, which you see in our current
4 plans here, where they will occupy all of the
5 floors in an L-shaped configuration of this
6 corner building. It gives them a much shorter
7 walk from the elevator to the furthest unit.
8 They won't have to get off the elevator here
9 and walk all the way around. So it's a
10 shorter walk. Plus it also places them on a
11 floor with other units so they will not feel
12 isolated. They'll be more integrated into the
13 community.

14 And likewise, we changed the non-
15 senior affordable housing from a concentration
16 along South Dakota to an even distribution
17 throughout the project on every floor with
18 individual units.

19 Now, on the retail, you know,
20 we're very cognizant of the fact that we need
21 to reinforce South Dakota as a major retail
22 axis, both now and in the future. So you'll

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1 see that we've focused on the retail along
2 here, give a lot of attention. We've given a
3 lot of attention to the retail going up
4 Ingraham. And then we've made changes here
5 with a little bit less focus on the retail
6 along Galloway.

7 You'll recall that the site drops
8 approximately two stories from the alley on
9 one side down to South Dakota. And we've been
10 very careful to line all of the parking for
11 the grocery store and for the retail, as well
12 as all of the loading functions, either with
13 retail uses or with residential uses, and I'll
14 show you that shortly.

15 So for example here, on the corner
16 of Ingraham and South Dakota, again you can
17 see that we have very strong continuity.
18 Retail all along the street right to the
19 corner, retail going all the way up the street
20 and only broken where we needed to have
21 driveways or access to the loading.

22 Now, in this corner you see the

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1 June plan. It had loading on one side, the
2 grocery store, the parking. We flipped all of
3 that, put the loading on this side, simplified
4 the parking into a single space, and then
5 placed the grocery store here. We were also
6 able to make the retail deeper, approximately
7 70 feet deeper. I know that was a concern of
8 the Commission last time. So we think that
9 has a reasonable configuration and will
10 succeed. We've added retail, as I mentioned,
11 along Ingraham.

12 And the other change that we made
13 is we got rid of the blank walls that we had
14 along here, the back of the grocery store, and
15 introduced a series of uses, the day care,
16 plus other uses that we're calling flexible
17 space, about 17,000 square feet. We would
18 like the ability to use that space for either
19 retail, for residential or for professional
20 offices, only 17,000 feet, depending on the
21 market calls for. And that will ensure that
22 we're able to activate Galloway without having

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1 empty shop fronts.

2 Here's a view of Galloway. This
3 is South Dakota. The retail will turn up to
4 this point. We have loading. And then along
5 here is where we've opened up the building and
6 removed the blank walls that you saw earlier.

7 We've also reconfigured access, as
8 I said earlier. And the only thing I'll point
9 to here is that we did add one additional
10 entrance into the parking garage for the
11 residential off this driveway. So we have an
12 entrance here, as well as an entrance here.
13 Everything else has pretty much stayed similar
14 in similar locations, but slightly shifted.

15 This is an important slide. We
16 have maintained the same maximum height that
17 we had earlier; 74 feet. We've not increased
18 that. What we have done, however, is we
19 removed the top two floors of this building
20 along here so that the height now drops from
21 74 feet at this setback to our current scheme,
22 which is only 55 feet. The reason we did that

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1 is because we feel this is the most sensitive
2 part of the site. We have very small
3 residential single-family units directly
4 across the street from us and we felt it was
5 critical to keep the height down here. So we
6 dropped the height by 19 feet across from
7 these units. We took that height and we
8 shifted it over to the Galloway side, which is
9 now at 71 feet. And we feel that the height
10 is appropriate because we're on a busy street
11 with no residential across from us, just a
12 large park. So, hopefully this will be seen
13 as an improvement by the neighborhood.

14 Now, we are asking for two areas
15 of zoning relief. One is for penthouses, one-
16 to-one, not meaning a one-to-one setback along
17 the courtyard here or here, these areas you
18 see in purple, and we feel that this actually
19 -- you know, consolidating the penthouses the
20 way we have makes the project look simpler and
21 feel smaller. And we're asking for a zoning
22 relief for the side yard. Now, there's no

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1 side yard required, but we are providing one.
2 We've just added one; it's 10 feet wide. And
3 the reason we are doing it is because we want
4 to add a sidewalk along there. The zoning
5 called for eleven-six. We're 18 inches short
6 of that.

7 Sustainability. I'll be done here
8 in about a minute-and-a-half. There are three
9 sustainability programs that we are conforming
10 to at the certified level; you can read them
11 here. At the last submission in June we
12 committed to a certified level. And during
13 the hearing there was some discussion about
14 going to the silver level. At this point,
15 we'd like to maintain our commitment to the
16 certified, but just show you that although
17 that only requires 26 points, there's an
18 additional 31 points that we may be eligible
19 for. Getting only seven of those points will
20 get us to silver. The reason we don't want to
21 commit tonight to silver is because based on
22 work we have done on other projects, other

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1 residential projects in the District, we think
2 that on this project here going from certified
3 to silver will cost us in the range of two-
4 and-a-half to three million dollars extra. We
5 may be able to do it. We may not be able to
6 do it. But we're certainly going to try. We
7 just don't want to be held to it.

8 And finally, again I want to point
9 out that we have all of these renderings, but
10 we also have all of these large scale details
11 of the elevations. We do have boards with us
12 here that show all of the correct colors.
13 These colors are not correct often in these
14 digital images. And if you would like, during
15 the Q & A I would be happy to go through these
16 in more detail. Thank you for you time.

17 MR. QUIN: That completes our
18 testimony for finishing our direct testimony.

19 CHAIRPERSON HOOD: Thank you,
20 both, very much.

21 Let's open it up, colleagues. Who
22 would like to start us off with a question?

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1 Commissioner May?

2 COMMISSIONER MAY: Yes. On that
3 view right there, the roof that extends out
4 right at the corner, which seems to very
5 shallow in profile, what is that actually made
6 of and how is it going to -- I mean, it looks
7 too thin to be real.

8 MR. BARANES: Well, we are using
9 and Epicore system. It's concrete.

10 COMMISSIONER MAY: Yes.

11 MR. BARANES: And we intend to
12 have upturned beams which will not be visible.
13 I suspect it's going to wind up being about
14 12-inches deep before we're done.

15 COMMISSIONER MAY: And the face is
16 covered with -- or it's just the concrete?

17 MR. BARANES: Oh, no. The face
18 will have a coating on it. So it will look
19 like the precast on the building. It will
20 look like the brick.

21 COMMISSIONER MAY: I see. And
22 it's really only going to show a profile of 12

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1 inches, you say?

2 MR. BARANES: About a foot, that's
3 right. Yes.

4 COMMISSIONER MAY: Okay. Flipping
5 back, I think in the -- well, you don't
6 necessarily have to go all the way back. But
7 the place where you added the retail, that's
8 the southern corner, and we saw it in the
9 rendering, but then I think when we flip to
10 the plan, it doesn't show that enclosed. And
11 I want to make sure I'm seeing the right
12 thing.

13 MR. BARANES: You're correct. Let
14 me go back to it here. Yes, that would be
15 right in there. Yes. Yes, this is a last-
16 minute change we decided to make. We kept
17 looking and looking and looking at this corner
18 and decided it would really be much nicer with
19 a shop there. We should have changed the
20 plan, too.

21 COMMISSIONER MAY: Well, can you
22 go to the plan for a second?

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1 MR. BARANES: Sure.

2 COMMISSIONER MAY: By the way, Mr.
3 Chairman, did you want to set the clock for
4 me?

5 CHAIRPERSON HOOD: Some things are
6 said better undone. I think I better not say
7 anything.

8 COMMISSIONER MAY: I'll be brief.
9 I'll be very fast.

10 CHAIRPERSON HOOD: Do we need the
11 clock?

12 COMMISSIONER MAY: No, I'll be
13 very fast.

14 CHAIRPERSON HOOD: Oh, okay.

15 COMMISSIONER MAY: I just wanted
16 to give you that opportunity.

17 CHAIRPERSON HOOD: We don't want
18 to put 30 minutes up.

19 COMMISSIONER MAY: I mean, I'll
20 take 15 minutes.

21 Okay. Now, so that retail is what
22 would be extended?

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1 MR. BARANES: That's correct.

2 COMMISSIONER MAY: Okay. And then
3 you had, what is it, the next flight up, it's
4 also not enclosed there. And so, are we
5 seeing a double height space --

6 MR. BARANES: Yes.

7 COMMISSIONER MAY: -- or is there
8 actually another -- okay.

9 MR. BARANES: Yes. We're making a
10 double height space. We think that's
11 appropriate for that corner.

12 COMMISSIONER MAY: And it's double
13 height only at the very corner?

14 MR. BARANES: That's correct.

15 COMMISSIONER MAY: And then the
16 rest of that space on this level is that
17 flexible space, that 17,000?

18 MR. BARANES: Yes.

19 COMMISSIONER MAY: Okay.

20 MR. BARANES: I'm sorry. I was
21 just corrected. The flex space is 19,000, not
22 17,000. Okay?

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1 COMMISSIONER MAY: Okay. Thanks.

2 And then do you have any views
3 into that entrance alley, or whatever, the
4 private-road-kind of thing?

5 MR. BARANES: Yes.

6 COMMISSIONER MAY: And then we
7 have a view of the outside of it with the
8 trees removed, but --

9 MR. BARANES: Oh, that's the one I
10 was going to show you. Should I go to that
11 one?

12 COMMISSIONER MAY: Sure.

13 MR. BARANES: Let's see.

14 COMMISSIONER MAY: I guess I'm
15 curious about the view into it. I mean,
16 you're putting a lot of emphasis on that as
17 the entry. And I would just be interested to
18 see what it actually looks like when you get
19 around the corner there and you are actually
20 entering the buildings there.

21 MR. BARANES: I see. Once you're
22 basically accessing the driveway?

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1 COMMISSIONER MAY: Yes.

2 MR. BARANES: That we do not have
3 a rendering of.

4 COMMISSIONER MAY: Yes. I mean,
5 that's sort of the missing views of the
6 project, are some of those internal views.
7 Even the view of the space between -- yes.

8 MR. BARANES: It's helpful to look
9 at the plan.

10 COMMISSIONER MAY: Yes, I think
11 so.

12 MR. BARANES: Because you can see
13 that essentially you're not looking straight
14 through to Ingraham. What you're doing is
15 you're looking at the elevation of this
16 building as you come in here. But the idea
17 was to put the lobby in your view shed.

18 COMMISSIONER MAY: Right.

19 MR. BARANES: As you come up the
20 driveway.

21 COMMISSIONER MAY: Do you have a
22 view of that elevation of the building?

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1 MR. BARANES: Let's see. I think
2 we have that elevation in the package. We
3 have it, but it's very diagrammatic.

4 COMMISSIONER MAY: Yes.

5 MR. BARANES: In the book on
6 2.11(a).

7 COMMISSIONER MAY: Okay. I think
8 it would be useful to see a little bit more of
9 that.

10 Do you have elevations of the --
11 I'm using my own pointer now -- the elevations
12 of these sides of that building, or any of the
13 interior?

14 MR. BARANES: Again, they show up
15 in the sections, but they're shown very
16 diagrammatically.

17 COMMISSIONER MAY: Yes. I mean, I
18 guess the interior courtyards I'm most
19 concerned about, but spaces like this which
20 are going to be very public and open to the
21 public, and of course, I think an actual
22 perspective into that area --

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1 MR. BARANES: Okay.

2 COMMISSIONER MAY: -- would be
3 useful to see.

4 MR. BARANES: Yes. I'll just
5 mention that we are going to be -- I mean,
6 yes, that space is visible to the public, but
7 it's not open to the public. Because it's
8 above --

9 COMMISSIONER MAY: I understand
10 that.

11 MR. BARANES: It's above the
12 retail.

13 COMMISSIONER MAY: Right.

14 MR. BARANES: And secondly, let me
15 just go to -- here, this one. This facade
16 that you see here --

17 COMMISSIONER MAY: Yes.

18 MR. BARANES: -- will essentially
19 just wrap into the courtyard.

20 COMMISSIONER MAY: Okay.

21 MR. BARANES: That's the exact
22 same facade.

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1 COMMISSIONER MAY: And that's one
2 side?

3 MR. BARANES: That's one side.
4 The other side will take this that you see
5 right here, this facade --

6 COMMISSIONER MAY: Yes.

7 MR. BARANES: -- and essentially
8 wrap that into the courtyard. So it will look
9 exactly like that. And we have -- let's see,
10 what do we have here?

11 COMMISSIONER MAY: Okay. Is it
12 documented that way in some --

13 MR. BARANES: Yes. If you look
14 at --

15 COMMISSIONER MAY: In the
16 elevations?

17 MR. BARANES: -- 2.13(a), we
18 actually drew it.

19 COMMISSIONER MAY: All right.
20 I'll look at that more carefully.

21 MR. BARANES: All right.

22 COMMISSIONER MAY: And at one

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1 point in your presentation you said something
2 about two-story retail. And I didn't think
3 you actually meant two actual levels of
4 retail, or did you?

5 MR. BARANES: Well, let me show
6 you. In this area right here we do have two
7 floors which could be retail.

8 COMMISSIONER MAY: I see.

9 MR. BARANES: The idea is that one
10 would be accessed actually off of South
11 Dakota. The other could potentially be
12 accessed a little bit up the hill on Galloway.

13 COMMISSIONER MAY: On Galloway?
14 Okay.

15 MR. BARANES: Right.

16 COMMISSIONER MAY: All right.

17 MR. BARANES: Whereas here, where
18 we have the grocery store, it's volumetrically
19 two levels, but it's only one floor.

20 COMMISSIONER MAY: Got it. Okay.

21 Yes, I mean, two-story when you're
22 dealing with a grade change, it makes sense to

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1 me. But a two-story where you've got to do a
2 walk-up or something like that doesn't make
3 sense.

4 MR. BARANES: Right. Right.

5 COMMISSIONER MAY: Okay. And then
6 I think that's probably it. I just would like
7 to see the sample board.

8 MR. BARANES: Sure.

9 CHAIRPERSON HOOD: Okay. Any
10 other questions, Commissioners? Vice-chair?

11 (No audible response.)

12 CHAIRPERSON HOOD: Can
13 Commissioner May carry those home and view
14 them?

15 MR. BARANES: As long as we have
16 them back by morning.

17 VICE-CHAIR KEATING: Just a few
18 questions. I want to make sure I understand
19 the renderings here. I think I'm on slide,
20 what was that, 2, 4, 6, 8, 9?

21 MR. BARANES: This one?

22 VICE-CHAIR KEATING: No. This one

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1 that's got the illustration that looks like
2 that.

3 MR. BARANES: Oh, is this the
4 upper one or the lower one?

5 VICE-CHAIR KEATING: Upper one.

6 MR. BARANES: Okay.

7 VICE-CHAIR KEATING: Okay. So
8 when I'm looking at this, between the two
9 buildings that are along South Dakota Avenue,
10 where the courtyard is there, if I'm standing
11 on the sidewalk on South Dakota between the
12 two buildings, I'm looking into the grocery
13 store, right?

14 MR. BARANES: That's correct.

15 VICE-CHAIR KEATING: Okay. And so
16 then the courtyard is on the roof of the
17 grocery store?

18 MR. BARANES: That's correct.

19 VICE-CHAIR KEATING: Okay. So
20 those are plantings that come out to the
21 street at that level. And can you access the
22 courtyard from either building at that second

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1 story level?

2 MR. BARANES: Could you ask again?

3 VICE-CHAIR KEATING: Can you
4 access that courtyard from either of these two
5 buildings at that second level?

6 MR. BARANES: Yes.

7 VICE-CHAIR KEATING: So you'll be
8 elevated up looking over South Dakota if
9 you're standing in that courtyard?

10 MR. BARANES: That's correct.

11 VICE-CHAIR KEATING: Okay.

12 MR. BARANES: You know, I might
13 just point out that we did this exact same
14 thing, which might be familiar to you, in
15 Georgetown where the incinerator is.

16 VICE-CHAIR KEATING: Yes.

17 MR. BARANES: And the theaters?

18 VICE-CHAIR KEATING: Yes.

19 MR. BARANES: We have the theaters
20 in K Street. Now, think of that as a grocery
21 store.

22 VICE-CHAIR KEATING: Okay.

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1 MR. BARANES: It's buried into the
2 hill.

3 VICE-CHAIR KEATING: Yes.

4 MR. BARANES: And then up on Gray
5 Street you essentially have the residential
6 and the hotel --

7 VICE-CHAIR KEATING: Yes.

8 MR. BARANES: -- access with a
9 series of courtyards landscaped all over the
10 top of the theaters.

11 VICE-CHAIR KEATING: Okay.

12 MR. BARANES: And it's the exact
13 same concept here.

14 VICE-CHAIR KEATING: Got it.

15 Okay. Just one other question. Looking at
16 the loading docks, it looks like there's
17 loading dock access off of South Dakota that's
18 relatively narrow. What was the intended use
19 for that?

20 MR. BARANES: Well, we intend the
21 trucks to enter off of Galloway with a one-way
22 system.

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1 VICE-CHAIR KEATING: Yes.

2 MR. BARANES: And then exit out to
3 South Dakota. And those will be all the
4 trucks. That's the primary loading area for
5 the project, and we've configured it so will
6 accommodate all of the trucks servicing the
7 grocery store.

8 VICE-CHAIR KEATING: So you
9 anticipate the tractor-trailer trucks exiting
10 onto South Dakota through that?

11 MR. BARANES: Yes.

12 VICE-CHAIR KEATING: Coming across
13 the sidewalk and --

14 MR. BARANES: It's actually a
15 better configuration than before, because
16 before they had to go --

17 VICE-CHAIR KEATING: I agree.

18 MR. BARANES: -- all the way up to
19 the alley.

20 VICE-CHAIR KEATING: No, I
21 absolutely agree with that, yes. Yes. But
22 still there's no room really inside to turn

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1 around, so they would have to come out that
2 way? Just that's -- want to think about that.
3 I'm just saying this is the practical nature
4 of it. You've got a very narrow exit there
5 coming onto a very busy street with an 18-
6 wheel truck. There's going to have to be some
7 significant traffic management going on to
8 get, you know, a giant truck out of that exit.

9 MR. BARANES: Sure. You know, by
10 their nature grocery stores typically load in
11 off hours. So, I don't think there will be a
12 lot of conflict between the big trucks and
13 pedestrians, you know, the hours when you will
14 see a lot of pedestrians out there.

15 VICE-CHAIR KEATING: Okay. And in
16 those hours when you have the smaller
17 vehicles, the box trucks, they could exit back
18 onto Galloway, right, instead of coming across
19 there?

20 MR. BARANES: You know, they
21 could, but I guess I have to defer to our
22 traffic consultant as to whether that's the

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1 right thing to do or not.

2 VICE-CHAIR KEATING: Okay.

3 MR. BARANES: I don't know.

4 VICE-CHAIR KEATING: He's coming
5 up soon at some point?

6 MR. QUIN: We can call him for a
7 question now, if you'd like.

8 Marty?

9 VICE-CHAIR KEATING: Yes, that's
10 fine.

11 MR. QUIN: He is without notes.

12 MR. WELLS: Good evening. I'm
13 Marty Wells with Wells & Associates, traffic
14 consultants for the project.

15 Basically, the idea of the truck
16 movements, it's a one-way clockwise
17 circulation off Galloway. Pull into the dock
18 area, back into the docks, and pull out onto
19 South Dakota making a right turn, not a left
20 turn.

21 VICE-CHAIR KEATING: Right.

22 MR. WELLS: Most of the trucks

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1 undoubtedly will come from Route 50, which
2 will be to the south on South Dakota.

3 VICE-CHAIR KEATING: Right.
4 Right.

5 MR. WELLS: And the details of the
6 driveway, the width and the configuration, all
7 would have be detailed with swept area
8 diagrams and what not. But the spirit of this
9 design is to provide enough space, but not too
10 much space. And so there's as a little
11 driveway conflicting with pedestrians walking
12 along the sidewalk on South Dakota.

13 VICE-CHAIR KEATING: Okay. I
14 think I understood the rest of it, so thank
15 you.

16 Oh, just one last question on the
17 LEED. You said they needed seven additional
18 points to get to silver. And the seven points
19 is what you were equating to the two or three
20 million dollars to get the seven additional
21 points?

22 MR. BARANES: Yes, the reason for

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1 that is because it's very, very difficult to
2 get those seven points without going to a
3 totally different mechanical system.

4 VICE-CHAIR KEATING: Okay.

5 MR. BARANES: And that's where
6 most of the money would be spent.

7 VICE-CHAIR KEATING: Okay. Got
8 it. Great. Thank you.

9 CHAIRPERSON HOOD: Okay.
10 Commissioner Schlater?

11 COMMISSIONER SCHLATER: Thank you.
12 Just to start off, I think the building's made
13 tremendous strides from the last hearing. I
14 think I like the fact that it reads much more
15 now like three different buildings. You've
16 broken down the massing, taken down the height
17 on South Dakota. I think the retail seems to
18 be better laid out to my eye. I don't think
19 anybody up here disliked the building before,
20 but I think it's an improvement. And
21 certainly I think the materials that you're
22 using are very high-quality and you should be

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1 commended for doing that, particularly given,
2 you know, some of your neighbors around there
3 on new construction. This is a lot higher-
4 quality project and is a very good one.

5 So with that context, I'd like to
6 ask you a little bit about -- just to get some
7 of the facts right. The parking. Can we just
8 talk about parking for a couple minutes?

9 How many parking spaces are being
10 provided for the retail in this portion of the
11 project and what's the ratio?

12 MR. BARANES: This is where I need
13 help.

14 MR. GILLIAND: Hello. My name is
15 Mark Gilliand. I'm with Shalom Baranes
16 Architects. I'm just going to read off
17 tabulation sheet that's part of the
18 submission.

19 COMMISSIONER SCHLATER: Yes.

20 MR. GILLIAND: For the retail
21 parking, including the grocery, 334 spaces are
22 being provided. I don't have a breakdown here

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1 in front of me as to what that ratio works out
2 to be.

3 COMMISSIONER SCHLATER: What's the
4 total rentable area of retail?

5 MR. GILLIAND: Some of the retail
6 doesn't count against the FAR because it's
7 buried back into the hill. My recollection is
8 that it's -- I don't have that tabulation in
9 front of me either. I think it's of the
10 neighborhood of grocery and other retail uses
11 just 100,000 square feet.

12 COMMISSIONER SCHLATER: Okay. So
13 the parking ratio is approximately three for
14 a thousand on this portion for the retail
15 portion of the project?

16 MR. GILLIAND: That sounds about
17 right.

18 COMMISSIONER SCHLATER: Okay. Do
19 you know how many of those spaces are going to
20 be dedicated for the grocery store alone? You
21 may not know that. Somebody on your team
22 might know that.

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1 MR. VOELSKY: Good evening. I'm
2 Jim Voelsky with MB&A Architects.

3 MR. BARANES: Mr. Voelsky was
4 qualified last time as an expert. I just
5 wanted to note that for the record.

6 MR. VOELSKY: The ratio for the
7 parking for the grocery store hasn't changed
8 from before. And there are no dedicated
9 spaces per se for the grocery store. There's
10 the 334 total retail spaces. It does lay out
11 a little bit differently in that about 200 of
12 those spaces are on the level with the grocery
13 store. And then the additional 134 are on the
14 level with Ingraham Street.

15 COMMISSIONER SCHLATER: Was this
16 layout made in concert with a potential
17 grocery store tenant, or was this more --

18 MR. VOELSKY: We're still talking
19 to a couple grocery store tenants, but this
20 layout was set up to create a slightly better
21 footprint for a grocery operator.

22 COMMISSIONER SCHLATER: Yes.

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1 MR. VOELSKY: And more
2 importantly, I think the parking greatly
3 improved for a grocery store operator.

4 COMMISSIONER SCHLATER: Yes.

5 MR. VOELSKY: Same numbers, but
6 much better configuration, much easier to use.

7 COMMISSIONER SCHLATER: Okay.
8 Great. Parking for the residential uses?

9 MR. BARANES: Yes.

10 COMMISSIONER SCHLATER: Can you
11 just show how that's going to work in terms of
12 how do you get to your parking if you -- say
13 I live in a unit at South Dakota and Galloway,
14 where do I park my car?

15 MR. BARANES: All of the
16 residential parking is up in the above-grade
17 garage. Up in the upper right hand corner.
18 Right here.

19 COMMISSIONER SCHLATER: Yes.

20 MR. BARANES: So you would be able
21 to park your car here. Which again, you could
22 enter the parking from one of two areas, as I

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1 said earlier, which would be either off of
2 here or off of here. You could park. And
3 then at the second level of this garage, we
4 have a bridge which connects to this corridor
5 system in here.

6 COMMISSIONER SCHLATER: Okay.

7 MR. BARANES: So that would get
8 you in here and across here, and then over to
9 your unit. It's a long walk.

10 COMMISSIONER SCHLATER: So the
11 bridge goes to the second floor of the
12 residential and then you meander your way
13 about? And that's different from the parking
14 layout last time?

15 MR. BARANES: Yes.

16 COMMISSIONER SCHLATER: Trying to
17 keep it all straight.

18 MR. BARANES: Yes.

19 COMMISSIONER SCHLATER: Okay. And
20 what's roughly the parking ratio on the
21 residential? I know it's in my packet, so I
22 apologize.

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1 MR. BARANES: Is it .7, roughly?

2 MR. GILLIAND: We have 246 spaces,
3 plus 98 for the seniors. So that's a total of
4 344, and there are 529 dwelling units
5 envisioned.

6 COMMISSIONER SCHLATER: Okay.
7 Great. In terms of; Mr. Shalom, you might be
8 able to answer this question, Council Member
9 Bowser's staffer said it was their impression
10 that 65 feet is the maximum height permitted
11 under the small area plan for this project.
12 Is that correct?

13 MR. QUIN: The answer, I think, is
14 in the record already. We filed a portion of
15 and described the small area plan, which my
16 recollection, and I'm sure OP can confirm,
17 originally it went in at 80 and I think it
18 came out of the legislation at 90.

19 MR. COCHRAN: That's correct.

20 COMMISSIONER SCHLATER: Okay. No
21 further questions for now. Thank you very
22 much.

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1 CHAIRPERSON HOOD: Okay. Let me
2 move on. I just have one quick question.

3 I'm looking at some photographs,
4 and I believe it's at South Dakota and
5 Galloway, and this is in the second stage.
6 Even though it's the second stage, I'm just
7 curious -- or the consolidated part. I'm just
8 curious, are these sit-down café outdoor-type?
9 I'm just looking at the pictures, the
10 rendering. It looks like you're sitting down
11 and, you know, where you can eat on the
12 outside on the sidewalk. Is that what I'm
13 seeing?

14 MR. BARANES: At the corner of
15 Galloway and South Dakota? Yes, we are hoping
16 to land a restaurant or a coffee shop there
17 and outdoor seating.

18 CHAIRPERSON HOOD: And with an
19 outdoor café and outdoor eating?

20 MR. BARANES: Yes. The sidewalk's
21 wide there.

22 CHAIRPERSON HOOD: And I know that

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1 the last hearing -- I don't really want to ask
2 a traffic question, but I noticed at the last
3 hearing that there were going to be some
4 treatments or some changes made to South
5 Dakota Avenue. Because the way South Dakota
6 Avenue exists today, I would not want to be
7 sitting out there eating anything. It's bad
8 enough to walk. So again, I guess, I'm trying
9 -- what protective measures do we have between
10 South Dakota Avenue and your proposal? Is
11 there frontage street, or what protections do
12 we have?

13 MR. BARANES: Protection in terms
14 of security?

15 CHAIRPERSON HOOD: In terms of
16 cars running up there, running on top of
17 somebody. That's where I am.

18 MR. BARANES: Oh. Oh, well, you
19 know, there's a landscape buffer, first of
20 all. And we've not shown any bollards or
21 anything like that, but certainly we could
22 explore that, if that looks like it's going to

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1 be problem. You know, the seating won't be up
2 against the curb. It will be up against the
3 building. So there will be a curb, there will
4 be a landscape strip, a sidewalk, and then
5 we'll have the seating.

6 CHAIRPERSON HOOD: Well, I just
7 want to caution you. I do know how South
8 Dakota Avenue runs now, and I do know there
9 are some things in the pipeline to make some
10 traffic corrective measures.

11 MR. QUIN: One extra which you can
12 see on the plan is that one of the proposals
13 is to have an extra lane of parking. So
14 you'll have a lane of parking that will act as
15 a buffer.

16 CHAIRPERSON HOOD: Okay. And
17 that's what I haven't seen. That's not making
18 clear to me from the photographs. Because I
19 can tell you, you don't want to be just out
20 there. You're open market there.

21 MR. BARANES: Right.

22 CHAIRPERSON HOOD: Okay. And

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1 that's something I think as this plan evolves,
2 I think we need to look at that.

3 MR. BARANES: Okay.

4 CHAIRPERSON HOOD: That's one of
5 the things that I noticed that I didn't
6 exactly see that was made clear.

7 MR. BARANES: Okay. Thank you.

8 CHAIRPERSON HOOD: That's all I
9 have. Any other questions, Commissioner May?

10 COMMISSIONER MAY: Yes. Thank
11 you. Having seen the materials board, I did
12 have a couple of follow-up questions.

13 First of all, I would --

14 CHAIRPERSON HOOD: Excuse me. I'm
15 being told at least they didn't hear me. They
16 may want to hear you. So if we can speak into
17 the mike. And I apologize. If you don't hear
18 us, sometimes we pull back. If you don't hear
19 us, just raise your hand. We'll speak up.

20 COMMISSIONER MAY: Okay. Anyway,
21 the first thing I want to say is I really
22 appreciated the fact that you have very clear

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1 drawings of the elevations and they're
2 enlarged enough to see what the different
3 materials are, and they're labeled well. And
4 I think it's an example for every PUD that
5 comes before us, in particular. And so if
6 there are any zoning attorneys out there
7 watching, take note. This is a case to pay
8 attention to.

9 However, I will say that the
10 materials themselves are not labeled. You
11 don't have the tag that tells me which is
12 which brick. You can figure it out based on
13 what's together, but there are some things
14 where you've got shades of gray and it's
15 labeled, you know, gray painted metal or
16 whatever, and there are two different shades
17 of gray. It's not perfectly clear. So labels
18 on the actual materials would be helpful.

19 There are, however, a few
20 materials where I don't know where they're
21 being used on some of the boards. And it has
22 mostly to do with the things that look like

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1 stone. I'm fairly sure they're stone.

2 MR. BARANES: The only place we're
3 using natural stone on the project is at the
4 base of the retail, and that's going to be
5 primarily along South Dakota.

6 COMMISSIONER MAY: Okay.

7 MR. BARANES: And at the bottom of
8 the glass.

9 COMMISSIONER MAY: And what facade
10 type is that? That's facade type 2?

11 MR. BARANES: I'd have to look at
12 the boards.

13 COMMISSIONER MAY: Okay.

14 MR. BARANES: How we labeled them.
15 One of the boards is a dark piece of granite
16 on it. That's it, yes. So that would be used
17 at the base, for example, of -- you see the
18 retail on the right hand side there. Right.
19 There will be a small base of stone running
20 along the sidewalk there. Then it might be
21 low in some areas, it might be a little bit
22 higher in some other areas, depending on which

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1 shop goes in there.

2 COMMISSIONER MAY: Okay. Now the
3 color that's shown here is nowhere close to
4 that.

5 MR. BARANES: You have to go by
6 the actual material samples, yes.

7 COMMISSIONER MAY: Okay. So it's
8 going to look more like this?

9 MR. BARANES: Yes.

10 COMMISSIONER MAY: Which is fine.
11 I think it's better darker at the base like
12 that.

13 All right. This one here also
14 looks like a --

15 MR. BARANES: It's a slate.

16 COMMISSIONER MAY: It's a slate
17 and it's being used --

18 MR. BARANES: It would be the same
19 way, at the base, as the building hits the
20 ground.

21 COMMISSIONER MAY: There is no
22 base shown here.

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1 MR. BARANES: You know, the scale
2 is such that we wouldn't show a six-inch or
3 eight-inch base on that. But the brick will
4 come down and essentially sit on the base.
5 And the same way you see it configured on the
6 left part of the board. The brick would just
7 sit on the base like that.

8 COMMISSIONER MAY: Okay. Thanks.
9 I can fill in the blanks from there.

10 MR. BARANES: Okay.

11 CHAIRPERSON HOOD: Okay. Any
12 other questions?

13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. Let's do
15 cross examination on the portion of what's new
16 for tonight.

17 Let me see. The ANC chairperson,
18 do you have any cross examination?

19 (No audible response.)

20 CHAIRPERSON HOOD: Okay. Lamond-
21 Riggs. I see Mr. Foxworth has joined us. Is
22 he going to be doing the cross examination?

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1 (No audible response.)

2 CHAIRPERSON HOOD: Do you have any
3 cross examination?

4 (No audible response.)

5 CHAIRPERSON HOOD: Okay. Okay.
6 Let's move right into the report of the Office
7 of Planning. Mr. Cochran?

8 MR. COCHRAN: Thank you, Mr.
9 Chair.

10 OP recommends that the Zoning
11 Commission approve the application for this,
12 what we consider, very significant mixed-use
13 planned unit development.

14 The project would be consistent
15 with the Comprehensive Plan and the adopted
16 small area plan. It would reflect the medium
17 density commercial and residential designation
18 on the Comprehensive Plan's future land use
19 map. In particular, it would help achieve the
20 Upper Northeast Policy 2.7.1, which I will
21 happily read, but it's also in my report.

22 Okay. Skipping that. The project

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1 is also consistent with the development mix
2 recommended in the Riggs Road and South Dakota
3 Area Small Area Plan that the City Council
4 adopted on March 3rd, 2009. And as the
5 Applicant just noted, the plan designates
6 certain areas within the plan as being
7 suitable for 90-foot-high buildings. The
8 Applicant is proposing one 90-foot-high
9 building. That is in one of the areas the
10 plan designates as suitable for this. I'd
11 also note that although you're certainly going
12 to be reviewing design under the PUD
13 application, the Fort Totten Overlay also
14 requires design review above 65 feet. And the
15 Applicant has indicated that they would be
16 willing to keep the Fort Totten Overlay where
17 it is.

18 The proposal is also consistent
19 with the Zoning Regulations' PUD evaluation
20 standards. Lot size, lot coverage, building
21 height, FAR, loading and parking would be
22 within the upper or lower limits established

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1 for a PUD with associated C-2-B zoning, with
2 or without that partial FT Overlay.

3 The proffered amenities and
4 benefits are appropriate in relation to the
5 degree of flexibility the Applicant has
6 requested, the associated C-2-B zoning and the
7 minor flexibility for the consolidated PUD
8 with respect to the number and setback of the
9 roof structures and the width of the side
10 yard.

11 The proffers are listed in one of
12 tonight's submissions by the Applicant. The
13 highlights in the 171 affordable units. The
14 affordable units would be front loaded into
15 the consolidated PUD with 141 being in
16 building A and 30 in the preliminary PUD's
17 building C.

18 The 873,400 square feet of non-
19 residential space would be constructed to
20 accommodate a senior center, a day care, a
21 grocery store, an anchor store, and in-line
22 retail, a children's museum, major cultural

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1 organizations and a possible replacement
2 library. There would be three landscaped
3 plaza along South Dakota Avenue at Galloway,
4 Ingraham and Kennedy Streets and a public
5 promenade in front of the South-Dakota-Avenue
6 -facing retail. And then there would be a
7 small park at the private driveway that was
8 described tonight intersecting Galloway
9 Street. So this is an increase of one more
10 public space since we saw the application this
11 summer.

12 The Applicant would pay for the
13 reconfiguration of Hamilton and Ingraham
14 Streets, which would better connect the Metro
15 station and the Fort Totten apartments to
16 South Dakota Avenue. The Applicant would also
17 pay for an extension of 3rd Street, which
18 would make more feasible a possible future
19 connection to Riggs Road through property
20 adjacent to the Applicant's Food and Friends
21 site. And there's a commitment to pursue LEED
22 and D accreditation, including the

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1 installation of 32 LID-type treatments to
2 treat and filter storm water along these
3 streets proposed for relocation or
4 reconstruction.

5 The Certified Business Enterprise
6 and the already-signed First Source Agreements
7 would ensure jobs for D.C. residents.

8 There is superior site planning
9 and a landscape design for the overall
10 project, and exceptional site planning for the
11 consolidated PUD. It will provide an
12 attractive mixed-use transit-oriented center
13 for the neighborhoods near the Fort Totten
14 Metro.

15 In one of the submissions from the
16 Applicant tonight, they've estimated the value
17 of the benefits and amenities, which they've
18 conflated in that document, to be 11 million
19 for initial costs and more than 24 million if
20 you count 20 years worth of affordable housing
21 underwrite.

22 The Applicant has addressed almost

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1 all of the issues that had been raised earlier
2 by either the Commission or by OP, certainly
3 to all of those at setdown. I can list those,
4 but I'm not going to. I'm just going to skip
5 over what the Applicant has already addressed
6 other than to note they have reduced the
7 parking for building A. They've resolved the
8 service delivery circulation plan for building
9 A, which one of the Commissioners just asked
10 about. They've also resolved the use of the
11 additional parking and entrance/exit lane on
12 South Dakota. And so now DDoT is happy with
13 all of these, as they indicated in their
14 October 6th letter to the Commission.

15 OP had had a concern about
16 Galloway Street's facade, but this was
17 clarified tonight, as was the fact that the
18 project would go for LEED and D, rather than
19 platinum certification.

20 Despite all this, there are a few
21 issues that require additional information or
22 completion of action before the Commission

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1 votes. The complete list is in OP's report of
2 September 28th. It's on the last page. Most
3 of the items are procedural and they can be
4 supplied prior to any preliminary action you
5 might take. Parenthetically, OP asks the
6 Commission to permit OP to file an additional
7 supplemental report after the Applicant has
8 submitted the remaining materials.

9 Should the Commission approve the
10 application, OP will continue to work with the
11 Applicant on the major issues that would need
12 to be addressed for the second stage PUD.
13 These issues, these major issues, are the
14 creation of more publicly accessible park-like
15 spaces, the appropriate parking levels for the
16 second phase of the project, and the delivery
17 of the second stage's retail and cultural
18 facilities.

19 The overall project has been
20 reviewed by the community, which I will go
21 into considerably more detail about their
22 reaction tonight, I'm sure. But ANC 5-A in

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1 which the Applicant's site is located,
2 recommended approval in a resolution dated
3 June 26th. Councilman Thomas, Deputy Mayor
4 Santos and WMATA have submitted letters in
5 support. Council Woman Bowser testified
6 tonight in support with certain conditions.
7 The Lamond-Riggs Neighborhood Association has
8 been admitted as a party and has had
9 discussions with the Applicants since that
10 party status was granted and they'll testify
11 tonight. And ANC 4-B has been qualified as a
12 party in absentia.

13 All in all, the proposed PUD has
14 the capability of transforming the area around
15 the Metro station into a model mixed-use
16 transit-oriented development. It has the
17 possibility of filling major retail needs of
18 existing residents, generating additional
19 retail demand from its 929 apartments,
20 addressing the District's pressing affordable
21 housing needs with its reservation of 18
22 percent of the units for affordable housing,

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1 and contributing to the cultural life of the
2 District and region.

3 OP recommends the Commission
4 approve the application subject to the
5 Applicants providing the remaining information
6 and completing the recommended actions
7 specified in OP's September 28 report, and
8 subject to DDoT's October 6th, 2009
9 recommendation that the preliminary PUD's
10 retail deliveries be restricted to the off-
11 peak hours. That complete's OP's report.

12 CHAIRPERSON HOOD: Okay. Who
13 would like to start off? Any questions of
14 Office of Planning?

15 (No audible response.)

16 CHAIRPERSON HOOD: No questions.
17 I don't have any. No questions?

18 COMMISSIONER SCHLATER: At the end
19 of the report you talk about reducing the
20 parking by 169 spaces?

21 MR. COCHRAN: That was in the
22 first phase.

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1 COMMISSIONER SCHLATER: Okay.

2 MR. COCHRAN: In the building that
3 was presented tonight. We are still hoping
4 that we will be able to work with the
5 Applicant before they present the second stage
6 to you to reduce the parking in that.

7 COMMISSIONER SCHLATER: So the
8 parking that's been put forward tonight,
9 you're okay with in building A?

10 MR. COCHRAN: In building A we're
11 okay with it.

12 COMMISSIONER SCHLATER: Okay.

13 MR. COCHRAN: For the overall
14 project we think it's over parked.

15 COMMISSIONER SCHLATER: Got it.
16 Okay. Thank you.

17 CHAIRPERSON HOOD: Is the
18 Chairperson of 4-B present? Chairperson of
19 ANC 4-B?

20 (No audible response.)

21 CHAIRPERSON HOOD: Okay. I'm also
22 being reminded by staff, and we have a great

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1 staff; thank you, Ms. Schellin, we had agreed
2 to give Lamond-Riggs an additional few minutes
3 or so to ask some additional cross examination
4 questions, and we want to honor our word. But
5 if you don't need to do it, we're fine. But
6 if you need to do it, we will allow that at
7 this time.

8 Mr. Foxworth, I think you were the
9 one who requested it. Never let it be said
10 that we don't honor our word. Can you come up
11 and put on the record that you don't want to
12 do it, or you want to do it, if you don't
13 mind? We want to make sure the record is
14 complete, so when we look back at it 10 years
15 from now.

16 You had asked for some additional
17 time, and this is the time we wanted to allot
18 you that time. Is your microphone on? And
19 identify yourself, too. I'm sorry.

20 MR. FOXWORTH: My name is Rodney
21 Foxworth. I'm the outgoing vice-president of
22 the Lamond-Riggs Citizens Association and the

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1 outgoing chair of the Lamond-Riggs Development
2 Task Force.

3 At this time I don't think we have
4 any questions in the nature of a cross
5 examination. We actually just got some
6 information tonight from the Applicant. And
7 so hopefully during the course of this
8 evening's procedures, we'll have a chance to
9 really digest what they just gave us. So it
10 puts us sort of behind the eight ball to a
11 certain extent, but we may be able to do some
12 basis analysis of the document we just
13 received.

14 CHAIRPERSON HOOD: Okay. All
15 right. Well, thank you.

16 MR. FOXWORTH: And one other note.

17 CHAIRPERSON HOOD: Unless it's a
18 procedural question, that was all I needed at
19 this time. I wanted to honor your request.
20 You will have time to come up at the
21 appropriate time to testify, whatever you were
22 going to tell us.

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1 Okay. Any cross examination?
2 Does the Applicant have any cross examination
3 of the Office of Planning?

4 Can you get on the mike?

5 MR. FOXWORTH: We have no
6 questions, but we can answer quickly the three
7 areas because they're all been satisfied. And
8 I didn't know if we want to call a witness now
9 or just wait until later.

10 CHAIRPERSON HOOD: We can do that
11 later. Let us do that on the back end. We'll
12 probably do that during rebuttal towards the
13 end.

14 Chairperson, also, do you have any
15 cross examination of the Office of Planning?

16 For some reason, Mr. Foxworth,
17 your name stays in my mind, but maybe should
18 I be calling someone else?

19 MR. FOXWORTH: (Off microphone.)

20 CHAIRPERSON HOOD: Okay. Ms. --
21 and I don't want to mess your name up. I know
22 you just -- what was it?

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1 PARTICIPANT: (Off microphone.)

2 CHAIRPERSON HOOD: Vample. Ms.
3 Vample, do you have any cross examination?

4 MS. VAMPLE: Not at this time.

5 CHAIRPERSON HOOD: Okay. All
6 right. Let's move right into other reports of
7 other government agencies. We had the Office
8 of Planning report. We had a report from the
9 deputy mayor, Ms. Valarie Santos, which is
10 Exhibit 68. Well, we had the DOES Agreement
11 from Ms. Susan Gilbert.

12 Colleagues, am I missing anything?

13 PARTICIPANT: DDoT.

14 CHAIRPERSON HOOD: We had the DDoT
15 report. We had a report from Metro talking
16 about how exciting the development is.

17 Anything else?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay. If not,
20 I'm sure it's in the record. Hopefully I
21 didn't miss anything.

22 Okay. Now we will have the report

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1 of ANC 5-A. As the chairperson also comes
2 forward, Commissioner May, I'm going to ask
3 Mr. Quin and Mr. Baranes to come back to the
4 table along with the chairperson.

5 Commissioner May had a question --

6 COMMISSIONER MAY: Mr. Quin
7 hopefully can handle this.

8 CHAIRPERSON HOOD: Okay.

9 COMMISSIONER MAY: I just was
10 wondering, at the last hearing I asked a
11 question about contacts with and coordination
12 with the National Park Service, and then there
13 was also some testimony about a request for a
14 lighted path through the park across Galloway
15 Street. And I'm wondering what if anything
16 came of any of those contacts.

17 MR. QUIN: Nothing has come. Our
18 understanding is it was the Park Service's the
19 same position, but we'll be glad to ask. We
20 would love to have that walkway through.

21 COMMISSIONER MAY: I'm not
22 suggesting that that's in the offing. I

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1 haven't been involved in any of those
2 discussions. The walkway had been proposed to
3 the superintendent and it was rejected, is
4 that right?

5 MR. QUIN: The walkway was
6 proposed in connection with the PUD
7 immediately to the south of Fort Totten Park
8 when Rocky Gorge was the Applicant. I don't
9 know whether you were on the Commission at
10 that time or not, but that was proposed and I
11 think we can probably find some place in the
12 record where it was indicated that the Park
13 Service was not interested in pursuing that.

14 COMMISSIONER MAY: Yes. And then
15 there was early contact with the
16 superintendent, but no further follow up, or
17 nothing since the initial hearing?

18 MR. QUIN: Nothing since then, no.

19 COMMISSIONER MAY: Okay. Thank
20 you.

21 CHAIRPERSON HOOD: Okay. That's
22 great. Okay. Thank you, both.

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1 Now we'll go to the ANC report.
2 We ask Chairperson Alston to give us her
3 report, or the ANC's report.

4 MS. ALSTON: Good evening, Chair
5 Hood, and the entire Commission.

6 I am Commissioner Angel Alston and
7 I'm here this evening on behalf of ANC 5-A
8 regarding the revised application, Case No.
9 06-10, the Arts Place and Shops at Fort
10 Totten.

11 Morris and Gwendolyn Foundation
12 has worked diligently with ANC 5-A for the
13 past two years on this project and we are all
14 excited to see this project moving forward.
15 This project is special and dear to 5-A
16 because it is the first time we have had a
17 development being done by a foundation. As a
18 not-for-profit project, all the monies
19 generated is expected to be reinvested into
20 the affected area to enhance and cultivate the
21 community in and around where we live.

22 This project is positioned in

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1 three different single member districts, SMD
2 5-A-01, 5-A-02 and 5-A-03. Commissioner
3 Washington, Commissioner Roberts, and I are
4 the ANC Commissioners of these three affected
5 single member districts. Along with
6 Commissioner King, the chair for the economic
7 development of 5-A, and Commissioner Thomas,
8 who was the acting vice-chair at the time, we
9 have worked diligently and invested a
10 tremendous amount of time to make sure the
11 Arts Place at Fort Totten is a representative
12 of all of our communities. We made sure that
13 it provided the best scenario possible for
14 each of our affected single member districts.
15 Throughout the entire process this project was
16 supported by all of the Commissioners
17 involved, which made our decisions, planning
18 discussions and final decisions very
19 productive.

20 This project also includes three
21 different civic associations, Fort Totten
22 Civic Association, the Lamond-Riggs Civic

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1 Association, and the North Michigan Park Civic
2 Association. In addition, Riggs Park Tenant
3 Association was also present at meetings and
4 we have tried our utmost to accommodate and be
5 inclusive of all of our residents.

6 We have had an intriguing planning
7 process and worked together diligently to
8 ensure that all the concerns and needs were
9 properly addressed with the project's
10 developers. There have been several single
11 member district meetings, joint SMD meetings
12 and ANC 5-A community meetings to discuss
13 community concerns and the short and long-term
14 effects that this project will have on our
15 community. These meetings were held in public
16 places and the entire community was invited.
17 Each resident was allotted time to address any
18 concern and all in attendance were encouraged
19 to channel their individual concerns through
20 their respective commissioners ensuring that
21 everyone's concerns would be addressed.

22 ANC 5-A, at it's Committee of a

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1 Whole meeting on January the 10th, 2008,
2 addressed this project. It was addressed at
3 the Ward 5 Economic Development Summit at
4 Catholic University on February 23rd, 2008,
5 the single member district meeting of SMD 5-A-
6 02 special meeting on March the 20th, 2008,
7 the 5-A's regular monthly meeting on April
8 23rd, 2008. ANC 5-A met at its regular
9 meeting on May the 23rd and voted unanimously
10 to support the concept of Arts Place and the
11 Shops at Fort Totten, which allowed the
12 Foundation to file the PUD application to the
13 Zoning Commission. Single Member District 5-
14 A-02 had a special meeting on September the
15 18th, 2008, again at the Ward 5 Economic
16 Development Summit on February 28th, 2009.
17 There was a joint single member district
18 meeting of SMDs 5-A-01, 5-A and 5-A-02 and 5-
19 A-03 on May the 21st of 2009. And then a
20 single member district of 5-A-03 on Tuesday,
21 January 23rd of 2009.

22 At each of these meetings

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1 community residents, civic association
2 leaders, they were both present and gave input
3 and had an opportunity to voice their concerns
4 directly to Mr. and Mrs. Cafritz and their
5 commissioners.

6 Please note that throughout the
7 entire process of this development there was
8 never an opposition by the commissioners or by
9 the community to this project. The overall
10 view was to support the project, but to ensure
11 that the voices, views and input of the
12 community were considered.

13 The Foundation took many of our
14 concerns into consideration, and as a result
15 changed some of their building structures and
16 designs, including colors and types of
17 material. They also increased parking
18 tremendously and decreased some retail space.
19 The Foundation has also agreed to be open to
20 make future changes as it will be beneficial
21 to the aesthetics of the entire development.

22 In preparation for the upcoming

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1 PUD hearing, the commissioners met numerous
2 times outside of official community meetings
3 to discuss all of the concerns presented by
4 various communities. This included written
5 requests from the Lamond-Riggs Civic
6 Association, community concerns from SMD 5-A-
7 01, 5-A-02 and 5-A-03.

8 On June the 9th we reviewed line-
9 by-line a three-page document entitled, "The
10 Proposed Public Benefit and Amenities Package,
11 Arts Place at Fort Totten." This included,
12 but was not limited to, the topics of urban
13 design, architecture, landscaping, creation
14 and preservation of open spaces, site
15 plannings and economic land utilization,
16 effective and safe vehicular and pedestrian
17 access, transportation management measure,
18 connectivity to public transit services, and
19 other measures to migrate the traffic impacts,
20 employment and training opportunities, housing
21 and affordable housing, facilities and social
22 services, environmental benefits. And the

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1 list goes on. I have four attachments that I
2 will definitely make sure that you all see.

3 After discussing these issues and
4 gathering input from all of the five present
5 commissioners, we collectively created a list
6 of concerns that needed to be addressed by the
7 Cafritz Foundation. All the commissioners
8 were confident that we had captured the needs
9 and concerns of our entire community.

10 After this meeting, Commissioner
11 Roberts and myself attended an executive
12 commission meeting of the Lamond-Riggs Civic
13 Association held at the Lamond-Riggs Library
14 on the second floor. At this meeting we heard
15 again the concerns from the LRCA and saw draft
16 community benefit recommendations that were
17 being discussed. At this time I assured
18 members of the LRCA that we would review and
19 include their ideas and suggestions as much as
20 possible, along with all of the others
21 affected by this project.

22 When we met on June the 11th at

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1 6:30 p.m. with a representative from the
2 Cafritz Foundation, Mr. John Ray and Ting Ang,
3 Commissioner Washington, Commissioner Roberts,
4 Commissioner King and Commissioner Thomas and
5 I were present and discussed the following
6 issues: It was the 5-A's recommendations for
7 the proposed benefits and amenities package
8 offered by the Cafritz Foundation.

9 We then gathered again on July the
10 18th at the ANC office and read, reviewed and
11 made recommendations to the PUD applications,
12 drawing attachments and designs. This served
13 as another working session for the affected
14 commissioners and we compiled yet again
15 another list of projected recommendations to
16 be presented to the Foundation.

17 The Lamond-Riggs Civic
18 Association's draft of community benefits
19 dated June the 10th was very helpful, because
20 it highlighted some areas that we thought
21 could benefit the entire community, not just
22 the Lamond-Riggs Civic Association. We used

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1 the document as a tool in which to incorporate
2 SMD 5-A-01, 5-A-02 and 5-A-03 as a whole. As
3 a result, Commissioners Washington, Roberts
4 and I created, inclusive of the LRCA's
5 recommendation, a draft amenities packet that
6 would be a reflection of all the affected
7 single member districts. We all fully
8 supported this.

9 On the same day at 3:00 p.m., I
10 attended a meeting with the president, the
11 vice-president and Mr. Rodney Foxworth, Ms.
12 Victoria Leonard-Chambers and the Foundation,
13 and the architects to address the concerns of
14 the LRCA. At this time, I offered the LRCA
15 the opportunity to meet with me as chair to
16 discuss any concerns or input they still had.

17 On Monday, June the 22nd, the
18 Foundation presented us with a 10-page
19 document in response to the questions we had
20 regarding this project. This was hand-
21 delivered to Commissioner Washington and
22 myself and was emailed and faxed to

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1 Commissioner Roberts, since she was away on
2 travel.

3 On Tuesday evening, Commissioner
4 Washington, Commissioner King and I met to
5 review this document and made additional
6 recommendations and listed the remaining
7 questions that needed to be answered.

8 As planned by the commissioners
9 one week prior to, on the morning of
10 Wednesday, June the 24th, the commissioners
11 met with Mr. John Ray, Ms. Ting Ang and Mrs.
12 Cafritz. Commissioner Washington,
13 Commissioner King, Commissioner Thomas and I
14 addressed our final questions regarding this
15 project. Once again, we were all informed on
16 the differences between a for-profit and a
17 not-for-profit project. We all discussed the
18 updated proposal community benefits
19 recommendations presented by the LRCA,
20 including their request for a contribution of
21 a \$300,00 to be part of an amenities package.

22 Most of the concerns of the LRCA

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1 were taken into consideration, with the main
2 exception of the cash request of \$300,000.
3 The explanation from the Foundation was that
4 it was against the rules of the governing of
5 the Foundation. However, the LRCA, along with
6 any other non-profit organization, would be
7 welcome to apply for funds on an annual basis.

8 With the knowledge of all three
9 affected commissioners, we discussed the
10 responses of the Foundation and worked to make
11 sure our community issues and concerns had
12 been properly addressed on all topics
13 including community benefits, employment,
14 density, traffic, senior living, retail and
15 green space.

16 Commissioner Roberts, in
17 preparation for her absence, asked would we
18 allow a conference call vote to support the
19 project and asked if we could give
20 Commissioner King or her son her proxy since
21 she would be out of town for this meeting.
22 Unfortunately the conference call vote is not

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1 allowed in our bylaws, so her vote was
2 mentally in favor, but went unrecorded due to
3 her absence.

4 Later that afternoon, Commissioner
5 Roberts called in to a follow-up meeting to
6 give her final input on the 10-page letter
7 presented by the Foundation. With everyone's
8 input, including Commissioner Roberts via
9 speaker phone, all of our considerations for
10 SMD 5-A-01, 5-A-02 and 5-A-03 were
11 acknowledged and the final draft was compiled
12 resulting in the following resolutions and
13 attachments. I'll read to you the attachment
14 and then I won't read the resolution in
15 detail.

16 ANC 5-A Draft Amenities Package
17 for the Arts Place at Fort Totten dated June
18 24, 2009. Recommendations for Community
19 Benefits. "The Friends of the Arts Place will
20 establish a 501(c)(3), maintain, manage and
21 represent the residents of the single member
22 districts of 5-A-01, 02, 03 and the project in

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1 it's entirety. The Friends of Arts Place will
2 consist of three affected ANC commissioners,
3 two members from the single member district,
4 and one member from the residential building
5 and representatives from each business in the
6 project. The Friends of the Arts Place will
7 partner with all of the businesses within the
8 project to maintain an open line of
9 communication and ensure proper decision
10 making for the entire community.

11 The Friends of the Arts Place will
12 apply on a yearly basis giving great
13 consideration to fund the following services
14 in SMD 5-A-01, 5-A-02 and 5-A-03, but not
15 limited to: Provide many grants within the
16 three affected ANCs, which will be dispersed
17 throughout an approved grant application
18 process; to finance educational programs as
19 needed for public and charter schools within
20 the three affected SMDs to help fund athletic
21 activities, equipment, supplies and/or
22 resources for youths, senior citizens and

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1 residents in our community; to help fund
2 school in the extracurricular activities,
3 equipment and other resources in the local
4 community; quarterly newsletters to be
5 distributed throughout the affected SMDs;
6 administrative fees to fund, manage the
7 disbursement of these funds; yearly community
8 days and events to keep the connection between
9 the existing residents and the current
10 community; community clean up; create an
11 employment bank boot camp to develop,
12 advertise significant jobs, internships and
13 contracting opportunities.

14 When we looked at the community
15 benefits, the office space for the ANC, which
16 was 600 square feet, equipped with office
17 furniture, communications and presentation
18 technology to create and maintain a public
19 meeting space for ANC 5-A, the community, the
20 SMD and special meetings, events, etcetera.
21 Partnership with the National Park Service to
22 pave and light the current adjacent trails,

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1 walkways through the community."

2 If I could address the issue that
3 was asked with the National Park Service, the
4 National Park Service and that parcel of land
5 where they were talking about the walk through
6 is actually in SMD 5-A-03. The initial
7 conversation was brought up with myself and
8 the superintendent because as a community we
9 were trying to make that a safe walkway. And
10 what we were told is that because there are no
11 long-standing partnerships, the National Park
12 Service has kind of strayed away from
13 partnering. But since this is land that's
14 owned by the Cafritz and is not to be sold, or
15 with no intention to be sold, they are taking
16 ownership of the land. So if they would be
17 willing to maintain the lights that the
18 National Park Service installs, then that
19 wouldn't be an issue. And that's where the
20 dialogue came in. Want me to explain it a
21 little further?

22 COMMISSIONER MAY: No, just what

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1 are you referring to?

2 MS. ALSTON: The walkway that you
3 asked.

4 COMMISSIONER MAY: That's across
5 Galloway Street?

6 MS. ALSTON: Yes.

7 COMMISSIONER MAY: That land is
8 National Park Service land.

9 MS. ALSTON: Yes, that's what I --

10 COMMISSIONER MAY: Oh, I thought
11 you said --

12 MS. ALSTON: It's owned by the
13 National Park Service.

14 COMMISSIONER MAY: Right.

15 MS. ALSTON: No, but because the
16 Cafritz project is right next to it, just
17 literally across the street --

18 COMMISSIONER MAY: Across the
19 street, yes.

20 MS. ALSTON: Yes, sir. When they
21 replace their lights, they said that they
22 would have no problem with partnering with the

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1 National Park Service to maintain the lights
2 that will be installed within that walkway
3 with the National Park Service.

4 COMMISSIONER MAY: Okay. But the
5 Park Service didn't -- are those existing
6 lights?

7 MS. ALSTON: No, they would have
8 to be installed.

9 COMMISSIONER MAY: Right.

10 MS. ALSTON: But at no cost to
11 National Park Service.

12 COMMISSIONER MAY: Right. And did
13 the Park Service agree to have lights
14 installed?

15 MS. ALSTON: As long as they don't
16 have to pay for them and maintain them. And
17 that's where Cafritz Foundation came in.

18 COMMISSIONER MAY: But that's not
19 being proffered as part of this project, as I
20 understand it.

21 MS. ALSTON: It was in discussion.
22 So that's how we --

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1 COMMISSIONER MAY: Okay.

2 MS. ALSTON: Okay.

3 COMMISSIONER MAY: All right.

4 That's fine. That's a separate discussion
5 that can occur with the superintendent.

6 MS. ALSTON: Okay. To continue
7 with the community outreach benefits --

8 CHAIRPERSON HOOD: Let me just
9 ask, the superintendent, is that Ms. Coleman?

10 COMMISSIONER MAY: Yes.

11 CHAIRPERSON HOOD: Okay.

12 COMMISSIONER MAY: Yes, I'm
13 surprised that there would be an agreement to
14 install lights, but I don't think that they're
15 actually -- if it hasn't been formalized yet,
16 then maybe there's a further discussion that
17 would have to be had. But in any case, that's
18 not part of this case.

19 MS. ALSTON: Yes. Okay. The
20 community outreach benefits. To ensure that
21 the Foundation and the contractors would
22 obtain the necessary insurance to repair and

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1 compensate any damages that may occur to the
2 existing properties caused by the development.
3 To create a waiting list for the residents of
4 the Riggs Park, once transitional age occurs,
5 to ensure priority placement in senior units.

6 Again, they've already signed the
7 First Choice Agreement and to provide
8 residents of the affected SMDs with special
9 and discounted passes to the cultural events
10 and the businesses. And also to ensure that
11 ANC 5-A had input on the selection of stores
12 and establishments. And the relocation of the
13 memorial for the Ward 5 student and teacher
14 who were killed in the 9/11 attack.

15 In conclusion, to this last
16 meeting with Commissioner Roberts and the
17 three affected commissioners, along with
18 Commissioner King and Commissioner Thomas,
19 fully supported this project and we felt
20 comfortable in bringing our recommendations
21 before the entire Commission for a vote.

22 Whereas, at its properly noted

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1 regular meeting on Wednesday, June the 24th of
2 2009, ANC 5-A considered and adopted its
3 project on the Arts Place and Shops at Fort
4 Totten PUD and zoning map amendment
5 application No. 06-10.

6 Eleven members of the ANC
7 constituted a quorum. With 11 members in
8 attendance, the chairperson, myself,
9 determined the presence of a quorum.

10 After discussion, a motion was
11 made by Commissioner Smith, seconded by
12 Commissioner Thomas and the ANC supported the
13 Arts Place and Shops at Fort Totten and
14 authorizes Commissioner Alston to represent
15 them at the Arts Place and Shops at Fort
16 Totten PUD and map amendment application
17 pending before the Zoning Commission. The
18 motion was approved by eight votes, one no,
19 and two abstentions.

20 During all of our community
21 meetings there are two segments allotted for
22 community concerns, one at the beginning and

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1 one at the end. At this time there were no
2 concerns from the community regarding this
3 project.

4 Following the community concerns,
5 we moved to the next item on the agenda, which
6 was the vote for the Arts Place at Fort
7 Totten. Even though there were continuous
8 discussions throughout the year regarding this
9 project with the community present and their
10 voices heard, there was still some discussion
11 by various commissioners regarding this
12 matter. The following action to support the
13 project subsequently took place.

14 Therefore, be it resolved that
15 Advisory Neighborhood Commission 5-A supports
16 the Arts Place and Shops at Fort Totten
17 project as described in the Foundation's
18 application for Zoning Commission approved for
19 all planned unit development and map
20 amendment.

21 The commissioners voting yes, it
22 was Commissioner Sandi Washington, myself,

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1 Herman Preston, John Feeley, Jr., Timothy
2 Thomas, Shirley Smith, Phillip Blair and
3 Robert Bob Cain. Commissioners voting no,
4 Carolyn Steptoe. Commissioners abstaining,
5 Stephen McCoy and Janae Grant. And the
6 commissioner who was absent was Commissioner
7 Patricia Roberts.

8 More than a year has passed since
9 ANC 5-A unanimously passed a resolution to
10 support the conceptual plan for the
11 development of Arts Place at Fort Totten on
12 the May the 28th, 2008.

13 As a representative of ANC 5-A, I
14 urge the Commission to vote favorably on the
15 revised application of the Zoning Commission
16 case No. 06-10.

17 In appreciation for all the
18 Foundation has done throughout the city, and
19 especially because of the amount of money that
20 has been reinvested in our community, \$5
21 million in Ward 5 in the last five years, we
22 should allow the Cafritz Foundation the

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1 opportunity to revitalize our community and
2 enhance it through continuously reinvesting
3 into us.

4 It is time to replace these old
5 apartments with vibrant mixed-use development
6 that will improve the quality of life,
7 amenities, facilities and much needed services
8 to our overall community.

9 How will we benefit? The
10 Cafritzes are our neighbors. They have been
11 a part of our community for over 50 years. We
12 need affordable housing and a project that
13 makes Ward 5 first priority in their
14 development.

15 We will continue to utilize the
16 open line of communication between the
17 Cafritzes, the development team, and their
18 experts. Whenever changes are made, we are
19 notified and allowed to give first hand input
20 on what it is we like and do not like about
21 the project. We work diligently with the
22 Office of Planning, DDoT and the developers to

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1 create a development worth modeling to be
2 copied by all others.

3 We look forward to this vibrant
4 mixed-use community and the opportunity to
5 create a development that meets the goals of
6 our city. We believe that it balances the
7 city and it also maintains the scale of our
8 community. We look forward to them providing
9 safe and secure walkable pedestrian accesses
10 to and from the Metro and to the retail
11 stores. They've also incorporated the designs
12 and brick fronts by the constituents and the
13 existing communities in which we've asked.

14 At the end of the day we ask that
15 you all support the efforts of ANC 5-A. It's
16 not about one SMD, one community, it's about
17 the three affected SMDs and the community as
18 a whole. Thank you very much.

19 CHAIRPERSON HOOD: Thank you,
20 Chairperson Alston. I've heard a lot of
21 presentations by the ANC, but sitting up here
22 listening, you took us all the way from the

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1 beginning, all the way through the whole
2 process. And I think there was a lot of work
3 done and time put in by you and your
4 Commission and we greatly appreciate that.

5 MS. ALSTON: Thank you, sir.

6 CHAIRPERSON HOOD: Okay. Let's
7 open it up. Colleagues, any questions to the
8 chairperson? Any questions?

9 (No audible response.)

10 CHAIRPERSON HOOD: And I
11 appreciate you noting the vote that was taken.
12 Could you just repeat for the record so I can
13 make sure I understand? You had one
14 abstention and I think that was -- no, I'm
15 sorry. One vote against, and that was
16 Commissioner Steptoe, am I correct?

17 MS. ALSTON: Yes, sir.

18 CHAIRPERSON HOOD: Okay.

19 MS. ALSTON: One vote against, two
20 abstentions and one commissioner was absent.

21 CHAIRPERSON HOOD: Okay. But you
22 had eight votes in favor?

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1 MS. ALSTON: Yes, sir.

2 CHAIRPERSON HOOD: Okay. All
3 right. Well, thank you so much.

4 Any questions, colleagues?

5 (No audible response.)

6 CHAIRPERSON HOOD: If you would
7 just hold your seat.

8 Does the Applicant have any
9 questions?

10 (No audible response.)

11 CHAIRPERSON HOOD: Does Lamond-
12 Riggs have any questions?

13 Okay. Ms. Vample, if you would
14 come forward. Come forward. Come forward.

15 MS. VAMPLE: Yes, I just wanted to
16 clarify a couple of things.

17 CHAIRPERSON HOOD: Let me just
18 say, typically we only have one person do the
19 cross examination.

20 PARTICIPANT: Okay.

21 CHAIRPERSON HOOD: Okay. I mean,
22 but you can sit there and maybe give her --

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1 that way, we won't have to come back another
2 night.

3 PARTICIPANT: Sure.

4 CHAIRPERSON HOOD: There's another
5 ward in this city it messes up, that was going
6 to us to court. We had to come back another
7 night. So we now have been as lenient as
8 we've been in the past. So if you can write
9 them down and give them to her, that would be
10 better.

11 MS. ALSTON: Excuse me, sir. And
12 if that's the case, can I ask Commissioner
13 King to join me since he is the --

14 CHAIRPERSON HOOD: Commissioner
15 King can come up. And if we all have to come
16 back another night, we'll blame it on the four
17 that are sitting here now.

18 MS. ALSTON: No problem.

19 CHAIRPERSON HOOD: Okay. Come on
20 up. And he'll do the same thing. Want to
21 make sure we keep it across the board.

22 Help me out. Yes, they'll just

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1 whisper. They won't be speaking into the
2 microphone. They'll be working with both of
3 the ladies at the table.

4 MR. FOXWORTH: Chairman Hood, is
5 it customary to swear people in under oath to
6 tell the truth and that kind of stuff before
7 we begin, or is that presumed to be part of
8 your proceedings?

9 PARTICIPANT: We did that already.

10 CHAIRPERSON HOOD: I just thought
11 we had this under control. Mr. Foxworth, I
12 thought that you were going to talk -- you
13 missed it.

14 MR. FOXWORTH: Yes, I missed it.
15 I came in a little later.

16 CHAIRPERSON HOOD: Oh, you missed
17 being sworn in?

18 MR. FOXWORTH: Yes.

19 CHAIRPERSON HOOD: You want to be
20 sworn in? That's it.

21 MR. FOXWORTH: Sure, and I presume
22 that --

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1 CHAIRPERSON HOOD: But you're not
2 going to be testifying. You're not going to
3 be speaking to us. Ms. Vample will.

4 MR. FOXWORTH: No, Ms. Vample.

5 CHAIRPERSON HOOD: At least not
6 now.

7 MR. FOXWORTH: Okay. I just
8 didn't know if the chairman and ANC
9 Commissioner King had been sworn in.

10 MS. ALSTON: I was here on time
11 and was sworn in --

12 CHAIRPERSON HOOD: Mr. King is
13 also -- you and Mr. King -- let's get this
14 straight. You and Mr. King are in the same
15 boat. The two ladies again will be speaking.
16 And I think both of them were here. Both of
17 them have been sworn in. Okay.

18 MS. VAMPLE: There are a couple of
19 things at a minimum I want to clarify.

20 One of them --

21 CHAIRPERSON HOOD: This is cross
22 examination.

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1 MS. VAMPLE: Right. A question,
2 certainly.

3 CHAIRPERSON HOOD: That's all
4 right. We're going to get through this.
5 Cross examination is a question.

6 MS. VAMPLE: One question I just
7 wanted to clarify, if you can answer it for
8 me, in light of your very detailed explanation
9 about the meetings and the correspondence,
10 which we do appreciate, we know they're for
11 the record, I was curious about the level of
12 true involvement that the community
13 associations had. And particularly since we
14 are aware that in terms of the Friends of the
15 Arts Place, for example, one of the initial
16 scenarios that --

17 CHAIRPERSON HOOD: Ms. Vample, are
18 we going to get to a question?

19 MS. VAMPLE: A question. I'm
20 sorry.

21 CHAIRPERSON HOOD: Okay.

22 MS. VAMPLE: The Friends of the

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1 Arts Place, could you explain when that
2 scenario was presented to the Cafritz
3 Foundation why there was explicit exclusion of
4 community associations from being involved in
5 that entity?

6 MS. ALSTON: I did not, for the
7 record; if you want to go back and listen to
8 it, say that anyone was excluded from the
9 board of directors for this not-for-profit
10 that is to be established.

11 MS. VAMPLE: Is that a revision
12 from correspondence between you and the
13 Cafritz Foundation that was written back in
14 the spring of '09 which did have that
15 exclusionary language? And that
16 correspondence was in direct response to your
17 request to exclude community associations from
18 the Friends of the Arts Place.

19 MS. ALSTON: There was never an
20 exclusion of anyone to participate or be a
21 part of the Friends.

22 MS. VAMPLE: So you're saying the

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1 correspondence is inaccurate, in black and
2 white?

3 MS. ALSTON: Do you have a
4 particular date you're referring to of this
5 correspondence?

6 MS. VAMPLE: It was between March
7 -- probably between February and May of '09.

8 MS. ALSTON: Okay. So, what is it
9 that you're asking specifically who will be
10 excluded?

11 MS. ALSTON: Well, I was just kind
12 of curious, as you talked about the bonding
13 that all the community associations were doing
14 with 5-A, why 5-A would articulate a position
15 that it wanted the community associations
16 excluded from the Friends of the Arts Place.

17 MS. ALSTON: Again, there was no
18 mention that anyone be excluded from
19 participating in the not-for-profit that is to
20 be established once this project is approved
21 or moves forward.

22 MS. VAMPLE: I guess to move on

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1 from that, what we'll do separately is just
2 provide that correspondence for the record.

3 MS. ALSTON: That's fine.

4 CHAIRPERSON HOOD: You can do that
5 at your testimony. But let me just say that
6 one thing that's helpful to my four
7 colleagues, the fifth one who's going to read
8 the record, would be that we deal with issues
9 that are germane to help us make an informed
10 decision. While I know there may have been
11 some issues that people don't feel like that
12 happened, but again we're dealing with zoning.
13 We don't want to have to rehash the civic
14 association or ANC meeting down here. We want
15 something helpful for us to make our decision
16 and we want to make sure we get as accurate as
17 possible the viewpoints of the community. And
18 we do have a complete file. So I would ask
19 any questions that we do cross examination,
20 that remember when you're asking those
21 questions, make sure it's helpful to my
22 colleagues and I.

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1 MS. VAMPLE: As the ANC
2 commissioner has articulated the background of
3 the resolution, the commissioner is aware that
4 there are some disputes about the validity of
5 that resolution.

6 MS. ALSTON: I can't address that
7 weren't brought to my attention. I have not
8 been asked or made note of anyone that
9 believing the validity of our resolution.

10 MS. VAMPLE: But you're aware that
11 there is a complaint filed with the office of
12 the ANC?

13 MS. ALSTON: I am not.

14 MS. VAMPLE: Okay. Well, there is
15 one.

16 MS. ALSTON: Okay. That's not a
17 question, that's a statement.

18 MS. VAMPLE: Right. I was just
19 responding to your statement just for
20 clarification so everyone can be on the same
21 page.

22 CHAIRPERSON HOOD: And I think the

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1 chairperson is exactly -- I'm not taking
2 sides, but she's right. You're supposed to
3 ask a question.

4 MS. VAMPLE: Okay.

5 CHAIRPERSON HOOD: And once you
6 answer the question, we will end it. Let's do
7 this. Ask the question, answer. That's it.
8 Ask another question and answer the question.

9 MS. VAMPLE: Right. I'll try not
10 to belabor it too much longer.

11 We also want to get a sense of,
12 the ANC commissioner was articulating, we do
13 understand the priority that 5-A has in
14 shepherding the project along. I just wanted
15 to get a little bit more clarity as to in
16 terms of Lamond-Riggs community as a whole
17 when the ANC 5-A commissioner began her
18 outreach toward the various civic associations
19 she cited in her testimony.

20 MS. ALSTON: The representative
21 that sits on the Advisory Neighborhood
22 Commission for that particular area is

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1 Commissioner Patricia Roberts. It is not the
2 ANC's responsibility to go out when there is
3 an active member of the ANC that's elected in
4 her single member district. We rely on her to
5 do her due diligence and her hard work in her
6 own single member district and come back and
7 bring to us the concerns and inputs of her
8 community. Once that is done, which
9 Commissioner Roberts has done, has set at the
10 table with us and read over and went through,
11 that's what we take it as. That community
12 elected her, not us. So we go off what she
13 brings to us.

14 MS. VAMPLE: So I just wanted to
15 also clarify that you did say earlier that his
16 property is in three SMDs, is that not
17 correct?

18 MS. ALSTON: It is.

19 MS. VAMPLE: So, in addition to
20 Commissioner Roberts would the other
21 commissioners have due diligence to do the
22 same type of communication plan?

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1 MS. ALSTON: Yes, in their own
2 SMDs. We don't go in other people's single
3 member districts.

4 MS. VAMPLE: Okay. Could you give
5 me an example of things that you might have
6 done in that nature? Just one example, or
7 two.

8 MS. ALSTON: Meetings. Notices.
9 Seven-day notices. Community meetings. When
10 people come out, they address their concerns.
11 That's outreach.

12 MS. VAMPLE: Another question,
13 Obviously, you know, our understanding is one
14 of the larger associations is the Lamond-Riggs
15 Civic Association. And we wanted to get a
16 sense of when did North Michigan Park and Fort
17 Totten Square's associations areas expand to
18 include the Fort Totten area? And also what
19 type of outreach was done specifically to
20 those organizations regarding this project?

21 MS. ALSTON: Okay. Let me say
22 this one more time. With each single member

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1 district there is an elected ANC commissioner.
2 It is that commissioner's job to call an
3 meeting with her residents. The Lamond-Riggs
4 Civic Association is not by far the largest,
5 most participative civic association in Ward
6 5. The North Michigan Park Civic Association
7 is quite active and is quite large. And that
8 civic association has had presentations and
9 there has also been two single member district
10 meetings in their communities to hear updates,
11 give concerns and have input on this project
12 through their respected commissioners.

13 MS. VAMPLE: And you were aware,
14 commissioner, that when I was talking about
15 the largest community organization I was
16 talking about in terms of Lamond-Riggs
17 community, not specific to Ward 5?

18 MS. ALSTON: Okay. Lamond-Riggs
19 Civic Association is not the largest civic
20 association in between the North Michigan Park
21 or the Fort Totten. If you have numbers that
22 prove that, I'd be more than welcome to look

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1 at it.

2 CHAIRPERSON HOOD: Let me ask
3 this. Lamond-Riggs, North Michigan Park, what
4 about the membership? How is that going to
5 help us in dealing with this zoning
6 application before us, about how many members
7 -- I'm not understanding. Your question may
8 be valid. I'm just not understanding. Maybe
9 you could help us.

10 MS. VAMPLE: Well, obviously --
11 and I'll just make this statement just as a
12 point of clarification. Obviously, as you've
13 probably strongly inferred throughout the
14 testimony and our cross examination, there are
15 unresolved issues regarding communication,
16 protocol, procedure, etcetera, which is
17 framing the nature of our cross exam. I don't
18 necessarily think that -- because we can spend
19 a lot of time talking about it and some of
20 these issues will be resolved, hopefully on an
21 ongoing basis. But we just obviously since we
22 felt that the commissioner's testimony had a

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1 strong bent to it. We wanted to at least get
2 some of the questions we had on the record
3 regarding the reason for that bent.

4 CHAIRPERSON HOOD: Well, let me
5 just say, I think your point has been well
6 made and we get it.

7 MS. VAMPLE: Okay. And we will
8 hopefully deal with this in a different matter
9 going forward.

10 CHAIRPERSON HOOD: Different
11 matter of different form?

12 MS. VAMPLE: Different form.

13 CHAIRPERSON HOOD: Okay. Great.
14 Okay. I think we got the gist of your cross
15 examination.

16 MS. ALSTON: Any other questions
17 you have?

18 MS. VAMPLE: That is all we have
19 at this time.

20 CHAIRPERSON HOOD: That's all?
21 Okay. Great.

22 I had called for ANC 4-B once

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1 before and no one was here. No one I don't
2 think has been here, the chair for ANC 4-B, at
3 either time. So let the record reflect that
4 I will not be calling for ANC 4-B again.

5 Chairperson Alston?

6 MS. ALSTON: Yes. The affected
7 ANC commissioner, Mr. Sloane, said that
8 because it was a 5-A and not a 4-B issue he
9 was not interested in testifying.

10 CHAIRPERSON HOOD: Okay. Ms.
11 Vample, do you have any other cross
12 examination?

13 MS. VAMPLE: No, not at this time.
14 Only a question regarding the statement from
15 Douglas Sloane. Obviously, if the
16 commissioner has a written statement from Mr.
17 Sloane supporting that, that would be the
18 ideal scenario.

19 CHAIRPERSON HOOD: We actually
20 have something.

21 MS. VAMPLE: We have been in
22 communication with him, so that would be any

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1 type of clarifying --

2 CHAIRPERSON HOOD: I thought we
3 had something from somebody.

4 MS. SCHELLIN: We had something
5 that just said that they wouldn't be filing
6 anything.

7 CHAIRPERSON HOOD: Wouldn't be
8 filing anything?

9 MS. SCHELLIN: That was from back
10 in the summer.

11 CHAIRPERSON HOOD: Okay.

12 MS. VAMPLE: Okay. Thank you.

13 CHAIRPERSON HOOD: All right.

14 Thank you, both.

15 MS. ALSTON: Thank you very much.

16 CHAIRPERSON HOOD: Oh, thank you
17 all and thank you to your sidekicks also.

18 Okay. Let's move the party in
19 support with conditions.

20 Ms. Vample, I hate to keep having
21 you play musical chairs, but it's now time for
22 the Lamond-Riggs Citizens Association to come

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1 forward and present their case.

2 MS. VAMPLE: I have a copy of the
3 written testimony. I was going to give that
4 to --

5 CHAIRPERSON HOOD: Pass it to Ms.
6 Schellin to my left. Thank you.

7 I believe you all asked for 15
8 minutes?

9 MS. VAMPLE: Yes.

10 CHAIRPERSON HOOD: You asked for
11 15 minutes?

12 MS. VAMPLE: Yes, 15 minutes.

13 CHAIRPERSON HOOD: Okay.

14 MS. VAMPLE: Hopefully it will be
15 quicker than that.

16 CHAIRPERSON HOOD: Thank you.

17 MS. VAMPLE: Okay. I'll begin
18 now.

19 My name is Gwen Cofield Vample and
20 I'm representing the Lamond-Riggs Citizens
21 Association, LRCA, as co-chair for its
22 development task force.

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1 LRCA wants to thank the Commission
2 for yet another opportunity to address the
3 Cafritz --

4 CHAIRPERSON HOOD: Excuse me. I
5 saw something with their hand up. You can't
6 hear in the back?

7 MS. VAMPLE: Okay. Sorry.

8 CHAIRPERSON HOOD: Okay.

9 MS. VAMPLE: Okay.

10 CHAIRPERSON HOOD: Speak right
11 into it.

12 MS. VAMPLE: Okay. Certainly.

13 LRCA wants to thank the Commission
14 for yet another opportunity to address the
15 Cafritz Arts Place planned unit development.
16 This is a critical PUD for our community
17 because it is likely to set a precedent in our
18 community for future development in Lamond-
19 Riggs. That's why we are so adamant that this
20 development complements our residents' visions
21 for our community and provide meaningful
22 amenities and benefits for current as well as

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1 future residents.

2 As you know, the LRCA has
3 represented the Lamond-Riggs community,
4 consisting of approximately 24,000 residents,
5 who live in both Wards 5 and 4, for more than
6 60 years. We are represented by Council
7 Members Harry Thomas in Ward 5 and Muriel
8 Bowser in Ward 4, in addition to the ANC
9 Commissions in both wards. Our boundaries
10 include the entire proposed Arts Place PUD
11 area.

12 As LRCA, through its development
13 task force, analyzed the Arts Place PUD as it
14 went through the planning stages, we believe
15 that generally the project could be an asset
16 to the community and will provide needed
17 residential, senior, retail, cultural and
18 community amenities for Lamond-Riggs.
19 Further, we acknowledge the vested interested
20 of the Cafritz Foundation has had in the
21 Lamond-Riggs community for many decades.

22 On the other hand, we saw several

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1 disadvantages for the residents we represent,
2 including changed sight lines, particularly in
3 light of the significant increase of building
4 height that is completely out of character
5 with the surrounding community; significant
6 impact of traffic and pedestrian safety due to
7 the increase in vehicular and foot traffic
8 that will result from this project; a
9 significant increase in population density of
10 approximately 929 to 950 new apartments and
11 the resulting impact on crime, pollution and
12 demand for limited city services such as
13 police, fire, EMS, etcetera, and of course,
14 our community resources such as library, rec
15 centers, etcetera; construction disruptions;
16 affects on home values and property taxes for
17 our many retired residents living on fixed
18 income; and significant impact on residential
19 parking due to expected efforts by new PUD
20 residents and patrons to park in the existing
21 neighborhood.

22 We're also skeptical about whether

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1 the PUD complemented our vision of Lamond-
2 Riggs which residents developed in a 2007
3 visioning exercise that was imbedded in the
4 Office of Planning's small area plan. Among
5 other recommendations, residents
6 overwhelmingly stated that density should be
7 limited. Our view of the PUD was also
8 affected by other new and proposed development
9 in our area, including the existing Fort
10 Totten Station and proposed Fort Totten Square
11 and West Group developments, and proposed
12 redevelopment plans which are long term for
13 the Fort Totten Square Metrorail station.

14 Going out one-third of a mile,
15 these existing and proposed projects total
16 2,400 new units and approximately 4,800 new
17 residents, plus the approximately up to 950
18 units and at least 1,800 new residents with
19 Arts Place. We acknowledge that the District
20 government's vision is to add more density
21 near Metro stations to encourage public
22 transit residential hubs, but this is still a

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1 disturbing increase in density in a community
2 that takes pride in its relatively quiet
3 residential character.

4 Several years ago as the task
5 force and LRCA analyzed various development
6 projects, and in particular the proposed Fort
7 Totten Square, we came up with a series of
8 community recommendations in the areas of
9 density, design, retail and community
10 benefits. We're pleased to know that the
11 Cafritz Foundation received a copy of these
12 general recommendations and reviewed them in
13 the early planning stages of their proposed
14 PUD. We were also aware of the fact that the
15 Foundation representatives were in
16 consultation with certain ANC 5-A
17 representatives and would make presentations
18 within their SMDs, some of which our LRCA
19 and/or task force representatives would
20 attend.

21 However, LRCA represents the
22 larger community that encompasses

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1 neighborhoods in both Wards 4 and 5 affected
2 by this project and its task force works
3 directly on development projects in both
4 wards. To that end, our process is to engage
5 developers in work sessions rather than
6 presentations to determine areas of agreement,
7 fine tune areas of slight differences of
8 opinion, and agree to disagree regarding other
9 issues.

10 Until last spring we were very
11 concerned that we had been unable to establish
12 such a process with the Foundation and were
13 further concerned about how carefully the PUD
14 was being analyzed within the ANC 5-A
15 Commission, how communication was lacking on
16 certain procedural issues between LRCA and 5-
17 A, such as knowledge of the setdown hearing,
18 and much later on procedural issues within 5-A
19 in terms of passing what we believe is a
20 questionable resolution. And for the record,
21 LRCA filed a complaint with the city's Office
22 of ANCs regarding ANC 5-A's -- what we feel is

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1 a violation of its bylaws and the open meeting
2 regulations. And we have attached that as
3 part of our written testimony.

4 Notwithstanding this, the task
5 force continued to analyze the PUD as it
6 evolved and developed a series of initial
7 recommendations specific to that project, to
8 include limiting the number of total
9 residential units to 600, to include the
10 existing Riggs Plaza apartment residents;
11 dispersing subsidized units for current
12 residents as equally as possible throughout
13 all buildings and floors; developing parking
14 regulations and a traffic management plan
15 that, among other things, will create traffic
16 and parking diversion measures away from the
17 existing residential community; limiting all
18 residential and non-residential building
19 heights to five stories; using building
20 materials that are complementary to the
21 community's character. In terms of retail,
22 having a brand name grocery store with a

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1 pharmacy, a good mix of chain and independent
2 stores, and more of an emphasis on locally-
3 based businesses and a high quality anchor
4 store. Having certain community benefits
5 including community meeting space; significant
6 green space for the general public; job
7 internship and professional contracting
8 opportunities; naming certain public areas of
9 the development for African-American and
10 minority artists and performers; establishing
11 a regular meeting schedule with community
12 representatives regarding PUD updates.

13 And similar to what has been a
14 part of several other approved PUDs, providing
15 a financial package; we suggested \$300,000,
16 for almost 10 community organizations,
17 including the ANC 5-A and LRCA, to help
18 support community functions whose resources
19 will be even more strained as a result of the
20 increased density. And besides that, approved
21 PUD orders do have financial packages.

22 As our concerns became known, we

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1 were able to begin more direct engagement with
2 Foundation representatives, which included a
3 meeting at the law offices of Manatt, Phelps
4 & Phillips. That was a fair start. The
5 meeting was more of a sharing of views and
6 positions rather than a process of working
7 toward a compromise and most issues remained
8 unresolved.

9 Subsequently, Foundation
10 representatives and the task force gave a
11 presentation at the special meeting of ANC 4-
12 B. Again, several issues remained unresolved.
13 And disconcertedly, comments were made that
14 strongly questioned our financial package
15 recommendations despite the fact that such
16 recommendations are not unusual in the PUD
17 process.

18 By this time it was clear that
19 despite our general view that the overall PUD
20 showed much promise, our underlying concerns
21 and the lack of a methodology to address them
22 meant LRCA had to obtain party status as

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1 opponents to the project. Of course, this was
2 followed by the July 2nd hearing, the facts to
3 which are on the record. A key result coming
4 out of that hearing was a clear opportunity
5 for the task force and the Cafritz Foundation
6 representatives to engage in a work session,
7 which occurred on July 15th, 2009.

8 Task Force and Cafritz
9 representatives also had fruitful follow-up
10 discussions. Cafritz representatives
11 presented their latest plans at the October
12 5th, 2009 LRCA general meeting and Mr. Cafritz
13 summarized other issues within an October 8th
14 letter to the LRCA president.

15 The end result was we found much
16 to agree on, as follows: In terms of parking
17 and traffic, Cafritz representatives agree to
18 develop with LRCA and community
19 representatives; a comprehensive traffic and
20 parking plan that addresses traffic, parking,
21 traffic signals, etcetera for the whole PUD;
22 design. The Cafritz representatives agree to

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1 select complementary color brick and exterior
2 materials to match and/or be compatible with
3 the homes in the community.

4 At the October 5th LRCA meeting,
5 we did express concerns that certain colors
6 were too bright and certain materials made the
7 building look too industrial. Foundation
8 representatives indicated that they were
9 reviewing the use of warmer colors. And I do
10 see with the new design it does look, in our
11 view, less industrial. We had noted that the
12 sharp-edged look at the corner of Galloway and
13 South Dakota was too severe and therefore we
14 raised the possibility of a look similar to
15 the Flatiron Building in New York City. A
16 Cafritz representative said he would discuss
17 that with management. We did notice that that
18 entire edifice or section has been closed off.
19 The sharp edge is a little bit severe, but we
20 do think the closing off is advantageous.

21 Regarding retail, Cafritz
22 representatives agreed to open what we call

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1 the TRB, what would really mean a brand name
2 grocery store with pharmacy; open an anchor
3 retails store in its subsequent phases, whose
4 presence is primarily designed for D.C.
5 residents and is not an inordinate amount of
6 commuters; and open a good mix of chain and
7 independent stores with emphasis on local
8 businesses and with a focus on small scale
9 neighborhood shopping.

10 Density. The Cafritz
11 representatives agreed to disperse non-senior
12 subsidized units throughout the two
13 residential buildings.

14 Community benefits. The Cafritz
15 representatives agreed to work with LRCA in
16 referring community residents for employment
17 business opportunities; significantly involve
18 the community in any discussions about moving
19 the library over to the PUD and assisting the
20 community to ensure that the current library
21 site is designated for non-commercial use;
22 name certain public areas of the development

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1 in honor of African-American/minority artists
2 and performers, especially those from Lamond-
3 Riggs and Ward 5; work with LRCA in building
4 relationships with cultural organizations and
5 Arts Place so they can partner with community
6 representatives and develop various free and
7 discounted cultural and arts projects,
8 programs and other opportunities using
9 community residents; provide 600 square feet
10 of office space for ANC 5-A and access to a
11 separate community room for 5-A and other
12 Lamond-Riggs community organizations to use as
13 requested; hold meetings with LRCA and
14 community representatives every six months to
15 discuss PUD-related issues that impact the
16 community; leave open further discussions on
17 the need for a police substation and ensure
18 that the general public had access to certain
19 areas of the PUD that are named in honor of
20 the artists mentioned earlier.

21 We want to note that in the
22 written testimony you have we did indicate an

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1 area that the Cafritz Foundation agreed to
2 partner with LRCA if the Foundation develops
3 or assists in developing a community
4 association or organization related to the
5 PUD. This goes back essentially to the
6 Friends of the Arts Place scenario. And we
7 did want at some point going forward more
8 clarity regarding the correspondence I
9 mentioned that occurred early this year
10 between the Foundation and the ANC
11 commissioner to basically ensure that the
12 Friends of the Arts Place is open to all
13 stakeholders within the community and there is
14 no exclusionary language.

15 And moving on to areas of what
16 we'll call disagreement, and these are areas
17 not adversarial, just areas where we have
18 agreed to disagree. And these are the key
19 areas.

20 Design. Obviously, building
21 height is still a key issue for us. We know
22 the Cafritz Foundation has tweaked the design,

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1 but ideally, you know, we would prefer five or
2 six stories max. The Cafritz Foundation was
3 unable to agree to mirror landscaping on the
4 opposite side of South Dakota Avenue to
5 complement Arts Place, but we realize that
6 that was more so a result of that not being
7 their property, or they weren't able to agree
8 to set back the floors above the ground level
9 more than what's there now, even though
10 obviously we realize that there has been
11 tweaking in that regard.

12 Retail. The Cafritz Foundation
13 did not agree to limit the number of sidewalk
14 cafés, restaurants, bars, etcetera to no more
15 than three, or limit the outside hours. But
16 because this may more so involve D.C. law,
17 they will send us a copy of the D.C. Noise
18 Ordinance.

19 Density. The Cafritz
20 representatives did not agree to limit the
21 number of units to what we ended up bumping it
22 up to, 750 to 825 units, or to implement

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1 inclusionary zoning to place and indefinite
2 time limit on the cost of the subsidized
3 units.

4 Community Benefits. The Cafritz
5 Foundation did not agree to provide what we
6 segmented out as a \$95,000 financial package
7 for the first stage of the PUD, not negating
8 any future discussion on an additional package
9 for future PUD stages, to be used to address
10 the significant population increase as a
11 result of the PUD on our community
12 organizations. Such a package would be
13 dispersed by an appropriate dispersal vehicle
14 for the sole purpose of supporting Arts Place
15 tenants and Lamond-Riggs residents with family
16 events, youth development and community
17 building activities.

18 In conclusion, because of the
19 recent improvements in communication and
20 efforts to compromise, LRCA can now offer its
21 support to the Arts Place PUD. We recognize
22 that the reality of negotiation is that

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1 neither party can get everything they want.
2 And at least in this case we have found common
3 ground on many issues. However, we would like
4 the Commission to address issues that are
5 still of significant concern to us, as
6 follows:

7 Design. We still urge the
8 Commission to limit the maximum height of all
9 buildings within the PUD to no more than five
10 or six stories, in keeping with the character
11 of the existing community.

12 Density. We urge the Commission
13 to limit the number of total units to 750 to
14 825 to mitigate the impact of increased
15 density, particularly when considering future
16 development projects in the Lamond-Riggs area.

17 Inclusionary zoning. We urge the
18 Commission to place an indefinite time limit
19 on the cost of subsidized units so that the
20 subsidized rate does not end after a certain
21 number of years, whether or not a Riggs Plaza
22 tenant continues to reside in the unit.

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1 Community benefits. We do note
2 that the Cafritz Foundation states that
3 because of its 501(3)(c) status and its
4 operational bylaws it cannot provide direct
5 financial disbursements to community
6 organizations as LRCA has requested. Our
7 concern is that --

8 CHAIRPERSON HOOD: Just go ahead
9 and finish.

10 MS. VAMPLE: Okay. Thank you.

11 CHAIRPERSON HOOD: Take your time
12 and finish.

13 MS. VAMPLE: I'm almost done, yes.

14 CHAIRPERSON HOOD: No, take your
15 time.

16 MS. VAMPLE: Okay. Our concern is
17 that this is still a multi-year project that
18 will result in additional strain on existing
19 community resources that are already
20 struggling due to the current economic
21 climate. When we read in the Washington Post
22 how a project in Brooklyn; and yes, we know

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1 it's a for-profit development, but still,
2 proposed by Abdo Development, plans to give
3 \$275,000 to support community programs in the
4 area, it is particularly problematic that the
5 Arts Place PUD cannot offer similar benefits
6 to our community. We know separately there is
7 a list of community benefits, but we still
8 feel it's rather inadequate.

9 Just as the Foundation provided
10 funds for all critical PUD-related expenses,
11 including the application, architects, legal
12 services, wetlands mitigation, we do not
13 understand why providing a financial package
14 to mitigate the strain of community resources
15 caused by this project cannot be deemed a
16 critical PUD expense that would fall in the
17 parameters of the Foundation operations and
18 bylaws. To wit, it is not a legal faith to
19 know that the Arts Place residents will use
20 the existing community's volunteer supports,
21 after school and PTSA programs, our existing
22 library and recreation centers and other

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1 community resources, and participate in
2 community celebrations such as Lamond-Riggs
3 Day, meetings and advocacy efforts that are
4 community organizations are involved in. And
5 we share the concern voiced by other
6 Commission members in the July hearing that
7 the Foundation as severely overstated its
8 community benefits package, and that's
9 offering any benefits off-site.

10 Accordingly, we urge the
11 Commission to adopt LRCA's plan to distribute
12 community benefit funds as noted in Area of
13 Disagreement item 4, or call for LRCA and the
14 Foundation to work together to develop a
15 Memorandum of Understanding or similar plan by
16 which the Lamond-Riggs community could have
17 additional financial resources to deal with an
18 influx of new residents in light of our
19 dwindling resources. And thank you for your
20 time and consideration.

21 CHAIRPERSON HOOD: Thank you very
22 much. Again, well in-depth testimony.

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1 Let me open it up for questions.

2 Colleagues, any questions for Ms. Vample?

3 Vice-chairman?

4 VICE-CHAIR KEATING: I think this
5 is the time for this. It wasn't part of your
6 testimony, but Mr. Foxworth mentioned that
7 there was some additional information that you
8 received related to your position on this?

9 MS. ALSTON: We were just talking
10 about obviously, you know, the PUD, which we
11 understand the process of being, you know,
12 tweaked to the 11th hour. So, that was just
13 what we were referring to. Most of it we were
14 kind of able to look at a little bit during
15 the hearing. That's why in my testimony I
16 mentioned the comments about the sharp angle
17 and the changes there. I could also mention
18 the fact that does it seem that the colors,
19 even though some of the orange might be a
20 little bit bright, but we do feel that, you
21 know, there is an improvement based upon what
22 we saw a few days ago, yes.

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1 CHAIRPERSON HOOD: Any other
2 questions? No questions?

3 (No audible response.)

4 CHAIRPERSON HOOD: Okay. Do we
5 have any cross examination of Chairperson
6 Alston?

7 Let me do this first. Does the
8 Applicant have any cross examination?

9 (No audible response.)

10 CHAIRPERSON HOOD: Does ANC 5-A
11 have any cross? Okay. Come forward.

12 MS. ALSTON: Since you do speak on
13 behalf of the LRCA, can you explain to us what
14 makes the LRCA the voice of the entire
15 community?

16 MS. ALSTON: Well, in addition to
17 its longevity in the community in terms of
18 being a citizen's association that's been in
19 existence for 60 years, also the scope of the
20 organization in terms of being the primary
21 organization representing the Lamond-Riggs
22 community to the tune of representing 24,000

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1 residents within its boundaries.

2 MS. ALSTON: Okay. Where is it in
3 your testimony that you feel that what you
4 asked for wasn't included with the request of
5 5-A?

6 MS. VAMPLE: Could you kind of
7 rephrase that a little bit? You're talking
8 about how does 5-A's request differ from what
9 LRCA was requesting? Is that your question?

10 MS. ALSTON: Yes.

11 MS. VAMPLE: Well actually, in a
12 few ways. It's just a matter of the level to
13 which we -- with the task force. Basically,
14 there was, as you know, essentially two
15 separate tracks here. And as you know, with
16 the task force we had, I think, all the
17 affected 5-A commissioners in an email loop
18 regarding regular meetings and outreach, and
19 also an open invitation to attend our task
20 force meeting, which except for Commissioner
21 Roberts, none of the other commissioners,
22 including yourself, did. So, and even terms

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1 of certain flows of communication regarding
2 what we could have been on common ground with,
3 and probably on common ground with a lot
4 earlier in the process, we felt that there was
5 a certain wall that 5-A had up, or certain 5-A
6 commissioners had up, which made it difficult
7 to realize where we had common ground and
8 where we differed. And based upon the
9 information we had on hand and how we were
10 looking at the PUD in terms of, you know,
11 people who we knew had an architectural
12 background on the task force, etcetera, we
13 felt that, we were concerned that maybe 5-A
14 was doing more superficial analysis than the
15 task force was doing.

16 MS. ALSTON: Okay. I totally
17 disagree, but that's fine.

18 So, you are --

19 CHAIRPERSON HOOD: You know what?
20 You know what? Again, we want to make sure --

21 MS. ALSTON: I'm sorry. The
22 question.

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1 CHAIRPERSON HOOD: -- there are
2 questions and there are answers. And even
3 more, that the questions and anything that
4 would be in the answer is beneficial to us.

5 MS. ALSTON: Okay.

6 CHAIRPERSON HOOD: We've already
7 got the point that there is some disagreement
8 in the community between Lamond-Riggs Citizens
9 Association and ANC 5-A. And we know that
10 there's a discrepancy. We even know that
11 there was a complaint filed with the ANC
12 office. We've gotten all of that. But we
13 want to hear more about height. We want to
14 hear more about some of the other issues that
15 are pertaining to zoning. That would really
16 help us.

17 MS. ALSTON: Can I just ask one
18 question regarding the community benefits that
19 they asked for?

20 CHAIRPERSON HOOD: Now, we're
21 getting in the ballpark.

22 MS. ALSTON: Thank you.

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1 So if there is to be an
2 establishment of the Friends of the Arts Place
3 at Fort Totten, does the LRCA still want help
4 with making LRCA a not-for-profit as a
5 community benefit from this PUD?

6 MS. VAMPLE: Our goal would be to
7 whatever methods would allow for LRCA and
8 other community organizations to deal with the
9 additional strain that the PUD would have on
10 the community. And part of that, we do
11 believe, whether it's the Friends of the Arts
12 Place or some other vehicle, we need some type
13 of channel in which funds to offset could be
14 included. And as you know from the earlier
15 statement, our concern -- and if you're saying
16 something different, this is great, for the
17 record -- our concern that based upon earlier
18 information we had there was a deliberate
19 attempt to be exclusionary of community
20 associations.

21 Now, if you're saying for the
22 record that is completely different and going

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1 forward, we can work toward whatever 503(c)(3)
2 status, whatever other ways that community
3 organizations, including the civic association
4 and other -- because we had the Barney
5 Neighborhood House, etcetera, can benefit,
6 that is a win/win for everyone concerned.

7 MS. ALSTON: Okay. Thank you.

8 That's it.

9 CHAIRPERSON HOOD: Great. Okay.

10 Thank you, both.

11 Didn't I ask the Applicant
12 already?

13 MS. ALSTON: Yes.

14 CHAIRPERSON HOOD: Okay. All
15 right.

16 Okay. Now, I'm going to list that
17 I have. Some names, if you've already been up
18 -- Ms. Vample, your name is on here, but I
19 scratched it off because I think you've
20 already done your presentation.

21 I'm going to go with proponents
22 first. George Bednar, Food and Friends.

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1 Now, Mr. Foxworth, you have that
2 you're -- well, you know what, I'm going to go
3 by what I have on my list.

4 William Jenkins. Now, these are
5 all in support.

6 PARTICIPANT: (Off microphone.)

7 CHAIRPERSON HOOD: I'm sorry?
8 Willie Jenkins? Come on up. It does say
9 William here, but excuse me. Willie Jenkins.
10 Trini Rodver.

11 PARTICIPANT: (Off microphone.)

12 CHAIRPERSON HOOD: Rodriguez?
13 Okay. I knew we'd get there.

14 I also have Victoria Leonard. I
15 think she testified previously for the Council
16 Woman in Ward 5, so we'll just scratch her
17 off. I don't see her anyway. Okay. So she's
18 on the development team. I would hope she
19 would right down that she was in support.

20 Okay. And I'm going by people in
21 support.

22 Commissioner Roberts, I see your

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1 hand and you are definitely on the list.

2 PARTICIPANT: (Off microphone.)

3 CHAIRPERSON HOOD: Okay. I hear
4 you. Let me do this. Let me go by the list
5 that we have. I got you. And then if I call
6 you and you're in the wrong category, if
7 you're a proponent and I call you in the wrong
8 category, please correct me. If you're not an
9 opponent, and if you're even in that new
10 category, which is support with conditions,
11 come forward and just let us know where when
12 you come forward.

13 And I left off with Jerry Junior.
14 Jerry Junior, Riggs Plaza. Jerry Junior?

15 (No audible response.)

16 CHAIRPERSON HOOD: Okay. Not
17 present.

18 Kyle Oliver? Oh, on the team?
19 He's in support. That's good to know.

20 M. Jurquhart. M. Jurquhart,
21 Riggs Plaza?

22 Okay. And L. Paz, Riggs Plaza?

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1 Turn your mike on for a moment,
2 Sharon, because you could help me out with
3 this.

4 Okay. That's all we have in
5 support that are listed.

6 Let me just call some --

7 MS. SCHELLIN: One more. Deborah
8 Grimstead on the last page.

9 CHAIRPERSON HOOD: Last page?
10 Okay. Deborah Grimstead, come forth.

11 Okay. Let's go with this panel.
12 And is there anyone else who's here in full
13 support without any conditions?

14 (No audible response.)

15 CHAIRPERSON HOOD: Okay. Let's go
16 with this panel and then we bring up the other
17 names that I have here.

18 Let's begin with Mr. Bednar. Is
19 your microphone on?

20 MR. BEDNAR: Got it. Thanks for
21 giving me the opportunity to speak here this
22 evening.

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1 I am George Bednar, the deputy
2 executive director of finance and
3 administration for Food and Friends. Our
4 offices and food preparation facilities are
5 located at the southwest corner of the
6 intersection of Riggs Road and South Dakota
7 Avenue and adjacent to the property owned by
8 the Morris and Gwendolyn Cafritz Foundation.

9 Food and Friends is a non-profit
10 organization that provides nutritionally
11 balanced meals and groceries every day to
12 thousands of residents in the District of
13 Columbia and surrounding areas who are
14 struggling with life-challenging illnesses.
15 Last year alone we delivered more than 920,000
16 meals to more than 2,700 people in the
17 District of Columbia, Maryland and Virginia.

18 I am here in support of the
19 Applicant's planned unit development. As both
20 an adjacent property owner and a member of the
21 Fort Totten community, I believe the planned
22 unit development will have a strong positive

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1 impact on the Fort Totten area generally and
2 with Food and Friends in particular.

3 Our mission is dependent upon some
4 13,000 volunteers who help prepare, package
5 and deliver meals and groceries. The planned
6 unit development will not only create a more
7 positive experience for our current
8 volunteers, but also bring new people to the
9 area, thereby increasing our organization's
10 exposure.

11 The most effective way to keep our
12 current volunteers returning is to create a
13 safe, comfortable and positive experience.
14 This includes their experience not only within
15 the Foods and Friends facility, but also in
16 the Fort Totten area. The Applicant's plans
17 include the addition of a grocery store,
18 retail spaces and community spaces. Such
19 improvements will provide our current
20 volunteers and employees with more of a
21 neighbor to enjoy and explore during their
22 lunch break and before or after visiting Food

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1 and Friends.

2 The Applicant's plan will also
3 make Fort Totten a more attractive place to
4 live and visit. We believe that the
5 additional residential space, the cultural and
6 art spaces, the children's museums, will
7 attract a variety of people. Our hope is that
8 by coming to Fort Totten to enjoy these new
9 facilities, such visitors and new residents
10 will also take an interest in our organization
11 and its mission.

12 We have raised concern with the
13 Office of Planning that its intended
14 restructuring of the Riggs Road and North
15 Dakota Avenue will negatively impact our
16 ability to enter and exit our property. We've
17 made numerous efforts to reach out to the D.C.
18 Office of Planning and related government
19 parties to discuss this issue with little
20 success. We do hope that the Applicant will
21 join our efforts to resolve this shared
22 concern.

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1 In sum, this planned unit
2 development is another fine example of the
3 Morris and Gwendolyn Cafritz Foundation's
4 commitment to the District and its residents.
5 The proposal will not only add a number of
6 wonderful facilities to the Fort Totten area,
7 but will also create a neighborhood for Fort
8 Totten residents and organizations such as
9 Food and Friends to be part of and grow with.

10 Again, thank you for your time.

11 CHAIRPERSON HOOD: Thank you. If
12 you could just hold your seat.

13 Mr. Jenkins?

14 MR. JENKINS: Good evening. My
15 name is Willie Jenkins. I'm the president of
16 the Riggs Plaza Tenant Association and
17 representing the interests of the tenants
18 within the Riggs Plaza Apartment Complex,
19 owned and operated by the Cafritz Foundation.
20 I've been a resident of Riggs Plaza Apartments
21 since 1964.

22 I became aware of this project in

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1 November of '03. At that time it was just a
2 vision. Since that time I've had meetings and
3 discussions for six years with the Cafritz
4 Company and Cafritz Foundation on behalf of
5 the Riggs Plaza. The tenants have been
6 informed during this period. Currently the
7 affected tenants are included in the new
8 development plan for the Riggs Plaza
9 Apartments. They are looking forward to
10 living in the new apartments and being a part
11 of a vibrant community. Thank you.

12 CHAIRPERSON HOOD: Thank you.

13 Ms. Grimstead? Grimstead?

14 Hopefully I pronounced that correct.

15 MS. GRIMSTEAD: Grimstead.

16 CHAIRPERSON HOOD: Grimstead.

17 MS. GRIMSTEAD: My name is Deborah
18 Grimstead. I'm a resident of the Fort Totten
19 Station Rental Apartments.

20 Good evening, Commissioners.

21 Thank you for agreeing to hear me on a walk-in
22 basis.

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1 In March of this year, experts
2 from the non-profit Urban Land Institute
3 conducted a WMATA-sponsored study of the Fort
4 Totten Station area. The Institute's experts
5 identified several strengths and challenges
6 for the station area. One of those challenges
7 is, and I quote, "disjointed street and
8 pedestrian network, lack of accessibility and
9 connectivity." Furthermore, the Institute
10 reported, "Without cooperative efforts among
11 the various property owners within the
12 redevelopment areas, the current lack of
13 connectivity and visibility could in fact be
14 worsened to the detriment of all."

15 I am here this evening to assist
16 in that cooperation even though I am not a
17 property owner. Rather, I have lived in the
18 Fort Totten Station Rental Apartments Complex
19 for all two years of its available occupancy.
20 Note that no one, no one from the staff of
21 Clark Realty, the owner of the 308-unit rental
22 apartment complex, lives in the complex. Also

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1 note that just this past Monday Clark Realty
2 fired the manager of the apartment complex.
3 The new manager, Debbie Miller, is the
4 property's third manager in two years.

5 So why am I here? To help with
6 the cooperative efforts that the Urban Land
7 Institute recommends, I want to dispel for the
8 record just a few of the myths about the Fort
9 Totten Station Apartment Complex.

10 Number one, Clark Realty has
11 completed the complex and pedestrian access to
12 Metro is impaired. In fact, despite requests
13 from the D.C. Office of Planning, the D.C.
14 Department of Transportation and other
15 entities, 3rd Street has never been available
16 to vehicular traffic. Just recently the
17 complex' perimeter fence was cut enabling
18 pedestrians access to Metro, but not via a
19 sidewalk, via a grassy plain.

20 Number two, Phase 2. Two more
21 buildings. They're not going to happen
22 because the economy is bad, there are still

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1 vacancies in Phase 1, so much so that rents
2 have been reduced and all of Clark's Phase 2
3 construction permits have expired. I refer
4 you to the illustrations from the Cafritz
5 team. They show five buildings north of them.
6 It's not going to be five. It's just the
7 three that are there.

8 Thirdly, the apartment complex is
9 transit-adjacent, not transit-oriented
10 development.

11 CHAIRPERSON HOOD: Could you just
12 give us your closing thought?

13 MS. GRIMSTEAD: Yes. The complex
14 does not meet urban design standards for
15 transit-oriented development.

16 In closing, it is my personal
17 opinion that this Cafritz project should be
18 approved because at the previous session of
19 this hearing Jane Cafritz stated that the
20 project should have the best possible Metro
21 access. I would like to see transit-oriented
22 development come to fruition at Fort Totten

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1 Station. I hope that as the project goes
2 forward, the team will reach out to their
3 rental neighbors, not just the owners of
4 property. Thank you.

5 CHAIRPERSON HOOD: Okay. Thank
6 you very much.

7 Colleagues, any questions of this
8 panel? Commissioner Schlater?

9 COMMISSIONER SCHLATER: One
10 question for Mr. Bednar. We got a letter this
11 evening from Council Member Bowser related to
12 this project, and it mentioned Foods and
13 Friends. And I just wanted to clarify one
14 thing.

15 It says the Commission should
16 ensure that a public access road is created to
17 provide Food and Friends access to South
18 Dakota Ave., N.E.

19 You're aware of the current plans
20 that are before us, and the site planning. Is
21 that an issue tonight that we should be
22 talking about and considering?

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1 MR. BEDNAR: The issue is actually
2 related to our current entrance area at Riggs
3 Road.

4 COMMISSIONER SCHLATER: Yes.

5 MR. BEDNAR: And we recognize the
6 fact that this particular project is not
7 immediately impacted by that, but that as the
8 project is considered that area needs to be
9 dealt with as well. We had offered some
10 suggestions. We met with Council Woman
11 Bowser's office back in June, I believe,
12 expecting some comments back from DDoT. We
13 have not heard back from them ever. We did
14 follow up with Chairman Gray. We've not heard
15 back from really anyone. So it seems like we
16 started a process, but now we're in limbo.
17 And we recognize this is not the Cafritz'
18 problem, but rather something that we can
19 resolve together to find a useful solution.

20 COMMISSIONER SCHLATER: You're
21 speaking of the long-stalled realignment of
22 Riggs and South Dakota Avenue?

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1 MR. BEDNAR: Yes.

2 COMMISSIONER SCHLATER: I'm well
3 aware of the project and your concerns it, and
4 I'm sorry you haven't made more headway in the
5 last couple of years.

6 MR. BEDNAR: Thank you.

7 CHAIRPERSON HOOD: Vice-chair
8 Keating?

9 VICE-CHAIR KEATING: In your
10 letter you mentioned that you've been working
11 with planning. I'd just like to hear from
12 planning kind of maybe what has transpired so
13 far.

14 MR. COCHRAN: The Cafritz modified
15 their plan at OP's request so that there could
16 be an extension of 3rd Street underneath the
17 two wings of building C in anticipation of
18 someday perhaps there being either a
19 connection to Riggs or an alternate way of
20 getting out of the Food and Friends site.

21 VICE-CHAIR KEATING: I'm just
22 looking at the plan and this drawing here, and

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1 I see an entrance and an exit here to Food and
2 Friends which exists currently.

3 MR. BEDNAR: Onto Riggs Road.

4 VICE-CHAIR KEATING: Onto Riggs
5 Road?

6 MR. BEDNAR: Yes, right after the
7 train trestle.

8 VICE-CHAIR KEATING: Underpass,
9 yes. Okay. And what you're looking for is in
10 terms of?

11 MR. BEDNAR: Well, with the
12 reconfiguration of the intersection of South
13 Dakota and Riggs Road, there's going to be a
14 huge stacking problem, as Mr. Schlater just
15 mentioned. We offered potential individual
16 stop lights like you might see at 18th and K
17 Street, or an entrance into an parking garage.

18 And in addition to that, we were
19 also concerned about the safety of our
20 volunteers. There was not a pedestrian
21 crosswalk on, I would call it the west side of
22 that intersection crossing Riggs Road. We're

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1 told by DDoT that it is too many lanes, so and
2 so forth, but there's been no further
3 discussion since our initial meeting.

4 VICE-CHAIR KEATING: Okay. I
5 don't see a path here between your parking lot
6 and this 3rd Street circle.

7 MR. BEDNAR: There is currently
8 nothing.

9 VICE-CHAIR KEATING: Will there be
10 something there, do you know?

11 MR. BEDNAR: I'm hearing that's a
12 possibility.

13 VICE-CHAIR KEATING: Okay.

14 MR. BEDNAR: But that's not yet
15 been discussed.

16 VICE-CHAIR KEATING: Okay.
17 Because it would make sense, your volunteers
18 could come down from the Metro and come along
19 3rd Street.

20 MR. BEDNAR: Right, we do have a
21 lot of volunteers that do drive as well. And
22 so a lot of this has to do with the stacked

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1 traffic that we mentioned earlier and coming
2 in and out of the Riggs Road entrance.

3 VICE-CHAIR KEATING: Great. Thank
4 you.

5 CHAIRPERSON HOOD: Any other
6 questions of this panel, colleagues?

7 (No audible response.)

8 CHAIRPERSON HOOD: Okay. Does the
9 Applicant have any questions under cross
10 examination?

11 MR. QUIN: No questions.

12 CHAIRPERSON HOOD: Does ANC 5-A
13 have any cross examination?

14 MS. ALSTON: No questions.

15 CHAIRPERSON HOOD: Does Lamond-
16 Riggs Citizens Association have any cross
17 examination?

18 (No audible response.)

19 CHAIRPERSON HOOD: Okay. Thank
20 you. Thank you all.

21 Okay. Now, I'm going to go down
22 the list as I have it, and you can just

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1 identify if you're an opponent or a proponent
2 as you come forward. But I have you listed
3 now as an opponent.

4 Mr. Foxworth? Okay. You can come
5 forward. I'm calling everybody forward.
6 Okay. When you get to the mike, before you
7 get ready to speak, you can let us know where
8 you are.

9 Charon Hines. Lorenzo Brooks.
10 Catherine Brooks. Lorenzo Brooks and
11 Catherine Brooks?

12 (No audible response.)

13 CHAIRPERSON HOOD: Not present.
14 Lois Brown. Leroy Morgan. Lois Brown?

15 (No audible response.)

16 CHAIRPERSON HOOD: Not present?
17 Mr. Morgan's coming forward.

18 Brian Kim. Brian Kim?

19 (No audible response.)

20 CHAIRPERSON HOOD: Oh, he's on
21 your team? Oh. No, he's not an opponent.
22 Don't get rid of him. I just missed his name

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1 earlier. That was my fault. Don't get rid of
2 him.

3 Commissioner Roberts. Russell
4 Garricks. I don't see Mr. Garricks.
5 Occasions.

6 Can you make that out, Ms.
7 Schellin? Occasions? Because I may be
8 calling this --

9 PARTICIPANT: (Off microphone.)

10 CHAIRPERSON HOOD: Occasions
11 Caterers. Okay. Thank you.

12 Okay. We don't see him. He's not
13 present.

14 I don't see Commissioner Shirley
15 Rivens Smith.

16 I don't see Commissioner McCoy.

17 Paula Johnson. I don't see Paula
18 Johnson.

19 This next name, I think the last
20 name is Harry.

21 Can you make that out, Ms.
22 Schellin?

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1 I think the last part of it is
2 Harry. Harvey? Okay. That's okay.

3 Ms. Lillian Huff. Ms. Huff? I
4 saw Ms. Huff. Don't want to testify? Okay.

5 Mr. Ransom? Okay.

6 Is that Dolly? Can you make that
7 out? Somebody from Lamond-Riggs. I think
8 it's Dolly. Carson Dolly? Okay.

9 Can you make that one out?

10 We need to put "please print." I
11 mean, if I wrote, wouldn't be nobody be able
12 to understand my writing either actually.

13 Can you read the next one?

14 Okay. This is what we're going to
15 do. We're going to through here and anybody
16 that's left over who wants to testify, we'll
17 do that.

18 The next one is Alexander Roberts.
19 Okay.

20 Delores Ford. Delores Ford?
21 Okay.

22 Okay. You can do that as we come

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1 up. Let me see where you are. You're okay.

2 Cleo Holmes? Okay.

3 That was a task. Okay. All
4 right. Let me see, who's going to start? Mr.
5 Foxworth.

6 MR. FOXWORTH: Chairman, can you
7 clarify the number of minutes that we have?

8 CHAIRPERSON HOOD: Three minutes.

9 MR. FOXWORTH: My name is Rodney
10 Foxworth. I'm a member of the Lamond-Riggs
11 Citizens Association and a member of the
12 Lamond-Riggs Development Task Force. I'm a
13 founding member, along with Council Member
14 Bowser.

15 As you know, the Lamond-Riggs
16 Citizens Association has represented the
17 Lamond-Riggs community consisting of
18 approximately 24,000 residents who live in
19 both Wards 4 and 5 for more than 60 years. As
20 you know, we just celebrated our 60-year
21 anniversary last year and this was way before
22 there even was an ANC Commission. And unless

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1 the chair of 5-A has changed our boundaries,
2 the entire PUD lies within the Lamond-Riggs
3 Citizens Association service area, not North
4 Michigan Park and not the Fort Totten Square
5 Neighborhood Association.

6 And I want to remind the
7 Commission that up to the hearing that you
8 guys had over the summer, LRCA was the only
9 organization, including 5-A, including the
10 tenants association for the apartment
11 building, that actually read the PUD. Our
12 detailed recommendations actually reflect that
13 analysis. And so we didn't sort of listen to
14 and were just spoon fed what the Cafritz
15 Foundation and the representatives had to
16 offer. We actually read the PUD and we were
17 one of the only organizations who actually did
18 that.

19 In terms of the 5-A vote, the
20 records will show that the Lamond-Riggs
21 Citizens Association, no other residents, were
22 able to speak on this issue before 5-A took

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1 the vote that night. Their records will show
2 that and their agenda will show that.

3 In closing, I would say that we
4 share the Commission's concerns that the
5 Cafritz Foundation has overstated its
6 community benefits for this project. We share
7 your concerns that they don't offer anything
8 off site knowing full well that the residents
9 of this project will take advantage of all the
10 things that LCRA has to offer, our advocacy,
11 the after school problems, the volleyball
12 teams, the rec center. You name it, they're
13 going to be in there.

14 And lastly, I'm supporting this
15 project with those conditions that Gwen
16 Vample, or Mrs. Vample stated in her testimony
17 to the Commission.

18 CHAIRPERSON HOOD: Next, Ms.
19 Hines?

20 MS. HINES: Thank you. Good
21 evening, Commissioners. I am Charon P.W.
22 Hines, president of the Lamond-Riggs Citizens

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1 Association.

2 As noted in the party status
3 application, LRCA has been representing
4 Lamond-Riggs residents in both Wards 5 and 4
5 for over 60 years. We have a rich legacy of
6 effective advocacy and community involvement
7 to ensure that all public and private
8 organizations are working collaboratively,
9 effectively and in the best interest of the
10 key stakeholders, the residents.

11 Over two years ago, LRCA conducted
12 a community vision session that was attended
13 by residents, government agencies and D.C.
14 Council representatives. Our purpose was to
15 create a plan for what we wanted our community
16 to look and feel like based on proposed and
17 future development projects. As a result, we
18 established a framework, a set of guiding
19 principles that has been used by the Lamond-
20 Riggs Development Task Force to make
21 recommendations to developers and government
22 agencies regarding what the community has

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1 stated as priorities. What the community has
2 stated as priorities.

3 As you know, the Morris and
4 Gwendolyn Cafritz Foundation has very deep
5 roots in the Lamond-Riggs community, and we
6 are excited about having so to speak homegrown
7 folks bringing development into our community.
8 Through this excitement we have experienced a
9 bit of disappointment at the lack of
10 communication and collaboration between the
11 Cafritz Foundation and LRCA. And I'm so not
12 going to add any more data that has already
13 been presented, because that has been
14 reflected in the written testimonies and oral
15 testimonies previously.

16 So I conclude by saying I am eager
17 to report that as a result of the July 2nd,
18 2009 Zoning Commission hearing, LRCA and LRDTF
19 have met with the Cafritz Foundation and the
20 Arts Place team twice, on July 15th, 2009 and
21 October 5th, 2009. The October 5th, 2009 was
22 an LRCA meeting that featured a presentation

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1 on Arts Place that was facilitated by Dennis
2 Hughes and Mark Gilliland. In addition, there
3 have been several conference calls and
4 numerous email communications between LRCA and
5 LRDTF. It is my hope that this communication
6 and collaboration remains consistent during
7 and beyond the Arts Place PUD. Thank you for
8 your time and consideration.

9 CHAIRPERSON HOOD: Thank you.

10 Mr. Morgan?

11 MR. MORGAN: Yes, that's me. Good
12 evening, everybody. My name is Morgan and I'm
13 here to state that I do not support the Arts
14 at Fort Totten because I've been living there
15 -- I was a tenant from June 14, 1990 to
16 September 30, 2009. The Arts, I don't support
17 that one.

18 At that time, I was living there
19 and it was green up until now. Before that,
20 I used to live in New York City from 1970 to
21 1990. And that was a terrible living
22 condition. And when I moved here in June

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1 1990, relief came in. Green grass. Trees.
2 Fresh air. It was an excellent living
3 condition. Now, it's just going to change an
4 urban living condition.

5 And also, too, that there was some
6 concerns came up about the grocery store
7 supermarket. There was an ANC meeting on
8 April 23rd, 2008. One of the citizens came up
9 with a concern. Why are we supporting a
10 grocery store here and then we already support
11 one at the Fort Totten Square Station? That
12 concern was blocked by ANC Commissioner Robert
13 King because time ran out. Because of that
14 action, I wrote an email that I do not support
15 the Arts at Fort Totten because of the action
16 that was taken at the ANC meeting on April
17 23rd, 2008. And that concern never came up.
18 That concern never been up again. And I'm
19 tore against the whole Foundation altogether.

20 But, I'd like to compliment the
21 Foundation because it was a living condition
22 from June 14, 1990 until September 30, 1990.

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1 It was a pleasure to wake up, look out the
2 window and see grass and trees. Now I'm going
3 to get up and see tall buildings, shops,
4 grocery store, stuff like that. No way. No.
5 So, no, I'm not going to live in a urban area.
6 Green living condition is my thing. So,
7 that's my thing with the Arts at Fort Totten.
8 Thank you.

9 One more thing. I have a copy of
10 the email that I sent. I don't know if you
11 have a copy or not. If you don't, I was on
12 the record that I sent a copy of the email to
13 the Office of Planning on -- 2008 stating that
14 I don't support the Arts at Fort Totten. So
15 if you want it, you can have this on the
16 record.

17 CHAIRPERSON HOOD: Okay. We have
18 your testimony verbally on the record. I'm
19 not sure if it's been submitted. We have a
20 number of emails that have been submitted, I'm
21 sure that is one that has been submitted. But
22 you can provide it if you have copies.

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1 MR. JENKINS: I'll give this
2 original one, I mean, this one here to keep.

3 CHAIRPERSON HOOD: Okay. Yes,
4 that's fine.

5 Commissioner Roberts?

6 MS. ROBERTS: Good evening,
7 Commissioners and everyone here in the
8 audience.

9 I am Patricia Roberts. I live at
10 5278 Chillum Place, N.E. I'm an ANC
11 commissioner for Single Member District 5-A-
12 02, and one of the affected commissioners.
13 I'm in full support of the project, but with
14 some conditions.

15 First, I want to compliment our
16 chairman, Angel Alston's, report. However,
17 there were quite a few inconsistencies and
18 things that were in the report that were not
19 quite accurate. But as I go on, I left 20
20 packets of information for the Commissioners,
21 so I would hope that those have been
22 distributed and I will read the testimony.

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1 CHAIRPERSON HOOD: We have them.

2 MS. ALEXANDER: Thank you.

3 Based upon meetings with the Riggs
4 Plaza tenants, homeowners, residents,
5 community surveys, research, July 2nd Zoning
6 Commission hearing transcript, as well as
7 discussions with and between the Cafritz
8 Foundation and real estate development team,
9 the Lamond-Riggs Citizens Association, Manatt
10 Phelps representatives, ANC commissioners 5-A
11 and 5-A-03, and at a 4-B Commission meeting,
12 there have been significant areas of
13 agreement, but also various areas where the
14 parties have not been able to arrive at a
15 compromise.

16 Therefore, it is appropriate to
17 define these areas of agreement and
18 disagreement for inclusion in a comprehensive
19 binding Zoning Commission order to cover all
20 phases of the Arts Place Plus Shops at Fort
21 Totten project and to include, but not be
22 limited to the next seven to ten years of

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1 construction and supplement filings and
2 revisions to the PUD.

3 The primary purpose herewith is to
4 provide protection to the community, tenants
5 and the developer as to the expressions of
6 intent and to guide the planned unit
7 development in a beneficial and reasonable
8 manner such that all parties are aware and
9 observant of their rights and
10 responsibilities; example, Zoning Commission
11 order, a Memorandum of Understanding or a
12 Letter of Intent to the tenants and to the
13 community.

14 Issues to be addressed should
15 include the tenant relocation plan, to include
16 temporary and permanent housing; the
17 commitment to a viable community benefits
18 package; the commitment to certain stated
19 project amenities; and the protection of the
20 community as to hazards insurance for damages
21 to persons and property.

22 CHAIRPERSON HOOD: Give us your --

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1 MS. ALEXANDER: Beg pardon?

2 CHAIRPERSON HOOD: Give us your
3 closing thought.

4 MS. ALEXANDER: My closing thought
5 is that the Foundation is requesting an
6 exemption and/or variance from the Commission,
7 therefore we believe that it is appropriate to
8 request definitive specific community benefits
9 which are included in the package that you
10 have. This is a quid pro quo, a reasonable
11 request for solid community benefits.

12 Also, SMD 5-A-02 is -- probably 90
13 percent of this SMD is right directly in front
14 of the Cafritz project. The project amenities
15 basically support the developer, and I think
16 people are getting the project amenities and
17 the community benefits confused. The project
18 amenities are the things like the penthouse,
19 which is not going to help the community.
20 Also the fact that the project amenities
21 change every time the Cafritz people come to
22 the community and make a presentation. And we

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1 need to have some standardized stated policies
2 about what the Cafritz Foundation is going to
3 do for the community.

4 CHAIRPERSON HOOD: Was that your
5 closing thought?

6 MS. ALEXANDER: One last thought.
7 The project amenities again basically support
8 the developer and there is an enormous
9 difference in community benefits and project
10 amenities.

11 CHAIRPERSON HOOD: Okay. Thank
12 you very much. And again, we have your well
13 prepared and well put together testimony. If
14 you can just hold your seat.

15 MS. ALEXANDER: Thank you.

16 CHAIRPERSON HOOD: Ms. Delores
17 Ford?

18 MS. FORD: Good evening and thank
19 you for allowing me to testify before you this
20 evening.

21 I'm here to testify about my
22 concerns regarding the lack of minority

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1 participation aspect of this project. I have
2 attended community meetings involving this
3 project and I have observed minimal attention
4 being given to the issue of minority
5 involvement to this project.

6 Cafritz does not speak about jobs,
7 business opportunities, nor minority
8 participation in general. I am here to
9 testify today because I want to be put on
10 record that I am a black female and have owned
11 and operated a nationally-accredited day care
12 business in Riggs Plaza. Therefore, I'm
13 asking that I be granted a fair opportunity to
14 operate the proposed day care to be housed at
15 Arts Place. May I also ask that this Board
16 note in the record that minorities must get
17 their fair business opportunities for this
18 project.

19 Again, thank you for your time and
20 consideration.

21 CHAIRPERSON HOOD: Okay. Thank
22 you.

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1 Mr. Holmes?

2 MS. HOLMES: Yes, I want to thank
3 you for --

4 CHAIRPERSON HOOD: Is your
5 microphone on, Mr. Holmes?

6 MR. HOLMES: Can you hear me now?

7 CHAIRPERSON HOOD: Yes.

8 MR. HOLMES: I want to thank you
9 for allowing me to testify this evening.

10 My concern is very short. I
11 attended a meeting, the October 5th meeting
12 this past Monday night. And there was one
13 question asked that someone read, that the
14 person read, and the question talked about the
15 affordability issues of building B and
16 buildings, I think it's A and C, buildings A
17 and building C. When the one gentleman from
18 Cafritz responded, he was asked about the
19 median income levels, he mentioned, he stated
20 that the median income level for this project
21 would be about \$108,000. That prompted me
22 today to contact District officials and ask

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1 what is the median income for 2009 at the
2 present time? Sixty-eight-thousand-eight-
3 hundred-seventy-two dollars.

4 There must be some attention paid
5 to median income levels and affordability
6 standards for this project. Because clearly,
7 if there are going to be all these apartments
8 -- in building C I believe it's 400
9 apartments, 30 going to minorities or
10 sustainability projects, sustainable people.
11 To me, there's not much attention paid to this
12 issue and there should be more paid to this
13 issue.

14 I agree as well with Ms. Ford
15 talking about minority being an aspect as
16 well. And that's my testimony. Thank you.

17 CHAIRPERSON HOOD: Okay. Thank
18 you, everyone that's testified.

19 Colleagues, any questions of this
20 panel?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Does the

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1 Applicant have any cross examination?

2 (No audible response.)

3 CHAIRPERSON HOOD: Does ANC have
4 any cross examination?

5 (No audible response.)

6 CHAIRPERSON HOOD: Does Lamond-
7 Riggs Citizens Association have any cross
8 examination?

9 (No audible response.)

10 CHAIRPERSON HOOD: Okay. Thank
11 you. Thank you to this panel. We appreciate
12 it.

13 Okay. I don't know if I called
14 this name, Ollie Wilkins. Sara Moss. And
15 Alexander Roberts.

16 Okay. Ms. Sara Moss? Okay.

17 So we have Ms. Wilkins at the
18 table.

19 Is there anyone else who would
20 like to testify who's an opponent or who's an
21 opponent with conditions, or who would just
22 like to come up and testify? Come right up.

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1 Anyone else? Okay. This will be our last
2 panel. Thank you.

3 We will start with Ms. Wilkins.
4 Turn your microphone, Ms. Wilkins. Just hit
5 the button and it will light up green.

6 MS. WILKINS: Okay. Thank you.

7 My name is Ollie Wilkins and I've
8 lived at Cafritz Apartments for, oh, I know at
9 least 40 years or more. Okay?

10 And I wanted to know, we have a
11 Commissioner Washington. I wanted to know if
12 she'd ever interviewed or attended any of the
13 tenant association meetings. And if she did,
14 we don't know anything about it. We've never
15 met her. We don't know anything about her.
16 Okay? Did she ever hold any SMD meetings to
17 include Riggs Plaza tenants? If so, we don't
18 know anything about that. And if she did, if
19 she feels that she did do this, then she needs
20 to produce some type of forms or sign-in forms
21 or something showing that this happened. We
22 don't know her. We've never had a meeting

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1 with her.

2 CHAIRPERSON HOOD: We may have
3 some questions for you. That's what you
4 wanted to tell us?

5 MS. WILKINS: Yes. Yes.

6 CHAIRPERSON HOOD: Okay. Just
7 hold your seat.

8 Could you introduce yourself and
9 turn your microphone on?

10 MS. GIBBS: Hi, my name is
11 Caroline Gibbs. I'm a long-time resident
12 happily of Riggs Plaza. Thirty-two years I've
13 enjoyed being there.

14 But the reason why I'm here
15 tonight is, on page 123 of the PUD a question
16 came up about the lady who currently occupies
17 the three-bedroom apartment. I'm that lady.
18 That's why I'm here. The Commissioner King
19 asked a couple of questions, and I like
20 Commissioner Keating's input as to his
21 question. It says -- he's asking -- I
22 currently am one of the two residents that has

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1 a three-bedroom. My question is, now that I
2 have a three-bedroom, in the relocation, the
3 transition and in the permanent move am I
4 going to get the same as everybody else, being
5 that they said they weren't going to keep any
6 three-bedrooms?

7 CHAIRPERSON HOOD: Okay. He's
8 heard you and so noted. But, typically we
9 don't answer questions. You're reading the
10 transcript, I believe, and I think you asked
11 her the question?

12 MS. GIBBS: Yes.

13 CHAIRPERSON HOOD: Oh, you asked
14 that? Oh, so you were just coming to give him
15 the answer?

16 MS. GIBBS: Yes, I wanted to
17 know --

18 CHAIRPERSON HOOD: That was nice.
19 I don't think we've ever had that before.
20 That's the first time. Thank you.

21 MS. GIBBS: You're welcome.

22 CHAIRPERSON HOOD: Appreciate it.

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1 You read the transcript? Or did you watch us
2 Web cast live?

3 MS. GIBBS: All 297 pages of it.
4 I did.

5 CHAIRPERSON HOOD: I'm scared to
6 ask her what she thought, so I won't do that.

7 MS. GIBBS: Most part I thought it
8 was quite nice.

9 CHAIRPERSON HOOD: Okay.

10 MS. GIBBS: I really did.

11 CHAIRPERSON HOOD: Well, thank
12 you. You know, 12 years, I guess you still
13 keep learning something.

14 MS. GIBBS: 4:00 in the morning
15 read it.

16 CHAIRPERSON HOOD: All right. So,
17 they do read what we say sometimes.

18 MS. GIBBS: Some of us do care
19 where we live. Yes.

20 CHAIRPERSON HOOD: That's good.
21 Actually, that's very good.

22 Let me come back to Ms. Wilkins.

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1 MS. WILKINS: Yes?

2 CHAIRPERSON HOOD: Now, where do
3 you reside?

4 MS. WILKINS: 5121 4th Street, at
5 Riggs Plaza.

6 CHAIRPERSON HOOD: Okay. Who is
7 your ANC? Here's what I would suggest. I
8 heard you mention Ms. Washington who's a
9 commissioner, I'm sure.

10 MS. WILKINS: Yes.

11 CHAIRPERSON HOOD: I think the
12 chairperson of 5-A heard your concerns. You
13 may want to speak with her and she can maybe
14 get you in touch with Ms. Washington and then
15 you could maybe start attending some of the
16 meetings or they can --

17 MS. WILKINS: I've been to the
18 meetings.

19 CHAIRPERSON HOOD: Oh, I thought
20 you said you didn't know Ms. Washington.

21 MS. WILKINS: Ms. Washington's the
22 one that has never made herself known to us.

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1 CHAIRPERSON HOOD: Okay. Well, at
2 the next meeting I'm sure that Chairperson
3 Alston will make sure that you all be
4 identified so you all will know each other.
5 Okay? You can see her. You saw her up here
6 testifying. I would just encourage you after
7 this hearing to speak with her on that. Okay?

8 MS. WILKINS: Okay.

9 CHAIRPERSON HOOD: Okay. And we
10 appreciate you both coming down.

11 Let me see if my colleagues have
12 any questions. Any questions, Commissioners?

13 (No audible response.)

14 CHAIRPERSON HOOD: Okay. Not
15 hearing any. Thank you, both, and thank you
16 for reading the transcript.

17 PARTICIPANT: Thank you very much.

18 CHAIRPERSON HOOD: Oh, I'm sorry.
19 Any cross examination from any of the parties?

20 (No audible response.)

21 PARTICIPANT: Thank you very much.

22 CHAIRPERSON HOOD: Okay. Thank

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1 you, both.

2 Okay. Mr. Quin, I think we can do
3 some rebuttal, if you have any, and closing
4 remarks.

5 MR. QUIN: Yes, I think, just very
6 briefly, the questions that Office of Planning
7 asked I think are readably answerable and I
8 think we can close that out if I could call
9 Mr. Kyle Oliver who is an engineer. He's
10 appeared before you before as an expert. And
11 I don't think he's been formally qualified at
12 this particular case, but I offer him as an
13 expert.

14 First, let me ask the question,
15 Mr. Oliver, have you appeared this Commission
16 as an expert?

17 MR. OLIVER: I have.

18 MR. QUIN: In what field?

19 MR. OLIVER: Civil engineering.

20 MR. QUIN: Thank you.

21 CHAIRPERSON HOOD: We qualified
22 him before?

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1 MR. QUIN: Yes.

2 CHAIRPERSON HOOD: Okay. You know
3 we don't have a résumé.

4 I heard something hit the mike. I
5 mean, I heard someone hit the mike.
6 Commissioner May?

7 COMMISSIONER MAY: Yes.

8 CHAIRPERSON HOOD: I kind of
9 figured that might happen.

10 COMMISSIONER MAY: A little bit
11 more information about his background. And
12 since we don't have a résumé on hand, we like
13 to make sure that every record is complete.
14 We normally want to have the résumé, but if we
15 don't have that, something more about his
16 background.

17 MR. OLIVER: (Off microphone.)

18 COMMISSIONER MAY: Well, just
19 quickly go over it now.

20 MR. OLIVER: I've been working in
21 the District for about 18 years. I run VIKA
22 Capitol, which is a firm that has just been

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1 established in the District. Worked on
2 various projects, many PUDs. One of the ones
3 was the Premium Distributors PUD that came
4 through about nine years ago, I think. Best
5 thing to do is just provide a résumé would be
6 better.

7 COMMISSIONER MAY: Just any other
8 PUDs that you can recall?

9 MR. OLIVER: Not right off the top
10 of my head, no.

11 MR. QUIN: He's an engineer.

12 COMMISSIONER MAY: Okay.

13 MR. QUIN: Meaning that he has an
14 ample résumé which we can file for the record.

15 COMMISSIONER MAY: That's fine. I
16 will take the fact that he's been accepted
17 before as an expert witness and has worked on
18 previous PUDs.

19 MR. QUIN: He's also been by the
20 BZA, Board of Zoning Adjustment.

21 COMMISSIONER MAY: Yes, well I
22 know I've seen the firm's work on many other

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1 occasions. I can't remember which ones they
2 are, but I'm very familiar with the firm's
3 name from other work. So I don't have any
4 objection.

5 COMMISSIONER SCHLATER: Mr.
6 Oliver, can you just name a couple of large
7 scale District projects you're working on
8 currently?

9 MR. OLIVER: Sure. Working on 2 M
10 Street, which is a preliminary plan currently.
11 1160 1st Street for Archstone Properties,
12 1,000-unit apartment projects. Working on a
13 project for Trammell Crow currently. It's a
14 600-unit apartment project.

15 COMMISSIONER SCHLATER: Thank you
16 very much. I have no objection.

17 MR. QUIN: May we proceed with the
18 questions of Mr. Oliver?

19 Mr. Oliver, you heard I think
20 earlier and aware of questions that were
21 raised in the Office of Planning report
22 dealing with the fire marshal, fire office,

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1 and also with the layout, as well as the WASA
2 fire hydrants. Could you briefly describe to
3 the Commission and to Office of Planning your
4 contacts with these and what the conclusions
5 were?

6 MR. OLIVER: Absolutely. Mark
7 Gilliland and I met with Captain Chris Rogerson
8 of the fire marshal's office in August.
9 Basically laid out the plan for him, described
10 it to him. He had a couple of minor comments,
11 but was in general approval of the plan. We
12 have since emailed Captain Rogerson to try and
13 get his written approval. We have basically
14 his verbal approval with a couple of minor
15 comments. And also we're very familiar with
16 D.C. WASA's new requirement of no private fire
17 hydrants. And there will be no private fire
18 hydrants on this project at all.

19 MR. QUIN: And the last question
20 was dealing with have you secured the fire
21 marshal's comments on the geometry of the
22 proposed streets and alleys?

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1 MR. OLIVER: Yes, as part of the
2 meeting we went over building A in detail, but
3 also went over the entire PUD to look at the
4 street widths, the alley widths and to confirm
5 that he had no issues. And basically he did
6 not.

7 MR. QUIN: Mr. Chairman, Members
8 of the Commission, that concludes our
9 testimony on that particular issue. I think
10 the Office of Planning, other comments related
11 to different phases, future phases, which we
12 would address at that time, not now.

13 CHAIRPERSON HOOD: Mr. Quin, let's
14 do this in steps. Let's see if there's any
15 cross examination.

16 Does the ANC have any cross
17 examination?

18 (No audible response.)

19 CHAIRPERSON HOOD: Does Lamond-
20 Riggs have any cross examination?

21 (No audible response.)

22 CHAIRPERSON HOOD: Okay. Mr.

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1 Quin, we can keep going.

2 MR. QUIN: Mr. Chairman, that
3 completes our rebuttal.

4 CHAIRPERSON HOOD: Oh, okay.

5 MR. QUIN: And unless there are
6 questions by the Commission, I would propose
7 that we submit a draft order. And rather than
8 taking the time of the Commission now for a
9 long closing argument, I think we've made all
10 the points. If there are any questions that
11 you have concerning any of the Office of
12 Planning's comments or any of the testimony,
13 we are prepared to answer them.

14 CHAIRPERSON HOOD: Let me just ask
15 a couple of comments that came up, and I'm not
16 sure if it will resolve -- the interests of
17 Food and Friends. I heard someone mention a
18 relocation plan. I heard mention of the
19 percentage of the AMI. And I also heard a
20 concern about the -- I guess, what is it, CBE
21 or what -- is it CBE? No, I think it's CBE
22 now. CBE? Yes. But I do know that there's

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1 a draft -- I wasn't sure, I didn't look and
2 see whether it was signed, of the DOES dealing
3 with the Department of Employment Service. I
4 did see that. But I think the CBE, now and
5 sometimes I get them confused, they are a
6 little different, and I think that's dealing
7 with was there ever a discussion with the
8 local businesses. So those are some of the
9 things that I heard, and I don't know if we
10 can address them now or if you could give us
11 a submittal on those few issues.

12 And let me see if my colleagues
13 have some additional things they may want to
14 hear or see.

15 COMMISSIONER MAY: Yes, I
16 mentioned earlier a desire to see a view into
17 the entranceway just a little bit further up
18 the road there. And I am still interested in
19 seeing that, because I don't have a really
20 good sense of what the entrance of the
21 buildings is like.

22 CHAIRPERSON HOOD: And I did hear,

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1 and we all heard the concerns of Lamond-Riggs
2 Citizens Association. And I guess my thing
3 was, Ms. Vample opened and I wrote down what
4 she says. We can agree to disagree. But then
5 in her testimony probably she asked for us to
6 -- and I'm sure that as we deliberate, we may
7 make some changes. I'm not sure what's going
8 to come to form to what they've asked for once
9 we re-look at her exhibit, her how many pages
10 of testimony. I think she has about seven or
11 eight pages also with something in the back,
12 which is really not germane. I'll just say
13 for the record this is not germane. To Mr.
14 Goppali's assignment, it's not germane for our
15 purposes, but it's so noted.

16 But I just wanted to know if
17 anyone wanted to go down that road, or we can
18 just I guess do in our deliberations see if
19 anyone's moved in any way on some of those
20 concerns that they agreed to disagree on. She
21 said that, but she also asked us to take some
22 action. But I guess I think some of that will

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1 come out in deliberation.

2 Anything else?

3 MR. QUIN: Well, I think that we
4 can quickly deal with the Food and Friends.
5 As Mr. Cochran pointed out, we actually
6 amended our plans with an easement that goes
7 to the north and a cul-de-sac that can be
8 extended when and if the road gets relocated
9 so that a road can be extended through. So
10 that's taken care of in our plans and that was
11 one of the suggestions of the Office of
12 Planning.

13 CHAIRPERSON HOOD: Well, Mr. Quin,
14 you're saying "when and if."

15 MR. QUIN: Yes, sir.

16 CHAIRPERSON HOOD: When and if?

17 MR. QUIN: When and if.

18 CHAIRPERSON HOOD: If you'd just
19 said "when," I would have felt better, but you
20 said "if."

21 MR. QUIN: I can't predict --

22 CHAIRPERSON HOOD: I understand.

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1 MR. QUIN: -- anything more than
2 -- I'd like to say when, so I will say when it
3 is built, but I don't know when it will be
4 built.

5 VICE-CHAIR KEATING: My question
6 is will someone walking from the Metro be able
7 to walk through from that circle to the Food
8 and Friends parking lot?

9 MR. QUIN: Yes. If you look at
10 the plans, there's a bridge and underneath the
11 bridge, even when it's an easement, people
12 could -- if you connect it, there would be a
13 way to go through all the way down. Now, we
14 cannot take care of the southern portion
15 through Clark as it goes to that area. I
16 mean, that's not our property.

17 VICE-CHAIR KEATING: From the cul-
18 de-sac to the Food and Friends parking lot?

19 MR. QUIN: I don't have the plan
20 in front of me, but maybe Mr. Baranes can show
21 that. But it doesn't go all the way to the
22 south. You can see that we have no access

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1 from our property out to the corner or to
2 Riggs Road. Maybe, Shalom, you can point that
3 out on the --

4 MR. BARANES: Sorry, I wasn't
5 listening to the --

6 MR. QUIN: Well, you can show the
7 cul-de-sac and where Riggs Road, and if it's
8 relocated, when it's relocated, then you can
9 see how far you can go down. But we can't
10 carry it all the way throughout ourselves
11 because that's not our property.

12 VICE-CHAIR KEATING: Oh, no, no,
13 no. I'm talking about the cul-de-sac next to
14 the Food and Friends parking lot. Will
15 someone be able to move between the cul-de-sac
16 to the far right; see the green over there,
17 and the Food and Friends parking lot? There.

18 MR. QUIN: If the connection is
19 made, yes.

20 VICE-CHAIR KEATING: Okay. That
21 was my question, was that the intent?

22 MR. QUIN: Yes, that's why we put

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1 the cul-de-sac in. Right. Right.

2 On the AMI question, we filed as
3 Exhibit C to our statement of September 3, a
4 complete statement of what we're doing in
5 terms of the affordable units. And then the
6 second page has the standards relating to
7 actual income levels of AMI. So that's in the
8 record now.

9 Under the DOES, there's a
10 recommendation from DOES that says that we
11 should go proceed and that we can take care of
12 that at a later phase. So obviously we'll
13 have to satisfy their requirement before we
14 get a permit.

15 We not proffered a CBE agreement,
16 but you can look at the ANC report about the
17 opportunity there for all community
18 organizations and individuals to apply for
19 whatever that's desired.

20 And I think on the Lamond-Riggs, I
21 think if you look at the request, we are
22 simply not in agreement because we do not

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1 believe we should reduce the number of units
2 and some of the other requests. And I think
3 when you read those requests, you will see
4 what our position has been on each one.

5 And unless there are other
6 questions, which we'd be glad to answer, if we
7 can --

8 VICE-CHAIR KEATING: So I just
9 wanted to reconfirm from our prior meeting
10 that the existing tenants will move to
11 identical units in other existing buildings,
12 right?

13 MR. QUIN: That's correct.

14 VICE-CHAIR KEATING: And then
15 after construction they'll move to the new
16 buildings in comparably-sized units?

17 MR. QUIN: There may be moves
18 between existing structures to other existing
19 structures. But then there will be one move
20 to building A.

21 VICE-CHAIR KEATING: Okay.

22 MR. QUIN: That will be the final

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1 move to building A.

2 VICE-CHAIR KEATING: But the
3 apartments that they'll move to will be
4 comparable in size to what they currently
5 have.

6 MR. QUIN: That's correct. I'd
7 like Mr. Brian Kim to answer that, if he can
8 come forward.

9 Come forward, please.

10 Brian, would you identify yourself
11 for the record, please?

12 MR. KIM: My name is Brian Kim.
13 The answer to that question is yes. However,
14 there is a elderly tenant who currently
15 resides in a three-bedroom unit. Most likely
16 when she relocates, it wouldn't be a three
17 unit. And a lot of that's going to be
18 determined by the type of financing that we
19 put in place. For example, if we decide to
20 use the low-income housing tax credits, there
21 are certain guidelines that we have to adhere
22 to as far as over housing or under housing

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1 residents based on their household size. So
2 those are all the factors that we take into
3 consideration. But generally the question is
4 yes, everyone will move to a comparable size
5 unit when they used relocate to building A.

6 CHAIRPERSON HOOD: Okay. Anything
7 else?

8 Ms. Schellin, can we get some
9 dates?

10 MS. SCHELLIN: Yes, we only asked
11 for a couple things, right? Are they clear
12 what they need?

13 CHAIRPERSON HOOD: I see one
14 person who's coming up, and I know we're past
15 testimony, but you know, this Commission has
16 a heart. You know, we're going to hear from
17 her. But let me tie this up. We're going to
18 her from her and her only.

19 But let me just say that can we
20 work on some dates? We got the dates? You
21 have the dates? Lets go through the dates.

22 MS. SCHELLIN: I think there were

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1 just a few things it sounds like that you guys
2 requested.

3 You know what you need to provide,
4 Mr. Quin?

5 MR. QUIN: Yes, we do.

6 MS. SCHELLIN: Okay.

7 MR. QUIN: And we are aware of Mr.
8 Mays' requests.

9 MS. SCHELLIN: Okay. So if we
10 could have those items by October 22nd. The
11 parties would have until October 29th to file
12 responses thereto. Therefore, the record
13 would be closed and would not be open for
14 anything else except for those specific items
15 requested this evening. And those responses
16 would be due by October 22nd. Responses by
17 the parties only would be due by October 29th.
18 And then we could consider this at our
19 November 9th meeting at 6:30 p.m.

20 And also, the draft findings of
21 facts, conclusions of law, which could be
22 submitted by any of the parties would be due

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1 by October 29th also. And all filings would
2 be due by 3:00 p.m.

3 CHAIRPERSON HOOD: Okay.
4 Typically, when we pass that point, we don't
5 go back to hearing testimony, but I see the
6 young lady made her way up, so I'm going to
7 take some time out, if everyone could indulge
8 me, and let me hear from the young lady who
9 just came to the table.

10 And we will take your testimony.
11 Could you introduce yourself and we'll go from
12 there?

13 MS. MOSS: My name is Sarah Moss.
14 I live at 5121 4th Street, N.E. I've been a
15 resident of Cafritz for 44 years. I have
16 moved from Kennedy Street to 5121. Now I have
17 to move back up to 4th Street, wherever
18 they're going to put me. I am a handicapped.
19 Now, I got to move back after they finish the
20 new buildings. Four times. I mean, three
21 times I've got to move. This is what they are
22 doing to me. Now, as a senior, I'm 73 years

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1 old. This is the way they do the seniors?
2 After you live for a certain amount of time,
3 they throw you out? I don't think it's fair.
4 I really don't think it's fair for them to do
5 me like this. Forty-some years I've been
6 there. Forty-four years I've been at Cafritz,
7 a resident. My rent has never been late, been
8 on time. Never had to come to court for my
9 rent. Now I'm a senior. Now this is what
10 they're going to me. They haven't given me no
11 papers saying -- I'm in a two-bedroom. They
12 haven't given me no papers stating where I'm
13 going or anything. They just fixing up
14 something and going to throw me in it. I
15 don't think it's fair. But they're coming my
16 way, believe it. We all going to get old one
17 day. All right. That's all. Amen. That's
18 all I got to say.

19 CHAIRPERSON HOOD: Okay. Thank
20 you for your testimony. And I would just ask,
21 Mr. Quin, could you ask the Applicant to make
22 sure to take care of the seniors? All I'm

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1 doing is asking, because that's not within my
2 jurisdiction.

3 MR. QUIN: I understand
4 completely.

5 CHAIRPERSON HOOD: But I would
6 hope, and that's why I asked about the
7 relocation, I would hope that it would be as
8 less burdensome as possible. I know you're
9 trying to improve it, but I would hope that
10 the Applicant would try to --

11 MR. QUIN: I'm sure that will
12 happen.

13 CHAIRPERSON HOOD: All I can do is
14 ask.

15 MR. QUIN: Knowing the Cafritz --

16 CHAIRPERSON HOOD: Don't take me
17 to court for that.

18 MR. QUIN: Knowing what the
19 Cafritz Foundation has done all over the
20 years, they will continue to be attentive and
21 as careful as they can possibly be.

22 CHAIRPERSON HOOD: Okay. All

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1 right. Thank you. That's all we can do
2 within our jurisdiction.

3 I think that the record is
4 complete. I think other than what we've asked
5 for, and we've already went down that list,
6 and I'm not sure when we're going to take this
7 up. Our November 9th meeting.

8 Ms. Schellin, is everything
9 complete?

10 MS. SCHELLIN: Yes.

11 CHAIRPERSON HOOD: I want to thank
12 everyone for their participation tonight and
13 have a safe trip home. This hearing is
14 adjourned.

15 (Whereupon, the meeting was
16 adjourned at 10:00 p.m.)

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