

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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ZONING COMMISSION

+ + + + +

PUBLIC HEARING

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IN THE MATTER OF:                               :
                                                :
THE MORRIS & GWENDOLYN CAFRITZ : Case No.:
FOUNDATION (PUD & RELATED MAP  : 06-10
AMENDMENT @ SQUARES 3765 & 3769 :
& PORTIONS OF 3766, 3767 & 3768 :
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Thursday,  
July 2, 2009

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 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, Anthony J. Hood, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

ANTHONY J. HOOD	Chairperson
WILLIAM W. KEATING	Vice Chairperson
KONRAD SCHLATER	Commissioner
MICHAEL TURNBULL, FAIA	Commissioner (OAC)
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:

SHARON S. SCHELLIN Secretary  
DONNA HANOUSEK Zoning Specialist

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER  
STEVEN COCHRAN  
JOEL LAWSON  
DEBORAH CRAIN

D.C. DEPT. OF TRANSPORTATION STAFF PRESENT:

JEFF JENNINGS

This transcript constitutes the minutes from the Public Hearing held on July 2, 2009.

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

2 6:34 p.m.

3 CHAIRPERSON HOOD: Good evening,  
4 ladies and gentlemen. I am Anthony J. Hood,  
5 Chairman of the Zoning Commission. Joining me  
6 are Vice Chairman Keating, Commissioner  
7 Schlater, Commissioner May and Commissioner  
8 Turnbull. We're also joined by the Office of  
9 Zoning staff, Ms. Schellin and Ms. Hanousek,  
10 Office of Planning staff, Ms. Steingasser, Mr.  
11 Cochran, Mr. Lawson and District Department of  
12 Transportation, Mr. Jennings.

13 I only did that because I knew  
14 everybody's name.

15 Okay. This proceeding is being  
16 court reported -- reported by a Court Reporter  
17 and webcast live. Accordingly, we must ask  
18 you to refrain from any disruptive noises or  
19 actions in the hearing room.

20 The subject of this evening's  
21 hearing is Zoning Commission Case No. 06-10.  
22 This is a request by Morris and Gwendolyn

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1 Cafritz Foundation for approval of a  
2 Consolidated and First Stage PUD and Related  
3 Map Amendment for property located at Squares  
4 3765 through 3769.

5 Notice of today's hearing was  
6 published in the DC Register on May 15, 2009  
7 and copies of the announcement are available  
8 to my left on the wall near the door.

9 The hearing will be conducted in  
10 accordance with the provisions of 11 DCMR 3022  
11 as follows: Preliminary matters; applicant's  
12 case; report of the Office of Planning; report  
13 of other Government agencies; report of the  
14 ANC, in this case, 5A; organizations and  
15 persons in support; organizations and persons  
16 in opposition, rebuttal and closing by the  
17 applicant.

18 The following time constraints will  
19 be maintained in this hearings: The applicant  
20 60 minutes; organizations 5 minutes;  
21 individuals 3 minutes.

22 The Commission intends to adhere to

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1 the time limits as strictly as possible in  
2 order to hear the case in a reasonable period  
3 of time. The Commission reserves the right to  
4 change the time limits for presentations, if  
5 necessary, and notes that no time shall be  
6 ceded.

7 All persons appearing before the  
8 Commission are to fill out two witness cards.

9 These cards are located to my left on the  
10 table near the door.

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

21 The decision of the Commission in  
22 this case must be based exclusively on the

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1 public record. To avoid any appearance to the  
2 contrary, the Commission requests that persons  
3 present not engage the Members of the  
4 Commission in conversation during any recess  
5 or at any time. The staff will be available  
6 throughout the hearing to discuss procedural  
7 questions.

8 Please, turn off all beepers and  
9 cell phones, at this time, so not to disrupt  
10 these proceedings.

11 Would all individuals wishing to  
12 testify, please, rise to take the oath? Ms.  
13 Schellin, would you, please, administer the  
14 oath?

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

17 (Whereupon, the witnesses were  
18 sworn.)

19 MS. SCHELLIN: Thank you.

20 CHAIRPERSON HOOD: I have a  
21 preliminary matter. I see a representative  
22 from Council Member Thomas' Office and I will

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1 ask if there is a representative from Council  
2 Member Bowser's Office, if they would come up,  
3 at this point, before we get into party status  
4 and everything. Come up and do their  
5 presentation at this time.

6 And we always yield to all of our  
7 Council Members and their staff. I don't want  
8 anyone to think I'm just doing it because it's  
9 Ward 5. Do we have anyone from Council Member  
10 Bowser's Office? Okay. And if someone is to  
11 join us, if somebody can let me -- let the  
12 staff know.

13 You can turn your mike on, Ms.  
14 Chambers, and you may begin.

15 MS. CHAMBERS-LENARD: I'm reading  
16 this statement on behalf of Council Member  
17 Harry Thomas, Jr., a representative for Ward  
18 5. I express my firm support for the Art  
19 Place and Shops at Fort Totten PUD Application  
20 No. 06-10, which was submitted by the Cafritz  
21 Foundation to the Zoning Commission for  
22 consideration on October 8, 2008.

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1                   This           proposed           mixed-use  
2 redevelopment project is an exciting transit-  
3 oriented and multi-faced project that will  
4 help revitalize the entire neighborhood around  
5 the Fort Totten Metrorail Station.

6                   As the Council Member and a  
7 lifelong resident of the city, I'm impressed  
8 by the Foundation's deep-rooted civic and  
9 philanthropic history in the District of  
10 Columbia. I especially appreciate the  
11 Foundation's association, involvement and  
12 commitment to the citizens of the city and to  
13 the residents who reside in the aging Riggs  
14 Plaza Apartments.

15                   These units were built by the  
16 Cafritz' in the 1950s. In addition to  
17 transforming an aging complex of low-rise  
18 multi-family residential buildings and  
19 warehouses into a new mixed-use development, I  
20 am pleased to note that the Foundation is  
21 committed to providing all existing Riggs  
22 Plaza occupants on-site during and after

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1 construction.

2           Upon completion of Phase 1, these  
3 tenants will be provided with new replacement  
4 units, comparable in size to their original  
5 units. The Art Place Project also proposes to  
6 bring additional new affordable and work force  
7 housing for most of the seniors residing at  
8 Riggs Plaza and other citizens.

9           A grocery store, a bank, a new  
10 library, a children's museum, street front  
11 retail and shops, restaurants and much more.

12           Other proposed community benefits  
13 and amenities include recreational and  
14 entertainment facilities for seniors, a day  
15 care center, landscape parks and public plaza  
16 among other things.

17           The Art Place and Shops Project  
18 will have a positive impact on the communities  
19 in Ward 5 and nearby neighborhoods. I urge  
20 the Commission to act favorably on this PUD  
21 Application and Map Amendment.

22           CHAIRPERSON HOOD: Thank you very

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1 much, Ms. Chambers, for reading the Council  
2 Member's statement. Colleagues, any  
3 questions? Hearing none, let me just ask and  
4 also make sure do we have anyone from Ward 4  
5 representing Council Member Bowser? Okay.  
6 Not seeing anyone, thank you very much.

7 Okay. Does the applicant have any  
8 questions? Ms. Chambers will be here if  
9 anyone has any questions. And what I'll do is  
10 -- I did that purposefully, so we wouldn't  
11 have to go through -- typically, we don't ask,  
12 but we know we have to allow that. So once we  
13 establish party status and everything, Ms.  
14 Chambers will be here for a few moments, and  
15 we will see, at that point, once we establish  
16 are there any cross examining questions.

17 Okay. Let me go right to it. ANC-  
18 5A is an automatic party. I don't think we  
19 need to deal with that.

20 We have a request, colleagues, in  
21 front of us, Exhibit No. 44, which is from the  
22 Lamont Riggs Association. A very in depth

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1 description of how they meet some of our  
2 criterion. And I think we have all had a  
3 chance to read it. Unless there are some  
4 comments or questions, I would move that we  
5 make -- and this is a party in opposition.  
6 Mr. Quin, do you have an issue?

7 MR. QUIN: No.

8 CHAIRPERSON HOOD: Okay. I would  
9 move that we make the Lamont Riggs Citizens  
10 Association, in care of Charon P.W. Hines,  
11 President, as a party in this case and ask for  
12 a second.

13 COMMISSIONER TURNBULL: Second.

14 CHAIRPERSON HOOD: Moved and  
15 properly seconded. Further discussion? All  
16 those in favor?

17 ALL: Aye.

18 CHAIRPERSON HOOD: Hearing no  
19 opposition, Ms. Schellin, would you record the  
20 vote?

21 MS. SCHELLIN: Yes. Staff records  
22 the vote 5-0-0 to grant party status in

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1 opposition to Lamont Riggs Citizens  
2 Association. Commissioner Hood moving,  
3 Commissioner Turnbull seconding, Commissioners  
4 Schlater, Keating and May in support.

5 CHAIRPERSON HOOD: Okay. Next, we  
6 also have an issue in front of us for ANC --  
7 is anyone representing -- here a  
8 representative of ANC-4B? I don't see  
9 Chairman Sloan. Is there anyone here  
10 representing ANC-4B? 4B is adjacent to the  
11 property, colleagues, and typically we give  
12 them party status. We can give them party  
13 status and make them an affected ANC and I  
14 think that's where we will leave it, because  
15 in the materials, obviously, there was some  
16 issues there.

17 So I would move that we make them -  
18 - give them party status, because they are an  
19 affected ANC adjacent to the property and ask  
20 for a second.

21 COMMISSIONER MAY: Second.

22 CHAIRPERSON HOOD: Moved and

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1 properly seconded. Ms. Schellin, is that  
2 proper?

3 MS. SCHELLIN: That they are an  
4 affected ANC?

5 CHAIRPERSON HOOD: Right. Affected  
6 and they are --

7 MS. SCHELLIN: And therefore, they  
8 would become a party, yes.

9 CHAIRPERSON HOOD: Okay. All  
10 right. It has been moved and properly  
11 seconded. Any further discussion? Before I  
12 call for the vote, Mr. Quin, do you have any  
13 issues? Okay.

14 All those in favor?

15 ALL: Aye.

16 CHAIRPERSON HOOD: Ms. Schellin,  
17 not hearing any opposition, would you record  
18 the vote?

19 MS. SCHELLIN: Yes. Staff records  
20 the vote 5-0-0 to -- finding that ANC-4B is an  
21 affected ANC and therefore granting them --  
22 making them a party. Commissioner Hood

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1 moving, Commissioner May seconding,  
2 Commissioners Schlater, Keating and Turnbull  
3 in favor.

4 CHAIRPERSON HOOD: Okay. We are  
5 also joined by the Ward 5 Planner, maybe more  
6 than Ward 5, but right now Ms. Deborah Crain,  
7 I believe is the Ward 5 Planner. We welcome  
8 her.

9 Also, let me ask Mr. Quin if you  
10 would come to the table. And let me do this  
11 at this point. Does anyone who we have just  
12 made a party, ANC-5A or Lamont Riggs Citizens  
13 Association have any cross examination or any  
14 cross for Mrs. Vicky Chambers, Ms. Chambers?  
15 Okay. Let the record reflect that I did call  
16 and ask for it.

17 Can you come forward? Are you  
18 representing Lamont Riggs?

19 MS. VAMPLE: For Lamont Riggs?

20 CHAIRPERSON HOOD: Okay. But  
21 someone who wants to cross examine Ms. Vicky  
22 Chambers? Okay. Basically what it is, Ms.

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1 Chambers -- Council Members and Council Member  
2 representatives we let go first down here all  
3 the time. And the law says that we have to  
4 have cross examination.

5 So since she testified in support,  
6 the parties have an opportunity to cross  
7 examine her. And these are just questions for  
8 whatever statement she read out of Council  
9 Member Thomas' statement. But if you don't  
10 have any questions for that, then we will  
11 proceed.

12 MS. VAMPLE: Yes.

13 CHAIRPERSON HOOD: Okay. Now, who  
14 -- no, let me just make sure we get something  
15 -- whoever is representing the Lamont Riggs  
16 Citizens Association, it's going to be one  
17 person. We're going to see one person who is  
18 going to do cross examination.

19 Now, when you present your case,  
20 we'll get to that and that will be a different  
21 story. Okay. So do you have someone who  
22 wants to ask questions from Lamont Riggs

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1 Citizen Association who is a party?

2 MS. VAMPLE: Yes.

3 CHAIRPERSON HOOD: So, sir, if you  
4 can come forward? Ms. Chambers, if you can  
5 come forward? Sir, if you can identify  
6 yourself. And it's germane to the  
7 presentation, her testimony.

8 MR. FOXWORTH: My name is Rodney  
9 Foxworth. I'm a --

10 CHAIRPERSON HOOD: Can you turn  
11 your microphone on?

12 MR. FOXWORTH: My name is Rodney  
13 Foxworth. I'm the first Vice President for  
14 the Lamont Riggs Citizens Association and the  
15 Co-Chair of the Lamont Riggs Development Task  
16 Force.

17 CHAIRPERSON HOOD: Okay. Now, do  
18 you have questions for Ms. Chambers?

19 MR. FOXWORTH: Ms. Chambers, can  
20 you describe the outreach by either 5A and/or  
21 the Council Members Office to the Lamont Riggs  
22 Citizens Association and how has that evolved

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1 since the PUD application was submitted? At  
2 least the revised PUD.

3 MR. QUIN: Mr. Chairman, I object  
4 to the questions beyond the scope of  
5 testimony.

6 CHAIRPERSON HOOD: It is. I'm  
7 looking at his testimony and I don't see that.  
8 So stick with whatever is in Exhibit 28? Is  
9 this 20 or 28? Well, whatever this exhibit  
10 is.

11 MR. FOXWORTH: I actually don't  
12 have a copy of that. If I can just get a copy  
13 of it and have a moment to reflect on it? It  
14 was read fairly fast and I wasn't taking  
15 notes.

16 CHAIRPERSON HOOD: Okay. I'll tell  
17 you what, Mr. Foxworth, we will come back to  
18 that. At this time, Ms. Chambers, I don't  
19 know how your schedule is, will you be around  
20 for a little while?

21 MS. CHAMBERS-LENARD: Sure.

22 CHAIRPERSON HOOD: Okay.

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1 MS. CHAMBERS-LENARD: I can stick  
2 around for a while.

3 CHAIRPERSON HOOD: All right.  
4 Thank you. If you all can take your seat  
5 back, obviously, we will deal with that as we  
6 proceed. Ms. Schellin, could you provide them  
7 a copy, Mr. Foxworth.

8 Okay. Mr. Quin, we have some  
9 expert witnesses, I believe, that we want to  
10 go through.

11 MR. QUIN: Yes.

12 CHAIRPERSON HOOD: And actually,  
13 your submission.

14 MR. QUIN: Yes. Under our letter  
15 dated June 24, there were several architects  
16 and their resumes for each of them. We would  
17 like to have those persons admitted. The ones  
18 that would be our direct witnesses will be  
19 Matthew Bell, James Voelzke, Michael Wiencek,  
20 Marty Wells and Jami Milanovich of Wells &  
21 Associates for traffic consultants and Steve  
22 Sher for our Zoning and Land Use Urban

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1 Planner.

2 So those would be our direct  
3 witnesses. As indicated in our  
4 correspondence, we do have other people  
5 available for questions and I suppose, at that  
6 time, we can qualify them as experts.

7 CHAIRPERSON HOOD: So  
8 unfortunately, Mr. Quin, I just got your  
9 submittal in front of me. Let's do that  
10 again. I can tell you right now, Ms.  
11 Milanovich and Mr. Sher, we don't need to go  
12 through that. We see Mr. Sher once a week.

13 MR. QUIN: All right.

14 CHAIRPERSON HOOD: And Ms.  
15 Milanovich, we see her. But let's go through  
16 the other ones and I'll go to my colleagues.

17 MR. QUIN: Matthew Bell, AIA, EE&K.

18 CHAIRPERSON HOOD: Are we looking  
19 at Exhibit 50?

20 MR. QUIN: It's --

21 CHAIRPERSON HOOD: Okay.

22 MR. QUIN: -- a letter dated June

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1 24, 2009.

2 CHAIRPERSON HOOD: Okay.

3 MR. QUIN: And it lists the -- the  
4 direct witnesses are at that time proposed.  
5 And the first exhibit is Matthew J. Bell.

6 CHAIRPERSON HOOD: Um-hum.

7 MR. QUIN: AIA, Principal. And it  
8 describes his history, his background and I  
9 think it's very detailed. And the second one  
10 would be Jim Voelzke, James Voelzke, Mushinsky  
11 Voelzke Associates. And the third is Michael  
12 Wiencek of Wiencek Associates.

13 CHAIRPERSON HOOD: Okay. So  
14 basically what we're doing then is doing all  
15 the direct?

16 MR. QUIN: That's right. And those  
17 are the architects and the other two you have  
18 already said --

19 CHAIRPERSON HOOD: Right, right.

20 MR. QUIN: -- they're okay.

21 CHAIRPERSON HOOD: And even Mr.  
22 Wells, I see his name on here also.

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1 MR. QUIN: Yes.

2 CHAIRPERSON HOOD: Colleagues, the  
3 three architects, I would hope that I could  
4 speak for all of us. We see Mr. Wells, Ms.  
5 Milanovich and Mr. Sher, they have been  
6 accepted before, so we won't waste time with  
7 that.

8 Let's go to the other three  
9 architects and I'm going to look to some of my  
10 architects up here and see.

11 COMMISSIONER MAY: You know, I  
12 think it's fine that the resumes are thorough  
13 and demonstrate the relevant expertise, so I'm  
14 happy to qualify them as expert witnesses.

15 CHAIRPERSON HOOD: We better frame  
16 that one, I can guarantee.

17 COMMISSIONER MAY: Absolutely.

18 CHAIRPERSON HOOD: Okay. Let's go  
19 ahead and we'll accept that, at this time, Mr.  
20 Quin.

21 MR. QUIN: Thank you.

22 CHAIRPERSON HOOD: Okay. I think

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1 at this time, we're ready to proceed.

2 MR. QUIN: Thank you, Mr. Chairman  
3 and Members of the Commission. I didn't know  
4 how you wanted to do it.

5 CHAIRPERSON HOOD: Oh, the others.

6 MR. QUIN: Yeah.

7 CHAIRPERSON HOOD: Yeah, yeah,  
8 let's go back to that. Mr. Foxworth? Is it  
9 Foxworth? I need to --

10 MR. FOXWORTH: Yes.

11 CHAIRPERSON HOOD: Mr. Foxworth, if  
12 you can come back to the table? Have you had  
13 time to read the submission by Council Member  
14 Thomas?

15 MR. FOXWORTH: Yes.

16 CHAIRPERSON HOOD: Could you come  
17 back to the table? Ms. Chambers, could you  
18 come back to the table? I just want to go on  
19 record. This has never happened before when a  
20 Council Member has come down or a Council  
21 Member's Office. So this is new for me at  
22 least.

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1                   Okay. Mr. Foxworth, if you would  
2 begin with your cross examination?

3                   CROSS EXAMINATION

4                   MR. FOXWORTH: Well, I'm trying to  
5 establish if the Council Member bases his  
6 support of the PUD on discussions with the  
7 Lamont Riggs Citizens Association?

8                   CHAIRPERSON HOOD: I don't know if  
9 she is going to be able to answer that, but I  
10 guess, Ms. Chambers, to the best of your  
11 ability.

12                   MR. FOXWORTH: Well, she was  
13 actually a party of some of these discussions,  
14 so she does have firsthand knowledge of the  
15 interaction and discussions with the Lamont  
16 Riggs Citizens Association.

17                   CHAIRPERSON HOOD: Go ahead.

18                   MR. FOXWORTH: So I just want to  
19 get it on record if, in fact, she would  
20 confirm that she has been part of meetings  
21 with the Lamont Riggs Citizens Association.

22                   CHAIRPERSON HOOD: She has been

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1 part of meetings or the Council Member?

2 MR. FOXWORTH: She has been part of  
3 meetings.

4 CHAIRPERSON HOOD: Okay. This is  
5 pertaining to his -- I guess it's her  
6 representative. You know, she maybe did a  
7 whole lot of things, but I think pertaining to  
8 his letter, I think, that's what we want our  
9 questions to come from.

10 MR. FOXWORTH: May I ask questions  
11 to her based on her role or only questions of  
12 her based on Council Member --

13 CHAIRPERSON HOOD: Questions on the  
14 testimony on Exhibit 28 or 20, whatever  
15 exhibit this is.

16 MR. FOXWORTH: Okay. Let me try a  
17 different approach then.

18 CHAIRPERSON HOOD: Okay.

19 MR. FOXWORTH: Does the Lamont  
20 Riggs Neighborhood reside in Ward 5? The  
21 Council Member's District?

22 MS. CHAMBERS-LENARD: As far as I

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1 know, part of Lamont Riggs is in Ward 5 and  
2 part of it is in Ward 4. It straddles the two  
3 wards.

4 MR. FOXWORTH: Okay. Is the  
5 Council Member aware of the position of the  
6 Lamont Riggs Citizens Association on this PUD?

7 MS. CHAMBERS-LENARD: I believe he  
8 is, but I'm not 100 percent.

9 CHAIRPERSON HOOD: Let me help you,  
10 Mr. Foxworth. The Zoning Commission is aware  
11 of it. We have your submittal. So let's ask  
12 another question.

13 MR. FOXWORTH: No further  
14 questions.

15 CHAIRPERSON HOOD: Good job. Thank  
16 you very much. Thank you both. Any other?  
17 Okay. That's it. Okay. I think, Mr. Quin,  
18 we're ready. Thank you, Mr. Foxworth.

19 MR. FOXWORTH: You're welcome.

20 CHAIRPERSON HOOD: And thank you,  
21 Ms. Chambers. I'm going to ask the  
22 Chairperson of ANC-5A, did you have any cross

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1 examination of Ms. Chambers, Ms. Alston?  
2 Okay. Thank you. Okay. Good. Mr. Quin, I  
3 think we can get started.

4 MR. QUIN: Thank you, Mr. Chairman.

5 CHAIRPERSON HOOD: If not, we'll be  
6 here until July the 4<sup>th</sup>.

7 MR. QUIN: We're going to move  
8 quickly. Good evening, Members of the  
9 Commission. My name is Whayne Quin with  
10 Dennis Hughes of Holland & Knight. We  
11 represent the applicant, The Morris and  
12 Gwendolyn Cafritz Foundation.

13 This PUD for 16.5 acres next to  
14 Fort Totten Metro Station is probably one of  
15 the most exciting and compelling land  
16 development cases that has come before this  
17 Commission. At a time when affordability,  
18 sustainability and economic downturn are the  
19 focus of all of us in the community and  
20 throughout the United States, this project  
21 promises to advance and implement the latest  
22 and best techniques of land planning,

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1 transportation, environment, social and  
2 economic goals of our city.

3 This town within a town, which I  
4 think is an apt description, will revitalize  
5 this important area of town, Riggs Road and  
6 South Dakota, blending into the neighborhood a  
7 design that promotes affordable and market-  
8 rate rental housing, transit-oriented  
9 development, including retail, cultural and  
10 educational activities, all in the context of  
11 a LEED and green communities emphasis.

12 Yet, the density as you know is not  
13 very high. The density proposed is 3.1 and  
14 even that is including the structured parking.

15 So if you took out structured parking which  
16 is put in there basically so that parking is  
17 not below-grade or on the surface, the FAR is  
18 2.35.

19 The heights vary from 60 feet to 90  
20 feet with some setbacks from South Dakota  
21 Avenue. The entire project, as you will hear,  
22 is consistent with the Comprehensive Plan for

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1 the nation's capital and the Small Area Plan  
2 recently approved by the Council in March, The  
3 Riggs Road and South Dakota Avenue Area  
4 Development Plan.

5 Mr. Sher will be our main witness  
6 on those points.

7 As you know, there are two parts to  
8 this PUD. A Consolidated PUD portion for  
9 Building A, which you can see on the screen,  
10 in the illustrative plan, I think that is,  
11 page 5 in our package, a Consolidated PUD for  
12 Building A at the south end of the site at  
13 Galloway and Ingraham Streets and, two, a  
14 preliminary PUD for Buildings B, C and D going  
15 in a northerly direction.

16 Building A will contain 529  
17 residential units, including affordable and  
18 senior units, retail, consisting of space for  
19 a grocery store, and in-line retail along  
20 South Dakota Avenue and also along Ingraham  
21 Street, which will be a new retail street,  
22 with the residential lobby and day care off of

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1 Galloway. As you will see, there is very  
2 detailed landscaping at critical points.

3 The second part of the PUD, which  
4 is the balance of this case, will be in  
5 subsequent stages and will consist of 400  
6 residential units, space for a major retail  
7 anchor and in-line retail, a children's  
8 museum, arts and community uses and I should  
9 say the total affordable units for the entire  
10 project will be about 18 percent or 171 units.

11 The -- because the overall project  
12 here has been very extensive and multi-faceted  
13 and we have had a lot of changes that we have  
14 made in response to various comments by the  
15 D.C. agencies in our outreach to the  
16 community, the resulting product is an  
17 extraordinary public benefits package and  
18 project amenities package, as will be  
19 described tonight and we'll give you an  
20 exhibit that will list each point and also try  
21 to attempt to put a monetary value on those  
22 benefits, which you will find staggering.

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1 All of this is really being made  
2 possible because of the fact that the  
3 applicant is the Cafritz Foundation, which is  
4 the largest privately-funded nonprofit  
5 organization focusing on the District area  
6 with the policy of extensive contributions  
7 throughout the District of Columbia and also  
8 including specifically Wards 5 and 4.

9 Obviously, we are very pleased with  
10 the reports that we received from the Office  
11 of Planning, DDOT, Riggs Plaza Tenants  
12 Association, ANC-5A, WMATA, there is a letter  
13 that has been filed today, we believe, support  
14 from Ward 5 Councilman Harry Thomas, that you  
15 have just heard. And we also are glad about--  
16 that we have had the cooperation of the  
17 Department of Energy.

18 So we are going to try to move  
19 through our testimony very quickly leaving  
20 time for questions. So we have already  
21 qualified our -- did I say something  
22 employment? I meant to say --

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1 MS. VAMPLE: You said energy.

2 MR. QUIN: I meant to say  
3 Department of Environment, sorry. Unless  
4 there are questions, we would like to proceed  
5 with our first witnesses. And Calvin Cafritz  
6 was going to be one of our speakers for the  
7 Cafritz Foundation, but unfortunately, and his  
8 wife will explain, Jane Lipton Cafritz will be  
9 the witness and will cover not only Mr.  
10 Cafritz' testimony, which will be brief, but  
11 the entire case overview.

12 And she has been the manager of  
13 this entire project as we have gone along in  
14 the last 2 or 3 years. Jane?

15 MS. CAFRITZ: Good evening. My  
16 name is Jane Lipton Cafritz. I want to thank  
17 the Commissioners and everyone else for being  
18 here this evening to hear this case. I'm  
19 going to read into the record my husband's  
20 statement. Unfortunately, he could not be  
21 here for medical reasons.

22 "I am Calvin Cafritz, Chairman,

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1 President and CEO of The Morris and Gwendolyn  
2 Cafritz Foundation which is the largest  
3 independent grant making foundation focused  
4 exclusively on the Washington Metropolitan  
5 area. I would like to thank the Commission  
6 for allowing us to make a presentation today.

7 The Foundation is the legacy of my  
8 father, Morris Cafritz, one of Washington's  
9 leading residential and commercial real estate  
10 builders from the early 1920s to the mid-  
11 1960s. He was an outstanding civic leader  
12 known for his generosity. He established the  
13 Foundation in 1948.

14 In keeping with my father's wishes,  
15 we have continued to broaden the scope of our  
16 grant program to meet the ever changing needs  
17 of the Metropolitan area. Since 1970 we have  
18 awarded over \$314 million of grant money in  
19 the area of community services, education,  
20 health care and the arts and humanities.

21 In our last fiscal year, which  
22 ended April 30<sup>th</sup>, we made 394 grants totaling

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1 \$22.6 million. Over the last 3 years in Ward  
2 5, we have made a total of 134 grants totaling  
3 over \$5 million. And in Ward 4, we made 124  
4 grants totaling over \$4 million.

5 The Riggs Plaza Apartments were  
6 built just after World War II to provide work  
7 force housing for the city. On a personal  
8 basis, I am very familiar with the  
9 neighborhood. When I was a kid, I worked for  
10 two summers before any housing had been built  
11 on either side of South Dakota Avenue as a rod  
12 carrier for the survey crew.

13 The following summer I worked as a  
14 timekeeper on the construction job. The  
15 apartment building themselves were built of  
16 the highest quality materials and we plan to  
17 do the same for the new project.

18 The 233 apartment units at Riggs  
19 Plaza have served the community well. Many  
20 generations have lived there and the  
21 Foundation is committed to these residents.  
22 As the city grows, especially with increasing

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1 Metro usage, another kind of land use makes  
2 sense, one that coincides with the Mayor's  
3 policy of increased density at WMATA sites for  
4 transportation-oriented development.

5 The Foundation is committed to  
6 improving the lives of the citizens of Riggs  
7 Plaza and that of the neighborhood residents.

8 We have had many discussions with the  
9 residents of Riggs Plaza and the neighboring  
10 communities about our plan.

11 We believe Art Place is a wonderful  
12 project. It will be a true mixed-use  
13 community with great diversity and one in  
14 which we can take great pride as a legacy for  
15 our time. Over the last two years, my wife,  
16 Jane, has spearheaded this development for the  
17 Foundation and she will fill you in on the  
18 details."

19 On behalf of myself, I would like  
20 to thank the Commissioners again for listening  
21 to this project. Also, I would just like to  
22 introduce my team of experts who are here

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1 standing -- sitting behind me.

2           Ralph Bennett is our team advisor.  
3 He is our environmental consultant, an  
4 architect and probably the foremost published  
5 authority on affordable housing in the  
6 country.

7           Matt Bell from EE&K is an urban  
8 planner. K.C. Dutton from EE&K is an urban  
9 planner. Jim Voelzke --

10           CHAIRPERSON HOOD: Ms. Cafritz, if  
11 they can just raise their hand --

12           MS. CAFRITZ: Oh, I'm sorry.

13           CHAIRPERSON HOOD: -- because some  
14 of us may be familiar, but I'm not.

15           MS. CAFRITZ: Matt Bell? Ralph  
16 Bennett, team advisor? Matt Bell, EE&K, urban  
17 planner? K.C. Dutton, EE&K, urban planner?  
18 Jim Voelzke, MV & A Architects? John Ray,  
19 Manatt Phelps, attorney? Tina Ang, Manatt  
20 Phelps, attorney? Mike Wiencek, Wiencek &  
21 Associates, architect? Scott Knudson, Wiencek  
22 & Associates, architect? Brian Kim, HO&C

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1 Financial Consultant and Affordability  
2 Advisor?

3 Steve Dunlap, HO&C Construction,  
4 advisor? Marty Wells, Wells & Associates,  
5 traffic advisor? Jamie Gorski, Wells &  
6 Associates, traffic advisor? Kyle Oliver,  
7 VIKA, civil engineer consultant? Dennis  
8 Hughes, Holland & Knight? Trini Rodriguez,  
9 landscape architect? Pat Waddy, Vice  
10 President of the Cafritz Company? Walter  
11 Klinger, Residential Manager of Riggs Plaza,  
12 Cafritz Company? David Ward, H & R Retail,  
13 broker and consultant?

14 Thank you. In designing this  
15 project called Arts Place and Shops, the  
16 Foundation established 10 goals.

17 The first goal was to establish a  
18 vibrant mixed-use community that is  
19 transportation-oriented.

20 The second goal was to create a  
21 development that meets the goals of the city  
22 with significant density to maximize the

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1 location near the Fort Totten Metro Station.  
2 As you know, it's the only station outside of  
3 Downtown D.C. that has three lines that  
4 intersect, the Red, Yellow and Green.

5 The third goal was to balance the  
6 city's policy of significant density with the  
7 current character and scale of the existing  
8 neighborhood to provide a consistent urban  
9 streetscape along South Dakota Avenue.

10 The fourth goal was to provide a  
11 secure and safe community that is walkable and  
12 pedestrian-oriented with the best possible  
13 access to Metro, including wayfinding nodes  
14 that help people navigate on efficient paths  
15 that define Arts Place to help create a strong  
16 sense of character.

17 The fifth goal was to create a  
18 community and design that is characterized by  
19 consistency, consistent with the existing  
20 community, including the Backus School and the  
21 two-story townhomes across the way.

22 The sixth goal was to provide

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1 retail, office, cultural and residential  
2 mixed-use design that can be a point of pride  
3 for the city and for The Morris and Gwendolyn  
4 Cafritz Foundation.

5 The seventh is to provide much  
6 improved residential homes for the Riggs Plaza  
7 residents who are the heart of our  
8 development, to give these residents priority  
9 and create a senior center and affordable  
10 units with outstanding amenities. We pledge  
11 at least 18 percent affordability units across  
12 the whole development.

13 For Building A we pledge 98 senior  
14 affordable units. And the remaining current  
15 residents who are not seniors will be housed  
16 in Building A in affordable units. And at  
17 least 20 affordable units will be housed in  
18 Building C.

19 The eighth goal was to provide uses  
20 that create a community that is viable from  
21 the beginning, usually it takes decades to  
22 assume -- to create a development that has

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1 quality and character, but by creating dynamic  
2 uses for this destination, we think we are  
3 able to create a vibrant neighborhood  
4 immediately.

5 The ninth goal was to bring  
6 significant cultural resources to an under-  
7 served area, including a children's museum and  
8 an arts building that will reach out to the  
9 community and partner with existing cultural  
10 institutions that are significant and have --  
11 and create meaningful experiences for the  
12 lives of the residents who live in this  
13 neighborhood.

14 And the tenth goal is that the  
15 Cafritz Foundation plans to manage this asset  
16 in accordance with its mission, to build in  
17 accordance with the best sustainable practices  
18 and in accordance with the District of  
19 Columbia Land Use Policies.

20 The overall vision for the project  
21 is to create something that is staged for  
22 incremental realization in at least three

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1 stages. The overall plan includes important  
2 public spaces and street enhancements; safety  
3 and excellent access to Metro; walkable paths;  
4 a full scale grocery store; a large retail  
5 store; associated convenience retail space:  
6 shops, restaurants, convenience stores.

7 An arts building that will be the  
8 back of the house operations for both the  
9 Washington National Opera and the Shakespeare  
10 Theatre; a new children's museum, because  
11 Washington, D.C. does not have one at the  
12 current time; a new Lamont Riggs Public  
13 Library; 929 apartments at various rent levels  
14 for various populations to create maximum  
15 diversity and artist housing.

16 Our Building A, which will be Stage  
17 1, will have a senior center, a day care  
18 center, an ANC office of 600 square feet, 529  
19 apartments, 98 are affordable apartments,  
20 which will have outstanding amenities,  
21 including amenities from medical needs,  
22 physical and mental development, beauty

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1 parlor, exercise room, affordable units for  
2 the Riggs Plaza residents and other mixed rate  
3 units.

4 We will have appropriate parking  
5 and encourage alternative transportation. We  
6 anticipate that this Building A will create  
7 3,500 jobs during construction and 1,600 jobs  
8 in operation. It will afford \$18.4 million in  
9 tax revenues per year to the city and for the  
10 first year contribute capitalized cost of  
11 \$14.5 million to the city and overall \$54.7  
12 million over the life of the development of  
13 the project.

14 We believe that these objectives  
15 are consistent with the objectives of WMATA  
16 and the District of Columbia and this project  
17 will be LEED-certified.

18 Throughout the process, we have  
19 tried to maintain a strong community outreach.

20 We have had close contact with the Riggs  
21 Plaza Tenants Association, with residents of  
22 Riggs Plaza, with WMATA, Food and Friends, the

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1 D.C. Public Library. We have had informal  
2 meetings with community groups, including  
3 Lamont Riggs Civic Association, meetings with  
4 ANC-4B and 5A, meeting with Ward 5 Councilman  
5 Tommy Thomas and Ward 4 Council Woman Murial  
6 Bowser.

7 We have fully engaged with the city  
8 agencies involved in planning and the zoning  
9 process. And we look forward to your  
10 comments.

11 MR. QUIN: Mr. Chairman, I assume  
12 that what you want to do is, in a case like  
13 this, to wait for cross examination after our  
14 direct presentation rather than on an  
15 individual basis?

16 CHAIRPERSON HOOD: Right. Let's  
17 try to -- let's go through your whole  
18 presentation and then we will do it on the  
19 back end any questions.

20 MR. QUIN: Thanks. Thank you.  
21 Then our next witness is --

22 CHAIRPERSON HOOD: You might want

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1 to turn your mike on.

2 MR. QUIN: Sorry. Is a panel of  
3 architects, there are three, but they are  
4 going to go very rapidly in three. And then  
5 the first one will come, the first speaker  
6 will come back to close. So it will be four  
7 people speaking, one -- not four people,  
8 excuse me. Three people speaking, but one  
9 person will speak twice.

10 Oh, one of the things I mentioned  
11 to you was the project amenities and community  
12 benefits. It keeps jumping, maybe it doesn't.

13 At any rate, we will pass this out to the  
14 Commission now with your permission. Thank  
15 you.

16 MR. BELL: Good evening. I'm Matt  
17 Bell from Ehrenkrantz Eckstut & Kuhn  
18 Architects. I'm going to speak about the  
19 overall Urban Design Plan and what we are  
20 trying to achieve. I'll be followed by my  
21 colleague Jim Voelzke of MV & A Architects to  
22 talk about retail, building uses and the

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1 facades and Mike Wiencek of Wiencek Architects  
2 to talk specifically about the first phase  
3 program for Building A and the housing  
4 component.

5 Just overall in short, we seek to  
6 make a great addition to a great neighborhood  
7 with increased safety, more vitality and a  
8 vibrant mix of uses.

9 COMMISSIONER MAY: Excuse me one  
10 sec, sorry to interrupt, but these microphones  
11 are really sensitive and so it would help a  
12 lot if you push it away from your face a  
13 little bit.

14 MR. BELL: Sure.

15 COMMISSIONER MAY: And if everybody  
16 could do that, because the speaker is right  
17 here and I'm just going to go deaf.

18 CHAIRPERSON HOOD: You're only  
19 affecting two of us, so, you know.

20 MR. BELL: How's that? Is that  
21 better? Does that work?

22 COMMISSIONER MAY: That's better.

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1 MR. BELL: Okay.

2 COMMISSIONER MAY: Thank you.

3 MR. BELL: Thanks. A transit-  
4 oriented development has been mentioned  
5 consistent with best national practice and  
6 D.C. city objectives and great amenities for  
7 the city and the neighborhood.

8 The 16.52 acre site is currently  
9 occupied by 15 three and four-story brick  
10 apartment buildings built in the 1950s and 3  
11 commercial buildings next to the WMATA tracks.

12 The site is bounded by South Dakota Avenue to  
13 the east, Galloway Street to the south, which  
14 provides direct access to the Fort Totten  
15 Metro Station, Fort Totten Station a new 300  
16 unit rental development lies to the west and  
17 Food & Friends occupies the site to the north.

18 There are several public streets,  
19 four within the site, Kennedy Street, Hamilton  
20 Street, Galloway and 4<sup>th</sup> Street and an alley  
21 between 4<sup>th</sup> Street and South Dakota.

22 The plan proposes new streets which

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1 will align with the existing streets across  
2 South Dakota, this is going to be interesting,  
3 to the east to the Metro Station and to the  
4 currently truncated 3<sup>rd</sup> Street which runs  
5 through the Fort Totten Station Project.

6 CHAIRPERSON HOOD: Let me interrupt  
7 you. There is a light on your table. If you  
8 turn that on, I think that will help you out a  
9 little bit.

10 MR. BELL: Ah, yes, wonderful. The  
11 site rises almost 60 feet from the corner of  
12 Galloway Street and South Dakota to the end of  
13 Kennedy Street closest to the WMATA CSX  
14 tracks, so the high point is up towards the  
15 CSX tracks. There is a significant amount of  
16 grade that falls.

17 Proposed other developments in the  
18 area include the Fort Totten Square Project,  
19 the reorganization of the South Dakota Avenue  
20 and Riggs Road intersection and the reuse of  
21 the Bertie Backus Middle School.

22 Let's talk for a second about the

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1 zoning. The current zoning is R-5-A and FT/C-  
2 3-A. The requested Zone for this PUD is C-2-B  
3 with which all of the proposed construction  
4 will comply. This plan supports the recently  
5 enacted area development plan of Riggs Road  
6 and South Dakota Avenue Plan.

7 The existing zoning, however,  
8 limits uses, prevents mixed-use, limits  
9 height, FAR and site coverage. We seek the  
10 requested zoning change to permit this unique  
11 and innovative mix of residential, retail,  
12 arts and community uses.

13 This is consistent with the  
14 Comprehensive Plan for the city and the Small  
15 Area Plan and with principles of transit-  
16 oriented development and, obviously, with  
17 SmartGrowth.

18 The proposed zoning permits medium  
19 density development as proposed with greater  
20 height limits, greater FAR and increased site  
21 coverage. Although the proposed zone allows  
22 FARs of up to 6 for residential and up to 2

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1 for commercial, our proposed plan achieves  
2 only a 1.8 for residential and 1.3 for  
3 commercial uses with a total FAR of 3.1 for  
4 the whole development.

5 The C-2-B Zone permits a 90 foot  
6 height limit. The proposal's maximum heights  
7 are 60 to 90 feet with the highest buildings  
8 being closest to the Metro and at that end  
9 closest to the end where Food & Friends is at  
10 South Dakota Avenue. The rest being a height  
11 of up to about 60 feet along South Dakota  
12 Avenue.

13 The plan is what you are looking at  
14 now. The project's goals are to create this  
15 mixed-use community with a mixed income basis  
16 with arts included, sustainable development,  
17 transit-oriented development to enrich and  
18 enliven the community and the city at large.

19 The development promises to  
20 represent the breadth of the city's population  
21 and while providing a much needed  
22 neighborhood-serving retail and bringing life

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1 into the neighborhood with cultural and  
2 artistic institutions and installations.

3 Some of the principles of the plan  
4 include this integrated simplified street grid  
5 with walkable connected streets, street  
6 parking, eyes on the street and service  
7 locations, which are convenient, but not  
8 obtrusive, not visually obtrusive.

9 We seek a clear sense of the public  
10 environment through beautiful streetscapes,  
11 small public spaces and squares and active  
12 uses facing each of the street fronts.  
13 Parking will be convenient, but not visually  
14 obtrusive as we have several parking garages  
15 that are screened by active uses and also  
16 underground parking in other locations.

17 We have achieved with this plan an  
18 appropriate stepping of heights of the  
19 buildings in the overall plan in accordance  
20 with the rise of the topography. And  
21 amenities are dispersed throughout.

22 We seek also a variety of

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1 architectural expression, so that the project  
2 is not seen as monolithic.

3 Three buildings define the project.

4 Building A, which is the consolidated portion  
5 of the PUD, is 6 stories tall at South Dakota  
6 Avenue. It contains 99,000 square feet of  
7 retail uses, including a grocery store, 529  
8 apartments and 681 parking spaces.

9 Building B, which will be a later  
10 stage, along with Building C and D, is 3  
11 stories tall and contains a large format  
12 retail store, children's museum, senior center  
13 and 1,100 parking spaces, that's the building  
14 in the center.

15 Building D, further along South  
16 Dakota, is 6 stories tall and will be the home  
17 for the Washington Opera, Shakespeare Theatre,  
18 potential new public library of 20,000 square  
19 feet, community uses totaling 30,000 square  
20 feet and 160 parking spaces.

21 And finally, setback of the upper  
22 part of the site will be Building C at 8

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1 stories, which will contain about 400  
2 apartment units and include a parking garage  
3 with 420 spaces.

4 So you can see in the next one,  
5 this is just a breakdown of the PUD showing  
6 the First Stage, preliminary PUD and the  
7 Second Stage Consolidated PUD.

8 Pedestrian circulation throughout  
9 the site to the Metro Station will be greatly  
10 improved, especially along Ingraham Street  
11 which will be a small scale retail street with  
12 much activity anticipated on both sides of  
13 that street.

14 The Fort Totten Metrorail Station  
15 today hosts about 14,000 passengers a day with  
16 more than 50 percent arriving by bus and 22  
17 percent walk. When one does the numbers, you  
18 begin to realize about over 3,000 people are  
19 walking in this area on a daily basis.

20 Automobile circulation will be  
21 provided according to DDOT standards. On-  
22 street parking will be provided throughout our

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1 tree-lined streets and including along South  
2 Dakota Avenue to enhance the viability of the  
3 retail environment.

4 You can see here as well the public  
5 space is in the darker green, there the plaza,  
6 small squares throughout, the drop-off area  
7 which is a small plaza and art point down at  
8 Galloway and South Dakota.

9 Let's talk for a second about our  
10 LEED objectives and green communities. On  
11 June 10<sup>th</sup> we held a charrette to initiate a  
12 process for Building A State 2 of the PUD,  
13 which will culminate in compliance with the  
14 mandatory provisions of green communities and  
15 at least 35 points for the optional criteria.

16 We are seeking LEED-NC for the --  
17 for Building A, version 2.2 and the project  
18 has been registered with the U.S. Green  
19 Building Council and will result in a LEED-  
20 certified project.

21 A preliminary checklist for the two  
22 systems is included in the June 12<sup>th</sup>

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1 supplemental filing.

2 To speak in a larger sense about  
3 the site plan, we are also designing to be  
4 able to collect rainwater at street level for  
5 infiltration for street trees, take water from  
6 hard surfaces at the street, capture it in  
7 tree wells and in courtyards, store it, filter  
8 it and reuse it as irrigation and/or release  
9 over time into storm drains.

10 We are also seeking LEED-ND. While  
11 this is not something that is a formalized  
12 program yet by the U.S. GBC, the final drafts  
13 for the public version of this closed on June  
14 14<sup>th</sup>, we made a preliminary assessment for LEED  
15 Neighborhood Development of the project, its  
16 potential for this and, under this system, we  
17 find it at a silver level.

18 Before I pass it on to Jim Voelzke,  
19 I just want to mention that when this project  
20 is completed, we believe we will have achieved  
21 some significant things. We will have  
22 leveraged the investment, the public

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1 investment in transit infrastructure for  
2 appropriate transit-oriented development.

3 We will have combined diverse uses  
4 to make safer neighborhoods across more  
5 diverse hours of the day. We will provide  
6 much needed retail to a community under-served  
7 by retail and we will have brought the  
8 opportunities of culture from our downtown  
9 directly into our community.

10 Jim will now speak about more  
11 detailed aspects of the plan.

12 MR. QUIN: Mr. Chairman, before Jim  
13 speaks, I just wanted to -- as you know, you  
14 have a copy of the PowerPoint presentation in  
15 front of you, but I wanted to call your  
16 attention to the fact that there are a number  
17 of adjustments from the plans that have been  
18 previously filed that we have tried to put in  
19 there to meet and respond to a number of the  
20 comments that have been made since our  
21 original -- since the filing in this case.

22 We would like to have permission,

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1 as you normally grant, to give you a complete  
2 set of all documents that is updated as we --  
3 after this hearing. In other words, if there  
4 are other changes that you need, they are all  
5 based upon the basic pleadings that are in the  
6 file, but these PowerPoint do have some  
7 changes and adjustments that are being  
8 addressed.

9 CHAIRPERSON HOOD: So this is not  
10 up to date?

11 MR. QUIN: Yes, that is up to date,  
12 but there may be some additional changes that  
13 we will want to put, so you don't have the  
14 problem of going through and pulling out  
15 different sheets. We would give you a  
16 complete package that would have all the  
17 changes in it at one point.

18 CHAIRPERSON HOOD: Okay.

19 MR. QUIN: So that you don't have  
20 the trouble -- the problem of going through  
21 each page.

22 CHAIRPERSON HOOD: Okay. Thank

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1 you.

2 MR. VOELZKE: Okay. Good evening,  
3 Members of the Commission. I'm Jim Voelzke  
4 with MV & A Architects. My primary role in  
5 the project is architect and retail planner  
6 for Art Place.

7 Tonight I want to briefly describe  
8 our retail program. First, our singular goal  
9 is to create a dynamic urban and retail  
10 environment with vibrant storefronts enhancing  
11 a great public place. We all know that when  
12 retail is done right, it can be the catalyst  
13 in the creation of great urban neighborhoods.

14 Two of my Washington projects,  
15 Whole Foods on P Street and the Tivoli Theatre  
16 redevelopment successfully use urban-focused  
17 retail as the catalyst for stunning  
18 neighborhood revitalization. We want to  
19 repeat that success at Art Place.

20 Our program for retail would be  
21 described by ULI and ICSC as a community  
22 shopping center. We are proposing just over

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1 300,000 square feet of retail including two  
2 anchors, a full sized grocery store and a  
3 135,000 square foot general merchandise  
4 anchor.

5           Between and around the anchors  
6 directly abutting South Dakota Avenue and  
7 Ingraham Street are 110,000 square feet of  
8 small shops where we envision a mix of  
9 convenience, service, soft goods and  
10 restaurants. Small shops are located to  
11 facilitate cross-shopping and interaction  
12 facing each other across Ingraham Street and  
13 with great visibility on South Dakota Avenue.

14           For comparison purposes, this  
15 project is -- 300,000 square feet is,  
16 approximately, half of the recently completed  
17 DC USA Project in Columbia Heights.

18           The most critical aspect to ensure  
19 the success of the retail at Art Place is to  
20 make it easily accessible to all potential  
21 customers. We have assumed a trade area of an  
22 approximate 2 mile radius to Rock Creek Park

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1 on the west well into Prince Georges County on  
2 the east between Takoma Park and Silver Spring  
3 on the north and just south of Catholic  
4 University.

5           These customers will be using  
6 Metrorail and Metrobus, but many will be  
7 driving as well. A quick look at the trade  
8 area reveals that most of the current  
9 residents reside in single-family homes, many  
10 of which are not easily Metro accessible.

11           Would you go back to the plan,  
12 K.C.?

13           Retail parking is shown in gray and  
14 is located in the two blocks and include  
15 retail, Building A and Building B. Building B  
16 will include 945 retail spaces completely  
17 concealed within the building, including two  
18 below-grade levels and one partial level  
19 buried into the grade.

20           Building A will include 337 retail  
21 parking spaces located on two connecting  
22 levels. Again concealed -- completely

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1       concealed within the building and tucked into  
2       the grade. Parking at Building A is provided  
3       at a ratio of 3:1,000 for the retail small  
4       shops and 3.62 spaces per 1,000 for the  
5       grocery store.

6                 Please note, these quoted parking  
7       counts include a 10 percent reduction based on  
8       OP's recent comments. In addition, there will  
9       be just over 50 parallel spaces on South  
10      Dakota Avenue and Ingraham Street after Phase  
11      1.

12                We are proposing these ratios based  
13      on an analysis of recently built supermarkets  
14      in the District as well as existing grocery  
15      stores near Art Place. To compare, the Whole  
16      Foods at P Street is parked at 3.4 spaces per  
17      1,000. The Whole Foods in Glover Park in  
18      Tenleytown are both parked at well over 5 per  
19      1,000.

20                The two new Harris Teeters in the  
21      District on Capitol Hill and at Adams Morgan  
22      park at, approximately, 3.5 spaces per 1,000

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1 or what we are recommending here.

2 Closer to Art Place we have Giant  
3 on Eastern Avenue, another Giant at Brentwood  
4 Road and a Safeway at Piney Branch and a  
5 Shoppers Food Warehouse on East -- on New  
6 Hampshire Avenue. All three -- all four of  
7 these stores park in classic suburban surface  
8 parking lots at well over 5 per 1,000 ratios.

9 For the retail to be successful, we  
10 need to meet the parking needs of all of our  
11 potential customers. We are confident that  
12 the proposed retail parking is appropriate for  
13 today and in the future.

14 Now, I would like to hone the focus  
15 of my presentation on Building A, the  
16 Consolidated PUD. Building A has been planned  
17 to ensure dynamic streetscape experience on  
18 all three major streets.

19 South Dakota and Ingraham Street  
20 are lined with continuous retail storefronts.

21 Galloway Street is lined with extensive  
22 landscaping to mirror the park across the

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1 street. Building hierarchy is clear. The  
2 pedestrian experience is pleasant and safe  
3 with minimal curb cuts and parking and service  
4 are completely concealed within the building.

5 The grocery anchor is, the large  
6 green box in the middle, in the center of the  
7 site with storefront and an entrance on South  
8 Dakota Avenue and internal parking at grade  
9 with the store.

10 Small shop retail anchors the  
11 corners with infill shops lining South Dakota  
12 Avenue and Ingraham. There is also a small  
13 mezzanine where K.C. is pointing access from  
14 Galloway and South Dakota that includes an  
15 additional 10,000 square feet, including the  
16 ANC office and a medical clinic.

17 Car access shown with the blue  
18 arrows is provided from all three abutting  
19 streets. The main parking entrance is mid-  
20 block on South Dakota Avenue leading to 170  
21 spaces at grade. That level connects to a  
22 second level accessed off of Galloway and

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1     Ingraham, one level up, which includes 160  
2     spaces.

3             Residential parking access shown  
4     with the green arrows is exclusively off of  
5     the alley into the structured deck in the  
6     back.     Pedestrian access is pretty much  
7     universal across the site with active  
8     streetscapes on all three sides with multiple  
9     entrances and access, easy cross-shopping and  
10    grade connectivity.

11            Bicycles are accommodated with  
12    plentiful well-distributed bicycle parking on  
13    the street and also protected parking within  
14    the building, to ratios at this point which I  
15    think are double what zoning requires.

16            Service, which is shown in red, is  
17    handled with what the D.C. DOT report quoted  
18    as a laudable solution and I say that because  
19    we don't often get that comment. All service  
20    is internal to the site and requires little  
21    disruption in the public realm.

22            We have one main service in the

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1 alley tunnel that crosses from the alley to  
2 South Dakota. We envision trucks entering the  
3 site from South Dakota and Galloway, turning  
4 west on Galloway and then right into our  
5 service alley and then right into our alley  
6 passing through overhead doors and into a  
7 fully enclosed loading tunnel.

8 Trucks exit that tunnel through a  
9 roll-up door and then right onto South Dakota  
10 Avenue. We also have a second satellite  
11 loading dock area internal to the retail  
12 garage that is accessed off of Galloway for  
13 the retail on that part of the block and some  
14 of the residential upstairs.

15 At this point, I want to introduce  
16 Michael Wiencek, our residential architect.  
17 He will continue with description of Building  
18 B and elaborate on the proposed residential  
19 program.

20 MR. WIENCEK: Good evening. As he  
21 said, my name is Michael Wiencek and I'm  
22 President of Wiencek & Associates Architects

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1 and Planners. And I'm here to review the  
2 overall residential plan for the project.

3 Our concept for the project was to  
4 use a residential program to break this  
5 building down into a number of smaller parts  
6 with complimentary elevations. We did this by  
7 using breaks in the building, entry point  
8 designations, building plan setbacks and  
9 amenity elements to articulate the various  
10 parts.

11 Our first gesture towards making  
12 this breakdown occur was to set the  
13 residential plan back along South Dakota  
14 Street as it -- at the first floor above the  
15 retail to respond to the surrounding  
16 neighborhood scale.

17 We use the entrances to identify  
18 and separate the various smaller program  
19 elements of the facades. The primary entrance  
20 is along Galloway and is the focal point of a  
21 sweeping entry court and serves a shared  
22 lobby.

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1           A secondary entrance breaks the  
2     Ingraham facade into two separate pieces and  
3     also gives the residents a great connection to  
4     the retail street on Ingraham. A tertiary  
5     entrance gives access to the residents to the  
6     South Dakota retail and to the grocer.

7           We have included a day care  
8     component of 7,000 square feet in the top  
9     portion of our project closest to Metro,  
10    because we envision residents and neighbors  
11    walking past this day care on their way to and  
12    from Metro. That entrance also is  
13    identifiable from the Metro site and acts as a  
14    gateway to the project.

15           A key component of our program is  
16    senior housing, as you know. The seniors are  
17    separated in the building at a two story  
18    component. Seniors enter the common lobby.  
19    There is dedicated elevators within that lobby  
20    that lead to a two-story 98 unit independent  
21    affordable senior housing project.

22           We placed this portion of the

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1 project here specifically to take advantage of  
2 the view to the park across the street and we  
3 organized it around a private senior courtyard  
4 that we call The Ellipse.

5           Amenity spaces are spread across  
6 both floors in the senior building. They are  
7 shown in gold on these plans. They include a  
8 health clinic, salon, movie room, community  
9 and a hobby space.

10           A second component of our mixed  
11 income community includes a large non-senior  
12 component. The mixed income residents for  
13 this area will enter the same lobby and use  
14 their own dedicated elevators that access all  
15 levels of the mixed income property. A common  
16 spine links this main lobby to the Ingraham  
17 secondary lobby creating a clear  
18 organizational path for the building.

19           The mixed income property is also  
20 arranged around a series of courtyards. The  
21 central courtyard breaks the mass of the South  
22 Dakota facade into two elements. We call this

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1 the Hamilton Courtyard because it corresponds  
2 to the Hamilton Street across South Dakota.

3 We envision this as an activities  
4 courtyard, because it is adjacent to the  
5 interior amenities and we have included lawns,  
6 play areas, social and dining areas.

7 Adjacent to that, we have a  
8 courtyard we call Panda Plaza, which will be  
9 quieter with heavy landscaping and a central  
10 pavilion.

11 Play Park Courtyard is part of --  
12 is provided for children to play in and is  
13 screened from the garage by green screens. It  
14 is also provided with convenient secure access  
15 directly from the day care.

16 A mechanical court serves the  
17 retail below as well as the garage  
18 ventilation.

19 The second floor begins to better  
20 illustrate the non-senior income mix within  
21 the property. We have included affordable,  
22 work force and market rate housing and have

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1 artists spread throughout each of these  
2 groups. On the plan we have tried to -- we  
3 have indicated the spread of these units in  
4 various colors with pink being the affordable  
5 units, gold being the work force units, green  
6 being the market rate units and with A  
7 indicating the artist units.

8 The units are all intermingled and  
9 the reason we tried to show this on the plan  
10 is to show you the integration of all of these  
11 units throughout the building, so that they  
12 are indistinguishable from each other.

13 Also shown in gold on these plans  
14 are the mixed income amenities which again  
15 spread through the various floors of the  
16 building. We included large community rooms,  
17 lounges, business center, a large fitness  
18 center and specialty functions for artists,  
19 such as a gallery, common studio space and  
20 work areas.

21 As the building has stepped up the  
22 hillside by now, you can see that along

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1     Ingraham that the units begin to extend  
2     further up towards the garage, because the  
3     retail has stepped down into the ground at  
4     this point.

5             The third floor is similar to the  
6     second floor, but you can see, at this point,  
7     that the senior two-story component has now  
8     dropped out of the plan. The full portion of  
9     the building is now occupied by mixed income.

10            At this level, we have a large  
11     fitness center which serves the mixed income  
12     residents, which faces the sweeping park  
13     entrance face. This also has a linkage to the  
14     fourth floor.

15            The fourth floor, again, shows the  
16     mix of the units and is very similar to the  
17     third floor.

18            And then the fifth floor, you can  
19     see we have take -- we have omitted the units  
20     along the South Dakota face to reduce the  
21     apparent height of the building to take -- in  
22     homage to the surrounding neighborhood. The

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1 specialty roof area is created by this and  
2 places that are omitted, particularly at the  
3 sweep, allow for potential amenity spaces on  
4 the roof and a link to the fitness center.

5 Jim Voelzke will now take over and  
6 review the elevation concepts for the  
7 building.

8 MR. VOELZKE: Hello again. Here it  
9 is, Art Place. Our first phase building  
10 covers just over 4 acres. It is a big  
11 building. From the outset, we worked to  
12 reduce the mass and break the building down  
13 into a scale more appropriate to the  
14 neighborhood.

15 Each of the three main facades is  
16 designed to appear as at least two distinct  
17 buildings. On South Dakota Avenue, the  
18 residential floors are split mid-block at the  
19 Hamilton Street cross street separating the  
20 facade and allowing views into the courtyard.

21 Upper levels are setback at least  
22 once and sometimes twice to open up the street

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1 wall. Materials and forms break down into  
2 shapes of varying proportions, colors and  
3 materials. The retail base in brick, granite,  
4 glass and aluminum allow seamless interaction  
5 between the sidewalk and the stores.

6 The top of the base is varied as is  
7 the length of the storefront to mimic forms  
8 across South Dakota Avenue. The cascading  
9 canopy flows down Ingraham and spills onto  
10 South Dakota, an architectural hint of the  
11 importance of Ingraham Street and to the  
12 Metro.

13 The grocery facade mid-block rises  
14 an extra story to integrate the residential  
15 and provide balconies on the street. The  
16 corners are formed to speak to the street. At  
17 South Dakota and Ingraham, a glass tower is  
18 recessed forming an open terrace, an extension  
19 of the proposed plaza in Phase 2 across  
20 Ingraham Street.

21 The corner of South Dakota and  
22 Galloway is also recessed with a story and a

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1 half retail pavilion topped by another open  
2 terrace. Galloway is an important street  
3 providing bus and car access to Metro and the  
4 beginning statement for Art Place and the  
5 redeveloping area of South Dakota and Riggs.  
6 However, we don't see it as the money corner,  
7 referring instead to draw attention to the  
8 Ingraham corner.

9 The solution here is simple,  
10 respectful and clear with a comfortably scaled  
11 public plaza in the foreground. Base  
12 materials remain brick and glass. Upstairs  
13 the fenestration is simpler with the layering  
14 of pattern and scale reflective of the school  
15 across South Dakota.

16 Materials upstairs proposed are  
17 Nichiha cement panels finished in a varied  
18 patina of terra cotta colors.

19 Turning up Galloway, the building's  
20 base rises almost 20 feet. The long facade, a  
21 result of the triangular site, is broken into  
22 three distinct buildings, each unique in

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1 materials and forms. At the corner the South  
2 Dakota Avenue Building turns and returns up  
3 Galloway. The rising grade allows easy access  
4 to the second story commercial space and the  
5 base continues in the retail vernacular.

6 Mid-block a glass Nichiha panel  
7 building has projecting glass base breaking  
8 down the scale and hinting at the Washington  
9 Bay tradition while allowing dramatic views  
10 into the Fort Circle Park across the street.

11 The building restriction line at  
12 Galloway necessitates a wider setback allowing  
13 a heavily landscaped area at the base  
14 concealing that small portion of visible  
15 garage and enhancing the pedestrian  
16 experience.

17 Closer to South Dakota the  
18 landscape thins and doors and windows for the  
19 upper level provide a clear transition to the  
20 retail on South Dakota.

21 Further up Galloway is the third  
22 building curving back from the street to mark

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1 the primary residential entrance. Brick is  
2 the primary material, again, with clean, well-  
3 proportioned fenestration. The base with day  
4 care and residential amenities is purposefully  
5 different from the other two blocks.

6 A stone base is separated from the  
7 brick above by continuous recessed glass  
8 providing openings for the day care center and  
9 to the residential lobby and amenities.

10 The alley elevation is almost  
11 completely concealed by adjacent buildings  
12 from most view angles. Where it is visible,  
13 the brick and stone Galloway facade turns and  
14 returns almost 100 feet providing a strong and  
15 clear ending of that building mass. The  
16 exposed garage face is recessed behind that  
17 mass with a two-story brick base recalling  
18 Ingraham and South Dakota Avenue's facades.

19 Green screens transition between  
20 the brick and decorative metal screens above.

21 It's important to note that the garage has  
22 been reduced one full level, again, in

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1 response to Office of Planning's comments on  
2 the PUD submission.

3 The next view is a view walking  
4 from Metro along Ingraham Street at the corner  
5 of Ingraham and the alley. Again, building  
6 materials and forms turn into the alley to  
7 form a logical end of the residential mass.  
8 Mid-block the building is divided by a glass  
9 box marking the residential entrance.  
10 Materials change on either side of the glass  
11 so it will read as two distinct buildings.

12 Again, at the upper end of Ingraham  
13 Street aluminum windows and glass bays break  
14 down the scale. Fenestration is again broken  
15 into -- at first a broad proportion, here  
16 vertical, as opposed to the square on some  
17 other facades. And then the smaller  
18 residential scale at the apartment windows.

19 Completing the block again is the  
20 corner of South Dakota and Ingraham. And on  
21 that note, I'm going to turn the presentation  
22 over to Marty Wells of Wells & Associates, who

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1 will talk about traffic.

2 MR. QUIN: Um, let me interrupt one  
3 second. The material boards, which I know  
4 there are Members of the Board that have a  
5 particular interest in, were -- have been lost  
6 on -- I was going to get my story through, so  
7 it would be more dramatic. It was lost for a  
8 while on the freeway, but we now have them. I  
9 just wanted you to know that they are here.  
10 So we can --

11 COMMISSIONER MAY: Should have  
12 brought them by Metro.

13 MR. QUIN: Pardon me?

14 COMMISSIONER MAY: Should have  
15 brought them by Metro.

16 MR. QUIN: They should have come  
17 Metro, you're exactly right. At any rate,  
18 they are here, so they will be at your  
19 disposal, but let's go forward with Mr. Wells,  
20 if that's okay.

21 MR. WELLS: Good evening. If I  
22 could have the first slide? Art Place is a

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1 transit-oriented development by any measure.  
2 As you know now, it's located adjacent to the  
3 Fort Totten Metro Station, which is one of  
4 only four stations in the system where three  
5 or more lines meet. In this case, the Red,  
6 Yellow and Green Lines.

7 It is served by a dozen Metrobus  
8 routes along which there are more than 800 bus  
9 trips on a typical weekday, nearly 500 bus  
10 trips on Saturday and over 300 on Sundays.

11 Art Place will be served by a  
12 network of collector and local streets,  
13 sidewalks, bike trails and open spaces that  
14 will connect it and the surrounding  
15 neighborhood to the Metro Station. South  
16 Dakota and Riggs Road are both arterial  
17 roadways. South Dakota carries nearly 15,000  
18 trips per day. Riggs Road carries nearly  
19 15,000 trips east of South Dakota and over  
20 28,000 trips per day west of South Dakota.

21 Next slide. The intersections in  
22 the study area presently operate within their

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1 capacities at an overall level of service D or  
2 better during weekday, morning and afternoon  
3 peak hours. In our consideration of the  
4 future, we considered DDOT's plans to rebuild  
5 the intersection of South Dakota and Riggs  
6 Road, increasing its capacity and improving  
7 pedestrian safety and convenience.

8 We also considered four pipeline  
9 projects in the area, which are either  
10 approved or in the planning stages as well as  
11 background traffic growth. In the future, we  
12 project that the intersections will continue  
13 to operate at D or better without Art Place.

14 With regard to Art Place, we  
15 estimate that about half of the residential  
16 trips and about a third of the commercial  
17 trips would be made by Metrorail, Metrobus, on  
18 foot or on bikes. We forecast that Building A  
19 would generate about 300 a.m. peak hour trips,  
20 500 p.m. peak hour trips.

21 At build-out, all four buildings  
22 would generate 669 a.m. peak hour trips and

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1 nearly 1,100 p.m. peak hour trips.

2 Next slide. The intersections in  
3 the study are projected to continue to operate  
4 at level of service D or better with certain  
5 mitigation measures. In addition to DDOT's  
6 project at the key intersection of Riggs and  
7 South Dakota, we are proposing to widen  
8 southbound South Dakota by one lane to provide  
9 curb parking at all times of day.

10 Along the site frontage, we are  
11 proposing a new signal at South Dakota and  
12 Ingraham. Truck movements out of the truck  
13 alley would be restricted to right turns.  
14 Left turns would be prohibited. A right turn  
15 lane is proposed on Kennedy Street and we  
16 proposed to optimize signal timings.

17 Next slide. The Travel Demand  
18 Management strategies included in our project  
19 are a one-time membership fee to a car-sharing  
20 program for each residential unit upon request  
21 at initial occupancy. A complimentary \$20  
22 SmarTrip card for each residential unit at

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1 initial occupancy.

2 A dissemination of bicycle and  
3 safety information to all residents that move  
4 in and a loading dock manager.

5 With regard to parking, the code  
6 requirement for Phase 1 of Building A is 233  
7 spaces. At build-out it's 991 spaces. As Jim  
8 has so appropriately mentioned, we considered  
9 many factors before recommending our proposed  
10 parking supply, including, of course, the D.C.  
11 Code, industry standards, parking provided at  
12 comparable developments, discussions with  
13 perspective tenants, accessibility to transit,  
14 the Urban Land Institute's Technical Advisory  
15 Panel Study of Fort Totten, auto ownership in  
16 the neighborhood and, of course, discussions  
17 with OP and DDOT.

18 The Foundation proposes to provide  
19 681 spaces for Building A, that includes a 75  
20 space reduction from the initial proposal as  
21 requested by the Office of Planning.  
22 Residential parking would be unlinked or

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1 unbundled from residential rents in order to  
2 discourage residents from owning and using a  
3 car.

4 The Phase 2 Parking Program which  
5 is about 2,400 spaces will be assessed,  
6 reassessed at the Stage 2 PUD based on actual  
7 experience with the Building A.

8 And then finally, next slide. I  
9 know those numbers are difficult to read, but  
10 the number of required loading berths will be  
11 provided in this project. And with that, I'll  
12 turn it over to Steve Sher.

13 MR. QUIN: This is somewhat of a  
14 rarity for Mr. Sher to come up with 10 minutes  
15 to speak. Most of the time, as you know, he  
16 is compressed to 2, but this does not  
17 necessarily give him the license to speak that  
18 long.

19 CHAIRPERSON HOOD: Thank you, Mr.  
20 Quin. I'm glad you said that.

21 MR. SHER: Good evening, Mr.  
22 Chairman, Members of the Commission. For the

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1 record, my name is Steven E. Sher, the  
2 Director of Zoning and Land Use Services with  
3 the Law Firm of Holland & Knight.

4 I got 45 pages, so I'll have to get  
5 really -- talk really fast to get through it  
6 all, but I'm not going to go through it all as  
7 you know.

8 You have heard enough about where  
9 the site is and what the overall development  
10 is and I'm just going to go right on past  
11 that. The existing zoning on the property is  
12 a combination of R-5-A and Fort Totten C-3-A  
13 and we are proposing a C-2-B Zoning.

14 The Zoning Map that was in the  
15 PowerPoint presentation and the Zoning Map  
16 that is behind page 7 in the outline are,  
17 unfortunately, not correct. I have tried to  
18 annotate in the outline what the correct  
19 categories are. We have pointed some of that  
20 stuff out and there are notations that Office  
21 of Zoning has made, but they haven't  
22 republished the map yet. So you just need to

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1 look at what is going on there.

2 With respect to the overall -- with  
3 what we have here, the preliminary PUD applies  
4 to the entire site. The Consolidated PUD to  
5 the south block or what has also been called  
6 Building A and the overall dimensions of all  
7 that are both in the computations in the plan  
8 and are set forth on page 9.

9 And following on the outline that  
10 you have in front of you, I would like to just  
11 focus on just one piece of that being the  
12 overall FAR. The site as a whole, it would  
13 have about a little over 2 million square feet  
14 or gross floor area, but because it's a large  
15 site, that's only a 3.13 FAR.

16 Of that 3.13, .79 is above grade  
17 parking. So the effective FAR really, with  
18 not counting the above-grade parking, is only  
19 2.35. Now, the building mass is there and all  
20 the rest of that, but we have 1.43 of  
21 residential, 0.91 of nonresidential and then  
22 the .79 of parking.

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1                   Specifically, with respect to  
2 Building A, you have heard that described, so  
3 I will only just point out that it would be a  
4 mixed-use building with residential retail and  
5 a day care center, that the residential would  
6 be 529 units of which 151 would be affordable  
7 units, including 98 senior units. The retail  
8 would be a grocery store and then street front  
9 on the frontages as you heard Mr. Voelzke talk  
10 about before.

11                   The -- with respect to the  
12 evaluation standards of Chapter 24 of the  
13 Zoning Regulations, on pages 14 and 15 of the  
14 outline, I have listed in bullet form the  
15 benefits and amenities that will result from  
16 this project. The outline says see chart  
17 attached, but the chart has already been  
18 handed to you, so it hasn't been attached  
19 again.

20                   The major significant thing that  
21 are going on here include the new residential  
22 development, the substantial percentage of

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1 affordable housing. Within the affordable  
2 housing, the requirement or the proposal to  
3 provide senior housing, the phase development,  
4 which you heard some discussion of, in order  
5 to accommodate the existing tenants of the  
6 Riggs Plaza Apartments, the more than 260,000  
7 square feet of gross floor area of retail, the  
8 use is of special value to the community, the  
9 senior center, the day care center, the  
10 children's museum, the art space, the space  
11 for the branch library, the sustainable  
12 design.

13 You have heard discussion of the  
14 LEED situation and there are low impact design  
15 tree pits to help with storm water runoff.  
16 And what is that balanced against? It's  
17 essentially balanced against height. Because  
18 our density is below the FAR permitted as a  
19 matter-of-right in C-2-B.

20 C-2-B permits 3.5 FAR. We are at  
21 3.13, including the parking. So what we are  
22 here on is the height for the two buildings on

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1 the north end, Building C and D which get up  
2 to 90 feet and a piece of Building A which  
3 gets up to 74 feet. That's right. It's 9  
4 feet higher than the 65 permitted as a matter-  
5 of-right under C-2-B.

6 Why do you say the matter-of- right  
7 is now C-2-B? Well, if you look at the  
8 Comprehensive Plan and my analysis of the  
9 Comprehensive Plan starts on page 16 and runs  
10 many pages thereafter, the land use element of  
11 the Comprehensive Plan designates this entire  
12 site as mixed-use, medium density commercial/  
13 medium density residential.

14 The extract from the Land Use Map  
15 follows page 20 in the outline and you can see  
16 that striped pattern which covers this entire  
17 site. Notwithstanding the PUD or anything  
18 else, my view would be that the existing R-5-A  
19 Zoning is not consistent with the  
20 Comprehensive Plan. And looking at the  
21 overall descriptions and attributes of medium  
22 density commercial/medium density residential,

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1 something like C-2-B is the right Zone.

2 So when you look at what the right  
3 zone is and then you look at what the PUD is  
4 asking for, basically, what is happening there  
5 is the extra height to accommodate the  
6 development at the north end.

7 There is an awful lot of very good  
8 stuff in the Comprehensive Plan that this  
9 project relates to and that is supportive of  
10 what we are proposing here. I'm not going to  
11 go through much of it, but we went into all  
12 the things, including some things we don't  
13 usually get at, the arts element, the  
14 community service and facilities element with  
15 all of the things that are going on here.

16 But then when you get finally to  
17 the area elements, this is in the upper  
18 northeast area, and you look specifically at  
19 the policy focus area, and this is on page 41  
20 of the outline, there is a provision which I  
21 would like to just quote briefly from, which  
22 says:

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1                   "With respect to the Fort Totten  
2 Metro Station Policy Focus Area, encourage the  
3 reuse of WMATA owned land and other under-  
4 utilized property in the immediate vicinity of  
5 the Fort Totten Metrorail Station focusing on  
6 the area bounded by the Fort Circle Park,  
7 Riggs Road and South Dakota Avenue. This area  
8 is envisioned as a transit village providing  
9 medium density housing, ground floor retail,  
10 local serving artist space, new park land,  
11 civic uses, structured parking, etcetera."

12                   In addition to the area element,  
13 you have the Riggs Road and South Dakota  
14 Avenue Area Development Plan which was adopted  
15 earlier this year, March 3, 2009, by the  
16 Council. It provides supplemental guidance to  
17 the Commission in carrying out the policies of  
18 the Comprehensive Plan.

19                   And specifically in the  
20 recommendation section, it discusses this  
21 development and talks about how it will bring  
22 vibrancy to the neighborhood and so forth and

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1 that's all quoted on page 42.

2 With respect to compatibility with  
3 the area, this is a medium density development  
4 located in its entirety within a quarter mile  
5 of the entrance to the Metrorail Station. It  
6 is separated from surrounding single-family  
7 neighborhoods by a wide street, South Dakota  
8 Avenue, and by park land to the south, the  
9 uses that have been described and I'm not  
10 going to go through those again.

11 And again, the overall density  
12 calculations are, in my mind, the overall FAR  
13 is 3.13, which includes the above-ground  
14 parking of which accounts for .79 FAR, and  
15 that's not out of range with what the existing  
16 commercial zones in that neighborhood allow.  
17 C-2-A 2.5 FAR total, 1.5 commercial. We're  
18 not up to that yet.

19 So my conclusions are that the  
20 project is not inconsistent with the  
21 Comprehensive Plan, that the project is  
22 consistent with the Riggs Road and South

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1 Dakota Avenue Area Development Plan, that the  
2 project provides substantial benefits to the  
3 community and residential retail and arts  
4 components, that it is within the applicable  
5 height and both standards of the Zoning  
6 Regulations, that the project provides an  
7 appropriate balance between the development  
8 proposed, the flexibility requested, the  
9 benefits and amenities provided and the PUD,  
10 of course, allows the Commission to condition  
11 approval to what is specifically proposed  
12 here.

13 And there is a lot proposed here.  
14 So I imagine there will be a lot of conditions  
15 when you finally get to that. And for all  
16 those reasons, the project should be approved  
17 and let the record reflect I have 3 minutes  
18 and 21 seconds left.

19 MR. QUIN: Mr. Chairman, I'll just  
20 close our direct presentation by just an  
21 observation that I hope you share and that is  
22 that our team has really worked extremely

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1 hard, especially our experts. And most of it,  
2 the time is, really after proposing something,  
3 listening to comments and then taking those  
4 comments and reviewing, redrafting, recycling  
5 if you will and coming back again and  
6 listening again.

7 And what you see before you is  
8 something that is a vast change from the  
9 original proposal and we think is absolutely a  
10 superior product and we hope you will see the  
11 same.

12 CHAIRPERSON HOOD: All right.  
13 Thank you very much for that presentation. I  
14 want everybody to stop thinking about zoning  
15 for a minute. I just wanted to -- I see, when  
16 the lights came on, we have been joined by the  
17 newly crowned Ms. Senior D.C. and I want her  
18 to just wave her hand, so we can all see who  
19 she is. All right. Let's give her a round of  
20 applause.

21 (Applause)

22 CHAIRPERSON HOOD: And I'm sure she

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1 has a busy schedule, but I'm glad you could  
2 join us.

3 (Applause)

4 CHAIRPERSON HOOD: Okay.  
5 Colleagues, let's open it up for questions.  
6 Who would like to start?

7 COMMISSIONER MAY: I would like not  
8 to start asking questions, but I would like to  
9 spend some quality time with the materials  
10 board, so if you don't mind bringing it up  
11 there, so I can touch the materials.

12 CHAIRPERSON HOOD: Commissioner May  
13 likes to touch the material boards. Please,  
14 bring them close.

15 COMMISSIONER MAY: Thank you very  
16 much.

17 CHAIRPERSON HOOD: Okay.

18 COMMISSIONER MAY: And someone else  
19 can ask questions while I entertain myself  
20 with the board.

21 CHAIRPERSON HOOD: Who would like  
22 to start us off? Let me start us off, unless

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1 somebody else -- okay. Mr. Quin, your last  
2 statement, basically what you were saying,  
3 this is a lot of input from the community,  
4 that's basically what you were alluding to in  
5 your last statement.

6 MR. QUIN: Community and the expert  
7 agencies.

8 CHAIRPERSON HOOD: Experts.

9 MR. QUIN: Office of Planning,  
10 DDOT, Department of Environment and outreach  
11 to the community.

12 CHAIRPERSON HOOD: Okay.

13 MR. QUIN: I mean, this started two  
14 years ago and there is a -- we can furnish, if  
15 we need to, later a chronology of what we have  
16 done. But there were certainly somewhere  
17 between 15 to 20 maybe more meetings in  
18 outreach.

19 CHAIRPERSON HOOD: Okay. Let's put  
20 up the diagram of basically the site. And I  
21 want to talk about the traffic flow. I know  
22 things have changed, but growing up in that

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1 neighborhood, I do know that Galloway and  
2 South Dakota can be pretty busy. And there's  
3 a lot of traffic. I'm not sure what the  
4 accident ratio is, Mr. Wells, but let's put  
5 that up.

6 And I think I mentioned this at  
7 set-down. When you come off of Riggs Road,  
8 there is a right cutoff as you're coming down  
9 on South Dakota Avenue and that was a concern.

10 I remember the comment, at that time, was  
11 that they were going to, DDOT I think,  
12 reconfigure everything.

13 So just show me how all that is  
14 going to work and the new cuts off of Galloway  
15 Street. I just want to see how the  
16 circulation and the traffic is going to work  
17 or what are existing now?

18 MR. WELLS: Mr. Chairman, I'm not  
19 sure if we have an image of DDOT's plans for  
20 South Dakota and Riggs. We may have that in  
21 the back of the --

22 CHAIRPERSON HOOD: Let me ask you

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1 this, Mr. Wells, is there one out there? Is  
2 there a plan out there somewhere?

3 MR. WELLS: Oh, yes. There has  
4 been a lot of work on rebuilding, redesigning  
5 that intersection. The sweeping right turn  
6 that you referred to, Jami, if you could,  
7 Riggs Road is more or less the -- it goes from  
8 the lower left to the upper right. South  
9 Dakota goes from the upper left to the lower  
10 right.

11 Right now, there is almost an  
12 interchange like right turn that goes from  
13 eastbound Riggs to southbound South Dakota.  
14 That ramp would be eliminated and replaced by  
15 a dual right turn, dual right turns to provide  
16 the capacity to accommodate the volume of  
17 traffic, but not at highway-like speeds.  
18 There would be more city-like speeds.

19 CHAIRPERSON HOOD: Okay.

20 MR. WELLS: And then the mirror  
21 image of the northbound, the westbound dual  
22 left turns would be provided for that, too.

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1 So we are adding lanes where they are needed,  
2 but tightening up the intersection in  
3 consideration of pedestrians.

4 CHAIRPERSON HOOD: Now, is that  
5 going to be in conjunction with this project  
6 or is it going to be after -- long after the  
7 project? When is the -- when has DDOT  
8 mentioned the time frame for doing exactly  
9 what you described?

10 MR. WELLS: A representative is  
11 here.

12 CHAIRPERSON HOOD: Right. I  
13 realize that.

14 MR. WELLS: They can speak for  
15 themselves.

16 CHAIRPERSON HOOD: Right.

17 MR. WELLS: But we have worked  
18 quite closely with DDOT and their consultants  
19 over the past couple of years, not just on  
20 this project, but other projects in the area.

21 CHAIRPERSON HOOD: Okay. So when  
22 you are --

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1 MR. WELLS: And the design is --

2 CHAIRPERSON HOOD: In your  
3 discussions -- hold on, hold on, let me ask my  
4 question. In your discussions, you don't have  
5 a time frame for when this is going to come  
6 into place? And I realize DDOT is there.  
7 Believe me, because I announced them this  
8 morning. I mean, a few moments ago. But my  
9 question to you is in your dialogue with DDOT,  
10 when is the time frame or do you know?

11 MR. WELLS: I don't know with  
12 certainty.

13 CHAIRPERSON HOOD: That's all I  
14 need to know.

15 MR. WELLS: I believe in the next  
16 couple of years.

17 CHAIRPERSON HOOD: You have  
18 answered my question, you don't know. Okay.  
19 The other issue that I have, show me how it is  
20 going to -- I need a site view of the project  
21 the way it exists now or the proposed. One of  
22 the ones that you had up earlier. I'm looking

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1 for the garage entrances.

2 MR. WELLS: Oh, that's --

3 CHAIRPERSON HOOD: It has some  
4 green, I think it was, arrows.

5 MR. VOELZKE: The one with the  
6 arrows, Building A.

7 CHAIRPERSON HOOD: Okay. It's page  
8 11. Page 11, okay. I don't know if it's  
9 going to be Mr. Wells or Ms. Milanovich, if  
10 you could tell me how the circulation, how all  
11 that is going to work together?

12 MR. WELLS: Well, the site,  
13 basically, has four-sided access. There are  
14 multiple -- it helps in my thinking about the  
15 project to think about the various parking  
16 levels. The lowest parking level is accessed  
17 directly from South Dakota.

18 CHAIRPERSON HOOD: Which street is  
19 that? Which street is that?

20 MR. WELLS: That's basically  
21 opposite Ingraham or Hamilton.

22 CHAIRPERSON HOOD: Hamilton Street?

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1       Ingraham. I used to call it Ingraham, but  
2 maybe it's Ingraham. I don't know. Is it  
3 Ingraham or Ingraham? When I grew up over  
4 there, we called it Ingraham, but things have  
5 changed in 20 or so years.

6               MR. WELLS: Well, I'll defer to the  
7 Chairman.

8               CHAIRPERSON HOOD: You're deferring  
9 to me?

10              MR. WELLS: Yes, sir.

11              CHAIRPERSON HOOD: Okay. Well,  
12 I'll find out from the neighbors if the name  
13 has changed.

14              MR. WELLS: That leads to the lower  
15 tray of parking. All these parking levels are  
16 interconnected, but that's the way in and out  
17 of -- the most direct way in and out of the  
18 lowest tray of parking, which is on grade with  
19 the grocery store. So you would park there  
20 and there would be no vertical transportation  
21 to get up or down into the store.

22              The next --

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1 CHAIRPERSON HOOD: Let me -- let's  
2 walk through this slowly. Help me so I can  
3 understand this. If I go in on Hamilton  
4 Street, what other way -- I guess there are  
5 other ways that I can get out, but you know  
6 what, I don't even want to talk about the  
7 entrance off of South Dakota. I'm more  
8 concerned about the entrance on Galloway.

9 MR. WELLS: That leads to the  
10 second level of parking. There is another 170  
11 or so parking spaces there. So if you turn  
12 left or right, in or out, of that driveway to  
13 get to the second level of parking, which  
14 serves the grocery store and other retail.

15 CHAIRPERSON HOOD: Now, on  
16 Galloway, if I'm going up to Fort Totten Metro  
17 Station, I know there is zone parking in there  
18 now the way it exists, what's going to happen?  
19 Will there still be -- will people still be  
20 able to park on that street to the right as  
21 I'm going up towards the Metro?

22 MR. WELLS: Yes. Jim, correct me

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1 if I'm wrong, but curb parking is retained  
2 there.

3 CHAIRPERSON HOOD: Okay.

4 MR. VOELZKE: Yeah, I'm not  
5 actually familiar. I'm not familiar with the  
6 curb parking along Galloway Street because of  
7 the bus turns and the bus movements up and  
8 down that street. But if there is surface  
9 parking there now and DOT is okay with it, we  
10 would propose to continue to have surface  
11 parking or parallel parking on Galloway  
12 Street.

13 CHAIRPERSON HOOD: Which leads me  
14 to my next question. Mr. Wells, what have we  
15 done? If I'm going to leave out of that exit  
16 and I want to make a left, what have we done  
17 for the traffic that is going to be coming up  
18 to the Metro? It used to be pretty fast  
19 coming off that hill. What are we going to do  
20 for the traffic that is coming? Has that been  
21 taken into consideration?

22 MR. VOELZKE: We have looked at the

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1 capacity of that and it is adequate. There  
2 would be -- a traffic signal is not proposed  
3 at that driveway. It is basically stop sign  
4 controlled for the traffic coming out of the  
5 parking garage.

6 We have to assure that there is  
7 adequate site distance so you can see to the  
8 left and to the right, so you can see traffic  
9 on the public street in enough time to safely  
10 make the turns. So we see that as operating  
11 adequately. And again it's --

12 CHAIRPERSON HOOD: Mr. Wells, have  
13 you been to the site?

14 MR. WELLS: Oh, yes.

15 CHAIRPERSON HOOD: Okay. Okay. My  
16 next question. Let's go back to South Dakota  
17 Avenue. You mentioned a stop sign somewhere  
18 on South Dakota and I'm trying to figure out.

19 I know we have a number of traffic lights,  
20 but in the presentation, I saw stop sign on  
21 South Dakota.

22 MR. WELLS: There is a -- let me

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1 turn to the right exhibit here. We are  
2 proposing to relocate a traffic signal, an  
3 existing traffic signal.

4 CHAIRPERSON HOOD: Page 34. Thank  
5 you Vice Chairman.

6 MR. WELLS: On the screen there.

7 CHAIRPERSON HOOD: Yeah, that's it.  
8 Is that on South Dakota, the stop sign?

9 MR. WELLS: Right now, there is a  
10 signal at Hamilton. We are proposing to  
11 relocate that to Ingraham. Did I pronounce  
12 that correctly?

13 CHAIRPERSON HOOD: We call it  
14 Ingraham. I'm going to see what everybody  
15 else calls it when they come up, but Ingraham,  
16 that's fine.

17 MR. WELLS: Okay. We're not -- the  
18 symbol was to indicate that there would be  
19 side street stop sign control.

20 CHAIRPERSON HOOD: Coming up.

21 MR. WELLS: We are not proposing to  
22 stop traffic on South Dakota Avenue.

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1 CHAIRPERSON HOOD: Okay.

2 MR. WELLS: So in our shorthand,  
3 our cryptic way of showing that, we didn't  
4 mean to confuse.

5 CHAIRPERSON HOOD: Okay. Now, let  
6 me ask this about the -- typically when we are  
7 that close to a Metro, I know in another  
8 project this Commission has approved, there  
9 was some room for overflow of the Metro  
10 parking lot. Has that been taken into  
11 consideration or is that even up in the  
12 discussion?

13 MR. WELLS: There is no provision  
14 in this plan for commuter parking in any of  
15 these buildings. The purpose of this parking  
16 is not to serve commuters who would drive to  
17 the station.

18 CHAIRPERSON HOOD: Um-hum.

19 MR. WELLS: Park in this Building  
20 A, B, C or D and then take Metro. That is not  
21 the intent of the parking.

22 CHAIRPERSON HOOD: But you know,

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1 those kind of thing do happen. And they  
2 happen out in Maryland and Virginia. They  
3 don't happen in the District. But if it was  
4 supposed to happen, what do we have in place  
5 to take care of that, that issue?

6 MR. WELLS: Well, there are some  
7 standard techniques validating parking. You  
8 would have to make a purchase. You would have  
9 to have a reason to -- related to the building  
10 to park in the building. You couldn't simply  
11 park there for 8 hours for free and  
12 unrestricted without consequence. So there  
13 are some standard techniques for dealing with  
14 that.

15 CHAIRPERSON HOOD: So it's going to  
16 be site-controlled. The parking lot is going  
17 to be controlled or how are we going to do  
18 that?

19 MR. WELLS: I don't know that we  
20 have gotten to that point, but we would if  
21 need be. City Vista is a case in point where  
22 that is controlled. It could be that sort of

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1 or Whole Foods in Tenleytown, I believe, is  
2 validated parking. So we could use those same  
3 techniques here. We don't want commuters in  
4 this garage.

5 CHAIRPERSON HOOD: And, Mr. Quin, I  
6 may be asking -- am I asking questions for the  
7 First Stage and when I talk about the retail,  
8 the grocery store?

9 MR. QUIN: Yes, you are.

10 CHAIRPERSON HOOD: So that's First  
11 Stage. So we haven't got -- fine tuned all of  
12 that, about how that's going to actually  
13 operate.

14 MR. QUIN: Well, no, we don't have  
15 the operator, but we do have, I think, with  
16 the number of spaces, we know the circulation.

17 And we know that it is to serve the uses that  
18 are there.

19 CHAIRPERSON HOOD: Right. But my  
20 issue or my question is if we are that close  
21 to the Metro and, you know, if there's no 8  
22 hour parking. How are we going to control

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1 that?

2 MR. QUIN: Well, you mean, you want  
3 to prevent 8 hour parking in the building?

4 CHAIRPERSON HOOD: No, I just want  
5 to know if there's any -- well, let's talk  
6 about the grocery store.

7 MR. QUIN: Oh, the tenants.

8 CHAIRPERSON HOOD: Let's talk about  
9 the grocery store. I'm talking about the  
10 retail piece. There is some parking for  
11 retail. I pull in there and park. How are  
12 you going to know if I park there 8 hours and  
13 I went to work and I'm downtown?

14 MR. QUIN: Mr. Voelzke can answer  
15 the question.

16 CHAIRPERSON HOOD: Okay. Thank  
17 you.

18 MR. VOELZKE: Commissioner Hood, I  
19 think, you know, with retail parking, the  
20 primary thing is to make it easy and make it  
21 convenient for the retail customer. I don't  
22 know -- you know, we don't have an operation

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1 plan in place, but my experience in other  
2 grocery stores in the District would be we  
3 would probably start with, you know, a 2 hour  
4 time limit on parking, perhaps chalking tires  
5 or towing if you are there for more than 2  
6 hours, that type of thing.

7 If that doesn't control the Metro  
8 parking, then we would go to a ticket and a  
9 validation type of system where it would be  
10 controlled and you would need -- and you know,  
11 parking would be priced accordingly, maybe .50  
12 cents for an hour, \$1 for the second hour, but  
13 then incrementally increase greatly for longer  
14 periods. So it would be \$10 over two hours or  
15 something like that.

16 CHAIRPERSON HOOD: Let me make the  
17 record. I'm not advocating. I'm not saying  
18 don't do.

19 MR. VOELZKE: Um-hum.

20 CHAIRPERSON HOOD: What I'm trying  
21 to do is make sure that the residents who are  
22 going to be coming there to utilize, if it's

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1 approved, the facility, the retail there is  
2 access for them, so they will have a place to  
3 park.

4 MR. VOELZKE: That is our goal as  
5 well. I mean, for the retail to be  
6 successful, again, the parking has to be easy  
7 to use and convenient with as few barriers as  
8 possible between the customer making that  
9 choice to come here and getting through the  
10 front door of the store.

11 So that is why I said I think we  
12 would start with, you know, basically, open  
13 parking, no controls, but with restrictions in  
14 place for time limits, so if you are there for  
15 too long.

16 I also want to emphasize that  
17 residential parking for the project is secure  
18 and will require going through a gate, that's  
19 separate from the retail parking.

20 MR. QUIN: Mr. Chairman, I'm  
21 authorized to state that the Foundation will  
22 regulate and control the parking and take such

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1 steps as necessary to prohibit longer staying  
2 than say two hours. We will have a permit  
3 process, I assume, like they do in Tenleytown  
4 at Whole Foods where you do in and you pull a  
5 ticket and that ticket must be validated and  
6 it's a 2 hour limitation.

7 CHAIRPERSON HOOD: Okay. I want to  
8 be clear on that, Mr. Quin. I'm not  
9 advocating for that. I just wanted to find  
10 out how all that is going to work together.  
11 You know, we don't want mad chaos. I'm sure  
12 the neighbors don't want mad chaos over there  
13 and I want to make sure --

14 MR. QUIN: Neither does the  
15 Foundation.

16 CHAIRPERSON HOOD: Okay. Those  
17 things have been thought through. Mr. Quin,  
18 in the discussions I saw where there were a  
19 lot of community meetings. Was there ever  
20 mention of a matter-of-right versus this PUD?

21 MR. QUIN: A matter-of-right?

22 CHAIRPERSON HOOD: Yeah. Was there

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1 ever kind of a comparison of what you would do  
2 if you did a matter-of-right development as  
3 opposed to a PUD?

4 MR. QUIN: I can't say that there  
5 was a proposal. I mean, under matter-of-right  
6 today, you've got, I think as Mr. Sher  
7 indicated, zoning that is probably  
8 inconsistent with the -- or not consistent  
9 with the Comprehensive Plan. So we didn't  
10 take that as a major point of our case.

11 What we did was we followed the  
12 Comp Plan and the Small Area Plan is very  
13 detailed for this particular area. And if you  
14 look at the pages in Mr. Sher's report, it  
15 actually tells us what you should do. It's  
16 one of the most defined areas from a  
17 Comprehensive Plan that we have in the city.

18 So it's not -- you have a road map  
19 to follow. Maybe that's the wrong term. You  
20 have a pattern to follow that is in the  
21 Comprehensive Plan and the Small Area Plan  
22 that is very detailed, not like a vague

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1 overall view. This is very precise. And it  
2 asks for intensification, transit-oriented  
3 development, higher densities, mixed-use and a  
4 village. That's exactly what we are  
5 proposing.

6 So it wasn't a situation where we  
7 would come in and think about developing under  
8 existing zoning.

9 CHAIRPERSON HOOD: Okay. And the  
10 reason I'm asking, I wanted to make sure that  
11 the neighbors knew what could go there even if  
12 you didn't have to come to the neighborhood.  
13 And I was looking at the submission from the  
14 Lamont Riggs Citizens Association. I was  
15 wondering if there was ever a comparison.

16 The other question I have is the  
17 Park Service. Fort Circle is to the south.  
18 Was there ever any discussions with the Park  
19 Service? I know my colleague is here and I  
20 don't want to take on the Park Service, but  
21 were there ever any discussions with the Park  
22 Service?

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1 MR. QUIN: I can only tell you that  
2 with regard to two other cases that we have  
3 had before you, the one south of Fort Totten  
4 that we have had discussions with the Park  
5 Service about trying to improve the access  
6 through. And it has been a very difficult  
7 conversation with a feeling that we should not  
8 be improving that area.

9 So maybe Mr. May has some things  
10 that we can do. We are certainly willing to  
11 deal with that. In fact, that's one of the  
12 things we had hoped to do is to improve that  
13 access.

14 CHAIRPERSON HOOD: Okay. All  
15 right.

16 COMMISSIONER MAY: What were the  
17 other projects?

18 CHAIRPERSON HOOD: I've got to  
19 start --

20 COMMISSIONER MAY: Sorry. If I can  
21 just follow-up?

22 MR. QUIN: Well, two residential

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1 projects to the south of Fort Totten.

2 COMMISSIONER MAY: And who did you  
3 talk to at the Park Service?

4 MR. WIENCEK: I think we started  
5 with Joe Cook.

6 COMMISSIONER MAY: Um-hum.

7 MR. WIENCEK: This was back when  
8 Mr. Parsons was there and Sally Blumenthal.

9 COMMISSIONER MAY: Um-hum.

10 MR. WIENCEK: But we -- I have been  
11 reminded by Ms. Cafritz that we do have a  
12 witness that can talk about some of the  
13 discussions with the Park Service, namely the  
14 Chairman of the ANC-5A. So maybe that would  
15 be helpful.

16 COMMISSIONER MAY: Okay.

17 CHAIRPERSON HOOD: Okay. Let me  
18 open it up, colleagues. We've got to start  
19 it. I'm not finished, but I've got to start  
20 it, so who wants to go next? Vice Chair  
21 Keating?

22 VICE CHAIR KEATING: Yes, thank

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1 you. The first question just kind of goes to  
2 the phasing of the project. Can you just  
3 describe for me kind of how you see the  
4 project taking place? Obviously, Building A  
5 is coming on-line. But talk specifically  
6 about the demolition that is going to occur of  
7 the existing units.

8 And the final question on this  
9 topic would be is there anything that would  
10 keep the larger project, B, C and D, from  
11 getting done once A is in place?

12 MR. VOELZKE: There is five  
13 buildings, five existing buildings that are  
14 going to be affected by Building A. And if  
15 K.C. can hit the button here, what we have  
16 done is done a survey of the residents who  
17 live in those buildings and we have found that  
18 we have identical units in the remaining  
19 buildings.

20 So our intent is to move them  
21 before we start construction into renovated  
22 existing units in the rest of the project. I

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1 mean, as you can see, within the construction  
2 there is a large open space between the  
3 existing buildings and -- which will be a nice  
4 buffer between the construction and all the  
5 residents who are on-site.

6 And then at the completion of the  
7 construction, we've got a 120 residents on-  
8 site who will be moving back into the new  
9 building. So no one leaves the site.

10 VICE CHAIR KEATING: Okay. So  
11 during the construction Building A, they will  
12 go into those eight buildings that are over  
13 there?

14 MR. VOELZKE: Exactly.

15 VICE CHAIR KEATING: Okay. I see  
16 two more buildings there. Those won't be --  
17 those are unoccupied?

18 MR. VOELZKE: Those are unoccupied  
19 now and will be -- will remain unoccupied.

20 VICE CHAIR KEATING: Okay. And --

21 MR. VOELZKE: We have 44 residents  
22 to move and 47 vacant units.

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1                   VICE CHAIR KEATING:     Okay.     And  
2     then once A is completed, folks will be moved  
3     back in.  What happens to those buildings, the  
4     10 structures that are there now?  Will those  
5     be demolished immediately?

6                   MR. VOELZKE:    Yes.

7                   VICE CHAIR KEATING:     So you're  
8     going to clear the site then, once A is done?

9                   MR. VOELZKE:    That --

10                  MS. CAFRITZ:     Not all the site,  
11     just those 10 buildings.

12                  CHAIRPERSON HOOD:   We will need you  
13     to get on a mike, Ms. Cafritz.  Thank you.

14                  MS. CAFRITZ:     Just those 10  
15     buildings.

16                  VICE CHAIR KEATING:   Just those 10  
17     buildings.  And the ware --

18                  MS. CAFRITZ:     And the other two,  
19     yeah.

20                  VICE CHAIR KEATING:   Yeah, there's  
21     8 plus 2 and the warehouse space will stay or  
22     go?

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1 MS. CAFRITZ: It will stay. We are  
2 contemplating some temporary uses for those.  
3 We would like -- I, you know, don't know, but  
4 we are investigating to see if we can start  
5 the children's museum in one of those  
6 buildings until the site is -- the Building B,  
7 which is the next site --

8 VICE CHAIR KEATING: Um-hum.

9 MS. CAFRITZ: -- is available. So  
10 we would like to utilize those buildings in  
11 the interim, if possible, but I don't know if  
12 that's possible.

13 VICE CHAIR KEATING: So the last  
14 part of my question was is there anything that  
15 keeps, once Building A is completed, B, C and  
16 D from moving forward? And really what --  
17 right now what your estimate of the time  
18 between A's completion and B, C and D's start  
19 of that project?

20 MS. CAFRITZ: The start or the  
21 completion? We feel --

22 VICE CHAIR KEATING: Start.

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1 MS. CAFRITZ: -- it's a stage --  
2 the start?

3 VICE CHAIR KEATING: Uh-huh.

4 MS. CAFRITZ: Well, we anticipate  
5 that Building A will take about 30 months.

6 VICE CHAIR KEATING: Um-hum.

7 MS. CAFRITZ: And once that is  
8 completed and all the tenants have been  
9 moved --

10 VICE CHAIR KEATING: Um-hum.

11 MS. CAFRITZ: -- then we will, you  
12 know, demolish those buildings.

13 VICE CHAIR KEATING: Um-hum.

14 MS. CAFRITZ: And then start the  
15 construction of the next site.

16 VICE CHAIR KEATING: Okay. So the  
17 plan, so the sense is that there is really --

18 MS. CAFRITZ: It's phased. It's  
19 phased.

20 VICE CHAIR KEATING: Oh, I  
21 understand it's phased. I just want to know  
22 how long the phase could be. The question I'm

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1 getting at, Building A -- we have Building A.

2 We have got an open space where, you know,  
3 things have been cleared of those 10  
4 buildings. We've got potential uses for the  
5 warehouse space up there, but Building B, C  
6 and D don't start for 10 years?

7 MS. CAFRITZ: No. We anticipate  
8 that they will start -- you know, they will be  
9 demolished as soon as the residents move out  
10 of them.

11 VICE CHAIR KEATING: Okay.

12 MS. CAFRITZ: Which will be  
13 completion of Building A, which will be  
14 probably 30 months from now.

15 VICE CHAIR KEATING: Okay.

16 MS. CAFRITZ: Depending on the  
17 Commission's approval rate.

18 VICE CHAIR KEATING: Um-hum.

19 MS. CAFRITZ: And how fast that  
20 happens. And then once that occurs, then we  
21 will start construction of Building B.

22 VICE CHAIR KEATING: Okay. So no

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1 lapse, okay.

2 MR. QUIN: But we will, of course,  
3 have to come back for Building B for our final  
4 approval --

5 VICE CHAIR KEATING: Right.

6 MR. QUIN: -- since that's part of  
7 the preliminary.

8 VICE CHAIR KEATING: Understood.  
9 Okay.

10 MR. QUIN: And, Mr. May, I was just  
11 reminded of the person that we did meet with  
12 at the Park Service, Superintendent of the  
13 Park, Adrian.

14 COMMISSIONER MAY: Ulman?

15 MR. QUIN: Yes.

16 MR. WIENCEK: I note, too, just the  
17 -- real quick on the Tenant Relocation Plan  
18 that one of the tenants is currently over-  
19 housed and will have a smaller, but adequate  
20 temporary unit.

21 MS. CAFRITZ: Could we --

22 MR. WIENCEK: Yeah.

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1 MS. CAFRITZ: -- I would like to  
2 call someone from the Cafritz Company. This  
3 is -- I would like to introduce, this is Pat  
4 Waddy, Vice President of the Cafritz Company.

5 MS. WADDY: Good evening.

6 VICE CHAIR KEATING: Good evening.

7 MS. WADDY: We have 40 -- we have  
8 spaces. We have vacant apartments for all the  
9 tenants to move. In the relocation, I think  
10 that there are two apartments that may not be  
11 the same size. We have a 3 bedroom there and  
12 we have no 3 bedrooms in the existing ones  
13 that we are going to keep.

14 So we will move those people into a  
15 2 bedroom, adjust their rent. When they go to  
16 the new building, we will then give them a 3  
17 bedroom if that's what they want.

18 VICE CHAIR KEATING: Okay. So they  
19 don't need 3 bedrooms?

20 MS. WADDY: I think that's not for  
21 me to say. I talked with the lady the night  
22 before last and she is a single person.

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1                   VICE CHAIR KEATING: Okay. So you  
2 have discussed this with the two residents and  
3 the two residents --

4                   MS. WADDY: Well, I have discussed  
5 this with one resident. Now, there may be a 2  
6 bedroom that will have to go into a 1 bedroom.  
7 We haven't got to that final phase yet,  
8 because we wanted to get through this --

9                   VICE CHAIR KEATING: Okay.

10                  MS. WADDY: -- to make sure before  
11 we start -- we dealt with the tenants and we  
12 have met with the tenants.

13                  VICE CHAIR KEATING: Sure.

14                  MS. WADDY: And we have listened to  
15 the tenants, but we didn't want to disrupt  
16 anything until we know that this is going to  
17 go through.

18                  VICE CHAIR KEATING: Okay, okay. I  
19 just wanted to understand that a little better  
20 and make sure that one currently over-housed  
21 resident will have an adequate temporary unit.

22                  MS. WADDY: Yes, everybody will

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1 have a unit. It may not be the same size. I  
2 don't know if there is 2 or 3 of them yet.  
3 I'm not sure.

4 VICE CHAIR KEATING: Okay.

5 MS. WADDY: Okay?

6 VICE CHAIR KEATING: Okay. That  
7 was my question related to that. You  
8 mentioned in your presentation that a number  
9 of changes have been made over the course of  
10 the project, input from experts as well as the  
11 community. Could you give me a quick snapshot  
12 of what some of those changes are and the  
13 significance of them?

14 MR. QUIN: Well, why don't we --  
15 let's see, there would be different areas.  
16 One would be in terms of the location of the  
17 affordable units, the number of affordable  
18 units, the parking spaces, the question about  
19 bundling and unbundling. This is a rental.  
20 It's not for sale. And the unbundling what we  
21 mean is that the person who leases a unit is  
22 not required to rent a space, which is a way

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1 to discourage or certainly not to facilitate  
2 in an easy way the parking.

3           And there -- overall one of the  
4 rationales for that, which is quite  
5 understandable, I think, is that the cost of  
6 structured parking is out of sight. So the  
7 Cafritz Company wants to provide parking that  
8 is required in terms of meeting the demand  
9 that is needed, but not to overdo it, because  
10 that's added cost.

11           So one of the changes that was made  
12 -- Mr. Cochran was very strong in his  
13 recommendation that we should reduce our  
14 parking. So we reduced it by 75 spaces, 45  
15 allocated to the residential and 30 to the  
16 commercial, which covered both bases.

17           There are three. I'm sure there  
18 are many other. Oh, the TDM requirement in  
19 terms of the four recommendations of DDOT. We  
20 have addressed each one of those. Oh, yes,  
21 there were refinements to the elevations,  
22 including coloring and materials.

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1           But this has been a long -- this  
2           has -- I mean, there has been a complete, not  
3           a complete, but very much of a listening and  
4           change for two years to get to this point.

5           VICE CHAIR KEATING: Okay. Any of  
6           those comments or suggestions coming from the  
7           community?

8           MR. QUIN: I would have to ask Mr.  
9           Cochran. I don't know.

10          MS. CAFRITZ: I can speak to the  
11          affordability issue.

12          VICE CHAIR KEATING: Okay.

13          MS. CAFRITZ: Initially, the -- as  
14          to the affordability issue, when the project  
15          was initially planned, it was anticipated that  
16          most of the residents would qualify as  
17          seniors. When we went back and spoke to the  
18          citizens, the Riggs Plaza tenants and to the  
19          individual units, we realized that actually  
20          the majority do not qualify for senior. And  
21          we made a commitment.

22          Yes, we were not -- I think 63

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1 percent do not qualify for seniors. And the  
2 Foundation made a commitment to them that they  
3 would place them, you know, into this new  
4 building at the same existing rents and that  
5 the Foundation would fill the gap, would pay  
6 for the gap in housing.

7 So they are going to be able to  
8 maintain their current rents which is rent  
9 controlled and yet move into, you know,  
10 whatever is the appropriate housing and it  
11 will be scattered throughout Building A.

12 In addition to which, we feel very  
13 badly that the tenants, some of the tenants  
14 are going to be displaced and moved into the  
15 existing units and, you know, we're going to  
16 provide them with the best possible housing we  
17 can. We're going to provide new appliances  
18 and new paint. And we're going to pay for the  
19 moving and help move them, you know, if they  
20 allow us. You know, as much as they will  
21 allow us to do. We do feel badly about that.

22 MR. QUIN: Mr. Keating, there -- I

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1 just thought of four straight points that are  
2 also additional ones. One is pedestrian  
3 access to Metro was a very important point  
4 from the neighbors and from other places.

5 Secondly, the retail usage along  
6 Ingraham so that it is an enlivened street, so  
7 that you can cut through, as you can see, one  
8 of the ways to get to Metro South Dakota  
9 across Ingraham and over.

10 Another is a change. If you look  
11 at the culdesac at Building C, we were asked  
12 to make sure that in the future Food For  
13 Friends were redeveloped and they were  
14 accessed up from Riggs Road, as you can see,  
15 that there could be access going straight down  
16 all the way down to Metro. So that culdesac  
17 leads down now to enable there to be a  
18 complete roadway.

19 Additionally, the alley area which  
20 is all a reconfiguration of the whole street  
21 system up there now to be more conducive to  
22 access to Metro by angles and if you look at

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1 the old street pattern and the new street  
2 pattern, you can see that it is oriented now  
3 much better towards to getting people to  
4 Metro.

5 The alley area behind the  
6 buildings, behind Building A and B, you can  
7 see that that now is to be used landscape.  
8 It's being landscaped now where it was not  
9 before.

10 So there are just -- I mean, if I  
11 kept thinking about it, if I could come up and  
12 -- we would take the rest of the evening on  
13 changes.

14 MS. CAFRITZ: But I would like to  
15 add, since you've asked the question,  
16 Commissioner, if I may, as a result of  
17 speaking with the residents in Riggs Plaza and  
18 the adjoining neighborhood, we are going to  
19 provide access. The Ward B -- 5A Chairperson  
20 is going to help us, but we are going to  
21 provide a path, an access path across the  
22 park, which is adjacent to Galloway right

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1 there, right, a lit park.

2 And hopefully to create, you know,  
3 a safe environment across there. And we  
4 promise that we will maintain that. That was  
5 a direct response to a citizen request.

6 VICE CHAIR KEATING: Across the  
7 park?

8 MS. CAFRITZ: That way.

9 VICE CHAIR KEATING: That way into  
10 the neighborhood, adjoining neighborhood?

11 MS. CAFRITZ: Right.

12 VICE CHAIR KEATING: It's going to  
13 be lit and paved?

14 MS. CAFRITZ: Yes.

15 VICE CHAIR KEATING: Okay.

16 MS. CAFRITZ: And in addition, the  
17 design --

18 VICE CHAIR KEATING: Subject to the  
19 Park Service involvement, right?

20 MS. CAFRITZ: We're trying. We're  
21 trying.

22 VICE CHAIR KEATING: Okay.

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1 MS. CAFRITZ: The medical facility,  
2 you know, we have discussed that and gotten a  
3 lot of feedback on what kind of medical  
4 facility and what they want there, on what  
5 type of retail stores that they want there.  
6 The citizens have had a lot of input and we  
7 promised them, you know, first priority to  
8 qualified retail users, the type of day care,  
9 how large the day care is.

10 VICE CHAIR KEATING: Um-hum.

11 MS. CAFRITZ: We have responded to  
12 the citizens on that. The citizens have  
13 spoken about what kind of supermarket they  
14 want. What -- the quality of the supermarket.

15 We have heard the citizens on the type of  
16 green spaces, internal green spaces and  
17 external green spaces. We have heard what the  
18 citizens have said and what they want on that  
19 and we have tried to comply with that.

20 VICE CHAIR KEATING: That's great.  
21 Okay.

22 MR. BURKE: I can't -- but we have

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1 met with them in outreach probably about 15, I  
2 have been to at least 15, meetings throughout  
3 the Riggs Plaza and the community all told and  
4 I have tried to be as receptive as I could be.

5 VICE CHAIR KEATING: Sure. You  
6 mentioned, someone mentioned, earlier about an  
7 ANC office going in the facility.

8 MS. CAFRITZ: Yes, yes.

9 VICE CHAIR KEATING: Was that in  
10 Building A?

11 MS. CAFRITZ: Yes, it's going to be  
12 in Building A and it's going to be 600 square  
13 feet.

14 VICE CHAIR KEATING: Which was an  
15 increase from the original 400?

16 MS. CAFRITZ: Yes, and in addition  
17 to which, we have promised them -- there will  
18 be other large spaces and we have promised  
19 them that, you know, they will have access to  
20 those, you know, with due notice.

21 CHAIRPERSON HOOD: Is that rent-  
22 free or how is that going to --

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1 MS. CAFRITZ: Yes, yes.

2 CHAIRPERSON HOOD: Oh, okay.

3 MS. CAFRITZ: We have a list of the  
4 amenities that are rent-free. You know, it's  
5 --

6 VICE CHAIR KEATING: Okay, okay.  
7 My last set of questions, I won't take up all  
8 the time, but I'm curious about this service  
9 access covered alleyway with the entrance off  
10 of 3<sup>rd</sup>. Is that 3<sup>rd</sup> Street up there? I guess  
11 it's really off the alley that goes under the  
12 building and has the loading berths.

13 MR. VOELZKE: Yes, sir.

14 VICE CHAIR KEATING: You know, it  
15 says here we have got 12 loading berths  
16 planned in the plan. I only see three of them  
17 in Building A. Is that correct?

18 MR. VOELZKE: The number Marty is  
19 quoting, I know we -- there are multiple  
20 loading berths and loading platforms and  
21 loading spaces we are highlighting. This is--  
22 the way you see it here are the full size 55

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1 foot loading berths. There are three of those  
2 in the loading tunnel. There is also spaces  
3 for compactors and other delivery trucks and  
4 parking -- and loading spaces.

5 MR. WIENCEK: Now, the application  
6 lists the required number of loading berths --

7 MR. VOELZKE: Right.

8 MR. WIENCEK: -- for each building  
9 and the plan meets or exceeds those  
10 requirements for each building and for the  
11 project as a whole.

12 VICE CHAIR KEATING: The chart you  
13 pointed out, this chart, that's for the entire  
14 project, right?

15 MR. VOELZKE: That's for the -- I  
16 tried to distill it to make my major point  
17 that we are meeting the loading requirements.

18 VICE CHAIR KEATING: Okay. But for  
19 just Building A, how would you draw this  
20 chart?

21 MR. VOELZKE: Put that slide up.

22 MR. WIENCEK: Jami, do we have that

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1 image that shows the building by building?  
2 We'll try to get that image on the screen here  
3 for you.

4 MR. VOELZKE: While they are  
5 loading that image up, I want to remind that  
6 there is also two loading berths inside the  
7 Galloway Street garage level. And although I  
8 can't quote the numbers, we meet or exceed the  
9 zoning requirements.

10 VICE CHAIR KEATING: Two loading  
11 berths inside of the Galloway entrance?

12 MR. VOELZKE: Inside. In the  
13 commercial parking garage, which is two  
14 levels, one level entering from South Dakota  
15 and one level entered from Galloway.

16 VICE CHAIR KEATING: Right, right.

17 MR. VOELZKE: There is a small  
18 service area with two loading berths to  
19 service the retail on that part of the project  
20 as well as some residential trash coming from  
21 the senior building and above.

22 VICE CHAIR KEATING: Is that this

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1 red square on page --

2 MR. VOELZKE: Yes, sir.

3 VICE CHAIR KEATING: -- 11.

4 MR. VOELZKE: Yes, sir.

5 VICE CHAIR KEATING: Okay. So it's  
6 two berths there?

7 MR. VOELZKE: Yes, sir.

8 VICE CHAIR KEATING: Okay. I just  
9 wondered what that was. Okay. And they are  
10 access actually off of?

11 MR. VOELZKE: It is -- that is  
12 accessed off of Galloway. Trucks will enter  
13 the garage right where you see that same blue  
14 arrow, yes, sir, and then back -- there is  
15 maneuverability routes in the garage that sort  
16 of pull into the garage and then back into the  
17 loading berth and overhead clearance for  
18 trucks.

19 VICE CHAIR KEATING: Okay. Those  
20 will be our 20 foot trucks or maybe the 30  
21 foot trucks?

22 MR. VOELZKE: Yeah, those are 30

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1 foot berths, 30 foot berths.

2 VICE CHAIR KEATING: Okay. All  
3 right.

4 MR. WIENCEK: Commissioner Keating,  
5 the requirement for Building A is 1 55 foot  
6 berth for residential, 2 for the retail and  
7 grocery for 3 total and that, in fact, is what  
8 is being provided.

9 VICE CHAIR KEATING: Okay.

10 MR. WIENCEK: Then the requirement  
11 is for 1 30 foot berth for the retail and, in  
12 fact, I believe 2 are being provided.

13 VICE CHAIR KEATING: Okay.

14 MR. WIENCEK: There is a  
15 requirement for 2 20 foot service spaces and,  
16 in fact, 3 are being provided.

17 VICE CHAIR KEATING: Okay.

18 MR. VOELZKE: On page 8 of the PUD  
19 booklet it's the --

20 MR. WIENCEK: It's in the lower  
21 left hand corner.

22 MR. VOELZKE: Yeah.

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1 VICE CHAIR KEATING: Okay.

2 MR. WIENCEK: Okay.

3 VICE CHAIR KEATING: I think that's  
4 everything that I had. And the trash, I  
5 assume, is inside of those berths or somehow  
6 tied to those berths, the trash service?

7 MR. WIENCEK: Yes.

8 MR. VOELZKE: Yes, that's correct.

9 VICE CHAIR KEATING: Compactors?

10 MR. WIENCEK: Yes.

11 MR. VOELZKE: Yes, sir.

12 VICE CHAIR KEATING: Okay. Okay.  
13 That's all I have. Thank you.

14 CHAIRPERSON HOOD: Okay. Next?  
15 Commissioner Turnbull?

16 COMMISSIONER TURNBULL: Thank you,  
17 Mr. Chair. I think you said at the beginning  
18 you are going for LEED-certification, but  
19 that's the lowest. You are going for 26  
20 points. You are not trying to go for silver  
21 or anything? That's only 7 points away. I'm  
22 just curious why you are not trying to raise

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1 the bar.

2 MR. BENNETT: You're referring to  
3 LEED-NC?

4 COMMISSIONER TURNBULL: Right.

5 MR. QUIN: Ralph, would you  
6 identify yourself for the record, please? And  
7 his resume is contained --

8 MR. BENNETT: My name is Ralph  
9 Bennett. I would draw your attention to the  
10 LEED Green Community Scorecard in the other --  
11 in the submission we made on June 12<sup>th</sup>. And we  
12 have scored the project to a silver level with  
13 LEED.

14 COMMISSIONER TURNBULL: Oh, you  
15 didn't say that in the beginning though. You  
16 only said you are getting -- you only -- one  
17 of you said you're only going for LEED-  
18 certification. You didn't say LEED-silver.

19 MR. BENNETT: An initial  
20 investigation of the building shows us getting  
21 to the silver.

22 COMMISSIONER TURNBULL: Silver.

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1 That's fine. Thank you.

2 MR. BENNETT: Yes, yes.

3 COMMISSIONER TURNBULL: That was  
4 just my question. I just wanted to clarify  
5 it. Because in the testimony you said  
6 certified. Okay. Thank you.

7 The senior housing, is that  
8 assisted living or just strictly age-based  
9 housing?

10 MR. BENNETT: It's independent  
11 senior living.

12 COMMISSIONER TURNBULL: Independent  
13 senior living.

14 MR. BENNETT: Affordable.

15 COMMISSIONER TURNBULL: Now, it's  
16 all in one -- it's on two floors of Building  
17 A?

18 MR. BENNETT: Correct.

19 COMMISSIONER TURNBULL: Which sort  
20 of leads into the whole philosophy of how  
21 you're laying out the apartments in this  
22 building. If I look on page -- drawing 204, I

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1 see a whole bunch of efficiencies up at the --  
2 on Ingraham on the far side and I see a whole  
3 bunch of 1 bedrooms.

4 It seems like you are grouping them  
5 by size. Every once in a while I see  
6 something. The mix seems to be a little bit  
7 stereotyped. It's either senior housing here.

8 I've got efficiency. Is that single living  
9 up there? What's your philosophy of how you  
10 are housing people in this building?

11 MR. BENNETT: Well, we do want to  
12 have a good mix of people throughout the  
13 building. But a big part of that was to try  
14 to differentiate the elevations. And so where  
15 -- if I spread them out all evenly, I start to  
16 get window patterning that becomes similar on  
17 each elevation.

18 And as you saw through the  
19 presentation, we have tried to create actually  
20 eight different facades on this building to  
21 break it down. And so that upper part of  
22 Ingraham where you see all those efficiencies

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1 happening, that allows us to get that vertical  
2 more rhythmic effect along that portion of the  
3 building.

4 The seniors want to be more 1s and  
5 2s. As a matter of fact, some of the seniors  
6 or about 60 -- 50 percent of the seniors are  
7 programmed to specifically meet the needs of  
8 the --

9 COMMISSIONER TURNBULL: As I said,  
10 it just doesn't seem that creative, the  
11 apartment layouts. It's either one, you've  
12 got 1 bedrooms all in one area. You've got 2  
13 bedrooms over in another area. You've got  
14 efficiencies at one end and seniors stuck over  
15 here. It just felt like you were being  
16 pigeonholed.

17 MR. BENNETT: Well, the seniors in  
18 particular, I mean, we specifically want to  
19 have the seniors as a separated use. We have  
20 got -- highered lighting. We want to make  
21 sure that they feel secure, higher lighting  
22 levels. We've got different types of floors.

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1                   COMMISSIONER TURNBULL:     You have  
2 security separate for them?

3                   MR. BENNETT:     Yes, we do. We have  
4 within -- as you come into the lobby, you  
5 actually have separate elevator systems that  
6 lead to the senior units. And through an  
7 access control system, we keep the resident  
8 population out of the seniors without an  
9 invitation.

10                  But as I said, we have got special  
11 amenities and features in the senior housing.

12                  We see it as an independent senior housing  
13 facility, so that they have their own exercise  
14 equipment. That they aren't vying for with  
15 the younger crowd and it's also specifically  
16 addressing them. We've got different kinds of  
17 use --

18                  COMMISSIONER TURNBULL:     So the area  
19 is totally contained in a way?

20                  MR. BENNETT:     Totally contained,  
21 exactly.

22                  COMMISSIONER TURNBULL:     Okay. Do

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1 you have commitments for things like -- from  
2 the library, the grocery store, the day care?

3 Are you fairly much along that when this  
4 project gets going, you're not going to be  
5 coming back and saying we can't get this, we  
6 can't get that, we need to make a change?

7 MS. CAFRITZ: Well, as far as the  
8 amenities, the day care and the medical  
9 facilities, we have -- I have been in  
10 conversation with providers, service providers  
11 that the Foundation has supported in the past  
12 and currently supports. And we have picked  
13 the highest quality and we are, you know,  
14 talking. Once we know exactly what the square  
15 footage will be and, you know, what the  
16 approval plan is, we will be able to go  
17 forward.

18 We have a Letter of Intent for the  
19 grocery store. We don't have a contract --

20 COMMISSIONER TURNBULL: No, I can  
21 understand that.

22 MS. CAFRITZ: -- with the providers

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1 yet, but the Foundation is very supportive of  
2 many -- of all of the services that will be --

3 COMMISSIONER TURNBULL: So you feel  
4 confident that you --

5 MS. CAFRITZ: Yes.

6 COMMISSIONER TURNBULL: The uses  
7 that you are talking about, you will be able  
8 to --

9 MS. CAFRITZ: Yes, definitely.

10 COMMISSIONER TURNBULL: -- the  
11 children's museum --

12 MS. CAFRITZ: Yes.

13 COMMISSIONER TURNBULL: -- is that  
14 private run or how is that -- how do you see  
15 that being --

16 MS. CAFRITZ: I hope not.  
17 Currently, the seed money was privately  
18 provided.

19 COMMISSIONER TURNBULL: Right.

20 MS. CAFRITZ: However, we intend to  
21 make it a very public institution. And in  
22 fact, we expect that it will be a very

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1 different kind of facility. We are partnering  
2 with the Smithsonian Institute for their  
3 Museum of American History, Freer-Sackler, the  
4 Hirshhorn and the History Museum.

5 We are partnering with Imagination  
6 Stage, which has a wonderful children's  
7 theater in Bethesda, and they are -- all of  
8 their programs are keyed to the curriculum of  
9 their public schools.

10 One of our partners is the D.C.  
11 Public School. I just spoke to Michelle Rhee  
12 about this and -- but previously we had a  
13 partner who will enable us to key the  
14 curriculum of what goes on in the museum to  
15 the school.

16 We are partners -- the French  
17 Embassy sponsors an International Children's  
18 Festival. They are the administrator for 27  
19 country festival every summer. They are our  
20 partner.

21 So what this museum intends to do  
22 is to use all of the fantastic resources that

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1 are already in this community and don't reach  
2 -- in the community of Washington, D.C., but  
3 don't reach this particular community. And we  
4 feel that because of the fantastic transit  
5 system that is available that it, you know,  
6 will be a great destination not just for this  
7 local community, but the whole community.

8 And in addition to which, we hope  
9 that the children's museum will reach out and  
10 participate in the community, not just be  
11 contained by the four walls. So we are trying  
12 to create a different kind of museum.

13 COMMISSIONER TURNBULL: Um-hum.

14 MS. CAFRITZ: It's probably not  
15 even the right word.

16 COMMISSIONER TURNBULL: Okay.

17 MS. CAFRITZ: We don't know what to  
18 call it yet. It's in process and we would  
19 like to use one of the warehouses, renovate  
20 that and use it as a temporary basis and  
21 then --

22 COMMISSIONER TURNBULL: It sounds

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1 exciting.

2 MS. CAFRITZ: Yes. I mean, I could  
3 go on the list of partners.

4 COMMISSIONER TURNBULL: Yeah.

5 MS. CAFRITZ: Everybody is pretty  
6 excited, but we don't have a definition yet of  
7 what it is really going to be.

8 COMMISSIONER TURNBULL: Yeah. On  
9 the day care, where is the -- is there a play  
10 area? I saw a park over there, but I didn't--  
11 and I saw you had a corridor going to it, but  
12 I didn't know if that's the actual designated  
13 play area for the day care.

14 MR. BENNETT: Right.

15 MS. CAFRITZ: Right. It's called  
16 Panda Park.

17 COMMISSIONER TURNBULL: So that is  
18 strictly for the day care?

19 MR. BENNETT: It's not strictly for  
20 the day care. We have worked with providers  
21 before where we --

22 COMMISSIONER TURNBULL: Certain

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1 hours?

2 MR. BENNETT: -- the day care hours

3 --

4 COMMISSIONER TURNBULL: Okay.

5 MR. BENNETT: It's for the day care  
6 and during other hours it's other.

7 COMMISSIONER TURNBULL: Okay. I  
8 think I was reading in our -- you are also  
9 looking in this PUD for roof relief.

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

11 COMMISSIONER TURNBULL: Could you  
12 show us on Building A what kind of roof relief  
13 you are looking for?

14 MR. QUIN: Steve, do you want to do  
15 that? All right.

16 COMMISSIONER TURNBULL: I know you  
17 can't reach the 1:1 setback or something, I  
18 know. And I just wanted to see where that is  
19 happening on Building A.

20 MR. SHER: Okay. There are two  
21 areas of relief on Building A, because we  
22 haven't really designed the roof structures

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1 for the other buildings yet. One is that  
2 there are more than one roof structure, they  
3 are not all within a single enclosure. And  
4 that's because you've got elevator overrides  
5 and stair towers and a couple pieces of  
6 mechanical equipment right here, that are not  
7 all connected.

8 And if you connected them all, you  
9 would have to build this much more massive  
10 treatment up on the roof.

11 COMMISSIONER TURNBULL: Right.

12 MR. SHER: So multiple is one  
13 thing. The second thing, there are places  
14 where the stair towers and the elevator  
15 overrides come very close to, if not, the edge  
16 of the roof. And that is because of the  
17 design of the building below where the access  
18 towers are. And you've got one -- I'm not  
19 sure I can see this.

20 COMMISSIONER TURNBULL: Well, I saw  
21 all of those, but I didn't see the roof plan  
22 and it wasn't that such that you could see if

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1 there was anything else.

2 MR. SHER: It's those two areas.

3 COMMISSIONER TURNBULL: Okay.

4 That's all I wanted to clarify.

5 MR. SHER: Yes, there are a bunch  
6 of -- there are a lot of pieces of equipment  
7 shown there, but they are less than 4 feet  
8 above the parapet, so they can be there.

9 COMMISSIONER TURNBULL: Okay. I  
10 just wanted to be sure.

11 MR. SHER: The major ones.

12 COMMISSIONER TURNBULL: I guess the  
13 other thing and I'm sure Commissioner May will  
14 touch on something else, but I was looking at  
15 the perspectives like on 2.16, which is on  
16 Dakota and Ingraham and it's a little bit  
17 deceptive to me in that I see almost a nice  
18 city street, but right across the street I've  
19 got, you know, two-story single-family  
20 dwellings.

21 And you are trying to make a case  
22 of a -- I didn't quite see the nexus, the

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1 connection that you were trying to make  
2 between the step-back in the house across the  
3 street. I just don't see the -- quite the  
4 relationship of trying to make that in a  
5 residential feel yet.

6 MR. BENNETT: Sure. There is no  
7 doubt that we have tried to be very sensitive  
8 to that one block or block and a half of  
9 single-family houses across the street. I  
10 want to point out that though they generally  
11 sit up on a plinth a few feet above South  
12 Dakota Avenue --

13 COMMISSIONER TURNBULL: Yeah.

14 MR. BENNETT: -- and then they are  
15 generally tall for row houses and they are  
16 also setback quite a bit from South Dakota  
17 Avenue. And in response --

18 COMMISSIONER TURNBULL: They are  
19 setback, right.

20 MR. BENNETT: Yeah, they are quite  
21 a bit. The response to that is to have, you  
22 know, a retail base that is, I think, of this

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1 scale and this line, which is very strong and  
2 material and very horizontal with some breaks  
3 to the vertical that are very much at the same  
4 scale of the houses across the street.

5 I want to point out as well we've  
6 got a very wide sidewalk on South Dakota  
7 Avenue, well over 20 feet, new street trees  
8 and then a new parking lane again further  
9 separating us. And then upstairs, you know,  
10 by -- basically, we are trying to transition  
11 to the scale of the overall block, so we step  
12 into bigger forms up here that get broken down  
13 into scale more complimentary of what's across  
14 the street.

15 All along South Dakota Avenue we  
16 have cut our fifth floor residential off and  
17 back on 40 or 45 feet, so it won't be visible,  
18 and to pull that high parapet line down.

19 COMMISSIONER TURNBULL: No, I  
20 understand what you're trying to do. I guess,  
21 for me right now, it doesn't quite read as  
22 strong as what -- the language that you are

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1 saying is stronger than what the drawing  
2 shows.

3 MR. BENNETT: Okay.

4 COMMISSIONER TURNBULL: And I guess  
5 I just don't -- your one term was what did you  
6 say a cascading canopy.

7 MR. BENNETT: That -- what I'm  
8 talking about there is --

9 COMMISSIONER TURNBULL: And I  
10 looked at it and I said a cascading canopy.  
11 And I can't see that actually.

12 MR. BENNETT: It's going to be --  
13 it's kind of in by the trees here, but the  
14 canopy, you know, turns and comes around South  
15 Dakota Avenue and as it goes up Ingraham, it  
16 steps up or cascades down from Ingraham  
17 Street. It's the one part of the retail plan  
18 you can see a little bit of it down there.

19 MR. VOELZKE: You can see it here.

20 MR. BENNETT: Yeah, there you go.

21 COMMISSIONER TURNBULL: Well, I  
22 guess my concern is that I guess the -- what

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1 you are describing, I don't see it quite as  
2 strong as what you are verbalizing and it's  
3 stronger than what I see up on the drawing.

4 MR. BENNETT: Okay.

5 COMMISSIONER TURNBULL: And I just  
6 feel you've got the break after you go past  
7 the Ingraham shop sign here and then you've  
8 got the vertical piers and --

9 MR. BENNETT: Can you go back,  
10 K.C.?

11 COMMISSIONER TURNBULL: -- I just  
12 don't see it right now yet.

13 MR. BENNETT: Okay.

14 COMMISSIONER TURNBULL: But I'll  
15 let my colleagues continue on.

16 CHAIRPERSON HOOD: Okay.  
17 Commissioner Schlater?

18 COMMISSIONER SCHLATER: There are a  
19 lot of things going on here. I want to  
20 commend you for pulling together an  
21 application that has a significant number of  
22 amenities and there's clearly a lot of time

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1 and thought put into it. So with that, I'm  
2 just going to jump into a few specific areas  
3 of questioning.

4 The first is on the -- there wasn't  
5 a lot of talk about it, but was this  
6 Ingraham/Hamilton realignment and the closing  
7 of what is it 3<sup>rd</sup> or 4<sup>th</sup> Street?

8 MR. VOELZKE: It's 4<sup>th</sup> Street.

9 MR. BENNETT: 4<sup>th</sup> Street.

10 COMMISSIONER SCHLATER: What were  
11 the discussions with the community around the  
12 closure of that street? And where did that  
13 idea come from?

14 MR. VOELZKE: Do you want to take  
15 that?

16 MR. WIENCEK: Well, I think one of  
17 the things that was paramount here is trying  
18 to make a more direct connection to the Metro  
19 Station. I think some of the things we heard  
20 was that there was -- in a sense, that the  
21 connections weren't as direct as they could  
22 be. So one of the things the plan tries to do

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1 is to make a much more specific connection.

2 COMMISSIONER SCHLATER: Doesn't  
3 Hamilton go directly to the Metro? I'm sorry.

4 MR. WIENCEK: Hamilton goes across  
5 on a diagonal way there, but I think what we  
6 were trying to do is to bring the grid  
7 straight across from the neighborhood across  
8 the street on the other side of South Dakota  
9 there to make a simpler plan.

10 The other thing, too, is that in  
11 order to -- if you could go to the site plan,  
12 K.C.? In order to contain the parking with  
13 the parking garage and the supermarket --

14 COMMISSIONER SCHLATER: Um-hum.

15 MR. WIENCEK: -- and to have that  
16 contained within the building, rather than  
17 have it be visible to the outside --

18 COMMISSIONER SCHLATER: Um-hum.

19 MR. WIENCEK: -- there, it seemed  
20 prudent to look at aligning Ingraham Street --

21 COMMISSIONER SCHLATER: Um-hum.

22 MR. WIENCEK: -- with the street

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1 across -- with Ingraham across the street, you  
2 know, as continued so that that block could  
3 have the benefit of having the parking not  
4 exposed to the street and facing the front of  
5 the supermarket inside the garage. So we  
6 thought that that was, you know, a way to  
7 solve a number of different things, which is  
8 to make a more direct alignment to the Metro  
9 and also to take care of the parking inside  
10 the parking garage. Jim may want to talk a  
11 little bit about the supermarket.

12 COMMISSIONER SCHLATER: Well, one  
13 other question. Have there been any concerns  
14 raised by the residents on Ingraham Street?  
15 Because they are going to have a street going  
16 straight from the Metro through their  
17 neighborhood, at this point. I'm just  
18 wondering if anything was raised.

19 MS. CAFRITZ: It's contained. It's  
20 contained.

21 MR. WIENCEK: Yeah, I don't think  
22 that street gets you anywhere when you cross

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1 it, you know, as an arterial street.

2 MR. VOELZKE: No. Ingraham Street,  
3 we have driven and walked the neighborhood to  
4 understand the impact of the street  
5 relocations. Ingraham Street just south -- or  
6 actually east of -- Ingraham Street comes down  
7 and hooks right onto Hamilton Street one block  
8 down.

9 None of the streets were  
10 necessarily described as arterial. They all  
11 serve the neighborhood, but they are not  
12 through streets to more arterial roads.

13 And I also want to point out, you  
14 know, one of the benefits of realigning  
15 Ingraham Street is right now we have got a  
16 tremendously long block between Hamilton and  
17 Kennedy, you know, providing no access to the  
18 Metro. And likewise, the abandonment of 4<sup>th</sup>  
19 Street is really picked up by the redundant  
20 alley in the back here. To keep a street down  
21 the middle of this project wouldn't have  
22 allowed us to put the size of uses that we are

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1 proposing on the site.

2 COMMISSIONER SCHLATER: Okay. The  
3 process for opening and closing those streets,  
4 has that begun?

5 MR. QUIN: No. It has not begun.  
6 We have had discussions and we have met with  
7 DDOT probably three or four times dealing with  
8 what we are proposing. The closure sheets are  
9 45 and 46 that show you the changes.

10 COMMISSIONER SCHLATER: Okay. And  
11 is the developer, I guess in this case, the  
12 Cafritz Foundation paying for to construct the  
13 new streets?

14 MR. QUIN: If there is any way they  
15 can avoid it, they would like to.

16 COMMISSIONER SCHLATER: That seems  
17 unlikely. Okay. Going from the streets,  
18 reading through some of the documents you gave  
19 us, you said that Ingraham is going to become  
20 a retail street, correct? Could you bring up  
21 the retail plan for Ingraham Street?

22 MR. QUIN: Go to the overall.

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1 There it is.

2 COMMISSIONER SCHLATER: So one of  
3 the things when I think retail street, I think  
4 Bethesda Row or something along that scale, is  
5 what we're talking about here, which is retail  
6 on the ground level and then residential  
7 above.

8 MR. VOELZKE: Yes, sir.

9 COMMISSIONER SCHLATER: It's pretty  
10 similar to what we're talking about here.

11 MR. VOELZKE: Yes, sir.

12 COMMISSIONER SCHLATER: I look at  
13 this plan and I see the grocery store, which  
14 is, obviously, going to drive a lot of traffic  
15 and bring a lot of people into the  
16 neighborhood.

17 MR. VOELZKE: Um-hum.

18 COMMISSIONER SCHLATER: But you  
19 look at Ingraham itself and there is actually  
20 no location where there is retail across the  
21 street from one another.

22 MR. VOELZKE: Oh --

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1 COMMISSIONER SCHLATER: It doesn't  
2 seem that way.

3 MR. VOELZKE: Let me explain a  
4 little bit better. We have got retail at the  
5 corner of Ingraham and South Dakota.

6 COMMISSIONER SCHLATER: Yeah.

7 MR. VOELZKE: Across the street  
8 here is the lobby for the second floor major  
9 retail anchor.

10 COMMISSIONER SCHLATER: Yeah.

11 MR. VOELZKE: Further up Ingraham  
12 Street we've got small shop retail on the  
13 Building B side.

14 COMMISSIONER SCHLATER: Um-hum.

15 MR. VOELZKE: This is a small  
16 portion here, which is a residential lobby and  
17 amenity, the entrance to the residential  
18 upstairs. And this is additional retail up  
19 here. The color is different because as  
20 Ingraham climbs, it's actually another level  
21 up.

22 COMMISSIONER SCHLATER: But it is -

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1 - you would access it from the ground?

2 MR. VOELZKE: Exactly, yes, sir,  
3 yes, at grade. And so it's continuous retail  
4 from the alley corner all the way down to  
5 South Dakota on both sides of the street with  
6 the exception of access to the second floor  
7 uses.

8 MR. BENNETT: It's designed to be a  
9 two-sided retail street.

10 COMMISSIONER SCHLATER: Okay. Do  
11 you have elevations of that?

12 MS. CAFRITZ: Yes.

13 MR. VOELZKE: Yes, we do. This is  
14 the retail along South Dakota.

15 MR. BENNETT: So what you can see  
16 is down on the left side is South Dakota  
17 there. We can point to that. And then coming  
18 up here is -- and closest to the Metro up  
19 here.

20 COMMISSIONER SCHLATER: Could you  
21 go back to the retail plan? I'm sorry. I  
22 think you know, I mean, you guys have,

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1 obviously, thought about this more than I have  
2 as well. There is no other opportunities  
3 within this plan to have two-sided retail. So  
4 I think it's just imperative that you make  
5 sure the quality of the retail on both sides  
6 of the street is good.

7 So I'm looking at some of the  
8 depths on the retail on the, I don't know  
9 which side that is, south side of Ingraham?

10 MR. BENNETT: Yes, sorry.

11 COMMISSIONER SCHLATER: How deep is  
12 that?

13 MR. BENNETT: It's, approximately,  
14 35 or 40 feet.

15 COMMISSIONER SCHLATER: And would  
16 you say that's sufficient for that kind of --

17 MR. BENNETT: That's not -- I think  
18 it's sufficient for some of the types of uses  
19 that we are envisioning. It's not going to  
20 meet most national retail standards for, you  
21 know, their prototype.

22 COMMISSIONER SCHLATER: Right. How

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1 deep would you say is Bethesda Row or  
2 something like that?

3 MR. BENNETT: It's going to be  
4 varied at Bethesda Row. There are going to be  
5 some spaces that are not conventional and are  
6 less deep and then there are going to be some  
7 that are more conventional. If we were  
8 starting from zero, you know, we would target  
9 about a 75 or 80 foot deep space.

10 COMMISSIONER SCHLATER: Yeah.

11 MR. BENNETT: But there are spaces  
12 along Bethesda Avenue that are not that deep  
13 as well.

14 COMMISSIONER SCHLATER: So how come  
15 it's not deeper?

16 MR. BENNETT: It all ties into what  
17 Matt was saying earlier and why Hamilton  
18 Street is being realigned. In order to put  
19 the grocery store on-site and give them a  
20 shape that they can function within --

21 COMMISSIONER SCHLATER: Um-hum.

22 MR. BENNETT: -- and give them at

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1 least a minimum amount of surface parking in  
2 front of their store or beside their store,  
3 that sort of dictated the geometry coming over  
4 from Galloway. So we have got, you know, 100  
5 or so surface spaces in front of their store,  
6 which they require to operate on a day-to-day  
7 basis.

8 The grocery store itself and our  
9 service tunnel and what is being left here,  
10 you know, is fill in linear retail.

11 COMMISSIONER SCHLATER: So it would  
12 be fair to characterize it as, I don't know,  
13 that retail is suffering because you are  
14 trying to get a grocery store in there?

15 MR. BENNETT: No, I wouldn't  
16 characterize it as suffering at all. I think  
17 there are plenty of examples in Washington and  
18 as you get into more urban environments where  
19 retail is non-prototypical. So it's not 75  
20 feet deep. Cafes, restaurants, coffee shops,  
21 all sorts of different uses, you know, I think  
22 can fit in this type of depth space.

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1                   COMMISSIONER SCHLATER:       Another  
2 question on the retail.    You have got a  
3 planned grocery store about a block and a half  
4 away, if I'm not mistaken, at Riggs and South  
5 Dakota. Is that correct?

6                   MR. BENNETT:    I think it's about  
7 three blocks away, yes.

8                   COMMISSIONER SCHLATER:    Is there  
9 any concern on the part of the retailer that  
10 you have signed an LOI with that there is  
11 potential cannibalization between the two new  
12 stores?

13                  MR. BENNETT:    Not that I know of.

14                  COMMISSIONER SCHLATER:    Has there  
15 been a retail study done on this site to show  
16 that two grocery stores can be supported  
17 within a block of one another?

18                  MR. BENNETT:    There has been a  
19 retail study done. It doesn't -- and it takes  
20 into account anticipated or pipeline retail  
21 that justifies the program that we are  
22 proposing.

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1                   COMMISSIONER SCHLATER:    Okay.    I  
2    think that leads into parking, which is  
3    clearly a concern of DDOT and OP.    And I can  
4    understand why.    I mean, we have seen some  
5    recent new construction, urban retail projects  
6    in the District, that appear to be over-  
7    parked, I think.

8                   Somebody mentioned on your team DC  
9    USA earlier.    It's my understanding that there  
10   is a whole floor of the parking structure that  
11   was demanded by Target and the other retailers  
12   in that space, but goes unused and unwanted,  
13   mostly because it's space that is adjacent to  
14   a Metro and people walk to and from the store.

15                  So I'm wondering in the overall  
16   discussion of how much parking to put into  
17   this particular project, has this been driven  
18   by the retailer saying you need a certain  
19   amount of parking in order for them to become  
20   tenants in the space?

21                  MR. BENNETT:    Not explicitly.    I  
22   mean, it's being driven by economics and the

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1 cost of structured parking and trying to find  
2 that balance between what the retailers will  
3 need, what is appropriate for transit-oriented  
4 development and what we can afford to build.

5 We are familiar with the DC USA  
6 Project and the architect for the Elwood  
7 Thompson, which is on hold, but hopefully  
8 going in soon. And you know, I have heard  
9 anecdotal evidence that the parking underneath  
10 is not being utilized to the fullest extent.

11 Having done a lot of retail and a  
12 lot of urban retail, I don't see our projects  
13 as comparable.

14 COMMISSIONER SCHLATER: Um-hum.

15 MR. BENNETT: If you looked at the  
16 aerial photo and you can see the amount of  
17 sort of less dense, single-family housing  
18 that's going to be there for our lifetime and,  
19 you know, those people -- you know, it's less  
20 dense and they are using their cars to get to  
21 the grocery store.

22 The other thing that, I think, you

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1 know, separates us out is that we are putting  
2 a grocery store in. And in our experience  
3 having done the Tivoli Giant, all the Whole  
4 Foods and been involved with some of the  
5 Harris Teeters is that people drive to get  
6 their groceries, even if they live four or  
7 five blocks away.

8           There is no doubt we will get --  
9 you know, as patterns change and as  
10 generations change, there is no doubt that  
11 there is more sort of stopping on your way  
12 home every night and buying one bag of grocery  
13 and we anticipate that happening there, that's  
14 why we are proposing parking that is, you  
15 know, 35 or 40 percent less than would be  
16 typically required.

17           COMMISSIONER SCHLATER: I know this  
18 is very anecdotal, but I frequent the new  
19 Harris Teeter at, I guess -- where is that?  
20 Potomac? Potomac Avenue.

21           MR. BENNETT: Yes, Capitol Hill,  
22 yes.

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1                   COMMISSIONER SCHLATER: And I drive  
2 to it. And often times the garage is half  
3 empty there as well. I'm just remarking.

4                   MR. BENNETT: Yeah.

5                   COMMISSIONER SCHLATER: I  
6 understand the pushes and pulls here, but my  
7 sense is that people are over-providing for  
8 parking in these new developments and it is  
9 mostly being driven by retailers saying they  
10 need it, even though they don't necessarily  
11 need it.

12                  MR. BENNETT: Yeah.

13                  MS. CAFRITZ: As the representative  
14 of the builder, we did do a market study and  
15 it is based on the existing residents in this  
16 broader community who are older.

17                  COMMISSIONER SCHLATER: Um-hum.

18                  MS. CAFRITZ: It's not really  
19 comparable to some of the other locations.  
20 They would use it. In addition to which, you  
21 know, we are going to be flexible. If we have  
22 over-built --

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1 COMMISSIONER SCHLATER: Um-hum.

2 MS. CAFRITZ: -- in this section,  
3 we will certainly eliminate it in the next.

4 COMMISSIONER SCHLATER: What's the  
5 parking ratio for the residential?

6 MS. CAFRITZ: It's --

7 MR. VOELZKE: .6.

8 MR. BENNETT: .68, .65 per unit.

9 COMMISSIONER SCHLATER: Okay. I  
10 guess my next questions are around the  
11 affordable housing for the project. On the  
12 relocation of the tenants, is the owner under  
13 any legal obligation to relocate those  
14 tenants?

15 MS. CAFRITZ: Um --

16 MR. QUIN: I think the answer is  
17 yes.

18 MS. CAFRITZ: Are we? Okay. I'm  
19 sorry, okay. Yes.

20 COMMISSIONER SCHLATER: It's just  
21 being proffered as an amenity and from what I  
22 know is that relocation of residents from an

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1 existing building is actually something that  
2 would be required in order to get them to  
3 leave their home, I think.

4 MR. QUIN: Yeah, that's right. We  
5 are talking about different ways of  
6 relocating, too. You could locate them off-  
7 site or on-site.

8 COMMISSIONER SCHLATER: Um-hum.

9 MR. QUIN: So we have been treating  
10 it as an amenity. It's certainly the right  
11 thing to do, whether you call it an amenity or  
12 not. We would ask you to call it an amenity,  
13 but we're -- if you look at that chart that we  
14 gave you, there is -- I don't want to  
15 exaggerate, but I think this is probably as  
16 high a ratio of what we are asking for to what  
17 we are giving as any case we have ever -- as I  
18 said, I don't want to overstate that, because  
19 the next person may say they are just as high.

20 But you can look at those numbers  
21 and we were not able to put value on a lot of  
22 those items.

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1                   COMMISSIONER SCHLATER: Right. One  
2 question about the affordable housing. There  
3 was some discussion of it in the record, but I  
4 wasn't sure where it ended out. Are you going  
5 to be seeking District subsidy for the  
6 affordable housing on these units or is this  
7 funded by the Cafritz Foundation?

8                   MS. CAFRITZ: Um, the -- when --  
9 I'll call on my expert, but I know on the non-  
10 seniors, the Foundation is making the payment.

11                   COMMISSIONER SCHLATER: Okay.

12                   MS. CAFRITZ: Is going to do that.

13                   COMMISSIONER SCHLATER: How about  
14 on the senior building?

15                   MR. QUIN: Brian, identify  
16 yourself. Identify yourself for the record,  
17 please.

18                   MR. KIM: Sure.

19                   MR. QUIN: And his resume is also  
20 contained in the exhibit of June 24.

21                   MR. KIM: For the record, my name  
22 is Brian Kim from HO&C. Currently, we are

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1 looking at various options of financing the  
2 overall project. We are looking at subsidized  
3 tax exempt bonds for the elderly. We are  
4 looking at HUD programs. We are looking at  
5 straight FHA programs. I think once the plan  
6 is developed and we have a good set of  
7 program, then I think we can put the financing  
8 pieces together, so that the deal becomes very  
9 feasible.

10 COMMISSIONER SCHLATER: Okay. I  
11 guess my only concern is thinking about it  
12 from a District-wide perspective. Because if  
13 you go to the District to fulfill your  
14 affordability commitment for, I don't know,  
15 Housing Production Trust Funds, you are taking  
16 that money away from other projects. I just  
17 wouldn't -- I think, you know, my feeling  
18 about it is if it's being proffered as an  
19 amenity, you shouldn't then be able to go to  
20 the District and ask for money to help fulfill  
21 that commitment.

22 But I understand there are plenty

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1 of federal programs that are available, HFA  
2 programs and that's great.

3 MR. KIM: Also on the proffered  
4 issue, it's not just the affordable units that  
5 are getting proffered, but it's the units at  
6 their existing current rents at Riggs Plaza is  
7 also proffered, which typically when you  
8 relocate residents, you relocate them.  
9 Whatever program, you create a baseline for  
10 rental income and gradually you increase those  
11 tenants over 5, 6, 7 years to get to that  
12 affordable rent --

13 COMMISSIONER SCHLATER: Um-hum.

14 MR. KIM: -- if their current rent  
15 is way below. But what the Foundation is  
16 offering as a proffer is to keep them at their  
17 basic rent with an annual increase of whatever  
18 the CPI may be. And that's really the proffer  
19 that the Foundation is offering to the  
20 existing tenants at Riggs Plaza.

21 COMMISSIONER SCHLATER: I guess, I  
22 don't know, what's in -- the first building,

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1 how many affordable units are there going to  
2 be?

3 MR. KIM: 171 units.

4 COMMISSIONER SCHLATER: And those  
5 are going to be affordable to people under?

6 MR. KIM: 151 will be for  
7 individuals under 60 percent AMI.

8 COMMISSIONER SCHLATER: Okay.

9 MR. KIM: And then the remaining, I  
10 guess, 30 or so will be 80 percent below AMI.

11 COMMISSIONER SCHLATER: Okay.

12 MR. KIM: With the caveat that the  
13 relocation tenants are going to come in at  
14 whatever base rent they are currently renting  
15 at and that could be --

16 COMMISSIONER SCHLATER: Could that  
17 potentially be more than 30 percent of their  
18 income?

19 MR. KIM: I think it's way below  
20 their 30 percent.

21 COMMISSIONER SCHLATER: Okay.  
22 That's -- I just wanted to clarify that to

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1 make sure it wasn't more.

2 MR. KIM: Okay.

3 COMMISSIONER SCHLATER: In some of  
4 the materials it said that you were offering  
5 to keep the affordable units affordable for 20  
6 years. Is that correct?

7 MS. CAFRITZ: Yes.

8 MR. KIM: Correct.

9 COMMISSIONER SCHLATER: I guess we  
10 can ask OP later what the standard is. I know  
11 for District Government Programs it's  
12 typically 35 or 40 years. I'm just wondering  
13 how you came up with the 20 year period.

14 MR. KIM: Well, the 20 years was  
15 assuming that we wouldn't use any D.C.  
16 subsidized program like the Housing Trust  
17 Fund. For example, if we used low-income  
18 housing tax credits, there will be a 30 year  
19 restriction. And based on the economic  
20 conditions, that wasn't really an ideal  
21 financing source.

22 If we use tax exempt bonds, the

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1 restriction is 10 years as long as the bonds  
2 are repaid after 10 years.

3 COMMISSIONER SCHLATER: Um-hum.

4 MR. KIM: So even in --

5 COMMISSIONER SCHLATER: How about  
6 for IZ?

7 MR. KIM: I --

8 COMMISSIONER SCHLATER:  
9 Inclusionary Zoning?

10 MR. KIM: It's --

11 COMMISSIONER SCHLATER: Which  
12 doesn't have D.C. funds in it. It's just a  
13 benefit for increased density.

14 MR. QUIN: Steve? And also, we are  
15 vested, as you know, by virtue of the filing  
16 of the PUD, so we are not subject to IZ.

17 COMMISSIONER SCHLATER: I  
18 understand.

19 MR. QUIN: Right.

20 MR. SHER: If it were --

21 COMMISSIONER SCHLATER: But it  
22 could be considered a comparable situation

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1 where you are giving affordable units to get  
2 added density.

3 MR. SHER: If it were subject to  
4 IZ, there is no time limit. It is in  
5 perpetuity. If you get -- but it assumes that  
6 you are going to get bonus density as the  
7 offset for putting the affordable housing in.

8 COMMISSIONER SCHLATER: Are you not  
9 getting bonus density here?

10 MR. SHER: No.

11 COMMISSIONER SCHLATER: As it's --

12 MR. SHER: Because --

13 COMMISSIONER SCHLATER: You said  
14 that earlier.

15 MR. SHER: -- it's only 3.5 FAR.

16 COMMISSIONER SCHLATER: But you are  
17 starting at R-5-A.

18 MR. SHER: Well, again, I'm  
19 starting at C-2-B, which is what the property  
20 ought to be zoned.

21 COMMISSIONER SCHLATER: But it's  
22 not zoned. Oh, okay, okay.

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1 MR. SHER: Well, I mean, if it's R-  
2 5-A then we don't need to talk about this  
3 project, because we couldn't build it in any  
4 event.

5 COMMISSIONER SCHLATER: Understood.

6 MR. SHER: So the way --

7 COMMISSIONER SCHLATER: You are  
8 going from R-5-A to C-2-B.

9 MR. SHER: Right.

10 COMMISSIONER SCHLATER: Correct.

11 MR. SHER: But the city has always  
12 assumed that if a property, and this goes back  
13 to the days of Chairman Clarke and so forth,  
14 was shown on the plan as suitable for  
15 rezoning, that the --

16 COMMISSIONER SCHLATER: Um-hum.

17 MR. SHER: -- rezoning base takes  
18 you up to where you start from and that  
19 housing linkage under the Comp Plan Law of  
20 1989, I think it was, started from the new  
21 base, not from where you were.

22 So again, in this case, we would

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1 say if you look at what the Inclusionary  
2 Zoning Regulations do to C-2-B as a matter-of-  
3 right --

4 COMMISSIONER SCHLATER: Um-hum.

5 MR. SHER: -- it gives you a 20  
6 percent increase in density above 3.5.

7 COMMISSIONER SCHLATER: Um-hum.

8 MR. SHER: So your requirement is  
9 either 50 percent of the increased density or  
10 8 percent of the overall number of units. So  
11 in this case, we have 18 percent of the  
12 overall number of units, but it's for 20  
13 years, not forever. That's the tradeoff.

14 MS. CAFRITZ: And the philosophy  
15 behind that was -- all right, you take it.

16 MR. RAY: Mr. Chairman, I got here  
17 a little late and I didn't turn in my cards.  
18 I didn't take -- if you manage --

19 CHAIRPERSON HOOD: Can we go  
20 through that process? I don't -- are you --  
21 you're not legal -- are you legal counsel?  
22 Who are you, Mr. Ray? Anyway, just identify

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1 yourself.

2 MR. RAY: I'm --

3 CHAIRPERSON HOOD: I know who you  
4 are.

5 MR. RAY: -- John Ray, yeah. Mr.  
6 Chairman, I think the -- under the  
7 Inclusionary Zoning, they would be required to  
8 produce 15 percent. I think, in fact, that's  
9 the highest level of that, 15 percent.

10 CHAIRPERSON HOOD: Um-hum.

11 MR. RAY: If you were going to the  
12 highest level required. In this part of the  
13 development, they are providing 32 percent.  
14 And overall, it would be 18 percent, if you're  
15 talking all the units. So it still would be 3  
16 points above what is required by Inclusionary  
17 Zoning.

18 CHAIRPERSON HOOD: Um-hum.

19 MR. RAY: So if you take your  
20 argument and I'm not taking a position between  
21 his argument and your argument, but let's just  
22 take your's and say that this is a PUD. They

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1 are getting -- they are okay.

2 CHAIRPERSON HOOD: Um-hum.

3 COMMISSIONER SCHLATER: Well, I  
4 think I was speaking mostly to the term and  
5 not the amount.

6 MR. RAY: Yeah.

7 COMMISSIONER SCHLATER: The term of  
8 the affordability. 20 years is short compared  
9 to some of the other programs that I am aware  
10 of.

11 MR. RAY: Well, on the 20 percent,  
12 you know, there --

13 COMMISSIONER SCHLATER: Because  
14 we're trying to create long-term mixed income  
15 neighborhoods. And what we are talking about  
16 here is a mixed income neighborhood that will  
17 be mixed income for 20 years and then after  
18 that --

19 MS. CAFRITZ: But the philosophy  
20 was is that these residents would have  
21 priority for the senior facility and they have  
22 asked for that. They have spoken to that.

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1 And the philosophy was is that they would  
2 either age in place or move over to the senior  
3 center, which is what we have discussed with  
4 them and they are, you know --

5 CHAIRPERSON HOOD: I hear you.  
6 Make sure you are on the microphone.

7 MS. CAFRITZ: It's on. But that's  
8 what the community has asked for.

9 COMMISSIONER SCHLATER: Okay.

10 MS. CAFRITZ: So you know, they  
11 like the community. They don't want to leave.  
12 And we are committed to them.

13 COMMISSIONER SCHLATER: Okay. I  
14 think -- well, one last thing. I think OP  
15 addressed it in their report and I just wanted  
16 to -- it's on a different subject from the  
17 affordable housing, but it just has to do with  
18 the amenities overall for the project.

19 And in the OP report it says "OP  
20 notes that the bulk of the benefits and  
21 amenities proffers are dependent on the state  
22 of the private market for the provision of the

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1 retail uses and on the availability of private  
2 giving to sustain the cultural and other  
3 nonprofit facilities that are proposed for the  
4 site.

5 It is possible that the benefits  
6 and amenities proffered will need to be  
7 significantly recalibrated in the Second Stage  
8 of the preliminary PUD."

9 Do you have a response to that  
10 comment within the report?

11 MR. QUIN: Well, I think where we  
12 are is no different from any other PUD that is  
13 a phase PUD. It's every case we come when we  
14 have, let's say, Capper Carrollsburg. You  
15 start at the beginning and you list what you  
16 think are the amenities. The Zoning  
17 Commission looks at those, looks at what your  
18 benefits are, your increase in density or  
19 height, in this case, and says yes, this is  
20 appropriate.

21 But at each phase, that particular  
22 amenity may not take place until Phase 1,

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1 Phase 2, Phase 3. So it's -- that's why you  
2 approve a preliminary. That's why you put in  
3 your conditions for your preliminary. So I  
4 don't see anything different from this case  
5 from any of our others cases, such as  
6 Waterside Mall, Capper Carrollsburg and I'm  
7 sure we can think of others, but this is the  
8 same pattern.

9 COMMISSIONER SCHLATER: Okay.  
10 Thank you.

11 CHAIRPERSON HOOD: All right.  
12 Commissioner May?

13 COMMISSIONER MAY: Okay. First of  
14 all, just on the subject of affordable  
15 housing, I will say just make a comment that I  
16 think this is the first time I have ever seen  
17 a PUD where the displaced residents, the  
18 people who are going to be displaced by  
19 project are actually going to be rehoused on-  
20 site or close to on-site and then wind up  
21 moving back into the building.

22 I mean, almost invariably, the site

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1 gets cleared down to nothing, everybody goes  
2 away, gets dispersed and you wind up with, you  
3 know, 5 percent maybe moving back into the  
4 development. So I think it's significant,  
5 although I don't think this is actually  
6 proffered as a benefit of the project. I  
7 think it's significant that this relocation is  
8 kind of all happening on-site.

9 I have a couple of traffic  
10 questions. Just to be clear, the things that  
11 showed up in the DDOT report that we got  
12 today, I wasn't checking them off as you read  
13 off what has been done, but have all of their  
14 conditions and needs been met? Are they  
15 satisfied? Will they be satisfied? Will they  
16 tell us that?

17 MR. WIENCEK: They are right beside  
18 you.

19 COMMISSIONER MAY: I know.

20 MR. WIENCEK: But I believe --

21 COMMISSIONER MAY: I'll ask them,  
22 too.

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1 MR. WIENCEK: -- they would tell  
2 you that we have come to closure on all --

3 COMMISSIONER MAY: On all their  
4 points?

5 MR. WIENCEK: -- stated conditions.  
6 Yes.

7 COMMISSIONER MAY: Very good. This  
8 is the TDM part you are referencing?

9 MR. WIENCEK: TDM and the use of  
10 the curb lane that --

11 COMMISSIONER MAY: And you reduced  
12 the parking and you brought in the loading  
13 dock manager and all that stuff, right?

14 MR. WIENCEK: Yes, sir.

15 COMMISSIONER MAY: Yeah. Those are  
16 the ones that I could remember. I just didn't  
17 check it all off as it was read out. What's  
18 going to happen -- anybody know what is going  
19 to happen at the intersection with Riggs Road?  
20 What's in mind? Is that --

21 MR. WIENCEK: The design if it's  
22 not final, it's very close to being final.

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1 COMMISSIONER MAY: Uh-huh.

2 MR. WIENCEK: And it's basically to  
3 eliminate those highway-like sweeping --

4 COMMISSIONER MAY: Yeah, turns.

5 MR. WIENCEK: -- right turns.

6 COMMISSIONER MAY: Right.

7 MR. WIENCEK: And replace them with  
8 at-grade lanes.

9 COMMISSIONER MAY: We actually have  
10 an image of it?

11 MR. WIENCEK: Yes.

12 COMMISSIONER MAY: Okay.

13 MR. WIENCEK: That's the  
14 engineering drawing, not a rendered plan, but  
15 that shows the -- again from the lower left to  
16 the upper right, that's Riggs Road. From the  
17 upper left to the --

18 COMMISSIONER MAY: So the site is  
19 at the bottom?

20 MR. WIENCEK: The site is at the  
21 bottom of the page.

22 COMMISSIONER MAY: Yeah, okay.

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1 MR. WIENCEK: That's actually Food  
2 and Friends would be the adjacent land.

3 COMMISSIONER MAY: Right,  
4 immediately adjacent, yeah.

5 MR. WIENCEK: And this PUD is south  
6 of Food and Friends.

7 COMMISSIONER MAY: Okay.

8 COMMISSIONER SCHLATER: Could I  
9 just clarify real quick? But the curved  
10 portion, the bottom is going away, right?

11 MR. WIENCEK: It's going away.

12 COMMISSIONER SCHLATER: Okay. I  
13 don't have my glasses on, so --

14 COMMISSIONER MAY: On Riggs Road  
15 heading east there, it still looks like there  
16 are about a million lanes. So hopefully the  
17 design gets a little better than that, but  
18 anyway, that's not this project. The -- I  
19 guess I have a couple questions about the  
20 adjacent development, the Clark Realty  
21 Project.

22 Do you have that image with your

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1 site plan in it next to it? I just have  
2 questions about how they relate to each other  
3 or not in certain areas.

4 MR. WIENCEK: This one?

5 COMMISSIONER MAY: Yeah. It's very  
6 hard to tell from that image what is a  
7 building and what is not. Is there sort of a  
8 wing-shaped building there at the upper left?

9 MS. CAFRITZ: Give us a moment, we  
10 have a better image.

11 COMMISSIONER MAY: Oh, you have a  
12 better one, okay.

13 MR. BENNETT: Yeah, you can see the  
14 Clark Project is three buildings there.

15 COMMISSIONER MAY: Okay.

16 MR. BENNETT: A building here,  
17 yeah.

18 COMMISSIONER MAY: Three  
19 boomerangs?

20 MR. BENNETT: A boomerang and two  
21 ells.

22 COMMISSIONER MAY: Okay. And then

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1 what are the heights of those buildings?

2 MR. BENNETT: About 4 stories. 4  
3 and 5 stories, I believe.

4 COMMISSIONER MAY: 4 and 5 stories.

5 MR. BENNETT: They are also on a  
6 higher portion of the site, too.

7 COMMISSIONER MAY: Okay. And I  
8 think I saw somewhere in here in one of your  
9 elevations something that looks like the end  
10 view of one of the buildings. I think it's  
11 where you show the rendering of the -- here we  
12 go. So that's it up on the upper right?

13 MS. CAFRITZ: Yes.

14 MR. BENNETT: Yes.

15 MS. CAFRITZ: No. Theirs is the--

16 COMMISSIONER MAY: That's theirs?

17 MR. BENNETT: That's the --

18 MR. WIENCEK: That's the Clark  
19 Building, yes.

20 COMMISSIONER MAY: Okay. All  
21 right. I'm sorry, can we go back to the site  
22 for a second? Actually, the photo would

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1 actually be better for me. The photo version  
2 of it.

3 MR. BENNETT: It looks like it's  
4 right there.

5 MS. CAFRITZ: This one?

6 COMMISSIONER MAY: Yeah, there we  
7 go. Okay. So if I understand this right,  
8 they have got all that surface parking around  
9 back. And in the long run if something  
10 happens with Food and Friends and the circle  
11 that is at the -- that is embedded in Building  
12 C there if that goes away, there might be some  
13 ability to sort of connect through to the  
14 circle at the other end?

15 MR. BENNETT: The purpose there was  
16 to eventually somehow to make a connection out  
17 to Riggs Road. So we extended 3<sup>rd</sup> Street  
18 through our site --

19 COMMISSIONER MAY: Yeah.

20 MR. BENNETT: -- and should Food  
21 and Friends become something other than Food  
22 and Friends in the future, then you could have

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1 even a more integrating connected grid there.

2 COMMISSIONER MAY: Okay. And 3<sup>rd</sup>  
3 Street actually does connect up to your  
4 building now through there? It kind of just  
5 looks like more parking.

6 MR. BENNETT: Yeah, there is an  
7 easement through there, I believe, yeah.

8 COMMISSIONER MAY: There is an  
9 easement through there? Okay. That's helpful  
10 to know.

11 MR. BENNETT: It's an existing  
12 right-of-way that is unconstructed.

13 COMMISSIONER MAY: Unconstructed,  
14 okay. And then where Ingraham continues  
15 through between the boomerang and the el,  
16 that's all going to be a walkable streetscape  
17 and it's -- yeah, okay.

18 MR. WIENCEK: That is -- as far as  
19 the Clark Project is concerned, that has been  
20 built and that does have street and sidewalks.

21 COMMISSIONER MAY: Okay. And now  
22 back to your -- the circle that you would

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1 build at the right hand side there. Is that  
2 just a temporary condition that might go away  
3 and just be a straight through or is the  
4 circle itself going to remain in some fashion?

5 MS. CAFRITZ: Yeah, it's  
6 flexibility.

7 MR. BELL: Yeah, we have some  
8 flexibility there. Right now, we are  
9 considering it a drop-off for that apartment  
10 building there, because we can't go through to  
11 Food and Friends.

12 COMMISSIONER MAY: Okay. So  
13 ultimately --

14 MS. CAFRITZ: The Food and Friends,  
15 so however they are positioned, they could  
16 have access.

17 COMMISSIONER MAY: I see. If you  
18 are going to talk, you need to be on a mike.

19 MR. BENNETT: Well, in other words,  
20 you could actually -- the circle allows you to  
21 connect into it in different geometrical  
22 shapes to see what happens there.

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1                   COMMISSIONER MAY: I see. Right,  
2 okay. And I assume that the building might  
3 get tweaked a little bit to be more responsive  
4 to the circle --

5                   MR. BENNETT: That's correct.

6                   COMMISSIONER MAY: -- grabbing on  
7 to there. The overall site plan, what is the  
8 idea behind the plaza as you call it there,  
9 the setback from the street? Because the rest  
10 of your street front along South Dakota is  
11 closer. It's still a 20 foot sidewalk. But  
12 now you must have what, a 40 foot, 50 foot  
13 sidewalk there?

14                  MR. BENNETT: What we wanted there  
15 was a different kind of public space. It's  
16 still very close to the street without  
17 parallel parking, but the idea there was to  
18 have a fair amount of space so that the ground  
19 level retail there would have space to expand  
20 out if there were restaurants and things.

21                                 And in fact, what it does is it  
22 allows for a visual connection between the end

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1 of Building D and the end of Building A, so  
2 you will be able to stand here and see the  
3 ends of these buildings across that. We felt  
4 that was an important way to connect that and  
5 also give kind of almost like a garden space  
6 there in front.

7 COMMISSIONER MAY: Um-hum. It's a  
8 little unusual and I don't know whether it's a  
9 good idea or a bad idea, but again, this is  
10 only Phase 1. I imagine if it winds up  
11 changing a little bit as the building design  
12 gets advanced, I could imagine that it might  
13 wind up taking a slightly different shape and  
14 having some parts that actually reach the  
15 street.

16 But the -- let's see, what about  
17 the height of Building D and the fact that  
18 that's -- I'm sorry, Building C. It's in the  
19 highest portion of the site and it's the  
20 tallest building at 90 feet. And it's also  
21 the one that is in the Fort Totten Overlay or  
22 exists -- the way it exists right now.

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1 I'm wondering about the -- there  
2 wasn't a lot said about the potential impacts  
3 of a building that high on the views and I  
4 know that there is a requirement in the Fort  
5 Totten Overlay, although this isn't the  
6 primary intent of it, there is a requirement  
7 that viewsheds be addressed.

8 I know I saw one diagram it's not a  
9 very useful diagram. The photo is not very  
10 useful necessarily either. I just would like  
11 to understand the logic of just wiping away  
12 the Fort Totten Overlay there and then also  
13 how you would -- why you think a 90 foot  
14 building right there is good and not going to  
15 have an impact on the park.

16 Because that's one of the things  
17 that we do in the Park Service is we watch the  
18 things that are going on around us and we try  
19 to push people's buildings down.

20 MR. BENNETT: We do it all over.  
21 It's not just this one.

22 COMMISSIONER MAY: It is

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1 important --

2 MR. BENNETT: If you look at Sheet  
3 37 in the PUD document, it shows some of the  
4 topography related to that and the Fort Totten  
5 site itself is actually raised up quite high  
6 above the rest of this area. So the building,  
7 I believe, would sit significantly lower than  
8 the actual Fort Totten site itself.

9 COMMISSIONER MAY: What's the sheet  
10 number again?

11 MR. BENNETT: Sheet 37.

12 COMMISSIONER MAY: Okay.

13 MR. BENNETT: You can see the  
14 section at the top of the page.

15 COMMISSIONER MAY: Yeah, that's the  
16 one that I saw.

17 MR. BENNETT: We have outlined on  
18 that sheet, Commissioner May, the purple in  
19 there is the viewsheds to the other forts  
20 there in the building --

21 COMMISSIONER MAY: Um-hum.

22 MR. BENNETT: -- you will see lies,

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1 as you will note, outside that viewshed. So  
2 the topography of the Fort itself is quite a  
3 bit higher and you can see in section -- the  
4 relationship in the drawing above on page 37.

5 COMMISSIONER MAY: Um-hum.

6 MR. BENNETT: Sheet 37.

7 COMMISSIONER MAY: Right. Well,  
8 the view to the other forts was important  
9 historically for communications purposes, but  
10 the view out from the Fort was also important  
11 historically. And I can't say that I'm  
12 familiar with the view from that point.

13 But I saw another diagram, I guess  
14 it was, in the Office of Planning's report  
15 with regard to that and I'll ask them the same  
16 question. So I -- you know, if I just look at  
17 a straight line from the top of the hill, you  
18 know, trees notwithstanding, it is possible to  
19 see the top of the building. If you just draw  
20 a straight line between them, but maybe you  
21 have to be on top of a tree to do that.

22 MR. BENNETT: Yeah, there's a lot

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1 of trees there, too.

2 COMMISSIONER MAY: Right, right.  
3 And I assume that the -- well, is it -- why is  
4 it that the Overlay itself has to go way over  
5 that portion? What parts of the overlay are  
6 problematic for the PUD?

7 MR. QUIN: Steve, you may want to  
8 talk about the area plan also Council  
9 legislation.

10 MR. SHER: My recollection of this,  
11 the primary consideration that Mr. Parsons was  
12 interested in was the views from the Forts  
13 going one way and the other way and that's --  
14 this is not in that line of fire, if you will.

15 The -- I don't think there is a  
16 huge issue if you wanted to call this FTC-2-B.

17 COMMISSIONER MAY: Um-hum.

18 MR. SHER: There might be something  
19 that we would have to ask the Commission to  
20 approve as part of the PUD in which you do  
21 that. I mean, right now, it isn't mapped over  
22 any C-2-B. It's only mapped over C-3-A, CR,

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1 CM-1 and M.

2 But I don't -- I'm just looking at  
3 it real quickly and thinking that it is not a  
4 -- probably not a big deal either way.

5 COMMISSIONER MAY: Um-hum. I think  
6 it might be helpful to understand that if  
7 there was -- if not to actually leave it in  
8 place, to leave -- at least to understand how  
9 -- what you are proposing would not be  
10 contrary to the requirements of the Fort  
11 Totten Overlay.

12 MR. SHER: Okay. We can do that  
13 analysis. I do think that what Matt was  
14 talking about on Sheet 37 showing not only the  
15 change in elevation, but the distance between  
16 the top of the hill, the linear distance, the  
17 horizontal distance, I guess.

18 COMMISSIONER MAY: Yes. It's  
19 almost half a mile.

20 MR. SHER: Not square feet, linear  
21 feet, not square feet. 2,400 linear feet. So  
22 the building is out there in the distance and

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1 down.

2 COMMISSIONER MAY: Right.

3 MR. SHER: But we can expand on  
4 that if you want us to.

5 COMMISSIONER MAY: No. I'm less  
6 concerned with sort of the visual analysis  
7 than I am with all of the requirements of the  
8 Fort Totten Overlay and how this relates to  
9 this.

10 MR. SHER: The Fort Totten Overlay  
11 really was directed in larger part at  
12 industrial type and --

13 COMMISSIONER MAY: I understand.

14 MR. SHER: -- so there isn't much  
15 that really talks about applicable to what  
16 happens here.

17 COMMISSIONER MAY: We can look at  
18 that.

19 MR. SHER: But we can look at that.

20 COMMISSIONER MAY: Yeah, I just --

21 MR. SHER: Yeah. We can do that.

22 COMMISSIONER MAY: I have read the

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1 Overlay and so I know that it is mostly about  
2 preserving the --

3 MR. SHER: Buffers and things like  
4 that and setbacks and we don't have any of  
5 that here.

6 COMMISSIONER MAY: Right.

7 MR. SHER: We can make that  
8 explicit.

9 COMMISSIONER MAY: Yeah. The --  
10 okay. I will say that, you know, the site  
11 plan the way it has evolved and the building  
12 design the way it has evolved has improved  
13 significantly. I have the original 2006  
14 submission and it was a completely different  
15 thing. And even from what we saw at set-down,  
16 it has changed and improved.

17 I do like the way the fact -- the  
18 way the site takes advantage of the changes or  
19 the design takes advantage of the changes in  
20 grade to do, you know, some very good things  
21 with the loading. Very often loading is just  
22 a huge problem when you've got a big flat site

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1 and your retail wants to be on the ground  
2 floor and you don't want to have your trucks  
3 backing around, moving around through the  
4 heavily populated area.

5 So any time you can slip it in to  
6 the building like that, I think it's a  
7 terrific solution and the grade really helps  
8 you there.

9 I guess I have one small question  
10 about the design of the residential housing.  
11 It looks like from the roof plan that you have  
12 just got a -- you don't need to show the roof  
13 plan. But the roof plan just has a whole  
14 bunch of individual condensers on it. And I'm  
15 wondering is that the way -- is that the best  
16 sort of energy efficient way to provide  
17 cooling to all these residential units?

18 Because it doesn't strike me, I  
19 mean, you know, in the gut. It just doesn't  
20 strike me as the right thing to do, but maybe  
21 it is. I don't know.

22 MR. BELL: We showed it as an

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1 option. We wanted to make sure the people  
2 realized that that is something that is being  
3 considered. But during the green charrette,  
4 what we were focusing most on would be a water  
5 source heat pump system, which would not  
6 require any of those individual roof top  
7 elements.

8 We are heavily investigating all  
9 the different options to create a very energy  
10 efficient system for the residents. And it is  
11 required for the green communities and for the  
12 LEED-certification we are seeking.

13 COMMISSIONER MAY: Okay. So it may  
14 not be the best solution and it may wind up  
15 changing?

16 MR. BELL: Exactly. It is  
17 interesting how when you do start to look at  
18 various systems, sometimes the individual, and  
19 this short of a building, system actually does  
20 have some merit, but we will be doing full  
21 energy analyses to see which is the best  
22 system.

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1                   COMMISSIONER MAY: Um-hum. What is  
2 the type of construction? Is it going to be  
3 concrete and then stick built above a certain  
4 level or is it all concrete up?

5                   MR. BELL: It's a concrete plinth  
6 for the retail and the residential is going to  
7 be a steel stud --

8                   COMMISSIONER MAY: Steel stud.

9                   MR. BELL: -- bearing wall.

10                  COMMISSIONER MAY: Okay.

11                  MR. BELL: With a concrete floor  
12 system.

13                  COMMISSIONER MAY: Oh, okay.

14                  MR. BELL: We are investigating  
15 several types.

16                  COMMISSIONER MAY: Okay. The  
17 elevations of the buildings, I think, have  
18 also improved significantly from set-down.  
19 Although, there was a sort of trade that  
20 seemed to have occurred from having this sort  
21 of side-by-side diversity for a little bit too  
22 much kind of within the layers and there is a

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1 -- it's not as scattered as many PUDs, as I  
2 have seen, where people are trying to design  
3 really big buildings and they feel they have  
4 got to, you know, really break up the facades  
5 and create lots of different sort of styles or  
6 periods or something like that.

7           There is a common kind of  
8 contemporary nature to what has been done  
9 there and I think that that's good overall.  
10 But I think that there is a certain -- maybe  
11 it's a little bit too much variation in some  
12 of the layers or in some of the colors. I  
13 can't say anything more specific than that,  
14 but it's just a little bit more refinement and  
15 a little bit more toning down and relating  
16 some of the elements of the layers, as you go  
17 horizontally to each other, I think, might  
18 help things a lot.

19           I would also -- it would help me a  
20 great deal if we could look at some of the  
21 renderings and just point to certain materials  
22 and tell me what they are here, because I

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1       tried to sort it out from the key on here and  
2       the key in the drawings.  And you know, it's  
3       very good to get enlarged elevations where  
4       these things are pointed out with words and  
5       not codes.  Because when you've got to figure  
6       out what CP4 is, and then you've got to go  
7       over here and find out what CP4 is, you know,  
8       it gets very confused very quickly.  So it  
9       would help to know what is what here.

10               MR. BELL:  Yeah, the hierarchy is  
11       that the ground -- the base of the building  
12       tends to be brick.  And the brick is  
13       responding to the surrounding neighborhood.  
14       And we have got several different contacts.  
15       We have got --

16               COMMISSIONER MAY:  So looking over  
17       here, that's -- what brick is that?

18               MR. BELL:  That is the metal plank.

19               CHAIRPERSON HOOD:  You're going to  
20       need to be on a microphone.  Do we have the  
21       handheld?  If you're going to speak -- okay,  
22       there you go.  Thank you, Ms. Steingasser.

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1                   MR. BELL: The base is a mix of the  
2 Belden Sunset Blend and Nevada Blend. Where  
3 you see the lighter brick in the renderings,  
4 it would be the Sunset Blend which is this.  
5 And where you see the darker, it's the Nevada  
6 Blend at the grocery store.

7                   COMMISSIONER MAY: Okay. I'm  
8 really stupid.

9                   MR. BELL: Sure.

10                  COMMISSIONER MAY: Can you point at  
11 these? This is which?

12                  MR. BELL: That is this brick here.

13                  COMMISSIONER MAY: Okay. And then  
14 the darker one is that one over there?

15                  MR. BELL: No. It's the grocery  
16 store facade there. Yeah, that would be this  
17 here.

18                  COMMISSIONER MAY: Okay. And then  
19 this material here is?

20                  MR. BENNETT: That's Nichiha panel.

21                  COMMISSIONER MAY: And what exactly  
22 is that?

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1 MR. BENNETT: It's a cementitious  
2 board much nicer material than say a hardy  
3 plank that you normally see.

4 COMMISSIONER MAY: Right.

5 MR. BENNETT: And one of the  
6 interesting things is we're going to use  
7 custom colors and we can actually have a range  
8 of tone delivered, so that we can get that  
9 patina that you see in the renderings  
10 occurring. We felt that that helped a lot.  
11 If you take a look at the Clark Building, you  
12 see how plain and how hard and flat and long  
13 that appears. And we're trying to break the  
14 scale down with it.

15 COMMISSIONER MAY: Okay. And then  
16 at the top layer, that's a corrugated metal?

17 MR. BENNETT: The top layer is  
18 corrugated metal.

19 COMMISSIONER MAY: Okay. All  
20 right. It's interesting how that sort of  
21 shows as a surface. The detailing of it at  
22 the top, I mean, you have a little cap there

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1 and some of the elevations here there is  
2 nothing at all. I don't know, I guess, you  
3 know, there isn't a lot of cornice treatment  
4 in anything that you have done here.

5 And I'm not suggesting that there  
6 needs to be, but there is -- it does feel kind  
7 of like it's missing something. Maybe it's  
8 because the proportion of that last band of  
9 solid surface is too big or maybe it's the  
10 fact that there isn't, you know, a kind of  
11 cornice treatment or a rail or something that  
12 kind of gives it a --

13 MR. BENNETT: There has been a lot  
14 of discussion about that. And it is actually  
15 intentional to keep it very thin and plan  
16 here.

17 COMMISSIONER MAY: Okay.

18 MR. BENNETT: And create some flat  
19 surfaces, particularly, at the top where one  
20 of the thoughts is that we might have colored  
21 light effects that might play on the plainer  
22 surfaces at night. And so we are trying to --

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1 we are purposefully keeping --

2 COMMISSIONER MAY: Certainly not on  
3 the park side of the building. If you are  
4 actually planning on sort of lighting effects  
5 being part of that, we probably ought to  
6 actually see that.

7 MR. BENNETT: We would want to  
8 bring it, yes.

9 COMMISSIONER MAY: Yes. Can we  
10 flip through the elevations, because there is  
11 one that -- the two that are -- see, that one  
12 is okay. Those are okay. It's that one and  
13 then there is another one that has just sort  
14 of the vertical slits. That one.

15 This one in particular seems quite  
16 out of place. It doesn't have that same sort  
17 of pseudo-industrial character. It is like  
18 the -- like a lot of buildings at the Park  
19 Service built in 1960s and we are now troubled  
20 about whether we want to preserve them or not.

21 So I just -- what's the design  
22 logic there, because I'm just not persuaded by

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1 the image?

2 MR. BENNETT: Here, we're actually  
3 trying to respond to what is going to happen  
4 in the future with a larger department store  
5 happening across the street. And so we were  
6 trying to create two different kinds of  
7 facades here. The lower part of Ingraham  
8 towards South Dakota, as you know, relates --  
9 it turns the corner and has the rhythms of the  
10 -- or relationship to the housing.

11 Here, we have a much taller element  
12 across the street to deal with and we  
13 intentionally actually talked to Commissioner  
14 Turnbull's point. We intentionally put our  
15 smaller units. We have New York style units  
16 in our efficiencies along here to try to  
17 create a different feel along that retail  
18 street.

19 COMMISSIONER MAY: Um-hum.

20 MR. BENNETT: Successfully or not.

21 CHAIRPERSON HOOD: Let me do this,  
22 Commissioner, let's put that in the parking

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1 lot. I know you have some more questions you  
2 want to ask. We want to do an assessment.  
3 The goal was to finish tonight. That was the  
4 goal. But obviously, that's not going to  
5 happen.

6 We are looking at July the 20<sup>th</sup>.  
7 And I would ask that everyone check their  
8 schedules. And I'm really not sure, normally,  
9 we could pretty much predict where we need to  
10 stop, because we can anticipate cross  
11 examination questions. But what I would like  
12 to do is to ask the Chair of ANC-5A does -- do  
13 you have many cross examination questions of  
14 the applicant? Do you have any? No? Okay.

15 Mr. Foxworth, do you have any cross  
16 examination questions of the applicant?

17 MR. FOXWORTH: A lot of them.

18 CHAIRPERSON HOOD: So you're  
19 helping me. Thank you, because you're helping  
20 me narrow down about how much longer we're  
21 going to be here. You have a lot of them.  
22 Can you just tell me about how much time you

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1 think you will probably need, your questions?

2 MR. FOXWORTH: Probably -- I  
3 thought if we had additional questions, we  
4 could have up to an hour.

5 CHAIRPERSON HOOD: No, that's --  
6 no, that's your presentation. You have 50.  
7 We have already put your time down. That's  
8 how much time you have for your presentation.

9 We have already done that for you, but I mean  
10 your cross examination. It's not timed. You  
11 don't have a limit.

12 MR. FOXWORTH: Um --

13 CHAIRPERSON HOOD: Well, I  
14 shouldn't have probably told you that, but  
15 legally you don't have a limit.

16 MR. FOXWORTH: Yeah, if I count the  
17 questions that I have, and I'm one member of  
18 the team, I think I've got about 19. And my  
19 colleagues who are also part of the team may  
20 also have 10 more themselves. So there may be  
21 up to 29.

22 CHAIRPERSON HOOD: You need to --

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1 as far as cross examination, not in the  
2 presentation, as I stated earlier, but as far  
3 as cross examination, you're going to have to  
4 ask them all. Do you think -- how many does  
5 the party have?

6 MR. FOXWORTH: I've got 19.

7 CHAIRPERSON HOOD: Why don't you do  
8 this, why don't you consult with them and give  
9 me -- and tell me and then we can put a time  
10 limit, how much time we think it's going to  
11 have. Because I would like to at least finish  
12 that tonight.

13 MR. FOXWORTH: We're going to  
14 consult in the hallway, Chairman, if that's  
15 okay.

16 CHAIRPERSON HOOD: Okay. You can  
17 go ahead. Commissioner May, if you want to  
18 continue?

19 COMMISSIONER MAY: Yeah, I'm going  
20 to try to wrap it up within just a couple of  
21 minutes.

22 I guess what I would say is that

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1 here you -- I understand the desire for the  
2 verticality. It seems though that you have  
3 got part of it is these tall slit windows,  
4 which I don't think are a particularly great  
5 image or way of providing light to the units  
6 and it doesn't look that great from the  
7 outside.

8 But then at the corners you've got  
9 this sort of glass box thing. And then you  
10 have the projecting glass bay. And so maybe  
11 it's one too many modes. Maybe the bays just  
12 need to be bigger and have more of a  
13 relationship to the glass box that gets  
14 revealed when you pull away the brick. I'm  
15 not sure what. But somehow between them, I  
16 mean, it may also be -- have something to do  
17 with the color, because that very light color  
18 is -- it adds to that '60s image for me.

19 And these are just suggestions.  
20 I'm not -- you know, unless everybody else  
21 jumps up and cheers when I say a comment, you  
22 can --

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1 MR. WIENCEK: Oh, we appreciate it.

2 COMMISSIONER MAY: -- just take it  
3 for what it's worth, free advice. I will ask  
4 one last question which is in -- the hardy  
5 plank here is shown with the wood grain out.  
6 And that's a very common thing that it winds  
7 up being shown with the wood grain out, but  
8 you really mean to show the flat side o fit.

9 MR. WIENCEK: Exactly. And that is  
10 only used on interior courtyards and not seem  
11 from --

12 COMMISSIONER MAY: Okay.

13 MR. WIENCEK: -- any exterior.

14 COMMISSIONER MAY: And that's my  
15 last question is that we don't see any  
16 elevations for any of the interior courtyards.  
17 And we -- any of them at all. I mean, I  
18 guess they are all technically courtyards,  
19 right? So I do think we need to see what  
20 those will look like.

21 MR. WIENCEK: Okay.

22 COMMISSIONER MAY: So if you don't

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1 have them tonight, then --

2 MR. WIENCEK: We can provide them.

3 COMMISSIONER MAY: -- ultimately,  
4 we need to see those. That's it.

5 CHAIRPERSON HOOD: Okay.  
6 Colleagues, any other questions? Okay. What  
7 I think that we are going to do, we're going  
8 to go through cross examination, because I'm  
9 not sure what the Lamont Riggs Citizens  
10 Association, with one person having 19, I'm  
11 not sure how many questions that is going to  
12 be.

13 Hopefully it will go fast, if not,  
14 then we're going to make sure we give it  
15 adequate time. So I think what -- we're going  
16 to do it on July the 20<sup>th</sup> at 6:30, can we start  
17 at 6:00? Anybody have a problem with 6:00?  
18 Let's keep it at 6:30. Never mind. July 20<sup>th</sup>  
19 at 6:30, we're going to start with the Office  
20 of Planning report and then we will take that  
21 also in conjunction with the District  
22 Department of Transportation's report.

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1                   So everybody has it. Anybody have  
2 any problems with the 20<sup>th</sup>? Okay.

3                   MR. WELLS: It's my birthday.

4                   CHAIRPERSON HOOD: Well, somebody  
5 bring a cake. You don't want me to bake it.  
6 Somebody bring a cake for Mr. Wells. It's his  
7 birthday. We won't ask you any questions.

8                   MR. WELLS: I can think of no  
9 better way to spend my birthday.

10                  CHAIRPERSON HOOD: Well, we're  
11 glad. I don't know --

12                  MS. SCHELLIN: That's okay. We  
13 have all had to be here on our birthday, so  
14 don't feel bad.

15                  CHAIRPERSON HOOD: Actually, a lot  
16 of us have been here on our birthdays.

17                  MR. QUIN: We could call him and  
18 get -- and have him as the first person to be  
19 cross examined.

20                  CHAIRPERSON HOOD: And he can  
21 leave.

22                  MR. QUIN: Then he can leave.

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1 CHAIRPERSON HOOD: Okay. Okay. So  
2 that's what we're going to do. I think what  
3 we're going to do now is go to cross  
4 examination. We're going to start with ANC-  
5 5A, Chairperson Alston, I think, has a few  
6 questions. No, she's got some. We're  
7 probably going to need to make some room. I  
8 guess, Mr. Sher -- 5A, I think, is in support,  
9 so they can sit in the middle.

10 MR. WIENCEK: You all may want to  
11 say up here, because you're going to be cross  
12 examined.

13 CHAIRPERSON HOOD: Is the  
14 Chairperson of 5A available?

15 MR. WIENCEK: I thought she said  
16 she had no questions.

17 MS. CAFRITZ: She had no questions.

18 CHAIRPERSON HOOD: She actually  
19 signaled to me that she had two.

20 MR. WIENCEK: Oh.

21 CHAIRPERSON HOOD: Something about  
22 that hallway. There must be questions, you

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1 get the questions from out there in the  
2 hallway. And I actually want her to go first.

3 MS. ALSTON: No questions.

4 CHAIRPERSON HOOD: No questions,  
5 okay. Thank you. Again, we're going to  
6 start. We're going to take cross examination  
7 from Lamont Riggs Citizens Association. Mr.  
8 Foxworth is going to come forward. If you can  
9 come forward, you can begin your questions.

10 And after Mr. Foxworth finishes,  
11 we're going to conclude tonight and we're  
12 going to start on July the 20<sup>th</sup>, for those who  
13 may not have been in the room, with the Office  
14 of Planning's report and we're going to get  
15 through, hopefully, that night.

16 And also, I would just make an  
17 announcement. If you have signed the second  
18 page of the sign-in sheet, there are a number  
19 of people who didn't say they were proponent  
20 or opponent.

21 Let me just ask. How many people  
22 plan tonight to testify? If you can just

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1 raise your hand. Okay. So I guess a lot of  
2 people who signed the second sheet were just  
3 coming to witness and see what was going on.  
4 You never had any intentions of testifying.  
5 But if you did, a lot of people on the second  
6 page who did not do proponent or opponent and  
7 we would -- I would ask that you work with Ms.  
8 Schellin, so we can identify that.

9 And for those who came tonight for  
10 the sake of my colleagues and I, if you are  
11 here and you're from the community and you are  
12 in support, if you could just raise your hand?

13 If you are here tonight and you are in  
14 opposition, if you can just raise your hand?

15 Okay. So if you're not able to  
16 make it on the 20<sup>th</sup>, I want you to know that we  
17 have so duly noted, okay. So again, if you  
18 are going to testify on the 20<sup>th</sup>, please, see  
19 Ms. Schellin and we can see whether you are a  
20 proponent or an opponent.

21 Mr. Foxworth, you have -- you had  
22 19. After you were in the hallway, how many

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1 do we have now?

2 MR. FOXWORTH: Chairman, we still  
3 have --

4 CHAIRPERSON HOOD: Turn your  
5 microphone on. Thank you.

6 MR. FOXWORTH: Chairman Hood, we  
7 still have about 19 and we would ask that  
8 given the lateness of the hour, if we could  
9 probably ask about 5 or 6 questions and then  
10 to resume at the -- at a later point in time.  
11 It is extremely late.

12 CHAIRPERSON HOOD: Would you  
13 rather, let me say this, stop now and you come  
14 back and ask your questions?

15 MR. FOXWORTH: Well, I think that  
16 for the community residents who have been with  
17 this process for about 2 years, I think that  
18 they would want us to ask some questions now.

19 CHAIRPERSON HOOD: Okay. If that's  
20 amenable to everybody, because you may be able  
21 to finish tonight. That was our goal. My  
22 colleagues and I are ready to stay until

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1 11:00. Yeah, if we go back -- we need to try  
2 to finish the cross examination tonight,  
3 because then as Ms. Schellin said, we might  
4 not finish on the 20<sup>th</sup>.

5 MR. FOXWORTH: Sure.

6 CHAIRPERSON HOOD: And we would  
7 like to take a month off in August.

8 MR. FOXWORTH: Sure.

9 CHAIRPERSON HOOD: Okay. So you  
10 may begin.

11 MR. FOXWORTH: Should I continue or  
12 begin?

13 CHAIRPERSON HOOD: Yes, go ahead.

14 MR. FOXWORTH: Okay. We are a  
15 little confused about who the applicant says  
16 is the community. Going to a community  
17 meeting and talking to --

18 CHAIRPERSON HOOD: Mr. Foxworth?

19 MR. FOXWORTH: Yes?

20 CHAIRPERSON HOOD: Now, we're going  
21 to start off, this is cross examination.

22 MR. FOXWORTH: Okay.

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1                   CHAIRPERSON   HOOD:           Now, my  
2 colleagues will tell you, we just had a  
3 hearing of another case and we were here five  
4 nights. We had much -- many more parties than  
5 this. But I will tell you that I understand  
6 what -- you are trying to, I guess, set up  
7 your question, but in cross examination, you  
8 need to make -- have a question and give it to  
9 the applicant.

10                   I understand you are trying to give  
11 us some background.

12                   MR. FOXWORTH:   Sure.

13                   CHAIRPERSON HOOD:   But you can do a  
14 lot of that during your presentation. So if  
15 you can just ask your questions directly to  
16 the applicant, that might speed us up a little  
17 bit.

18                   MR. FOXWORTH:   That's fine. I  
19 appreciate the Chairman's guidance, because we  
20 are not experts at this. We are just  
21 community residents. Okay.

22                   CROSS EXAMINATION

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1           MR. FOXWORTH: Who are you defining  
2 as community residents? Is it, you know, 3  
3 people? Is it only the full -- you know, the  
4 people who live in the apartment complex? Is  
5 it the Lamont Riggs Citizens Association that  
6 has represented this neighborhood for 60  
7 years? So when you say community residents,  
8 who specifically are you talking about?  
9 Because I don't want the Board to get the  
10 impression that you're talking about LRCA and  
11 you haven't engaged with us. So if you can  
12 just let us know who are you specifically  
13 talking about when you say community  
14 residents?

15           MS. CAFRITZ: I think we consider  
16 the community --

17           ALL: Speak in the mike.

18           CHAIRPERSON HOOD: They want to  
19 make -- please, make sure we speak into the  
20 mike, Ms. Cafritz.

21           MS. CAFRITZ: Sorry.

22           CHAIRPERSON HOOD: Thank you.

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1 MS. CAFRITZ: We consider the  
2 community everyone and we have engaged with  
3 the Lamont Riggs Civic Association.

4 MR. FOXWORTH: Can you tell me  
5 about your outreach efforts to 5A, ANC-5A?

6 CHAIRPERSON HOOD: I see the  
7 Chairperson raising that, but no. He is  
8 asking the applicant the question and now they  
9 are going to respond. And during your  
10 presentation if you want to -- on the 20<sup>th</sup> you  
11 want to tell us, you can do that at that time.

12 MS. CAFRITZ: Yes, I would like to  
13 defer that.

14 CHAIRPERSON HOOD: No, no, not you.  
15 I was talking to the Chairperson. No, you  
16 can answer it.

17 MS. CAFRITZ: Oh, oh, I'm sorry.  
18 Could you repeat the question?

19 CHAIRPERSON HOOD: I'm sorry.

20 MS. CAFRITZ: I apologize.

21 CHAIRPERSON HOOD: The Chairperson  
22 was raising her hand. I was just letting her

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1 know that she can expand on that on the 20<sup>th</sup>.

2 But now, Mr. Foxworth is asking the applicant.

3 I see Mr. Ray coming back to the table, maybe  
4 he is going to answer your question, Mr.  
5 Foxworth.

6 MS. CAFRITZ: The outreach let's  
7 see, on November 15, I can present this or I  
8 can read this, 2007. We had initial email  
9 correspondence with our counsel, Manatt  
10 Phelps, and Commissioner Roberts regarding  
11 presenting Art Place to the community on  
12 January 14, 2008.

13 Commissioner Roberts stated that  
14 she was told that the Foundation's property  
15 boundaries are all in SMD 5-A-2.

16 CHAIRPERSON HOOD: Ms. Cafritz, I  
17 think the question --

18 MS. CAFRITZ: I'm sorry, I didn't  
19 hear the question.

20 CHAIRPERSON HOOD: The question is  
21 your outreach, I mean.

22 MS. CAFRITZ: Oh.

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1 CHAIRPERSON HOOD: You know, like I  
2 think somebody mentioned how many meetings you  
3 had.

4 MS. CAFRITZ: Oh.

5 CHAIRPERSON HOOD: Somebody said  
6 15. And you know, that kind of -- I think  
7 that would help us out.

8 MS. CAFRITZ: We had at least 15.

9 CHAIRPERSON HOOD: Okay. That's  
10 the answer. Mr. Foxworth?

11 MR. FOXWORTH: Can you tell me  
12 about your outreach efforts to ANC-4B and when  
13 did you meet with them?

14 MS. CAFRITZ: Well, they were part  
15 of the general population. We reached out  
16 with emails and information. We met  
17 specifically with them on -- as an ANC June  
18 29, 2009, but, Mr. Foxworth, I have seen you  
19 and we have talked, you know, several times at  
20 at least two other meetings.

21 CHAIRPERSON HOOD: Ms. Cafritz, you  
22 answered the question.

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1 MS. CAFRITZ: Okay.

2 CHAIRPERSON HOOD: It was about 4B.

3 MS. CAFRITZ: 4B.

4 CHAIRPERSON HOOD: His next  
5 question may ask when did you meet with him,  
6 but you answered the question. Let's make  
7 sure we get the question and make the answer  
8 and we can move in this process a little  
9 faster.

10 MR. FOXWORTH: Given that this  
11 project is in the Lamont Riggs Citizens  
12 Association neighborhood, how many times have  
13 you met with us to hear our concerns and  
14 address our concerns in a work session, not a  
15 presentation, but in a work session?

16 MR. RAY: We --

17 MR. QUIN: Could we just specify  
18 Mr. Ray is appearing as a witness, not as an  
19 attorney, because he was participatory in all  
20 the meetings in the neighborhood and was  
21 handling that portion of it. So I just wanted  
22 to make that clear to the Board.

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1 MS. SCHELLIN: We need to swear him  
2 in then.

3 MR. QUIN: Yes.

4 MS. SCHELLIN: Because he came in  
5 late.

6 MR. QUIN: He can be sworn.

7 MR. RAY: I asked him to swear me  
8 before I came up.

9 MR. QUIN: Okay.

10 CHAIRPERSON HOOD: You did, but I  
11 thought you were here in your normal capacity.

12 MR. RAY: Oh, I see.

13 CHAIRPERSON HOOD: Okay. So you're  
14 the community outreach person. Okay. If you  
15 can stand, Mr. Ray?

16 MS. SCHELLIN: Could you, please,  
17 stand?

18 MR. RAY: Yeah, yeah.

19 (The witness was sworn.)

20 MS. SCHELLIN: Thank you.

21 CHAIRPERSON HOOD: And you actually  
22 did ask us to swear you in.

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1 MR. RAY: Yeah, I asked.

2 CHAIRPERSON HOOD: But you know, we  
3 have never swore you in, because I didn't  
4 know what capacity you were here on.

5 MR. RAY: I understand.

6 CHAIRPERSON HOOD: Okay.

7 MR. RAY: We had over 15 meetings.  
8 The ANC Single Member District had meetings.  
9 Frankly, the meetings was held in the Lamont  
10 Riggs Library. Many of the citizens from the  
11 Lamont Riggs were there. As you well know,  
12 Mr. Chairman, actually North Michigan Park is  
13 actually closer to this project than the one  
14 at Riggs is.

15 People from there was there was  
16 well. We also to accommodate the Lamont Riggs  
17 Civic Association, we had a three hour meeting  
18 with the Chairman of ANC 5, Mr. Rossberg, and  
19 his two colleagues at my office, three hours.

20 We went through a whole list of questions  
21 that they had, asked them to also present that  
22 list to the ANC and we would work with the ANC

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1 to incorporate any suggestions they had within  
2 our considerations. And those that we could  
3 accept, we would. And those that we could  
4 not, we would not.

5 And at the conclusion of that  
6 meeting, I thought we were basically down to  
7 three issues that had to do with density,  
8 height and \$300,000 in amenities they was  
9 asking for.

10 CHAIRPERSON HOOD: Okay.

11 MR. FOXWORTH: Chairman, could I  
12 make a statement to the Commission about the  
13 plaintiff's response?

14 CHAIRPERSON HOOD: If you could  
15 just keep it --

16 MR. FOXWORTH: I think --

17 CHAIRPERSON HOOD: What you can do  
18 is write that down and when you give us your  
19 presentation, you can give it. Right now,  
20 cross examination is specifically asking the  
21 applicant questions.

22 MR. FOXWORTH: Okay. But not to

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1 the response of a witness for the applicant?

2 CHAIRPERSON HOOD: You don't want  
3 to respond. If -- you asked him a question --

4 MR. FOXWORTH: Right.

5 CHAIRPERSON HOOD: -- and that was  
6 his answer. If you're going to rebuttal it or  
7 refute it, you can do that when it is time for  
8 your presentation.

9 MR. FOXWORTH: Thank you. Thank  
10 you.

11 CHAIRPERSON HOOD: And it's getting  
12 late, because I'm still talking about swearing  
13 and the correct English is sworn.

14 MR. FOXWORTH: Okay.

15 CHAIRPERSON HOOD: We never had  
16 sworn him in. Okay.

17 MR. FOXWORTH: When did the Lamont  
18 Riggs -- how long ago did the Lamont Riggs  
19 Citizens Association ask to meet with the  
20 Cafritz Foundation to work out details about  
21 the PUD and the concerns of the larger  
22 Community, with a big C?

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1                   MR. RAY: I don't recall the exact  
2 date we first got a request from you to meet  
3 with Ms. Cafritz. The only time that I can  
4 remember this request was made, have a  
5 specific meeting, was two or three weeks ago  
6 and we honored that request and that was the  
7 meeting we held at my office.

8                   MR. FOXWORTH: Do you know if any  
9 of the community residents that you talk about  
10 having met with actually read the PUD,  
11 including Commissioners from 5A and 4B?

12                   MR. RAY: I don't check to see who  
13 read and didn't read documents.

14                   MR. FOXWORTH: Okay. Did you  
15 submit an executive summary? Because we are  
16 lay people, so did you submit an executive  
17 summary to help community residents understand  
18 the short-term and long-term implications of  
19 over 900 and something units being put in the  
20 middle of our community?

21                   MR. RAY: What we presented to the  
22 community was what was filed with the Zoning

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1 Commission here and we went to the community  
2 and we presented it and we responded to all of  
3 their questions.

4 MR. FOXWORTH: Given your  
5 responses, can you say that you adequately got  
6 informed consent from the community or that  
7 people sort of look at the pretty pictures not  
8 being aware of the details and nod their head  
9 saying yeah, that's a good project?

10 MS. CAFRITZ: They told us they  
11 thought it was a great project.

12 MR. FOXWORTH: If you could answer  
13 the question, please, sir?

14 MS. CAFRITZ: They said it's a  
15 great project. They told me and Matt.

16 MR. RAY: I know. Well, I think we  
17 made a very fine presentation to the  
18 community. As I said, we had over 15 meetings  
19 in the community, meetings with the Chair of  
20 the Economic Development Committee. And I  
21 recall you saying on more than one occasion  
22 that you thought it was a very fine project.

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1 That you did not oppose the project. You  
2 thought it was a very good project.

3 MR. FOXWORTH: Given that there is  
4 a difference between a presentation and a  
5 working meeting to resolve issues of  
6 differences, are you aware that LRCA is the  
7 only organization that actually read the PUD  
8 and did an analysis?

9 MR. RAY: I can't answer that, Mr.  
10 Chairman. I don't know.

11 CHAIRPERSON HOOD: Yeah. I don't  
12 think he can answer that question. But let me  
13 just say this, a presentation and working  
14 meeting I heard you allude to that twice.  
15 Basically, I think, you have concerns from  
16 what I'm hearing, you have supported this  
17 project, from what I'm hearing.

18 Now, I'm just asking so my  
19 colleagues, we can get a clear understanding.

20 MR. FOXWORTH: Sure.

21 CHAIRPERSON HOOD: You have some  
22 concerns.

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1 MR. FOXWORTH: Sure, we do have  
2 concerns. Our concerns are on process.

3 CHAIRPERSON HOOD: No, no, no, no.  
4 I'm just trying to follow you, because I'm  
5 listening to what you're saying. You are  
6 saying work group and a presentation, because,  
7 you know, sometimes you can do all that at the  
8 same time.

9 MR. FOXWORTH: There is a  
10 difference.

11 CHAIRPERSON HOOD: Well, you can do  
12 all that at the same time. Applicant comes  
13 out, you can express your needs. You can work  
14 some of those issues out right then. Trust  
15 me.

16 MR. FOXWORTH: Okay.

17 CHAIRPERSON HOOD: So anyway, let's  
18 just ask the questions now.

19 MR. FOXWORTH: Okay. It's just  
20 very interesting to us that the only group in  
21 the neighborhood that actually read the PUD is  
22 the group that you guys haven't met with and

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1 we have been trying to meet with you for like  
2 2 or 3 months. And so --

3 MR. RAY: This is not a question.

4 MR. FOXWORTH: -- is there a way  
5 that we -- oh, I'm sorry. I have to frame it  
6 as a question. Okay.

7 CHAIRPERSON HOOD: We don't --  
8 that's an -- we want to make sure -- Mr.  
9 Foxworth, we don't know who read what. So we  
10 want to be careful of that accusation.

11 MR. FOXWORTH: Sure, sure. It's--  
12 I just want to put the question on the record,  
13 because I think it's very important. Informed  
14 consent is different from consent.

15 CHAIRPERSON HOOD: Right. But when  
16 you do your presentation, you can  
17 explain --

18 MR. FOXWORTH: Okay.

19 CHAIRPERSON HOOD: -- how you were  
20 the only group that read the PUD.

21 MR. FOXWORTH: Right.

22 CHAIRPERSON HOOD: I hope -- we

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1 read it, didn't we? Okay.

2 MR. FOXWORTH: Are you familiar  
3 with the new retail and housing development in  
4 Columbia Heights?

5 MR. RAY: No.

6 MR. FOXWORTH: Are you familiar  
7 with the significant and sudden increase in  
8 density in that community?

9 MR. RAY: I'm aware of the -- there  
10 is new developments going up in the community.  
11 I have lived in Ward 5 for over 25 years, so  
12 I'm very familiar with the entire area.

13 MR. FOXWORTH: And, Chairman, can  
14 you clarify something? Am I asking questions  
15 only of Attorney Ray as a witness or as an  
16 attorney or am I asking questions of the team?

17 CHAIRPERSON HOOD: You can cross  
18 examination any of the presentation you heard  
19 today. So Mr. Ray is now answering the  
20 questions for this community outreach portion.  
21 Ms. Cafritz may answer. I'm not sure who  
22 all, you know, your questions are directed.

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1 So once you ask it, Mr. Quin will make sure  
2 the proper person is here to answer.

3 MR. FOXWORTH: Sure. Because I  
4 didn't know this was a one-on-one discussion.

5 CHAIRPERSON HOOD: No, no, you can  
6 ask --

7 MR. FOXWORTH: -- between he and  
8 myself.

9 CHAIRPERSON HOOD: -- everyone a  
10 question.

11 MR. FOXWORTH: Okay. Do I need to  
12 call them by name? Because I don't know  
13 everyone's name, at this point.

14 CHAIRPERSON HOOD: No. Mr. Quin--  
15 once you ask the question, Mr. Quin will make  
16 sure the right person is at the table to  
17 answer it.

18 MR. FOXWORTH: Are you familiar  
19 with the significant and sudden increase in  
20 crime that has been associated with the sudden  
21 increase in density in Columbia Heights? And  
22 if I could finish, sir, other similarly

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1 situated residential communities where you are  
2 sort of dropping in significant retail and  
3 mixed-use development and housing.

4 MR. RAY: Mr. Chairman, about -- I  
5 don't think anybody has talked about an  
6 increase in crime, so there has not been any  
7 direct testimony on this whatsoever.

8 MR. FOXWORTH: Well, some of this  
9 is pretty logical if, in fact, anecdotal  
10 evidence and if you look at the police crime  
11 reports, you will see a significant increase  
12 in crime. So even though the testimony from  
13 the applicant didn't say that, some of it is  
14 sort of intuitive. And you don't necessarily  
15 need to have the testimony from you to make  
16 the leap that if you look at the crime  
17 statistics, and we have done this, we have  
18 done the research as you will see --

19 CHAIRPERSON HOOD: Mr. Foxworth,  
20 Mr. Foxworth? You answered your own question.  
21 If you said -- your cross examination is  
22 asking questions of their presentation.

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1 MR. FOXWORTH: Right.

2 CHAIRPERSON HOOD: You answered  
3 your own question. They didn't say anything  
4 about crime. You said even though they didn't  
5 say that. So what I ask you to do now is just  
6 to ask your next question. You can pinpoint  
7 that again in your presentation, because I do  
8 know that the party status application did  
9 allude to crime. So you can talk about that  
10 in your presentation.

11 MR. FOXWORTH: Thank you.

12 CHAIRPERSON HOOD: We also want to  
13 make sure we deal with what is germane in  
14 front of the Zoning Commission.

15 MR. FOXWORTH: Sure.

16 CHAIRPERSON HOOD: We're not MPD.  
17 I don't think any of us work for MPD. All  
18 right.

19 MR. FOXWORTH: Okay. Given that  
20 this PUD is one of several other developments  
21 in the area, that is either current or new  
22 developments and/or planned, by the Office of

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1 Planning's reckoning, there is, I want to say,  
2 2,300 new units, about 4,600 new residents.  
3 That does not include Phase 2 of the Clark  
4 Development, that is the parking lot that the  
5 Commissioners referenced before.

6 MR. RAY: Mr. Chairman?

7 MR. FOXWORTH: And it doesn't -- if  
8 I could just be allowed to finish my question  
9 though?

10 MR. RAY: I answered your question.

11 MR. FOXWORTH: The Chairman can  
12 certainly rule me --

13 MR. RAY: You're giving a  
14 statement.

15 MR. FOXWORTH: -- out of order  
16 after I finish my question.

17 MR. RAY: I will ask him to rule  
18 you out of order then.

19 CHAIRPERSON HOOD: I actually was  
20 talking. I thought you were asking a  
21 question, because I probably would have --

22 MR. FOXWORTH: I was getting to my

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1 question.

2 CHAIRPERSON HOOD: Okay.

3 MR. FOXWORTH: So here's the  
4 question.

5 CHAIRPERSON HOOD: Again, again,  
6 let's work on this. Again, we have a lot of  
7 practice with this. Now, again, let's make  
8 sure we ask a question. And again, I know  
9 you're trying to build up the question, but  
10 try to reformat it, so you can ask the  
11 question as opposed to the background  
12 information.

13 MR. FOXWORTH: Have you considered  
14 the impact on Lamont Riggs of the over 5,300  
15 new units that is either in the ground or will  
16 be built in the next 2 to 3 years?

17 MR. QUIN: To whom are you  
18 addressing it? Do you want the architects to  
19 deal with it, the traffic consultant or who do  
20 you -- who are you addressing this question?

21 MR. FOXWORTH: At your pleasure.

22 MR. RAY: Well, at my pleasure, we

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1 won't answer the question.

2 MS. CAFRITZ: No, I'll take that.

3 You know --

4 VICE CHAIR KEATING: Come on a  
5 second. Hold on. Their presentation did not  
6 discuss any other projects in Lamont Riggs  
7 area. Only specific project.

8 MR. FOXWORTH: Actually, they did  
9 reference the other projects. They actually  
10 did and they referenced the other projects  
11 several times.

12 VICE CHAIR KEATING: The Clark?  
13 You're talking about the Clark Realty Project?

14 MR. FOXWORTH: The Clark Realty  
15 Project. This is right beside their project.

16 VICE CHAIR KEATING: Okay. So just

17 --

18 MR. FOXWORTH: They also referenced

19 --

20 VICE CHAIR KEATING: -- that  
21 project is --

22 MR. FOXWORTH: No, they also

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1 referenced Fort Totten Square, which is  
2 another proposed 800 and something units about  
3 two blocks away. And both of these projects  
4 are in Lamont Riggs.

5 VICE CHAIR KEATING: Okay. So just  
6 those two projects.

7 MR. RAY: I didn't reference it.

8 MR. FOXWORTH: Well, if you didn't  
9 reference it, part of your team referenced it,  
10 because I --

11 MR. RAY: I didn't hear Fort  
12 Totten.

13 CHAIRPERSON HOOD: Okay. I think I  
14 did hear a reference, but anyway, can you  
15 answer the question? Do you have anybody --

16 MS. CAFRITZ: Yes, sir.

17 CHAIRPERSON HOOD: Ms. Cafritz?

18 MS. CAFRITZ: I'll try to answer  
19 that question. I don't know if I can. We are  
20 financially able to go forward with this Phase  
21 1 of the Planned Unit Development. We are  
22 financially able now, you know, to start our

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1 project.

2 I have read in the newspaper that  
3 the other projects are not financially able to  
4 go forward. So I -- you know, that's  
5 basically --

6 CHAIRPERSON HOOD: They want to be  
7 able to hear you in the back.

8 MS. CAFRITZ: I'm sorry.

9 CHAIRPERSON HOOD: Thank you.

10 MS. CAFRITZ: In response to the  
11 question, we are financially able to go  
12 forward with our project, our PUD, and we are  
13 specifically ready to go forward with Building  
14 A, once the Zoning Commission approves it. We  
15 have the financial ability to do that.

16 I have read in the newspaper in the  
17 Washington Business Journal that the project  
18 that Mr. Foxworth is referring to called Fort  
19 Totten --

20 MR. RAY: Fort Totten Square.

21 MS. CAFRITZ: -- Square is looking  
22 for new partners and new ownership, which

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1 indicates that they do not have the financing  
2 to go forward with their project.

3 MR. FOXWORTH: The language that is  
4 in the legislative intent for the Small Area  
5 Plan that you mentioned was put in there at  
6 our request to specifically talk about the  
7 community's wish to reduce density. Can you  
8 tell me how this project is sort of reconciled  
9 with the Small Area Plan in that regard?

10 MS. CAFRITZ: Yes.

11 MR. QUIN: Well, I would like to--  
12 why don't I call on Mr. Sher to answer the  
13 question on the Small Area Plan? And if you  
14 can, Mr. Sher, maybe you can be specific as to  
15 the sections of the Small Area Plan that  
16 authorize and promote this project.

17 MR. FOXWORTH: Mr. Chairman, if I  
18 could, my question was specific to the  
19 legislative intent, the language from the  
20 Council that sort of frames the actual  
21 legislation. It was something that we  
22 requested and it was inserted.

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1                   CHAIRPERSON HOOD: Why don't you do  
2 this? Why don't you just rephrase it. Mr.  
3 Sher is at the table now, unless he  
4 understands, why don't you just rephrase your  
5 question and that way we make sure we get the  
6 right -- well, I think he is going to answer  
7 that, because you are talking about the  
8 Comprehensive Plan and Small Area Plan.

9                   But anyway, say your question  
10 again.

11                   MR. FOXWORTH: Mr. Chair, it's my  
12 understand that at the request of the Lamont  
13 Riggs Citizens Association that the  
14 legislative intent from the Council, the  
15 language that was part of that Small Area Plan  
16 that we initiated, by the way, talked about  
17 how it wished to limit zoning. And I just  
18 want to get a sense of how the development  
19 team was able to sort of, one, recognize that  
20 and, two, address that given the density you  
21 are proposing.

22                   MR. SHER: In the section of the

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1 plan that talks about redevelopment  
2 opportunities, there is a specific discussion  
3 of two sites that encompass what the Cafritz  
4 Foundation owns. One is cite 3 and the other,  
5 I believe, is cite 4, but let me make sure.  
6 It's cites 3 and 5 actually, not 4.

7 And in the outline which I gave to  
8 the Commission on page 42, there is specific  
9 discussion of the Riggs Plaza Apartments,  
10 Cafritz Foundation development. And then at  
11 the top of page 43, there is a specific  
12 paragraph that deals with what they call the  
13 Fort Totten East Industrial Opportunity site.

14 Those are the three warehouses closest to the  
15 Metro Station at the northwest end of the  
16 project.

17 We believe that we are consistent  
18 with those specific citations and references  
19 in the plan. I'm just looking at the  
20 resolution of the Council adopting the plan  
21 and I don't see anything that would be at  
22 variance with that.

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1                   MR. FOXWORTH:    Given that the PUD  
2                   envisions over 900 new units, is there any  
3                   community benefits that is targeted to the  
4                   organizations in the community that would bear  
5                   the brunt of the increased residents?    The  
6                   youth center, the athletic programs, the after  
7                   school programs, the volunteers who staff the  
8                   rec center, the library, etcetera, because  
9                   that's where the residents will go if the  
10                  units are built.

11                  MR. SHER:            The amenities and  
12                  benefits of the PUD, as we see them, are  
13                  enumerated in all the documents and  
14                  submissions that we have made. We did not get  
15                  into negotiating off-site amenities to improve  
16                  a rec center here or fund an after school  
17                  program over there.

18                  This is pretty much focused on what  
19                  is going to go on on this site. And what goes  
20                  on on this site is a lot, as we have been  
21                  talking about it since 6:30. And I think Mr.  
22                  Schlater remarked on it as did a couple of

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1 other Members. There is a lot going on here.

2 So between the day care center, the  
3 senior citizens center, the arts uses, the  
4 children's museum, 20,000 or 30,000 square  
5 feet of additional community uses in the later  
6 phase, all of that benefits the community as a  
7 whole, I believe.

8 The retail uses in and of  
9 themselves, I think, are benefits to the  
10 community, because they can't be supported  
11 only by the residents of this project. You're  
12 not going to be able to provide the market  
13 base for a supermarket of 50,000 or 60,000  
14 square feet just on the basis of 900 units.

15 And I think it is well-known in the  
16 District that full service department stores  
17 is a segment of the retail market, which is  
18 vastly under-represented in the city as a  
19 whole and in this neighborhood. I think  
20 you've got to go a ways before you find one.

21 So putting a grocery store in here  
22 would serve not only these residents, but

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1 other residents in the vicinity as well. We  
2 think that's a benefit of the project. That  
3 would -- to the benefit of surrounding  
4 residents.

5 MS. CAFRITZ: Can I specifically--  
6 could I specifically add that we are an  
7 unusual developer in that this is not our only  
8 presence in this community, both Ward 4 and  
9 Ward 5. And we are not planning to sell this  
10 development and we feel that we -- within the  
11 last 3 years we have given over \$9 million to  
12 nonprofit organizations in both Ward 4 and  
13 Ward 5. And we will continue to do that.

14 That is the mission of our  
15 Foundation. That is the purpose of our  
16 Foundation. And we feel we have many  
17 qualified -- many grantees that we could bring  
18 to testify before you. We have not done that,  
19 but I can tell you that those qualified  
20 grantees, I have spoken to them, they are  
21 going to continue to -- we are going to  
22 continue to support them.

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1           And those grantees are also going  
2 to provide services in this development, like  
3 the child care service and the medical service  
4 and the health, the therapy, all of those  
5 services will be embellished and made greater  
6 for this community.

7           CHAIRPERSON HOOD:   Okay.   Let me  
8 just ask again, just like I asked Mr.  
9 Foxworth, and I appreciate the additional  
10 answer to the question.   But let's get a  
11 question, let's get an answer, let's get a  
12 question, let's get an answer.   This should  
13 just be like clockwork, question and answer.  
14 Because the more we say on the answer side,  
15 the more we're going to have questions.

16           So if we can just get a question,  
17 so we can make sure you have vented through.  
18 Let's get an answer.   Let's get that answered.  
19       Let's go back to the question.

20           MR. FOXWORTH:   I want to take up  
21 one question from Commissioner May.   When we  
22 look at the recommendations from the Office of

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1 Planning, it's clear to us that the Fort  
2 Totten Overlay does have a 60 foot height  
3 limit and that your buildings are proposed to  
4 be over 90 foot. And I know that he asked  
5 that question before, but can you just sort of  
6 tell us again how do you reconcile that?

7 MR. QUIN: Mr. Sher, we have a  
8 legislation, I think, that deals with 90 foot.  
9 Can you give that section?

10 MR. SHER: No. The --

11 MR. QUIN: In the Small Area Plan.

12 MR. SHER: Okay. Sorry. In the  
13 Fort Totten Overlay, which is sections 1561,  
14 62, 63, 64 of the Zoning Regulations, there is  
15 no limitation on height, other than in a CR  
16 District where the height is limited to 80  
17 feet.

18 MR. FOXWORTH: Looking on the South  
19 Dakota Avenue side, the building height and  
20 scale and mass -- and the massing seems to  
21 overshadow the two-family, two story homes  
22 across the street, even though they are

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1 elevated. Can you say a bit more about that?

2 MR. SHER: I can say two things  
3 about that. Number one, the width of South  
4 Dakota Avenue is 120 feet. So from the right-  
5 of-way line on one side to the right-of-way  
6 line on the other side, there is that much  
7 distance in the street itself.

8 Number two, across the street from  
9 this site, there are a variety of uses. You  
10 can see it on any one of the aerial  
11 photographs or information provided. At the  
12 north end there is an Exxon Gas Station and a  
13 convenience store. Next to that is the Lamont  
14 Riggs Branch Library. Next to that you have  
15 got a bunch of semi-detached houses that front  
16 on South Dakota Avenue. And then south of  
17 that you've got the site of the former Backus  
18 Middle School.

19 So there are a number of houses on  
20 the east side of South Dakota Avenue, but  
21 there are also a lot of other things on the  
22 east side of South Dakota Avenue as well.

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1 MR. FOXWORTH: Okay. Looking at  
2 the subsidy that you are going to offer for  
3 current residents, would you consider making  
4 those subsidies permanent for future Lamont  
5 Riggs residents, so that after 20 years those  
6 apartments can still stay affordable for  
7 people who live in the neighborhood as opposed  
8 to going to market rate?

9 MS. CAFRITZ: No.

10 MR. FOXWORTH: Have you  
11 concentrated all of our affordable units in  
12 Building A?

13 MS. CAFRITZ: No.

14 MR. FOXWORTH: Has there been any  
15 discussions where residents either 5A or the  
16 residents of the apartment complex, LRCA or 4B  
17 about the demolition, demolition schedule,  
18 dust, rodents, traffic, hours of demolition,  
19 etcetera?

20 MS. CAFRITZ: Yes.

21 MR. FOXWORTH: And who did you have  
22 this discussion with?

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1 MS. CAFRITZ: We discussed it with  
2 the Lamont Riggs Citizens -- Tenants  
3 Association. No, I'm sorry, the Riggs Plaza  
4 Tenants Association and the actual separate  
5 meeting with the Riggs -- with residents of  
6 Riggs Plaza.

7 MR. FOXWORTH: Those are the two  
8 same groups.

9 MS. CAFRITZ: No, they are not.

10 MR. FOXWORTH: And so -- okay. So  
11 was there discussion with either 5A or 4B or  
12 LRCA?

13 MS. CAFRITZ: I don't know.

14 MR. RAY: Well, we discussed the  
15 entire plan, including the entire relocation  
16 plan, with ANC-5A and on more than one  
17 occasion, and we had about a 2 hour meeting  
18 with them out on 12<sup>th</sup> Street last week, which  
19 lasted for about 2 hours where we discussed  
20 the entire relocation plan and what we planned  
21 to do.

22 MR. FOXWORTH: Was the demolition

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1 discussed, the demolition schedule, the dust,  
2 the hours of operation, rodent control?

3 MR. RAY: No.

4 MR. FOXWORTH: Etcetera, etcetera.

5 Okay. Thank you. We are concerned about the  
6 third lane that you are proposing on Galloway  
7 Street. When that turns off of South Dakota,  
8 that's also a bus lane turn. And so can you  
9 say a bit more about how would you accommodate  
10 or not accommodate rush hour traffic? How  
11 would you address both buses and cars and  
12 pedestrians going down Galloway Street off of  
13 South Dakota?

14 MR. QUIN: The traffic consultant,  
15 Marty Wells.

16 MR. FOXWORTH: I feel like I'm  
17 being attacked from both sides here.

18 MR. QUIN: It works the other way,  
19 too.

20 MR. WELLS: All right. Good  
21 evening. The third lane we talked about was  
22 on southbound South Dakota not on Galloway.

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1 We were not adding a lane on Galloway, sir.

2 MR. FOXWORTH: Okay. So can you  
3 talk about how that turn works with buses and  
4 traffic and a proposed community college use  
5 for Bertie Backus?

6 MR. WELLS: We're not proposing any  
7 changes to the number of lanes or -- that  
8 would carry traffic or the designation of the  
9 uses of those lanes. We would optimize the  
10 signal timing to get as much capacity out of  
11 that intersection as possible.

12 There are marked crosswalks there  
13 and there is a signal there and that would  
14 continue to be the case.

15 CHAIRPERSON HOOD: Well, let me  
16 just say this and it just donned on me and I'm  
17 listening to your questions. You want to ask  
18 questions that are going to be beneficial to  
19 us in our decision making. So if you are in  
20 opposition and I'm not sure if you are really  
21 in opposition, but it sounds to me like we are  
22 either having a community meeting or getting

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1 the concerns that you were not able to get out  
2 previously.

3 But I would ask that if you want  
4 this Commission to rule in your favor, you  
5 want to ask questions that are going to help  
6 us.

7 MR. FOXWORTH: Sure. I think I  
8 don't have any further questions, at this  
9 time, but if at all possible, I would like to  
10 reserve the right to engage the applicant  
11 again when you resume on the 20<sup>th</sup> with  
12 additional questions, given some of the things  
13 that they talked about tonight.

14 This is over \$300 million project  
15 and we are going to need more time to sort of  
16 really sift through some of the testimony from  
17 the applicant tonight. Some of this is new  
18 information for us. So to be fair to the  
19 people who live in the neighborhood, we would  
20 ask that the Commission allow us to again  
21 resume our questioning of the applicant.

22 CHAIRPERSON HOOD: Let me ask you

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1 this, can we agree, because typically we get  
2 to a point, and I'm going to have to ask Mr.  
3 Quin and I hope he works with me here, but  
4 typically what we do is -- that's why we  
5 wanted to finish up cross examination. But I  
6 remember now that when we started, and it's  
7 getting late, that you said you only had 5  
8 questions and you were going to -- you asked  
9 to be able to continue.

10 About how much time do you think  
11 you're going to need on July the 20<sup>th</sup> to finish  
12 your questions?

13 MR. FOXWORTH: Let me defer with my  
14 colleagues, if that's okay?

15 CHAIRPERSON HOOD: Because we would  
16 like to finish the case. This case should not  
17 take us three nights.

18 MR. FOXWORTH: My team of experts  
19 say about 45 minutes. If the Commission  
20 wishes, we can change that to 30.

21 CHAIRPERSON HOOD: I will tell you  
22 what --

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1 MR. FOXWORTH: Or the Commission  
2 just tell us how long we have.

3 CHAIRPERSON HOOD: -- I'll give you  
4 30. You're going to take 45, we'll give you  
5 20 minutes.

6 MR. FOXWORTH: 20 minutes it is.

7 CHAIRPERSON HOOD: 20 minutes. And  
8 if you go over that extra 10, we will be  
9 flexible.

10 MR. FOXWORTH: Yes, sir.

11 CHAIRPERSON HOOD: So that's the  
12 agreement we have.

13 MR. FOXWORTH: Thank you.

14 CHAIRPERSON HOOD: I see the  
15 Chairperson has -- I see her hand raised. If  
16 you can come to the table and identify  
17 yourself? Mr. Quin, do you have a problem  
18 with that?

19 MR. QUIN: My only problem is, Mr.  
20 Chairman, the purpose of cross examination is  
21 to clarify, not to try to trick or to trap.  
22 It's to try to get facts before you. And I

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1 think the questions don't appear to be  
2 designed to get more information. I think  
3 probably Mr. Foxworth's time is better served  
4 to make his points on direct testimony.

5 Most of these questions have been  
6 90 percent predicate and 10 percent question.

7 CHAIRPERSON HOOD: Okay. You know  
8 what would be very helpful for the 20<sup>th</sup>, and  
9 I'm not saying this has to happen, maybe you  
10 might want to have the applicant sit down with  
11 Mr. Foxworth's group and maybe iron out some  
12 of those concerns, because I really don't  
13 think that they are in opposition.

14 And if you can't -- I'm not asking  
15 you to meet the concerns, we don't -- we like  
16 to counsel some, but we don't applaud unless  
17 we applaud for Ms. Senior D.C. But I will  
18 tell you, you know, we're not -- it doesn't  
19 seem like you are that far apart.

20 MR. QUIN: Well, there has never  
21 been any refusal to sit down. So I --

22 CHAIRPERSON HOOD: Okay. So why

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1 don't you all work that out for the 20<sup>th</sup> and we  
2 can get out of here in an hour.

3 MR. QUIN: And not only that, but  
4 if he has questions, he could give them to us  
5 in advance.

6 CHAIRPERSON HOOD: That would also  
7 be good. So you all can coordinate that  
8 afterwards. Now, again, I'm not pushing  
9 anybody to do anything. I'm just saying that  
10 might help our proceedings.

11 MR. QUIN: Thank you very much,  
12 Chairman.

13 CHAIRPERSON HOOD: Okay. Can I go  
14 back or should I stay here?

15 CHAIRPERSON HOOD: Are you  
16 finished?

17 MR. FOXWORTH: Yes.

18 CHAIRPERSON HOOD: Okay. So we  
19 agreed on 20 minutes.

20 MR. FOXWORTH: 20 minutes.

21 CHAIRPERSON HOOD: Okay.

22 MR. QUIN: I should tell you that

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1 Mr. Sher will not be able to be here that  
2 night, but we will try to carry on without  
3 him.

4 CHAIRPERSON HOOD: It's going to be  
5 -- this is your birthday?

6 MR. SHER: No, sir, my son is  
7 getting married, but that's another story.

8 CHAIRPERSON HOOD: Okay.  
9 Congratulations. Okay. Chair Alston?

10 MS. ALSTON: Angel Alston, Chair of  
11 the ANC for 5A. I do just ask that if that  
12 right is being reserved for the LRCA to  
13 prepare questions, since they did start off  
14 with 5 tonight and they did about 19, since  
15 they do have the right reserved for the date  
16 of the 20<sup>th</sup>, is that option still open for 5A  
17 as well in case there any comments or  
18 questions for cross examination that may arise  
19 between now and then?

20 CHAIRPERSON HOOD: Okay. Okay.  
21 What we will do, yeah, that 10 minutes that  
22 they are not going to get, we'll give it to

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1 the ANC. Well, actually, we can't really  
2 limit the ANC.

3 MS. ALSTON: Yes, sir.

4 CHAIRPERSON HOOD: I would just ask  
5 that we be -- all of us be cognizant. We're  
6 trying to finish on the 20<sup>th</sup>, unless you all  
7 want to come back and see all of our lovely  
8 faces again another night. So I would ask  
9 both parties -- yes, Chair Alston, you will  
10 have that right to do that.

11 MS. ALSTON: Thank you very much.

12 CHAIRPERSON HOOD: Okay.

13 MS. SCHELLIN: Chairman Hood, could  
14 we set a date by which to have the questions  
15 prepared to -- that they are going to send to  
16 the applicant ahead of time, the Lamont Riggs?

17 CHAIRPERSON HOOD: I was hoping  
18 that they could all take care of that  
19 themselves, but if we need to do a date from  
20 here, I think everybody is in agreement we  
21 shouldn't have to do that, should we?

22 MS. SCHELLIN: They're going to do

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1 that? Okay. You guys are going to work that  
2 out yourselves?

3 CHAIRPERSON HOOD: You all are  
4 going to work that out, right? Mr. Quin, you  
5 all are going to work that out?

6 MR. QUIN: Well, certainly we would  
7 like to have them in time --

8 MS. SCHELLIN: Well, I was going to  
9 say a week before. I mean, since it's --

10 MR. QUIN: A week before.

11 MS. SCHELLIN: -- I mean, we are--  
12 this is the second. If you could provide it  
13 by the 13<sup>th</sup>?

14 MR. QUIN: That's fine.

15 MS. SCHELLIN: A week before.

16 CHAIRPERSON HOOD: Okay. Mr.  
17 Foxworth, can you come back to the table? Can  
18 you come back to the table?

19 MS. SCHELLIN: You need to be on  
20 mike.

21 CHAIRPERSON HOOD: This is just  
22 like construction. When you get behind the

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1 wall, you don't know who all is back there.  
2 So anyway.

3 MR. FOXWORTH: I'm sorry, it was my  
4 understanding, I need some help with this,  
5 that we would have a chance to certainly send  
6 them questions, but to sort of meet with them  
7 to engage and really have a chance to sort of  
8 work through differences. The questions  
9 already submitted, questions, you know, will  
10 be submitted. So that was my sense of your  
11 suggestion.

12 CHAIRPERSON HOOD: Right. And  
13 that's what I was thinking. I mean, I'm not  
14 asking -- I'm not pushing anybody to do it,  
15 but that's what I was thinking could happen.  
16 And then on the 20<sup>th</sup> we can come in and all  
17 have a love fest. That's what --

18 MR. FOXWORTH: I thought that's  
19 what both parties agreed to.

20 CHAIRPERSON HOOD: Mr. Quin, are we  
21 all on the same page with that?

22 MR. QUIN: We're on the same page.

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1 CHAIRPERSON HOOD: Okay. So I  
2 don't think we need to administer from here,  
3 but as Ms. Schellin said, we do need to have--  
4 make sure there is adequate time for the  
5 questions to get to the applicant, so they can  
6 respond.

7 MS. SCHELLIN: Right. If you still  
8 have questions before then, then if you would  
9 just provide them a week before.

10 MR. FOXWORTH: So noted.

11 CHAIRPERSON HOOD: All right. So  
12 everybody is going to coordinate that and  
13 we're looking forward to July the 20<sup>th</sup>. Was  
14 there anything else, Ms. Schellin?

15 MS. SCHELLIN: Other than that,  
16 just I still -- no one has come forward yet  
17 that needs to testify. There are still people  
18 that I don't know whether they are in support  
19 or opposition that signed in on the second  
20 page. They still need to see me.

21 CHAIRPERSON HOOD: Okay. So you  
22 all can see Ms. Schellin after this hearing,

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1 if you have issues. Again, I'm sorry for the  
2 inconvenience of us having another hearing,  
3 but we need to get our questions out, so we  
4 can make the best decision possible for the  
5 community and for the applicant, the community  
6 and the city.

7 So I want to thank everyone for  
8 their participation tonight and this hearing  
9 is continued. It will be continued July the  
10 20<sup>th</sup> at 6:30. Thank you and good night. Have  
11 a nice 4<sup>th</sup>.

12 (Whereupon, the Public Hearing was  
13 adjourned to reconvene July 20<sup>th</sup> at 6:30 p.m.)

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