

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JOEL LAWSON

MATT JESICK

This transcript constitutes the minutes from the Public Hearing held on July 21, 2011.

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T-A-B-L-E O-F C-O-N-T-E-N-T-S

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ZC CASE NO. 11-03 - HOFFMAN-STRUEVER

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

7:00 p.m.

CHAIRMAN HOOD: Okay. Let's go ahead and get our second case underway.

Good evening, ladies and gentlemen. This is the second Public Hearing of the Zoning Commission for the District of Columbia for Thursday, July 21st.

My name is Anthony Hood. Joining me are Vice Chairman Schlater and Commissioner Turnbull. Commissioner May will be reading the record and participating in this case.

We are also joined by the Office of Zoning staff, Ms. Sharon Schellin, also the Office of Planning, Mr. Lawson and Mr. Jesick.

This proceeding is being recorded by a Court Reporter and is also webcast live.

Accordingly, we must ask you to refrain from any disruptive noises.

The subject of this evening's

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1 hearing is Zoning Commission Case No. 11-03.

2 This is a request by Hoffman-Struever
3 Waterfront, LLC for approval of a First-Stage
4 PUD and Related Map Amendment for property
5 located at Square 390, 391, 471W, 472, 473
6 and 503.

7 Tonight is a continuation of our
8 July 18, 2011 hearing.

9 Notice of today's hearing was
10 published in the DC Register on June 3, 2011.

11 And copies of that announcement are
12 available to my left on the wall near the
13 door.

14 The hearing will be conducted in
15 accordance with the provisions of 11 DCMR
16 3022 as follows: Preliminary matters; party
17 in opposition, in this case the 6th Street
18 Homeowners. Again, I want to thank the 6th
19 Street Homeowners for staying around all that
20 time and being willing to come back two days
21 later to present their case, because we did
22 try to finish the other night, but we weren't

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1 successful.

2 Also, we have rebuttal and
3 closing by the applicant.

4 The following time constraints
5 will be maintained in this meeting: The
6 party in opposition, the 6th Street
7 Homeowners, have asked for 40 minutes.

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

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

12 The decision of the Commission in
13 this case must be based exclusively on the
14 public record.

15 The staff will be available
16 throughout the hearing to discuss procedural
17 questions.

18 And, please, turn off all beepers
19 and cell phones, at this time, so not to
20 disrupt these proceedings.

21 Would all individuals wishing to
22 testify for the party in opposition or as a

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1 rebuttal witness for the applicant, please,
2 rise to take the oath.

3 MS. SCHELLIN: Please, raise your
4 right hand.

5 (Whereupon, witnesses were
6 sworn.)

7 MS. SCHELLIN: Thank you.

8 CHAIRMAN HOOD: Okay. Ms.
9 Randolph, again, I want to thank you and your
10 party for coming back tonight. We appreciate
11 it.

12 MS. RANDOLPH: I want to thank
13 the Commission. I'm sorry to have sounded so
14 strenuous the other night, but I wasn't fully
15 aware of all of your procedures.

16 CHAIRMAN HOOD: So you're saying
17 tonight we are going to be a little better.
18 We'll work it.

19 MS. RANDOLPH: Well, I hope to
20 be.

21 CHAIRMAN HOOD: Okay. Great.

22 MS. RANDOLPH: Thank you.

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1 CHAIRMAN HOOD: Thank you.

2 MS. RANDOLPH: Oh, sorry. I
3 don't typically use microphones. I want to
4 thank the Commission for recognizing the
5 party status of the 6th Street Homeowners.
6 Although we are individual party opponents,
7 we have called ourselves the 6th Street
8 Homeowners, so that you may readily
9 distinguish us from the Tiber Island
10 Cooperative Homes that I will refer to here
11 as the Tiber Co-Op, which is another party in
12 this action and a separate legal entity.

13 We oppose partial -- Parcel 11 of
14 the PUD, which is the site of the St.
15 Augustine's church property. The church and
16 the 6th Street homes are both Zoned R-3. We
17 maintain that the developer is being
18 opportunistic by tacking on Parcel 11 as an
19 afterthought to the Planned Unit Development.

20 As more thoroughly discussed in
21 this presentation, we believe the developer
22 and the church are seeking to gain increased

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1 value by trying to rezone Parcel 11 as R-5-B
2 through the process of this PUD rather than
3 use the matter-of-right development process,
4 which would have required the developer to
5 seek a variance for the churches current
6 zoning status, which is R-3 residential.

7 We ask the Zoning Commission to
8 apply the balancing test under the PUD. We
9 maintain that in comparison to other parties
10 and witnesses that we are significantly
11 adversely impacted because we are uniquely
12 situated to the PUD.

13 I reside at 462 M Street. The 6th
14 Street homes have M Street addresses because
15 their front doors are access from an internal
16 courtyard entry that is located on M Street.

17 For a brief moment, we will show
18 you our picture of our property, so you may
19 visually understand where we reside. This is
20 Square 473.

21 CHAIRMAN HOOD: We need to make
22 sure you are on a mike. Do we have a hand-

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1 held mike? Okay.

2 MS. RANDOLPH: If you can see,
3 Square --

4 CHAIRMAN HOOD: Turn it on.

5 MS. WENDER: Turn it on, Susie.

6 MS. RANDOLPH: -- 473.

7 CHAIRMAN HOOD: It's not on. We
8 need to make sure you are on the mike. There
9 is the hand-held and if somebody else would
10 hold it up for you and you can use the
11 microphone, that way you can point and show
12 us. And you can use the mike in your hand.

13 MS. RANDOLPH: On this photo
14 which is a copy of the surveyor's --

15 CHAIRMAN HOOD: Let me see the
16 mike, so I can turn it on. Okay. There we
17 go.

18 MS. RANDOLPH: On this photo, you
19 will -- which is copied from the surveyor's
20 office and blown up to a significant size,
21 you will see Square 473. That is the St.
22 Augustine's church.

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1 CHAIRMAN HOOD: The camera, the
2 webcast, okay. Yes, I was just wondering
3 about that. The camera, if you can be over
4 there and face the camera? The camera can
5 pick it up for those who are watching on the
6 webcast will see it.

7 MS. RANDOLPH: It's 473 here.
8 Our homes, which are part of the Tiber Island
9 Condominium, are located here in what is
10 known as No. 182 Structure. Though we access
11 our homes from a courtyard on M Street, the
12 majority of our significant living rooms,
13 family rooms and master bedrooms all having
14 window walls and sliding glass windows are
15 located on 6th Street, S.W., facing directly
16 west.

17 Briefly, I just want to add that
18 the entire square for Tiber Island Complex,
19 as the developer calls it, is 502. We are
20 called a Super Block under the original
21 Southwest Development Plan. And our complex
22 comprises perimeter townhomes. These are the

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1 Tiber Island Condominium townhomes. The
2 internal townhomes and the apartment
3 buildings, which are high density, belong to
4 the Tiber Island Cooperative.

5 Our property does not front what
6 is known as the Tiber Island Cooperative
7 Great Lawn, which has a view of Square 473,
8 which is proposed to be a park.

9 I'll sit down now and continue to
10 read my document. Our property lines are
11 within, approximately, 40 to 50 feet of
12 Parcel 11. We homeowners have been paying
13 taxes to the city, beautifully maintain our
14 property and been supportive neighbors of the
15 church.

16 The proposed rezoning of Parcel
17 11 from R-3 to R-5-B will adversely impact
18 the architectural integrity of our whole
19 community, Tiber Island Complex, not just our
20 individual homes, particularly regarding the
21 overwhelming scale of the proposed Parcel 11
22 looming over what is proposed to be a

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1 narrowed street, such that it will destroy
2 elements of the design that specifically
3 included a significant view corridor, open
4 spaces, waterfront, unobstructed views, even
5 from as low as our basement and even second
6 floors of monuments, including Jefferson, Lee
7 Mansion in the Cemetery of Arlington, the Air
8 Force Memorial, the skyline of Crystal City,
9 the airport tower of National Airport and as
10 far south sometimes on a good day to the
11 monument that is in Old Town.

12 The condominium will appear
13 choked off by the entirety of the PUD Parcel
14 11. Let's also not forget that matter-of-
15 right high density development is also
16 scheduled to be built directly opposite other
17 Tiber Island Condominium homes on M Street,
18 S.W.

19 Moreover, the partial closure of
20 narrowing of 6th Street, the reversal of its
21 direction and the proposed requirement that
22 we enter through a traffic circle will

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1 negatively impact our use and enjoyment,
2 including dropping off elderly persons,
3 belongings, moving furniture and critically
4 potentially slow police and fire access.

5 Most notably, the fire department
6 recently came down 6th Street looking for 5th
7 Street in Southwest, which does not exist,
8 drove across the Great Lawn of Tiber Island
9 and destroyed their sprinklers all in search
10 of a fire at a location that does not exist
11 in southwest, because the person who called
12 the police called from Harbour Square, which
13 is blocked off on another block.

14 So we have a lot of dead-ends in
15 southwest and that does actually give me true
16 safety concern.

17 Finally, it appears that a Metro
18 stop may also be proposed for the corner of
19 6th and M Street, pursuant to the discussions
20 I heard here on Monday, potentially bringing
21 even more noise and trash to our area.
22 Although we do not object, we are simply

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1 stating that we are uniquely adversely
2 impacted.

3 Technically, for the purposes of
4 the Zoning Board and the Planning Office, I
5 want you to know where we live. We reside at
6 456 M Street, 458 M Street, 462 M Street and
7 468 M Street. All are located on the west
8 facing side of Square 502, as I have just
9 shown, in the structure numbered 182.

10 Our homes are part of the Tiber
11 Island Condominium. Square 502 encompasses
12 the whole entire Tiber Island Complex. The
13 Tiber Island homes are Zoned R-3. The 6th
14 Street homes are entered, as I indicated,
15 from an entrance on the courtyard.

16 Let me move along, because I
17 think I covered that when I described our
18 property.

19 Contrary to Holland & Knight's
20 testimony, the Office of Planning documents
21 indicate that the majority of square footage
22 of Parcel 11, which comprises the St.

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1 Augustine's church land, located on Square
2 473, is Zoned R-3.

3 Pursuant to Zoning Commission
4 Case 95-15, which relates to the Southwest
5 Comprehensive Zoning Plan, the Zoning
6 Commission issued Zoning Order 807, that's
7 dated 10/1998, that addresses Lot 0083 of
8 Square 473, 600 M Street and that it is Zoned
9 R-3.

10 The computerized Zoning Map, as
11 of July 20th, reflects ZC Order 807 and
12 identifies that the St. Augustine's property
13 is R-3.

14 The Comprehensive Plan
15 designation of this area as land use change -
16 - as a land use change area for high --
17 pardon me. In quotes from the Comprehensive
18 Plan it states that "The high quality
19 environments that include exceptional site
20 and architectural design and rezoning should
21 be comprehensive in neighborhoods." I think
22 there is a quote. There is part of my quote

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1 is missing.

2 My point is that the
3 Comprehensive Plan recognizes exceptional
4 site and architectural design and that's
5 Section 223.12.

6 The high resident -- the high
7 density residential dwelling proposed for
8 Parcel 11 is inconsistent with the objectives
9 of 223.12. As we now discuss, this
10 substantially increased density will
11 significantly impact the architectural
12 integrity of the Tiber Island Condominiums
13 and more specifically the 6th Street homes.

14 The negative impact of this
15 vastly increased density is exacerbated by a
16 wholly unjustified proposal that the
17 developer be permitted to exceed the maximum
18 lot occupancy, even permitted by R-5-B.

19 Now, moving on to the adverse
20 impact of the proposed development. As
21 indicated above, we maintain the developer is
22 attempting to bootstrap onto the church's

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1 property rights. We maintain that proposing
2 zoning of R-5-B will permit a scale and
3 massing adversely impacting the design of the
4 Tiber Island Condominium homes uniquely
5 impacting those condominium homes that are
6 situated on 6th Street and harming our use
7 and enjoyment.

8 The PUD documents contain a
9 flawed assumption to "undo" this 1960
10 Southwest Redevelopment. That assumption is
11 flawed because the PUD criteria architectural
12 design and open spaces are a significant
13 balancing criteria, which communities
14 throughout the southwest quadrant reflect.

15 As per their own testimony on
16 Monday, they acknowledged these verdant areas
17 on our properties in southwest. Properties
18 located in Segment D of the PUD, notably,
19 Tiber Island Condominium, have won
20 significant awards and that is Exhibit A,
21 which I produced, which is a copy of the
22 prospectus for the Tiber Island community.

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1 It is described as a beautiful award-winning
2 community.

3 Our community has also been
4 recognized in the AIA Book of Important D.C.
5 Architecture. It can be found in Borders,
6 but I do not have a copy tonight.

7 The original Tiber Island design
8 brochure embraced and noted the significance
9 of space, the proximity to open space,
10 particularly the waterfront views from the
11 6th Street homes, and incorporated those
12 characteristics into the Tiber Island Condo
13 design. And so I would refer you to what
14 would be the fourth page of that exhibit.

15 Moreover, the 6th Street homes
16 were marketed for being waterfront homes and
17 having waterfront vistas. And I would refer
18 you to what would be the sixth, seventh, the
19 eighth page that has a chart that says
20 "Schedule of Terms and Estimates." And that
21 also includes sale prices and refers to our
22 homes as the waterfront homes.

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1 Parcel 11 is detrimental to the
2 6th Street townhomes because under that Tiber
3 design, which noted open space, the proposed
4 distance to the condominium of Parcel 11 is
5 adverse to the original design concept of the
6 Tiber Island Condo homes. The Tiber Island
7 Condo will appear choked off, suffocated.

8 Notably, the developer has told
9 us that the scale of their building will not
10 adversely impact us, but their own architect
11 testified that even four story buildings can
12 pose problems with shadows and loss of light.

13 The proximity is damaging to the
14 architectural integrity of the Tiber Island
15 Condominiums because the closest structures
16 to the perimeter of the other Tiber -- I'm
17 sorry.

18 It's just damaging because of the
19 proximity of the architectural integrity is
20 potentially damaged.

21 The Tiber Island design criteria
22 also specifically addressed that the 6th

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1 Street homeowners or homes, rather, would
2 have waterfront views. Those views encompass
3 seeing the monuments as I previously
4 described.

5 Could you, please, bring out your
6 photos, Ms. Humphreys? We have a series of
7 photos actually showing the sunsets from our
8 homes. And even though that is not an
9 individual criteria, the concept of light and
10 space and air was a factor in the design of
11 our community.

12 I have four pictures.

13 MR. GLASGOW: Mr. Chairman? I
14 just have one question here. Do they have a
15 light and air easement recorded over at the
16 St. Augustine's property?

17 MS. RANDOLPH: He needs to wait
18 until I finish with my presentation to ask
19 questions. I want to make a note that that
20 was one minute out of my time.

21 CHAIRMAN HOOD: Let me ask you,
22 Mr. Glasgow. I think she is right. You need

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1 to wait and let her finish out her
2 presentation and that's what you can either
3 do on rebuttal or when you come -- or in your
4 closing remarks.

5 You can't say anything off the
6 record. Make sure we're on the mike.

7 MS. RANDOLPH: Pardon me. I
8 meant to press the button.

9 These are photos of sunsets. The
10 first photo are sunsets that can be visible
11 in my bottom floor of my house. As you will
12 notice, there are Christmas lights in the
13 picture. That reflects that it was in
14 December.

15 There are also pictures from my
16 second story level. You can see the church
17 roof in the background. If you could just
18 pass those?

19 Then we have also a third photo
20 just so that you understand how the roof of
21 the structure of the church is cantilevered.

22 Even though the church has a spire, only the

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1 spire actually ever reached to 45 feet and
2 the roof was cantilevered. This is the
3 cantilevered roof.

4 I will continue my testimony.
5 Thank you. The Tiber Island design criteria
6 encompassed views and noted views in its
7 prospectus. I maintain that the property
8 should remain as originally zoned, R-3, and
9 the PUD should be modified to remove Parcel
10 11 from the PUD.

11 The PUD meets its criteria
12 without Parcel 11. Parcel 11 is both
13 geographically and qualitatively different
14 from the remainder of the PUD properties,
15 which are waterfront properties that do not
16 directly abut any residentially zoned
17 neighborhoods.

18 Unlike parcels with a W-1 Zoning,
19 which permit a density, Parcel 11 is Zoned R-
20 3 low density. The 6th Street homes are
21 adversely impacted by the significant
22 increase in traffic noted by the DDOT report.

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1 We are now being adversely impacted by being
2 required to access our homes from a traffic
3 circle where we can expect to stand behind
4 buses, taxis and cars disembarking to the
5 waterfront before accessing our homes.

6 Holland & Knight will -- pardon
7 me. We are uniquely impacted by traffic
8 aspects, particularly due to the narrowness.

9 Additionally, we have a concern that the
10 DDOT report notes inadequacies in the
11 developer's traffic study regarding the
12 volume of traffic and impact of the proposed
13 traffic circle.

14 We also note that the DDOT report
15 seems deficient specifically regarding usage
16 of the Waterfront Station, which is closer to
17 the PUD than L'Enfant Plaza and, as
18 indicated, may be the site of an expanded
19 station.

20 Metro usage has also increased on
21 the Green Line more than on the Orange or
22 Blue, because the Green is used for access to

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1 the stadium. Sometimes it is very hard for
2 elderly persons to even board a train or to
3 exit at Waterfront Plaza.

4 Regarding the developer's
5 outreach, they may be commended, but that
6 outreach did not extend to the Tiber Island
7 Condominium 6th Street Homeowners. Although,
8 we, or I myself and several others, attended
9 three meetings, they chose to communicate
10 directly with a woman known as our board
11 president.

12 I did not find out until,
13 approximately, a week and a half before the
14 ANC meeting or actually the weekend before
15 the ANC meeting that our board president had
16 not even been communicating proposals with
17 other-- with four other board members. That
18 is very concerning.

19 And when I asked to speak to the
20 PN Hoffman, I was told I had to go through my
21 president or my president had to be there or
22 that she couldn't talk with us without our

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1 president. And I must commend Ms. Bacon and
2 Mr. Hoffman, they have been fairly gracious
3 and this is not personal. They are nice
4 people.

5 But nevertheless, I need to
6 distinguish how other residents -- I'm sorry,
7 I don't mean to say residents, how other
8 parties and witnesses have been treated as
9 compared to the 6th Street Homeowners.

10 For one, Arena Stage stated the
11 other night that they had three meetings in
12 which, despite the fact that they do not own
13 the land across from Arena Stage, they were
14 offered a view corridor and their witness
15 stated very kindly that they met and ensured
16 that Mr. Bing Thom had a view corridor.

17 We actually live and reside in
18 southwest. Our homes, which are recognized
19 and -- by the AIA, and as award-winning, have
20 been in existence since 1964. Moreover,
21 Arena Stage is a theater in which the focus
22 is a stage.

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1 I love Mr. Bing Thom's
2 architecture, but to state to us when I asked
3 it on many occasions what about our view
4 corridor? And to be told that it is
5 irrelevant smacks of unfairness that we, as
6 taxpaying residents, do not deserve in
7 comparison to a theater.

8 Regarding Harbour Square, we are
9 much more directly impacted than Harbour
10 Square, although I am informed they are a
11 party. And actually tonight, I have now
12 learned that some people there still feel
13 fairly impacted.

14 Nevertheless, they were also
15 offered reduced height of the Pier 4 homes.
16 And they are my neighbors and I appreciate
17 them.

18 Regarding Tiber Co-Op, we wholly
19 support our neighbors and efforts and
20 appreciate all the existence -- assistance
21 they have provided. The Tiber Co-Op Great
22 Lawn, which I showed you on that photo, abuts

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1 the proposed park.

2 Hence, they received something
3 that benefits their part, their property.
4 They are a separate legal entity and although
5 I enjoy the Great Lawn and would hope to also
6 enjoy an eventual park, they actually
7 received an actual benefit from the
8 developer.

9 We ask that in order to preserve
10 the full architectural integrity and use and
11 enjoyment of our homes, that the Commission
12 deny the developer the right to rezone Parcel
13 11 at all.

14 I would also like to add that in
15 regard, just briefly diverging, to our
16 architecture, Mr. Holman insinuated the other
17 night that the Tiber Island residents of the
18 condominium supported the church. We all
19 love the church. There has been no official
20 vote in our community one way or the other
21 regarding this matter and -- as I'm sure one
22 can understand why.

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1 And notably, what I must indicate
2 is that our community has taken an official
3 two-third vote to support an application for
4 historic preservation that was produced in an
5 open meeting of the ANC-6D this past week and
6 a half.

7 So returning to my proposals:

8 We suggest you deny the developer
9 the right to rezone Parcel 11.

10 We ask the Commission, in the
11 alternative, to modify the PUD to rezone
12 Parcel 11 with an R-5-A Zoning.

13 Finally, as -- what we would
14 perceive as the worst thing that could
15 happen, if R-5-B is allowed, we request that
16 the city modify the PUD to ensure that our
17 homes are not so significantly and uniquely
18 impacted. We urge the Zoning Commission to
19 preserve architecture, best designed
20 architecture.

21 You know, ours is AIA-recognized.

22 It is lectured on throughout the country as

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1 an example of post-modernism. And preserve
2 our open and green spaces. We understand we
3 don't have air rights, but the aspect of the
4 open spaces and the design and our use and
5 enjoyment are directly impacted by the
6 proposed PUD. Thank you.

7 Oh, my neighbor would like to say
8 a few words. I don't know if Ms. Wender
9 would. Oh, hold on. Ms. Humphreys is going
10 to briefly give her statement. Thank you.

11 MS. HUMPHREYS: I'm the person
12 most immediately impacted. I live at the
13 corner of 6th and M Street, S.W., and have so
14 for two decades and own the property.

15 And as you have heard, although
16 the postman goes to my front door, so-called,
17 with an M Street address, I actually face
18 east toward 4th Street to make it more
19 complicated.

20 Otherwise, my waking hours, my
21 focus is on my 6th Street side where my
22 dining room, which is actually my do

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1 everything room, where Tiber Island
2 Condominium Group sometimes meet and my sunny
3 patio, where I enjoy gardening, it directly
4 faces 6th Street, a narrow street which the
5 PUD proposes to make only 30 feet across.

6 Salutory sunlight and breezes
7 can flow through the west wall of glass panes
8 and screens, yet, for all this openness, I
9 have the privacy designed in the Tiber Island
10 Condominium and protected by our R-3 Zoning.

11 And that R-3 Zoning of St. Augustine's
12 church.

13 No window of mine faces another
14 window. The massive building proposed for
15 Parcel 11 would wall me in with windows
16 peering into my home. The current church
17 buffers Tiber Island Condominium from the
18 dense development down hill on the Wharf.

19 The PUD would also cause
20 increased traffic on M Street, and incredible
21 congestion and pollution on 6th Street.
22 Already scarce parking made all the more rare

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1 by the D.C. employees and their new 4th
2 Street offices would vanish.

3 As it is now, service people
4 charges for an expected \$50 parking ticket
5 because parking their trucks usually has to
6 be done illegally. Illegal parking in a
7 three-lane street could block emergency
8 vehicles.

9 I enjoy living in the
10 neighborhood. St. Augustine's church has
11 been a good neighbor. They let neighborhood
12 groups use their facilities for meetings, as
13 we lack a neighborhood gathering place,
14 integrate socially people of desperate --
15 disparate economic means and help those
16 needing help.

17 However, now St. Augustine's has
18 answered the siren call of a developer. As
19 we have heard often the last few years, too
20 big is too big. St. Augustine's church and
21 the developers have said they are developing
22 by-rights, but no one has the automatic right

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1 to changing the zoning, especially to such a
2 dense zoning adjacent to a community designed
3 for open space and communal areas.

4 The community designed and built
5 in the first Southwest Redevelopment Plan,
6 they say the Wharf could be served by two
7 Metro Stations. However, it is -- L'Enfant
8 Station is up a steep hill, quite onerous
9 after wining and dining.

10 I'm sure the Waterside Station,
11 one block from my home, would be the choice
12 for most people, even though it would be
13 further away from many of the commercial
14 attractions. It is already crowded, over-
15 crowded much of the time, especially during
16 ballgames and rush hour.

17 I have been passed up when the
18 train was too full to cram another person
19 aboard and, of course, the platform itself
20 can become dangerously overcrowded.

21 The developers say a shadow study
22 showed that we wouldn't be in the shadows of

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1 proposed monster condominium. However, the
2 study was presented without a description of
3 how the transit of the sun was calculated to
4 vary over the year.

5 Copies of the results were
6 requested in advance, but refused. What
7 assumptions were made? How could it be
8 replicated? What happens to the total light
9 intensity?

10 The developers say that a smaller
11 development would not be viable, that
12 translates they would not make as much money.

13 The developer said the St. Augustine's plot
14 would be the first phase of the construction.

15 They say it will not. Then they say it will
16 be. Who knows.

17 Likewise, the developers say that
18 the park area will have a concession stand.
19 They say well, maybe it won't. Their July
20 8th supplement declares commercial use. It's
21 not just green space. What can we depend on?

22 I hope the city holds the

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1 developers accountable for whatever PUD it
2 accepts, that flexibility is not just a code
3 word for detrimental changes and we are not
4 left as we were with the Waterside Station
5 PUD with a tear-down completed, but without
6 project completion. It's a blight on the
7 neighborhood.

8 And I would remind you of the
9 pictures. I'm the one most will -- affected
10 by the -- being at the corner and, yet, even
11 I can see the sunset on the water obliquely
12 out my living room window and, of course,
13 master bedroom. And that is reflected in the
14 picture that I gave you. It makes quite a
15 bright spot.

16 The second picture was taken from
17 down low on 6th Street looking up at the
18 church and the sunset sky. Notice the
19 dramatic plunge of the roof of the church
20 which lets more light pass than the maximum
21 height of the building would indicate, a
22 height further manipulated by the --

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1 including the height of the cross.

2 It was designed in concert with
3 Tiber Island. Its cornerstone was laid in
4 1965. Thank you.

5 MS. RANDOLPH: I just have one
6 little minor closing statement and this
7 relates to the underlying original Southwest
8 Development Plan for which they indicate in
9 their PUD should be undone and that their
10 intent is to undo.

11 And I just think that the Zoning
12 Commission should recognize that in our
13 community. And we are not opposing the rest
14 of the PUD, but in our community, there was a
15 step-down of the buildings towards the
16 waterfront and that enabled all people of all
17 economic levels from their homes to see the
18 waterfront.

19 By the mass density of Parcel 11,
20 what they are doing is economically saying
21 only, you know, a \$1.5 million home can have
22 such a view and blocking people.

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1 And so I'm just suggesting that,
2 as we indicated, we prefer you not rezone at
3 all Parcel 11. If you do, we would prefer R-
4 5-A and that is actually a huge concession
5 from us, because, as you can see, we have
6 from our homes even sunsets from our bottom
7 levels, unobstructed views.

8 I, for one, have never closed my
9 blinds in 12 years. I bought a house. The
10 only house I looked at because the design is
11 so superb and the views so exceptional. Now,
12 yes, there are no air rights, but, you know
13 what, they gave Bing Thom a view corridor.
14 And we live here and we have been paying
15 taxes for all these years. Thank you.

16 MS. WENDER: I think this is on.
17 I'm Alice Wender. I live at 458 M Street.
18 My neighbor, Ms. Randolph, spoke for my
19 concerns, so to be respectful of your time, I
20 will not now reiterate them. However, I
21 would like to present my testimony to be part
22 of the record.

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1 And I strongly urge you to again
2 keep the church at R-3 Zoning or if not that,
3 no higher than a 5-A. Thank you.

4 CHAIRMAN HOOD: Okay.

5 MS. RANDOLPH: We have further
6 comments to make.

7 CHAIRMAN HOOD: Okay. I want to
8 thank you three for your presentation.

9 Ms. Randolph, what I'm trying to
10 understand, I think I understand how the
11 orientation of your homes are. The view off
12 of 6th Street, which views right into where
13 the church is, is that your back?

14 MS. RANDOLPH: It is technically
15 called our rear. The rear of our houses,
16 yes. And if you were to drive down 6th
17 Street, our homes are marked rear entrance
18 462, rear entrance 460 and so forth.

19 CHAIRMAN HOOD: Okay.

20 MS. RANDOLPH: And they are
21 situated on almost a perfect west access. I
22 can mark the equinoxes in my living room as

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1 the sun moves from the south to the north.
2 And that picture I presented up there was
3 taken around Christmas time.

4 CHAIRMAN HOOD: And I saw the
5 pictures. So when they sold you your homes,
6 did they sell your homes -- they sold the
7 view? Is that what they did? They sold you
8 the view?

9 MS. RANDOLPH: I was -- I bought
10 a view and the homes were advertised as a
11 view and I can read from the prospectus,
12 which is in Exhibit A, and it states page 3
13 of that -- I'm sorry, it's page 4 of Exhibit
14 A.

15 "Unobstructed view of restored
16 waterfront, famous restaurants, shops and
17 piers, large-only spaces, large open spaces,
18 waterfront, the quiet waters of the
19 Washington Channel and the Potomac River lend
20 a peaceful charm and residential flavor to
21 unique downtown living."

22 Then on -- I think, you know,

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1 it's page 8, my home is called a D-type home.

2 That is the 3,000 square foot, four story
3 home with four bedrooms, three and a half
4 baths, a den and a living room. And so mine
5 is a D Unit. It was described as waterfront.

6 Back then in 1963 it was sold for \$74,550.
7 A similar D Unit sold for \$67,000. Those are
8 the D Units that are on 4th Street, S.W.

9 CHAIRMAN HOOD: And --

10 MS. RANDOLPH: Which is on the
11 other side of the property.

12 CHAIRMAN HOOD: My rationale, I
13 was trying to figure out what you bought into
14 because I know that there is case law out
15 there about views and that's why I was
16 asking.

17 MS. RANDOLPH: Oh, okay.

18 CHAIRMAN HOOD: Yes, ma'am?

19 MS. WENDER: Can I directly speak
20 to that? I bought my house in 1980 and there
21 were different layouts for the different
22 houses. There was a comparable house exactly

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1 my house on N Street. There was one that was
2 on 6th Street. I paid more money at the time
3 because I wanted the views. And it's not
4 just the views, it's the light. It's the
5 cross-ventilation. It's the breezes. It's
6 the sunsets.

7 CHAIRMAN HOOD: Yes.

8 MS. WENDER: And I just want to
9 make one more statement, just so you
10 understand, our primary living spaces face
11 6th street. Our living room, our master
12 bedroom, our dining room, kitchen, that is
13 where we are, you know, most of the day.

14 So even though -- I mean, that's
15 how we are impacted in terms of the quality
16 of our life more so than -- even though it
17 has that courtyard entrance.

18 MS. RANDOLPH: And we understand
19 views are not legally a category in the PUD
20 and that's -- my written statement does not
21 emphasize the view. It emphasizes the whole
22 architectural integrity, which comprises of

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1 open spaces and the discussion of view
2 corridors.

3 CHAIRMAN HOOD: I think you
4 probably remember the discussion, because I
5 took it from one of the submissions about R-
6 5-B. I actually asked Mr. Sher that
7 question. And he went back to the Comp Plan.

8 I think the R-5-A is low to moderate. And
9 then as you go to R-5-B, it's like a medium.

10 I don't want to say medium to high off the
11 top of my head, but I know it's at least
12 medium and up.

13 So your request is for us not to
14 rezone this at all, leave it as it is an R-3.

15 MS. RANDOLPH: Correct. That --

16 CHAIRMAN HOOD: But not take it
17 up --

18 MS. RANDOLPH: -- would be our
19 hope.

20 CHAIRMAN HOOD: Right. But I'm
21 just trying to understand. But not take it
22 to anything other than the R-5-A?

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1 MS. RANDOLPH: Correct.

2 CHAIRMAN HOOD: Okay. Have you
3 had a conversation with Mr. Hoffman and
4 others?

5 MS. RANDOLPH: In -- I have tried
6 to have a conversation with Ms. Elinor Bacon
7 and she has been gracious in communicating
8 with us. We tried to talk on the Saturday
9 before Monday and, you know, I tried to reach
10 out to her. She called me the Saturday
11 before the Monday hearing and said that
12 nothing could be done, that the lines in the
13 building, the footprint, they were desired
14 and would remain the same.

15 And that's what I was told each
16 time I -- I even expressed, actually, at the
17 first meeting I attended with PN Hoffman, I
18 even specifically spoke to one of their other
19 nice gentleman and indicated, because I had
20 my brochure with me, that, you know, we had
21 significant concerns about the 6th Street
22 homes.

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1 And, frankly, we have felt
2 abandoned by our board president and that's a
3 whole other issue. I won't go there. She is
4 a lovely lady, but, you know, I was told I
5 had to deal independently with the developer.

6 But then I was told by them that they could
7 only talk to her or she had to be there.

8 And when I went to meetings, they
9 seemed to want to talk to her, but not me.

10 CHAIRMAN HOOD: Did you also work
11 for your ANC? Did you work with the ANC?

12 MS. RANDOLPH: I know Andy Litsky
13 and we see each other around the community.
14 Frankly, I don't practice property law, so I
15 didn't understand that this was a process
16 where you go to the hearing office and you --
17 and each time that I wanted to seek something
18 from my board, I was told that's your problem
19 over there. We are just a few homeowners.
20 Each time -- you know, I'm an attorney, yes,
21 but each time I sought out counsel, the fees
22 were incredibly high.

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1 And, you know, it has been very
2 daunting. And, unfortunately, when you are -
3 - when it is your own property, it is very,
4 very upsetting and so when I seemed so much
5 strenuous the other night, that is why
6 because it is really upsetting.

7 CHAIRMAN HOOD: Okay. I didn't
8 really get the answer to my question. I know
9 that you know Mr. Litsky.

10 MS. RANDOLPH: I have spoken to
11 Mr. Litsky and I have expressed twice my
12 concerns about the 6th Street, yes.

13 CHAIRMAN HOOD: Okay. And you
14 all are part of the Tiber -- you all are
15 Tiber Island, right? You all are?

16 MS. RANDOLPH: I'm going to be
17 very clear to you. Just for clarity's sake,
18 Tiber Island Cooperative is a separate legal
19 entity. When they built our property in
20 1964, we were the second with Carrollsburg
21 Condominium ever developed in the city.

22 In fact, our brochure, you will

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1 see, explains the new concept of a
2 condominium in great depth, how it is based
3 upon a Roman Law and they had to explain it
4 to that degree. In fact, they wrote the
5 original D.C. Condominium Act because of
6 Carrollsburg and Tiber Island.

7 Then at some point in the '80s,
8 they built -- they took the Tiber Island
9 Cooperative, which was a rental, and it
10 converted into a condo. So I --

11 MS. WENDER: A co-op.

12 MS. RANDOLPH: A co-op. So our
13 homes, which are the perimeter homes, are a
14 separate legal entity. And the only "water-
15 frontage" encompassed in our design is on 6th
16 Street. And I'm informed that the Tiber
17 Island Cooperatives had an individual
18 meeting.

19 MS. WENDER: No, we -- no, no.

20 MS. RANDOLPH: Why don't you
21 speak?

22 MS. WENDER: I'm sorry. No, I

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1 think what happened, unfortunately, is that I
2 understand that Tiber Island Co-Op is a
3 board. I mean, they are a co-op, so they are
4 represented by their board.

5 Harbour Square is a co-op, so
6 they are represented by their board.

7 We, as a condominium are
8 individual owners. And because, I believe
9 that, we are on 6th Street, we have
10 individual party status. But Elinor Bacon
11 and others felt that they could only go
12 through our board president and that's
13 different from the co-op I believe and the
14 Harbour Square.

15 I believe they should have worked
16 with us individually.

17 MS. RANDOLPH: I also just think
18 that it's a fallacy on the part of my
19 condominium, because our limited common
20 property runs the whole perimeter of our
21 property. And since we recently voted to
22 seek historic preservation status, they

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1 should have been looking at the bigger
2 picture.

3 So I did speak to Mr. Litsky
4 twice and he is very gracious and helpful.
5 But we are here and I tried -- when I
6 realized that-- when I found out that my --
7 some of my board members did not know what
8 proposals were being made to my board
9 president, they had no familiarity at all
10 with what was going on with 6th street or the
11 proposed closure of 6th Street.

12 Well, I was livid, first of all.
13 That's when I realized oh my, God, all
14 right, I'm going to have to file party
15 status, because no -- my condominium board
16 has not been doing anything vis-a-vis our
17 property, even though the limited common
18 property runs the whole perimeter.

19 MS. WENDER: And just not
20 closure, but turning 6th Street into a one-
21 way street, which is a concern.

22 MS. RANDOLPH: It's called a

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1 partial closure, I believe, under the law.

2 CHAIRMAN HOOD: You know what,
3 through all of that, I think I know what you
4 are asking. Okay.

5 MS. HUMPHREYS: I have talked
6 with Andy Litsky many times.

7 CHAIRMAN HOOD: Okay.

8 MS. RANDOLPH: Oh, go ahead.

9 MS. HUMPHREYS: That's all.

10 CHAIRMAN HOOD: Okay. Okay.
11 Good. Okay. Commissioners, any questions?
12 Commissioner Turnbull?

13 COMMISSIONER TURNBULL: Yes,
14 thank you, Mr. Chair. I just don't have a
15 zoning book in front of me, so I may look to
16 the Office of Planning for a comment. But I
17 believe even under the existing R-3, the
18 height can go to 40 feet, but I'm not sure.

19 MR. LAWSON: Sorry, Joel Lawson
20 for the Office of Planning. Yes, R-3 allows
21 a 40 foot height and that would be measured
22 to the underside of the ceiling of the top

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1 floor, that's for residential development.

2 COMMISSIONER TURNBULL: Right.

3 MR. LAWSON: Other forms of
4 development would allow a different height,
5 of course, such as a church allows a bit of
6 extra height.

7 COMMISSIONER TURNBULL: But that
8 could be built-out as a matter-of-right.

9 MR. LAWSON: That's correct.

10 COMMISSIONER TURNBULL: Now, R-5-
11 A allows more height?

12 MR. LAWSON: I'm trying to
13 remember. R-5-A allows 40 feet by-right.

14 COMMISSIONER TURNBULL: Okay.

15 MR. LAWSON: And it -- well, R-5-
16 A is a bit of a complicated zone.

17 COMMISSIONER TURNBULL: Right.

18 MR. LAWSON: As you know, you
19 have had to deal with it many times --

20 COMMISSIONER TURNBULL: Yes.

21 MR. LAWSON: -- in terms of its
22 use, but it does allow 40 feet by-right.

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1 COMMISSIONER TURNBULL: I guess
2 the other, so as a matter-of-right, you could
3 have a building across the street that would
4 be 40 feet high. I think, and again, since
5 this is only a First-Stage PUD, what we
6 really don't see is what the real shape of
7 the building is going to be, the design.

8 I mean, right now, looking at it,
9 they are looking like they are still trying
10 to get a view toward M Street. They have
11 rounded the corner as it comes to the park
12 on, again, a theoretical building that they
13 haven't got. So they are trying to make a
14 gesture of going around the street.

15 Again, we don't know what it
16 looks like, so it's hard to comment upon how
17 much it is going to impact. And, in fact,
18 the way the sun sets right now, just guessing
19 myself, some of your buildings may impact
20 some of them more so than what they may of
21 you, but I'm not that sure. But we --

22 MS. RANDOLPH: May --

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1 COMMISSIONER TURNBULL: -- won't
2 know that until we get to the Second-Stage
3 and have them actually bring sun studies and
4 shadings before us.

5 MS. RANDOLPH: I have seen the
6 three-dimensional drawing. They are
7 proposing to take 10 feet of my street and
8 retain their building at what is 15 feet from
9 the current property line. They are stating
10 that their building, I think, can have a
11 maximum height of 60 feet and I believe the
12 density is higher on an R-5-B.

13 I have the Office of Zoning
14 Summary of Zone Districts document here and I
15 can read it into the record if someone wants
16 me to. I have the R-5-A and the R-5-B and I
17 also think that there is a difference
18 possibly in the FAR for the R-5-A and the R-
19 5-B.

20 And so I also would like to state
21 that the architect, my neighbor, Greg Hunt,
22 who is FAI-certified, I have submitted his

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1 declaration for the Board, but, you know, he
2 is -- I'm not going to call him an expert,
3 but certainly if he were here and we were to
4 take his testimony, he could probably cross-
5 examine to that degree.

6 But as a former Dean of Catholic
7 University and the current for School of
8 Architecture and the current Dean of the
9 School of Architecture for, it's in
10 Pennsylvania, and then also he was 25 years
11 as an architectural educator at V Tech, he
12 indicates that it seems unreasonable that the
13 developers asked to produce a design for
14 Parcel 11 and that they should produce a
15 design that is more in harmony with the scale
16 and character of the neighboring residential
17 structures and immediate surroundings.

18 6th Street need not be reduced. I
19 am asking that the Zoning Commission deny the
20 change and he -- I am suggesting an R-5-A.
21 The Zoning Commission should truly fulfill
22 its obligations to guide intelligent,

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1 insightful planning that Southwest D.C. truly
2 needs that is sensitive and has foresight and
3 not simply driven by profit and characterless
4 architecture.

5 We -- I am suggesting an R-5-A, a
6 serious consideration should be given to
7 increasing the setback distances to whatever
8 structures are built on Parcel 11, so that
9 6th Street may be spatially enhanced and not
10 choked by proposed new development.

11 Parcel 11 is a fringe parcel
12 within the total waterfront scheme and should
13 be redesigned to be more appropriately
14 related to scale and character of the Tiber
15 Island townhomes. Only then will the Hop &
16 Madison scheme reflect true sensitivity to
17 historically important green and character of
18 the adjacent neighborhood, Tiber Island.

19 I also want to reiterate that it
20 is proposed that directly across the street
21 on M Street from the side perimeter of Tiber
22 Island, there will be an apartment building

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1 that I believe is proposed to be a C -- and
2 R-5-D. And there will also be an office
3 building additionally built at the Waterfront
4 Train Station, which is also directly across
5 from some of the other Tiber Island
6 Condominium homes.

7 So we don't want to be boxed in
8 and we're really asking -- I understand that
9 you have a balancing test to take, but we
10 think that there is already a lot of balance
11 in the PUD. Thank you.

12 CHAIRMAN HOOD: Any other
13 questions? Okay. Let's go through cross-
14 examination. Mr. Glasgow, any cross?

15 MR. GLASGOW: Just very briefly,
16 Mr. Chairman.

17 What is your understanding of the
18 proposed height of the Parcel 11 building?

19 MS. RANDOLPH: I attended several
20 meetings and I was informed that it could be
21 as high as 55 feet, I believe. And that then
22 according to my participation sitting in the

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1 audience the other night when Mr. Eckstut,
2 EEK, witness, testified, I thought he
3 indicated that it was potentially a penthouse
4 maybe on the western side of the Parcel 11,
5 so that the structure that is closer to your
6 alleyway or M Place, which is between your
7 Parcel 11 and your Parcel 10, I think, is
8 proposed to be higher or something along
9 those lines.

10 MR. GLASGOW: Then what is your
11 understanding of the separation between the
12 proposed building on Parcel 11 and your
13 building? How many feet do you understand
14 that the PUD has for that?

15 MS. RANDOLPH: Frankly, I think
16 that the numbers are in dispute. And Elinor
17 Bacon gave me a diagram, but I questioned
18 that diagram.

19 MR. GLASGOW: And lastly, I
20 wanted to ask do you have a light and air
21 easement across the church's property?

22 MS. RANDOLPH: No, I do not. And

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1 I have not argued that. I have argued that
2 the design of our structure is going to be
3 adversely impacted because the discussion of
4 light and space and the concept, which is
5 throughout our neighborhood and was
6 throughout our -- under the original design
7 plan is threatened.

8 Additionally --

9 MR. GLASGOW: I think you
10 answered the question. You said you do not
11 have a light and air easement. Thank you. I
12 have no further cross-examination.

13 CHAIRMAN HOOD: Okay. Thank you,
14 Mr. Glasgow. Mr. Litsky or Mr. McBee, any
15 cross-examination? Mr. DePuy or Mr. Holman,
16 any cross-examination?

17 MR. LITSKY: None, thank you.

18 CHAIRMAN HOOD: Okay. I don't
19 see Mr. Hitchcock. Mr. Hitchcock? Okay.
20 Mr. Kopp? Okay.

21 MS. RANDOLPH: I get a rebuttal
22 statement, do I not? I have one rebuttal

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1 statement to make.

2 CHAIRMAN HOOD: I'm trying to
3 think. I don't think so.

4 MS. RANDOLPH: No?

5 CHAIRMAN HOOD: No.

6 MS. RANDOLPH: Okay.

7 CHAIRMAN HOOD: No. You --

8 MS. RANDOLPH: Well, thank you
9 anyway. Most appreciated.

10 CHAIRMAN HOOD: We have your
11 testimony and we got it.

12 MS. RANDOLPH: Okay. We
13 appreciate it. Really, thank you so much.

14 CHAIRMAN HOOD: Okay. Thank you
15 all. Okay. Mr. Glasgow, if you have any
16 rebuttal or closing remarks? And about how
17 much time? I'm sure you may have some
18 rebuttal.

19 MR. GLASGOW: Yes, we do have
20 some rebuttal and we also --

21 CHAIRMAN HOOD: How much time do
22 you think you --

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1 MR. GLASGOW: I think we are
2 going to take about 10 minutes or so for our
3 rebuttal, maybe 15.

4 CHAIRMAN HOOD: Okay.

5 MR. GLASGOW: And then there will
6 be some rebuttal from Mr. Holman and Mr.
7 DePuy.

8 CHAIRMAN HOOD: Okay. About how
9 much time in total, do you think? I'm just
10 trying to --

11 MR. GLASGOW: Oh, total? What,
12 probably 20 minutes? Yes, and they will have
13 five.

14 CHAIRMAN HOOD: Okay. All right.
15 Thank you.

16 MS. RANDOLPH: We have the right
17 with Exhibit A, I believe.

18 MR. GLASGOW: Pardon me?

19 MS. RANDOLPH: We have a right to
20 my exhibit, I believe.

21 MR. GLASGOW: Yes, thank you.

22 CHAIRMAN HOOD: All right. Let

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1 me also -- I'm glad that was mentioned.
2 Thank you, thank you.

3 Mr. DePuy and Mr. Holman, I hate
4 to do this to my former colleague, they don't
5 get rebuttal. They don't get a closing
6 remark. They don't get that. Only the
7 applicant. So they may want to tell you.

8 MR. DePUY: If I can address
9 that, Mr. Chairman? Technically, the Vestry
10 of St. Augustine's church is the applicant
11 with respect to Parcel 11. It signed the
12 application as the owner. And so it is the
13 applicant with respect to Parcel 11-only.

14 We requested and obtained party
15 status, which is unusual for an applicant, I
16 will grant that, but we did --

17 CHAIRMAN HOOD: You didn't
18 represent yourself as being part. At least,
19 I didn't see it as part of the applicant.

20 MR. DePUY: No, we did not come
21 forward as the applicant.

22 CHAIRMAN HOOD: Well, you didn't-

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1 - let me just say this and you have to deal
2 with it. If you didn't represent yourself up
3 front as being part of the applicant, I'm not
4 going to let you do it on the end. I may be
5 in error, but tonight, that's the way I'm
6 going to rule.

7 So any rebuttal, you can either
8 ask Mr. Glasgow to give it for you.

9 MR. DePUY: Okay. Thank you,
10 sir.

11 CHAIRMAN HOOD: Okay. Thank you.

12 MR. GLASGOW: Okay. Our first
13 rebuttal witness, Mr. Chairman, would be --

14 CHAIRMAN HOOD: We are actually
15 going to have to wait a minute. We don't
16 have a quorum.

17 MR. GLASGOW: Oh, you don't have
18 a quorum. I see.

19 (Whereupon, at 7:58 p.m. a recess
20 until 8:01 p.m.)

21 CHAIRMAN HOOD: Okay. We can go
22 back on the record. Mr. Glasgow, and I hate

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1 to do this to my former colleague and friend,
2 why is Mr. Holman at the table? He just
3 wants to sit there?

4 MR. GLASGOW: No, he was going to
5 answer with respect to --

6 CHAIRMAN HOOD: He can't. He was
7 Mr. DePuy's -- let's not do that. Okay. He
8 was not part of the original application on
9 the front end. He did not present himself as
10 being the applicant or being a part of the
11 applicant's case.

12 They asked for party in support.

13 MR. GLASGOW: Right.

14 CHAIRMAN HOOD: So I have made my
15 ruling.

16 MR. GLASGOW: Oh, I understand
17 what you are saying.

18 CHAIRMAN HOOD: You got it.

19 MR. GLASGOW: Okay. All right.

20 CHAIRMAN HOOD: Okay.

21 MR. GLASGOW: I got it. I did

22 not --

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1 CHAIRMAN HOOD: You got that.
2 Now, Mr. Glasgow, you and I have been
3 together a long time.

4 MR. GLASGOW: Right.

5 CHAIRMAN HOOD: And I just knew
6 you weren't going to try to push that down
7 like that.

8 MR. GLASGOW: No.

9 CHAIRMAN HOOD: Okay.

10 MR. GLASGOW: I didn't understand
11 what was happening.

12 CHAIRMAN HOOD: Okay.

13 MR. GLASGOW: I apologize. I
14 didn't understand the focus of the ruling.
15 Okay. What we would like to do here with
16 respect to the rebuttal is we have -- we are
17 going to have three rebuttal witnesses or
18 two, depending upon how -- what the length
19 is.

20 Mr. Hoffman is going to be
21 testifying. Mr. VanPelt and possibly Mr.
22 Sher. And I may cover some of that in

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1 closing, just depending on how we are running
2 in time.

3 And with that, I would like to
4 start with Mr. Hoffman with respect to -- oh,
5 I'm sorry, Mr. VanPelt.

6 MR. VANPELT: All right. Thanks,
7 Chip. Good evening, Commissioners. For the
8 record, my name is Dan VanPelt with
9 Gorove/Slade Associates, Transportation
10 Planners and Engineers.

11 I just wanted to kind of quickly
12 touch on a couple things as relates to the
13 transportation.

14 One of them is the mode splits
15 that were in our analysis and the other is
16 the parking analysis that was part of the
17 transportation study.

18 Talking the mode splits first, if
19 we go back and we look at our transportation
20 report, we really looked -- took a very
21 careful look when we came up with those mode
22 splits that we used to adjust the trip

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1 generation. You know, it really took into
2 account the distance to the Metrorail
3 Stations and it took into account all the
4 other non-auto mode choices.

5 One of the big inputs that we
6 looked at was the WMATA Ridership Survey and
7 we -- that which also takes into account
8 distance to Metrorail Stations. And then we
9 also had other data that we factored in, it's
10 detailed in our report, that we looked at to
11 help come up with those mode splits that were
12 part of the trip generation analysis.

13 And then we go back and there is
14 a couple other pieces of data offered that
15 aren't necessarily in our report, but we
16 looked at the 2000 Census data and we looked
17 at the Census Tracts for the residential that
18 live around the site, there is 39 percent are
19 using transit and 61 percent are -- sorry.
20 39 percent travel alone and 61 percent are
21 using transit.

22 In our report, we assumed 35 and

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1 65, which are pretty similar.

2 If we go and we also look at the
3 2010 Commuter Connections, the survey that
4 was done by the Metropolitan Washington
5 Council Government, we looked at that. We
6 have 42 percent of employees in the District
7 are drive-alone. We assume for the office
8 that we would have about 50 percent, so we
9 have actually assumed a little bit, we think,
10 higher.

11 And going and thinking about the
12 distance to the Metrorail Stations, just a
13 couple of other things to point out that kind
14 of went into our thinking is that the
15 L'Enfant Plaza Metro Station is about a 10
16 minute walk from the center of the site. The
17 Waterfront Station is about 8 minutes.

18 But in planning, we really think
19 about a 10 minute walk as really is not a
20 long walk for residential, which a large
21 portion of the site is residential. The data
22 is showing that a 15 minute walk is even

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1 comfortable for residential, especially when
2 you consider that the L'Enfant Plaza Metro
3 Station offers, you know, access to four
4 Metrorail Stations right at the center of the
5 system, so it's one of the key stations in
6 the system.

7 So hopefully that is some helpful
8 information that would kind of relay how we
9 got to the assumptions that we did for the
10 trip generation.

11 The next thing just to touch on
12 quickly is the parking analysis and how we
13 got to the rates or the range that has been
14 presented in the application.

15 What is up on the screen here is
16 a shared-parking analysis. And what this
17 does is take into account all the different
18 uses that are -- that make up the site. Each
19 one of those colors corresponds to a
20 different use within the project.

21 The blue is residential and
22 that's is -- composes a big portion of the

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1 site, so that's why you see so much blue on
2 this graph or on this figure. But each one
3 of these uses is built in on the other. So
4 what you ultimately see at the top of that
5 curve is what the peak demand would be.

6 And what this is representing is
7 a peak weekday when there would be the
8 capacity for potentially 4,500 people at an
9 event. So this is that purple part that you
10 see towards the top is really that event.

11 And the application has about
12 2,100 to 2,600 is what we are looking for. I
13 think as we go forward and as the -- for each
14 stage, we will be revisiting what the parking
15 demand really is. And as the program gets
16 fully fine-tuned, we will be looking further
17 and fine-tuning these numbers.

18 But this is the analysis that
19 went into looking at trying to right-size
20 what we think the amount of parking will
21 likely need to be for the full project. And
22 thank you.

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1 MR. GLASGOW: I would like to
2 call the next rebuttal witness, Mr. Hoffman.

3 MR. HOFFMAN: Thank you, Chip.
4 On the screen here we have four different
5 subjects we chose based on some of the
6 questions from the other night to try to be
7 as responsive as we could.

8 One is the Wharf, second is
9 massing, the three adjoining properties, and
10 four flexibility of uses.

11 Let's start with the Wharf.
12 There were many questions about the Wharf and
13 what it does for everyone today and one
14 particular question was why lift it up? This
15 is existing condition of the Wharf today.
16 Many people walk from one end of the site,
17 which is the Titanic Memorial, all the way to
18 the fish market and back. It's an exercise
19 routine and the like.

20 And this is where they walk.
21 They walk across here. As it really lays
22 out, the travel zone to be able to walk is

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1 about 7 feet. And that's just simply because
2 of the planter boxes and the railings and the
3 other things that are in the way.

4 The other aspect of this is you
5 really are looking at a wall when you look to
6 the right going out and it bifurcates the
7 space. And what we want to do is pull it
8 together.

9 This over here simply shows as
10 you enter what is toward the fish market.
11 This is in front of Capital Yacht Club
12 currently today. Capital Yacht Club is right
13 back in here. In fact, this is Capital Yacht
14 Club's parking currently.

15 So at the -- towards the end of
16 the Wharf to go to the fish market, you have
17 to weave out into the gravel parking lot and
18 weave over that way, that's the current
19 condition.

20 Another area, and this is sort of
21 midway, this is near 7th Street Park that we
22 put some interim uses in. You can see the

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1 steps coming down. They are not accessible
2 for elderly and for handicap. It's limited
3 in its ability. And the top half of the
4 Wharf, this is over near Phillip's and you
5 can see, it has been privatized over the
6 years, so it's not even being used right now
7 currently by the public.

8 And so to give you a reason to
9 give you some insight as to what we are
10 trying to do with the current Wharf
11 configuration.

12 So the proposed Wharf, we want to
13 essentially unifying project elements. This
14 is probably one of the most important
15 elements of the entire project. It's about
16 three-quarters of a mile long. It's sort of
17 the spine of the entire waterfront. It's
18 sort of the personality of it.

19 We want to make it 60 feet wide,
20 we went through this the other day, on one
21 level, and we want to make it as flexible as
22 we possibly can. It's 20 feet wider than it

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1 currently is, because we are imposing our own
2 setback on our buildings back 20 feet from
3 the line as it currently is. And it will be
4 accessible and safe for all people.

5 We do want to have access for
6 vehicles. This is not for short-circuiting
7 Maine Avenue, kind of like what Water Street
8 is today. This is more for convenience and
9 for drop-off and the like.

10 We have -- this is a real living
11 wharf and waterfront where we need access to
12 Capital Yacht Club, Gangplank Marina. And
13 also, in the months of January and February
14 when people aren't outside so much, they can
15 drive up to those restaurants. It's real
16 important for our viability year round.

17 And of course, the Wharf, it will
18 be active programming, both passive
19 recreational and otherwise.

20 This is an image again of what we
21 are looking to provide. The first 20 foot
22 zone is more cafe tables and sort of the

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1 retail spilling out and sort of this
2 integration between the outdoors and indoors
3 to make it very interesting and -- for social
4 gathering and the like.

5 The center 20 feet is the shared
6 area where some day the trolley will come
7 through, that vehicles can come through, of
8 course, people will use it and, at times,
9 festivals at times like Cherry Blossom
10 Festival, 4th of July and other events. It
11 can easily be closed down to vehicles. And
12 all of the buildings can exist without having
13 vehicle access coming out right onto the
14 Wharf.

15 The last 20 feet is what we are
16 calling the promenade. This is a shared
17 area. This will provide a continuous flow
18 for pedestrian traffic, but it's also
19 important for us for our own vitality of the
20 retail is to animate this outer area here.
21 So we do want to have some kiosks out there,
22 some cafe tables, some trees, planters, we

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1 want to make that organic, so it's changing
2 with seasons. We are adapting it for what
3 works and the like.

4 But with common denominators, it
5 will provide unobstructed areas for
6 pedestrian flow from one end to the other.
7 And we really worked that out with the
8 Harbour Square Condominiums. In fact, in
9 their support letter, that's clearly stated
10 our commitment to do that.

11 Next. Project massing. This was
12 a big topic. And I appreciate the
13 limitations of a Stage One PUD and the
14 certainty that we are asking for, and go
15 back, please, from the Zoning Commission to
16 go forward to Stage Two, so I wanted to give
17 you a little better qualitative and more
18 quantitative. So you have -- I'm asking for
19 certainty and I'll provide certainty with
20 respect to setbacks and those sort of things.

21 And I'm hopeful that you will take that into
22 consideration.

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1 This is a portion of our model.
2 We intentionally didn't bring our model here,
3 because we didn't want it to be taken
4 literal. It is, obviously, ever-moving as we
5 work with the community, as we work with
6 tenants, as we get smarter on things. It is
7 changing, but there are constants in it and
8 that is the setbacks that I want to talk
9 about.

10 By the way, this is City Square.

11 This is over near 9th Street and Banneker
12 would be up into this corner here. This
13 would be a corner of the theater. Not to
14 compete with Arena Stage, but this is more of
15 a music venue, sports venue. Today we have
16 Kastles -- in fact, tonight we have a Kastles
17 game playing. They would be indoors here
18 inside of this and it would be laminated with
19 retail. So there is no dead zones here, you
20 know, when it is not being active.

21 And then there would be
22 residential apartments up above. We also

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1 have a big view corridor through here, which
2 I'll go into in just a little bit.

3 Let's move to the next. So
4 starting with principles. And I think we
5 mentioned this the other day, that we have
6 smaller blocks, which create shorter street
7 frontages and we have, in fact, 11 pedestrian
8 entrances to the site.

9 And we think this is important,
10 because these blocks aren't more than 245
11 feet in length, which is almost half the size
12 of a normal block.

13 So there were comments on Maine
14 Avenue, the other side of Maine Avenue by
15 some residents that there would be one linear
16 wall. And I think and what I hope to
17 demonstrate is it's really a three-
18 dimensional experience, because of the
19 openings that are coming into the streets and
20 because of the setbacks we will provide.

21 We are going to provide a variety
22 of heights and setbacks, public spaces to

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1 provide a unique pedestrian-oriented
2 environment, the building base of various
3 heights and shapes to reduce the scale of the
4 buildings.

5 This is our fourth PUD and I say
6 our, PN Hoffman's fourth PUD, over the last
7 15 years. We are used to working in
8 established neighborhoods and breaking down
9 massing. We go before HPRB. I understand
10 that. We get that. That is what we are
11 going to be providing here that is fitting.

12 The building towers will have
13 setbacks and, of course, open up for parks,
14 views and to get significant light and air.
15 And the nice thing about this, because it's
16 predominantly residential, the light and air
17 naturally fits. If this were an office park,
18 this would be big chubby buildings. And I
19 couldn't boast about the amount of light and
20 air coming through, because we couldn't
21 simply provide it, the floor plates would be
22 too thick. That's not the case for us.

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1 Next. The massing facts. This
2 is what I'm hoping to provide with some
3 certainty. The Comprehensive Plan provides
4 for a high density commercial/high density
5 residential. That is what we are dealing
6 with.

7 What we are asking for in this
8 PUD is a total of 3.19 over the overalls site
9 or 3.87 if you deduct all the streets that we
10 are taking out and providing back to the
11 public. 61 percent of our site will remain
12 open space. And unlike our friends with the
13 surrounding neighborhoods, this is not a
14 campus setting that is all private. This is
15 open to everybody.

16 So we are compatible with them,
17 but we are not copying. 21 percent of the
18 total site contains roof areas at 130 feet.
19 I think this is an important context, because
20 there has been discussion on 130 feet. About
21 one-fifth of the site actually reaches to 130
22 feet.

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1 And if you just take the roof
2 areas of the structures, and this is just
3 Parcels 1 through 9, don't add the pier,
4 don't add Parcel 11 with this discussion
5 earlier, don't add even Parcel 10, just 1
6 through 9 where it's the most dense
7 development that we placed, only 55 percent
8 of those structures actually reach to 130
9 feet.

10 The balance, 45 percent, are
11 drawn up and setback, lower roofs and the
12 like.

13 Another fact is that Parcel 9 is
14 almost 600 feet from Tiber Island hi-rise.
15 There was a comment the other day from a
16 gentleman from Tiber Island mentioning about
17 our Parcel 9 structure. And so I want to
18 call attention, that's two football fields
19 away that there is concern.

20 The Parcel 7/8 is, approximately,
21 165 feet from Waterside Towers. There was
22 someone the other day that mentioned from

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1 Waterside Towers it was one of the townhouses
2 and I'll get into this in a minute, but, you
3 know, Waterside Towers is an apartment
4 complex that really faces 6th Street and it
5 coexists with townhouses with hi-rises, that
6 was the initial design for it.

7 And the building towers above --
8 building towers will be about one to four
9 story bases throughout, will be separated
10 from one another by a minimum of 50 feet.
11 This was brought up the other day. We are
12 happy to abide by that, because that, we
13 believe, will be the minimum and we can
14 easily satisfy that.

15 The parcels will be no greater
16 than 250 feet in length, except for the
17 theater. There is one exception and that's
18 this actually right over here. This is on
19 the northwest area of the site. This block
20 is a little longer simply because we have to
21 get the theater in there. And there is no
22 other way to do it.

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1 We were able to get trucks and
2 unloading and the like into this alley area
3 here, so, again, that's out of the public
4 area. It is off the road. It's off Maine
5 Avenue and the like, but the block itself,
6 this here, is more than 250 feet.

7 However, there is a crook in the
8 road, in the Maine Avenue, if you are
9 familiar with it. So you will really only
10 perceive it as 250 feet.

11 Next. Let's look at the massing
12 on Maine Avenue. We want to maintain an
13 urban boulevard, not a suburb and boulevard.

14 And what that means is having a consistent
15 street frontage.

16 Now, we are going to break up the
17 massing, but it's a consistent street
18 frontage. The building face south of Market
19 Square will have setbacks of a minimum 12
20 feet, so that's at the base. That provides
21 us to have some trees, cafe tables. bays,
22 some programming awnings and the like without

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1 coming into public space, with having a
2 pretty generous front area. And it also
3 moves us away from the other side of Maine
4 Avenue.

5 The building frontage features
6 will have articulation above the base with a
7 change in material, design, vernacular or
8 setbacks. So we will have between one and
9 four story bases, we will be setting back.
10 That is our commitment.

11 80 percent of the buildings will
12 have these setbacks and the average setback
13 will be 6 feet. Now, some of these buildings
14 will be 20 or 10 or something, some might be
15 4 or whatever, but the average will be 6.

16 I'm careful not to get too
17 formulaic, because I don't want to stunt the
18 very creativity we want for the quality, but
19 I also understand the need for certainty and
20 the massing and how we are breaking it down,
21 at least in the macro, and we are comfortable
22 with these maximums and minimums. I think we

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1 can do something very special with it.

2 Total average, minimum setback,
3 the towers, the length of Maine Avenue is,
4 approximately, 18 feet. 12 feet on the base,
5 on the sidewalk area extending another 6 feet
6 on average up above. And from the property
7 line to the curb, we are at 36 feet. So it's
8 36 feet from the curb.

9 Next. Massing on the Wharf.
10 Open treatment of towers with buildings
11 orientation. We want to maximize views,
12 building faces to setback, in this case, 20
13 feet, as I mentioned earlier, so that we can
14 open up the area of the Wharf.

15 This provides larger pedestrian
16 areas, trees and planters, again, retail
17 awnings, bays, show windows, cafe zone,
18 enhancements for the waterside. There was a
19 lot of discussion on the pedestrian
20 experience.

21 This is going to be animated with
22 lots of retail, as well the Maine Avenue.

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1 Maine Avenue will have more neighborhood-
2 serving retail, such as the banks or a
3 clearer, those sort of things which would be
4 natural for Maine Avenue.

5 The wharf side will be more
6 cafes, eateries, that sort of thing.
7 Buildings along the Wharf will feature bases,
8 again, from one to four stories and we will
9 change material, design, vernacular, setback
10 and, in this case, 90 percent of the
11 buildings will have these setbacks, in this
12 case, will average 10 feet in depth. So the
13 setbacks are further on average.

14 Again, some will be more, some
15 will be a little less. But we would average
16 10 feet.

17 So the average minimum setback
18 for the towers and the length of the wharf is
19 30 feet from the property line. And actually
20 70 feet from the water.

21 Massing of parts of open space,
22 the -- we have significant setbacks to

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1 provide major views and one of the
2 distinctions I need to make is in the
3 Comprehensive Plan, it asks us to optimize
4 use from public spaces, not from private
5 dwellings. If we go down that road, there
6 are private dwellings all around within a
7 half-mile zone that can claim the same thing.

8 It is public spaces. We have
9 done everything we possibly could to open up
10 views for public spaces throughout.

11 This is showing, by the way, from
12 Arena Stage. If you are standing on the roof
13 of Arena Stage and looking out, this is
14 showing 7th Street as you would be looking
15 into the neighborhood, if you were out on the
16 water looking back.

17 Next. Massing with the Mews.
18 This is an area that Stan covered yesterday
19 as well. And I just want to make sure that
20 we are communicating that these spaces are
21 intended to be intimate. We are trying to
22 make different experiences throughout the

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1 entire wharf and the waterfront.

2 And some of the highest quality
3 areas are intimate and they are actually sort
4 of narrow. And this is intentional. We
5 don't want everything to be grand and big, so
6 these sort of areas are going to be tucked
7 into different areas. This is what we are
8 showing.

9 And, in fact, we are calling this
10 the grove. This is in front of what will be
11 Gangplank Marina, which the organization that
12 is there today that facilitates the docking
13 of the boats now, we are going to build them
14 a new facility, put it out on the outside of
15 the Wharf. This building we want to move
16 back off what this wharf edge would be and
17 create a grove of trees in there, that would
18 be good for picnics and again, a different
19 experience than what we have elsewhere and an
20 opportunity to tuck in these sort of Mews
21 areas.

22 This, by the way, is, I think,

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1 Parcel 7 or thereabouts. 8, okay.

2 Next. Okay. Massing on Banneker
3 Overlook. There are many individuals that
4 have said hey, push the massing to the north,
5 push the massing to the west, push it away
6 from us. And we try, but, it's -- you know,
7 we have all these competing interests and
8 this is why I say we just -- as hard as we
9 can try, we cannot fully satisfy everybody.

10 Over in this area, the concern
11 is, of course, NCPC, National Park Service
12 and Fine Arts all rolled into that. When we
13 first established our massing here, by the
14 way this is Parcel 1 and Parcel 2, this is
15 Banneker, this is where we tried to place
16 more massing. We had apartments up on top
17 that -- think of it as a donut that came out
18 and then the theater area is in the center.

19 Instead of parking up in there
20 like the Texas donut-type, we actually had a
21 theater inside. We kept the theater,
22 obviously, but what we did was we opened this

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1 up and we committed to an 80 foot view
2 corridor through there, so that you could see
3 it from Banneker, from up high.

4 You can also see through Parcel 1
5 and Parcel 2. And then we took this and we
6 shrunk this building up and we shrunk these
7 buildings up, which is over at the fish
8 market, to open up a gracious area, so that
9 you can see once again off Banneker into the
10 water.

11 Our concern was that we didn't
12 want to make it, again, too open that the
13 retail would fail or the experience would
14 fail, so we were able to work with NCPC on
15 putting a one story pavilion in here, so that
16 you could have, you know, some retail
17 animation in the middle there and warm it up
18 a little bit.

19 By the way, this is a little bit
20 bigger than the Pike's Place area in Seattle.

21 That's how we did have it. We had it this
22 large, that was the same size, so we have

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1 opened it up to -- I'm not sure of the exact
2 width, but my point is that these view
3 corridors have also been established and I
4 believe NCPC is supportive of this.

5 Now, let's talk about the
6 adjoining properties. Waterside Towers and
7 Townhomes, Arena Stage and Tiber Island
8 Condos and Cooperative and then Harbour
9 Square. I think those are the main impacted
10 properties that we have spent a lot of time
11 with.

12 And I want to also mention that
13 we have so many different entities and so
14 many different stakeholders for this project.

15 We tried to deal with the representatives of
16 each of those entities, each of those
17 stakeholders and do our very best in
18 exchanging of information and communicating
19 and working with their concerns for the
20 interest that they are representing.

21 And then we also have tried to
22 work with individuals who have come to us

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1 early on in the process. So we did our best
2 with all of those.

3 Starting with Waterside Towers, a
4 bit of context. I wish I had the plan view
5 here, I don't, but Waterside Towers, again,
6 was built years ago. It was similar to Tiber
7 Island where it is a mix of lower-rise and
8 hi-rise right next to each other. They
9 coexist.

10 And that was the plan
11 intentionally and it was an award-winning
12 plan. So this is the townhouses that someone
13 spoke about on Tuesday, I think, a hi-rise
14 literally right next to it. These townhouses
15 actually face -- the whole complex faces 6th
16 Street and it's -- they face an interior
17 courtyard, so the backs of the townhouses are
18 actually what look out onto Maine Avenue.

19 And we are actually 165 feet --
20 our closest structure is 165 feet away from
21 the nearest townhouse structure. We do not
22 cast shadows on them either.

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1 Arena Stage. Arena Stage is
2 important to us not because it's a theater,
3 because it has such a public presence. And,
4 you know, they have 1,600 seats total for all
5 three venues here. They are open six days a
6 week and this is a draw for the public.
7 There is large public sidewalks that wrap
8 around here. And, obviously, this is a big
9 impact area as far as public space is
10 concerned.

11 So views from public space, this,
12 to me, was one of the special areas that we
13 really needed to pay a lot of attention to.
14 We worked with Bing Thom. We worked with
15 Arena Stage. We actually had more than three
16 meetings. We had three meetings along just
17 with the architect. But what we ended up
18 doing was we ended up reducing our square
19 footages some and we ended up narrowing the
20 buildings.

21 In fact, this building at Parcel
22 9 is shaped like this simply to open up views

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1 from over here, so that as you walked along
2 here, it optimized the views. And what that
3 also did was render that building only for
4 residential, because, as you can see, it's
5 too narrow for an office building. We felt
6 that worked well for compatibility reasons as
7 well for the neighborhood.

8 But all these, this view corridor
9 was prescriptive and it was to optimize views
10 from public space.

11 The Tiber Island Complex. This
12 is -- these are the townhomes that are facing
13 St. Augustine's. This is the rear end of
14 these townhomes. They sit next to a hi-rise.

15 They also have a wonderful area here that
16 opens up into the garden with a tree line,
17 which, by the way, we are preserving. This
18 gives you an area right here as to where that
19 is.

20 Again, these townhomes are a mix
21 of a complex with hi-rise and townhomes
22 together throughout, not all townhouses have

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1 water views or sunsets or whatever. I
2 presume some do and some don't. But it was
3 award-winning in 1966, in fact, with a hi-
4 rise and mid-rise or low-rise adjacent to it.

5 What we want to put on this side
6 of St. Augustine is low-rise. It's moderate
7 density as called for in the Comprehensive
8 Plan instead of commercial, which is a more
9 intense use. We wanted to go residential,
10 which is a less intense use.

11 There was other reasons that
12 enabled us to solve the problem that was
13 traffic and that was brought to our attention
14 by the Tiber Island Condo president and
15 others. Most were concerned with the buses
16 and the traffic that our development would
17 cost.

18 So what this allows us to do,
19 this is the current road right now, and this
20 is over-designed. This -- buses can come
21 through here, cars come through here,
22 obviously, it is two-way. We felt what we

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1 were doing was adding an amenity by reducing
2 it and putting grass and other trees there
3 and reducing it to one-way, so that the only
4 utility purpose this would even had would be
5 to serve the residents here and the residents
6 that we would be putting there.

7 But in any event, this is the
8 current condition today. And you can see in
9 the site plan where this is. This is the
10 direct access to come into where the buses --
11 this is all parking lot right now.

12 So this was part of a plan to
13 transition to the existing neighborhood and,
14 in our view, act as a buffer from the more
15 intense development that we had to the
16 northwest to the community.

17 This shows you in the front.
18 This is now on Maine Avenue or M Street, at
19 this point, looking back where we have
20 narrowed this to one-way and traffic parking
21 on either side for residents only.

22 If opening that street back up

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1 were something that the neighborhood would
2 want, we would do that. It costs us money to
3 close this. This isn't something that we are
4 doing for any commercial benefit. We thought
5 we were doing something that would be more
6 attractive to the neighborhood.

7 It also narrows the pedestrian
8 walk going back and forth into the front.

9 This gives you an idea -- well,
10 not an idea. This gives you the specific
11 distance that our building is from the
12 existing townhomes. There -- it's 100 feet
13 away. We are actually less than 45 feet when
14 we come over here.

15 I'll show you on the next view,
16 I'll show you very quickly on the next view,
17 this is -- let me get my bearings here. The
18 area this -- on this side, which is the
19 northwest side of St. Augustine's we are
20 developing, I just showed you a view looking
21 this way, which was 100 feet from this point
22 over.

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1 We are taking our elevation from
2 this side, which is lower. And can you back
3 up one screen? You can see these are English
4 basements here. We pushed it down as far as
5 we could. I have not represented the exact
6 height. I know that it is less than 45 feet,
7 but it is less and that was the intention, so
8 that we could mitigate the height, because I
9 get that, that that is a concern.

10 Now, go forward. If you look at
11 a section view through this, you can see the
12 street. We were just looking at this view
13 right here. This is what we are looking to
14 build. This is what is existing. This is
15 the hi-rise, it's right next to it. We
16 believe that we are compatible.

17 We do have a penthouse on top, as
18 every building -- not every building, every
19 building that isn't a townhouse does. We did
20 not misrepresent that. We are limiting that
21 penthouse to 12 feet and we do want to have
22 rooftop access for gardens. We are going to

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1 have green roofs, as we are throughout the
2 development.

3 But we believe that both the
4 massing and the use is compatible with what
5 is there right now. It creates an intimate
6 setting and I think it is a buffer and it
7 protects it from some of the -- a little bit
8 more intense use that is to the north and
9 west. And it also repositions St.
10 Augustine's church for future generations.

11 This is Harbour Square. This is
12 another group that we worked with
13 successfully. We took this picture today.
14 This is from this morning looking out. This
15 picture right here is actually from this
16 existing building right here, which is
17 historic.

18 So we look back this way and this
19 is just important for context. You can see
20 the distances that this is. This is 400 feet
21 from here over. Harbour Square is the other
22 side of the trees. We do have Harbour Square

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1 support. I just wanted to give some context
2 as to what we are looking at.

3 And finally, flexibility of uses.

4 40 percent of this project is going in Phase
5 1. It's a large block of this. The
6 flexibility that we need really is for these
7 areas right in here. And this was touched
8 upon the other day and I felt it important
9 enough to come back on this and talk about
10 it.

11 This is predominantly
12 residential. Even if we put the maximum of
13 what we are proposing of office, the office
14 space would only be comprised of 42 percent
15 of this area. The rest is residential and
16 retail. Retail is going to be there whether
17 it is office or residential. It is pretty
18 much a constant.

19 But the residential at its lowest
20 point would be 530,000 square feet. And the
21 office at its highest point would be 450 and
22 that's what we are asking for.

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1 And it is really market-driven.
2 And as was pointed out, that really is two
3 buildings. You know, it's probably these
4 two, but it could be this one and this one.
5 I'm not sure right now. But what we will do
6 is we will commit to all the setbacks, the
7 heights, the massing, all the other things
8 that we are proffering.

9 So in any event, I wanted to add
10 clarity to this, hopefully, on the
11 flexibility. And that's it. Thank you.

12 MR. GLASGOW: And that concludes
13 our rebuttal testimony. We did want to make
14 sure that if the Commission had any other
15 questions for Mr. Hoffman before closing,
16 that those were addressed, so that we can
17 have as complete a record, at this point in
18 time.

19 CHAIRMAN HOOD: Okay. Thank you
20 all for your rebuttal comments.
21 Commissioners, any questions? Any questions
22 or comments? Vice Chairman Schlater?

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1 VICE CHAIRMAN SCHLATER: A
2 question. One of the issues addressed in the
3 rebuttal was these view corridors from public
4 spaces and, specifically, the view corridor
5 from M Street.

6 And I didn't notice that the one
7 graphic we have of looking down M Street is
8 pretty far back, you know, towards the Metro.

9 And you can't see it very well, but it looks
10 like, from the drawings, that the church
11 actually -- the church now is setback off of
12 M Street and Maine Avenue where that
13 intersection comes up.

14 And now, it is very prominent and
15 protrudes actually. If you look down the
16 center of the M Street axis, it pretty much
17 meets it right there at the center of that
18 right-of-way as you are looking down to the
19 west.

20 So I'm wondering what the
21 thinking was there, in terms of preserving
22 view corridors? It would appear to block

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1 half the view corridor down M Street.

2 MR. HOFFMAN: Well, I thank you
3 for bringing that up, because we did have
4 graphics -- actually, the -- where it is off
5 that view corridor more, it still comes in a
6 little bit, but not to the degree that you
7 are mentioning. That is -- actually, the
8 later drawing, it is off that. Our imagery
9 was inaccurate before and this became some of
10 the confusion with working with the ANC and
11 the like, because they brought up the very
12 point.

13 We studied that because we
14 thought why is that working like this, that
15 wasn't what our intention was.

16 VICE CHAIRMAN SCHLATER: Yes.

17 MR. HOFFMAN: And we went back
18 and realized we made some mistakes in the
19 imagery. So the latest imagery actually
20 shows it back. Well, I don't know if that
21 gives -- I wish we had one that showed a
22 longer view corridor. It does stick out

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1 some.

2 VICE CHAIRMAN SCHLATER: Yes.

3 MR. HOFFMAN: I'm not going to
4 say it doesn't stick out at all, but it does
5 stick in a little bit, but it is much less
6 than what was originally portrayed in the
7 imagery. I'm not sure if you were referring
8 to this drawing image or something else.

9 VICE CHAIRMAN SCHLATER: Yes. I
10 mean, I just put a paper up against the -- I
11 couldn't -- I don't know what the M Street
12 right-of-way is overlaid on there. And maybe
13 you can provide that.

14 MR. HOFFMAN: We are --

15 MR. GLASGOW: Yes, we can provide
16 that, Commissioner Schlater, but also we are--
17 - there is no protrusion or asking for any
18 projection into the M Street right-of-way.

19 VICE CHAIRMAN SCHLATER: Is the -
20 -

21 MR. GLASGOW: The M Street right-
22 of-way curves.

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1 VICE CHAIRMAN SCHLATER: It
2 curves.

3 MR. GLASGOW: It curves.

4 VICE CHAIRMAN SCHLATER: I
5 gotcha. But we are talking about view
6 corridors.

7 MR. GLASGOW: I understand.

8 VICE CHAIRMAN SCHLATER: Okay.
9 What the Comprehensive Plan talks about in
10 terms of preserving them.

11 MR. HOFFMAN: Commissioner, we
12 actually attached the latest image to the ANC
13 response about a week and a half ago, as we
14 were working with them on this and that would
15 be, I think, the latest drawing or image on
16 there.

17 MR. GLASGOW: We can submit that
18 for the record.

19 VICE CHAIRMAN SCHLATER: Yes,
20 okay. I mean, I have it somewhere.

21 MR. HOFFMAN: You are right.
22 There is some confusion on that. Some of the

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1 older ones show it way out into the
2 intersection.

3 VICE CHAIRMAN SCHLATER: Does
4 that create any pinch on the public space at
5 all?

6 MR. HOFFMAN: No.

7 VICE CHAIRMAN SCHLATER: I mean,
8 in terms of the sidewalk widths and what you
9 are able to do there?

10 MR. HOFFMAN: No, no. The
11 sidewalk width is actually very generous. As
12 Chip pointed out, we are not going into the
13 public right-of-way at all. It is really the
14 view corridor that we are trying to respect
15 and to optimize that.

16 So again, a small portion of the
17 church does stick out into there, but the
18 majority of that view corridor we are
19 preserving.

20 VICE CHAIRMAN SCHLATER: Okay.
21 One thing was noted in the OP report that I
22 didn't address in my questions the first time

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1 around was this below market retail
2 commitment and getting some further
3 information on what that commitment is.

4 MR. HOFFMAN: Well, the
5 commitment is a result. It's a result that
6 requires us to have 20 percent unique or
7 local retail. And, in fact, we will probably
8 exceed that, but that is our commitment is to
9 have 20 percent unique retail. We think that
10 is good all around, because --

11 VICE CHAIRMAN SCHLATER: Is that
12 six or fewer locations or what -- how are you
13 defining it?

14 MR. HOFFMAN: It's mixed. I
15 don't have it memorized, but it is prescribed
16 in the LDA, so that it is not all
17 concentrated, for instance, at the fish
18 market, you know. So there -- it's mixed
19 throughout the entire development. It is
20 laid into a merchandising plan that was
21 reviewed by the Deputy Mayor last fall. But
22 that is our commitment to those 20 percent

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1 throughout. And as I said, we will probably
2 exceed that.

3 VICE CHAIRMAN SCHLATER: Okay.
4 One of the things I was sensitive to in the
5 testimony that was given was the need for
6 benefits for southwest residents. And I saw
7 that there was a specific commitment for
8 reserving affordable housing for Arena Stage,
9 for instance. And I saw there was a specific
10 commitment for jobs for -- or contracting for
11 Ward 8 residents.

12 And I was wondering if maybe you
13 could expand upon what are the specific
14 commitments being made for Ward 6 residents,
15 specifically?

16 MR. HOFFMAN: We are -- in fact,
17 we met with David Sobelsohn, an activist
18 within the community. I met with him
19 personally two days ago and we are working
20 through that. My concerns are with the
21 affordable housing or fair housing
22 requirements. And I have said this --

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1 VICE CHAIRMAN SCHLATER: So you
2 made the commitment to Arena Stage, did you
3 not?

4 MR. HOFFMAN: What we committed
5 to was to try. It was an effort to do that,
6 that is not at closure yet. I do have
7 experience at the Mather building downtown
8 where it was limited to artists. We used Ann
9 Corbit with CDC as a clearinghouse for that,
10 because I did not want to define an artist.

11 And but there seemed to be a
12 category there that we were able to do that
13 and it was mandated by the city. So we
14 thought that may be a possibility here. So
15 we claimed and will stand by our best efforts
16 to do that with them, but we recognize that
17 that's not settled just yet. But that was an
18 artist division.

19 With respect to where someone
20 lives, currently, and getting a preference
21 over someone else where they live, that's a
22 little different matter. And we are giving

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1 best efforts to that. We would certainly
2 like to give preference to local citizens
3 within the area.

4 We did say, and I said this
5 publicly, that we could provide information
6 potentially sooner. I mean, there is things
7 practical, legal ways of maybe accomplishing
8 this without doing anything inappropriate.

9 So as you can tell by my answer,
10 it --

11 VICE CHAIRMAN SCHLATER: I
12 understand. I understand the limitation.

13 MR. HOFFMAN: -- I just can't
14 assure that just yet.

15 VICE CHAIRMAN SCHLATER: But
16 there is other issues on contracting.

17 MR. HOFFMAN: Oh, yes.

18 VICE CHAIRMAN SCHLATER: Job
19 training.

20 MR. HOFFMAN: Oh, yes.

21 VICE CHAIRMAN SCHLATER: And a
22 focus on the -- maybe the benefits of the

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1 project inuring to local residents of Ward 6.

2 MR. HOFFMAN: We definitely are
3 looking to do that. We have an intermediary
4 program or requirement as well and that
5 should be part of this. We want to get this
6 started. I have already given the city
7 \$250,000 towards that. And to be honest, I'm
8 not sure that that has been utilized just
9 yet.

10 I have three-quarters of a
11 million left on our commitment that we will
12 honor and we look forward to putting that
13 into a program, so that we can do this very
14 item.

15 We looked at one infrastructure
16 that is in place. I am on the board of the
17 Cardozo-Shaw Trades Academy. Those young
18 adults don't necessarily come from Cardozo.
19 They could come from Ward 6. I'm trying to
20 find an infrastructure that would actually
21 make this happen, as opposed to, to be
22 honest, a lot of people meeting and talking

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1 and task forces and some day something
2 happening.

3 So, you know, that is a
4 commitment that we have and we do want to
5 concentrate it in Ward 6. I think there are
6 a lot of apprenticeship opportunities. We
7 have actually already hired somebody from the
8 neighborhood as our first employee actually,
9 I think, that helps us. He is working
10 tonight, because we have a Farmer's Market
11 going on.

12 VICE CHAIRMAN SCHLATER: Great.
13 I raised other issues during the hearing, but
14 I think for now, I don't have any further
15 questions. Thank you.

16 CHAIRMAN HOOD: Thank you.
17 Commissioner Turnbull?

18 COMMISSIONER TURNBULL: I just
19 have a couple. Getting back to the church on
20 the corner of the building, is that -- I'm
21 looking on 5.25, which is the overall aerial
22 view of the development, which again it's

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1 hard to get a feel. I mean, it's generic.
2 We are looking at a cartoon right now.

3 MR. HOFFMAN: Yes.

4 COMMISSIONER TURNBULL: But it
5 looks like the church would be about still,
6 without the penthouses going around, about
7 three to four stories. So I'm wondering, is
8 this not only a worship space, but some
9 administrative office space above it or I
10 don't know what the program is and maybe that
11 hasn't been roughed out yet.

12 MR. HOFFMAN: I'm not qualified
13 on the specifics with the church. I do
14 believe that the church not only has a very
15 active, obviously, religious purpose, but
16 also serves the community today and wants to
17 position itself to serve the community
18 tomorrow. And there are discussion on food
19 programs, on meetings, inexpensive spaces for
20 nonprofits.

21 COMMISSIONER TURNBULL: Sure.

22 MR. HOFFMAN: That's common to

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1 gather and meet. So I know that is part of
2 their programming. I'm not intimate with the
3 specifics on it though.

4 COMMISSIONER TURNBULL: Okay.
5 Now, all of the discussions we have had
6 architecturally and planning have been with
7 Mr. Eckstut, who is the master planner. Now,
8 as you get into the different parcels, are
9 you going to be -- is Stand the overall? Are
10 you going to have separate architects
11 involved in the different parcels?

12 MR. HOFFMAN: We will have
13 separate architects. I think the worst
14 mistake we could make is have this building
15 one homogeneous style looking contrived and
16 in some cases we have spent so much time on
17 the designs, we are actually almost de-
18 engineering some of that, because we don't
19 want it to look so perfect.

20 COMMISSIONER TURNBULL: Okay.

21 MR. HOFFMAN: There will be
22 multiple architects involved.

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1 COMMISSIONER TURNBULL: I think
2 that will be -- yes. I think that's smart.
3 I guess the other thing is I haven't heard,
4 now, again, maybe I didn't go back through
5 the list, but, is the ANC asking for any
6 space in the project? I mean, maybe that was
7 in there and I didn't catch it.

8 MR. HOFFMAN: Yes, they are. And
9 we are happy to provide it for them. We did
10 this very thing in Tenley Hill in Northwest
11 with the ANC there and that has been going on
12 11 years now.

13 COMMISSIONER TURNBULL: Yes.

14 MR. HOFFMAN: They are using the
15 space. They have an office. And so we are
16 very experienced with that.

17 COMMISSIONER TURNBULL: It's
18 quite typical.

19 MR. HOFFMAN: Yes.

20 COMMISSIONER TURNBULL: We have
21 had a lot of PUDs.

22 MR. HOFFMAN: So, yes, happy to

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1 do it.

2 COMMISSIONER TURNBULL: Okay.

3 Thank you.

4 CHAIRMAN HOOD: Okay. Mr.
5 Hoffman, let's talk about Pier 4. What's
6 happening there? What's going on with Pier
7 4? I think Harbour Square folks represented
8 they would rather not see any buildings or
9 they had an issue. What's going on with Pier
10 4?

11 MR. HOFFMAN: Mr. Chair, I think
12 that actually came from the ANC verbiage. I
13 think we have the support from Harbour Square
14 and that in fairness to the ANC, that
15 occurred after that was written in the ANC
16 memo.

17 With respect to Harbour Square,
18 we did work with them. We -- one of the
19 macro changes we want to make is we want to
20 make that into a park.

21 Currently -- Shawn, can you go to
22 a slide somewhere in there that shows the

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1 parking lot?

2 Currently, the parking lot there
3 is an annoyance to the neighborhood and buses
4 park in there, cars park in there. So the
5 dinner boats are coming off Pier 4 right now.

6 You have the Spirit of Washington, the --
7 and there is two smaller boats, I think
8 Spirit of Mt. Vernon goes into there as well
9 and the -- it's a smaller one, but the dinner
10 boats that go in and out of there.

11 What we want to do is move those
12 dinner boats further to the north and west
13 and we want to take the parking lot that is
14 there right now, you can see upper left hand
15 corner, remove that and put into -- a park
16 right in there.

17 And to do that, we really need to
18 move that commercial activity out of there.
19 And what we want to do there is, since there
20 is already structure on that pier, put
21 residential. Again, we think that is the
22 most compatible use, the least intense use.

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1 It will be homeownership, not rental. People
2 will have a vesting in that community that
3 are looking at that park as well. So it's
4 not, you know, empty at hours in the morning.

5 And we are only talking about 28
6 residences in there. In fact, there might be
7 a little less now because we reduced the
8 height of the buildings as a concession to
9 Harbour Square to gain their support.

10 So anyway, we think residential
11 is a very good compatible use. There is
12 already structure on the pier. We are not
13 making the pier any longer or anything for
14 that residential use. And we are moving the
15 commercial activity to the north and west
16 where it is more compatible with some of the
17 others. It's M Street Landing where there is
18 more people and chaos, if you will.

19 CHAIRMAN HOOD: Also, I think
20 the, I'm trying to remember from Monday
21 night, CBCC asked to be named. I don't know
22 whether it was -- I forget whether it was a

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1 work group or whatever it was, they asked to
2 be named. And did we have a problem with
3 that?

4 MR. HOFFMAN: I don't have a
5 problem. I mean, I don't know what their
6 vesting is in relationship to the ANC. My
7 only concern is having counter-purposes with
8 the ANC and some of the groups that are
9 vesting that we are working with.

10 To the extent that there is no
11 counter-purpose, I have no problem, you know,
12 talking with them and trying to work with the
13 group. I'm not as familiar with them.

14 CHAIRMAN HOOD: I think this was
15 because they expressed to us, at least the
16 Commission, that they had the knowledge of
17 how to get jobs and I think necessities for
18 those folks who live in Ward 6. I believe
19 that's what they represented. I would have
20 to go back and check.

21 MR. HOFFMAN: And they could be
22 of some help, I would love to work with them.

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1 CHAIRMAN HOOD: Okay. The last
2 question. You heard tonight from the 6th
3 Street Homeowners on Parcel 11. What's going
4 on with that? Have you had discussions with
5 them?

6 MR. HOFFMAN: We did meet. We
7 met three times. I'm not sure. We met much
8 more with the Tiber Island Condo Co-Op Board
9 and President, that's -- you know, we did --
10 the result today was not from working in a
11 vacuum and just throwing it on people.

12 This was a result of working with
13 the board and president on accomplishing what
14 we have, that's the narrowing of the street,
15 the height of the buildings, the facades, the
16 things that -- where we moved the -- and I
17 didn't go over this, but we moved the parking
18 entrance in and out is on the opposite side
19 of M, so that there is no car activity in
20 front of them.

21 And it was only recently that we
22 heard of the individual homeowner there that

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1 expressed their concern to us. And, you
2 know, to that end, we have actually modified
3 our approach about, you know, as far as we
4 could go on it and we did look at the height
5 on that. As I mentioned, we are taking the
6 height from the lower side of the street. We
7 are not playing a game of going to the high
8 part and, you know, saying 45 and it's really
9 50 or whatever, that it is probably closer to
10 41 feet as it -- across the street from those
11 neighbors.

12 And that's where we left it, to
13 be honest.

14 CHAIRMAN HOOD: Mr. Glasgow, I
15 know this is the First-Stage and you are
16 still trying to massage and really narrow
17 down what you are going to do with Parcel 11
18 and everything. I still would like to see,
19 because we are basically giving rights to
20 say, okay, this is the height or this is how
21 we are going to change the zoning, if I'm
22 part of the 6th Street -- standing in the 6th

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1 Street homes, I would like to see something.

2 What kind of view would I be
3 looking at? What will I see if I'm on the
4 6th Street side? And actually, while I know
5 you will say well, we will do more of that in
6 the Second-Stage, I want to see this now,
7 because we are approving quite a bit of what
8 actually may happen on that particular
9 parcel.

10 MR. GLASGOW: Yes. We can give a
11 depiction. Mr. Chairman, you want sort of
12 like a front-on elevation or a perspective?

13 CHAIRMAN HOOD: A perspective.

14 MR. GLASGOW: Okay.

15 CHAIRMAN HOOD: If I'm looking --
16 just if I'm standing on the side of where the
17 6th Street Homeowners are, if I'm in their
18 yard, per se, I won't say go as far as their
19 living room, because you might have to go in
20 there, but if I'm in their backyard or
21 whatever, side yard or whatever that is, if
22 I'm in their area looking that way, what

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1 would I see?

2 MR. GLASGOW: All right. I don't
3 -- we don't have a perspective straight-on.
4 We do have a view down the street, because
5 what we wanted to show the Commission Members
6 is the height that we were proposing is,
7 essentially, the height of their buildings,
8 that's that view.

9 CHAIRMAN HOOD: Yes, that doesn't
10 do it for me.

11 MR. GLASGOW: I hear you.

12 CHAIRMAN HOOD: Okay.

13 MR. GLASGOW: I hear you.

14 CHAIRMAN HOOD: That doesn't help
15 me.

16 MR. GLASGOW: We will get
17 something in for the record on that, so you
18 can see that. But you can see that our
19 intent is that on one side of 6th Street and
20 on the other side of 6th Street, the
21 buildings are, essentially, the same height.

22 CHAIRMAN HOOD: Okay.

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1 MR. GLASGOW: All right. Which
2 is similar when we were hearing the testimony
3 about the R-3 Zone, which is we took that
4 into account, too, when we were hearing the
5 questions and so we sort of kept it. You've
6 got R-3-type of height. If you had R-3 row
7 dwellings go down the street, this would be
8 your height. It's 40 feet.

9 Mr. Hoffman was saying they
10 measured on the low side of the height side
11 and, in fact, in R-3, you measure to the --
12 the 40 feet goes to the underside of the
13 ceiling of the top story. If you had a
14 pitched roof or something, it would be
15 taller.

16 CHAIRMAN HOOD: So am I looking
17 from the 6th Street homes in this view?

18 MR. GLASGOW: No. You are
19 looking down 6th Street.

20 CHAIRMAN HOOD: Okay.

21 MR. GLASGOW: Okay. Their homes
22 are on the left hand side and the proposed is

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1 on the right hand side.

2 CHAIRMAN HOOD: Right side.

3 MR. GLASGOW: And because of the
4 number of trees that are being retained,
5 because we were told that retaining the trees
6 there is very important, you can see there is
7 a lot of buffering and there is a lot of
8 right then and there because of the trees.
9 And then also we made sure that we had 100
10 foot setback, that there is a 100 foot
11 separation building line to building line.

12 CHAIRMAN HOOD: I really just
13 would like to see just one photo if I'm
14 standing in the 400 Block, like I think the
15 address is 462, 458.

16 MR. GLASGOW: Right. But just
17 right across the street looking at --

18 CHAIRMAN HOOD: Right. Looking
19 at the --

20 MR. GLASGOW: -- the pattern.

21 MR. HOFFMAN: Mr. Chairman, we
22 can provide that. I think we have got enough

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1 information in the computer. We will just
2 move it around. I think we can show that.

3 CHAIRMAN HOOD: That will be very
4 helpful. And I'll tell you, I didn't want to
5 ask you that, because I will tell you this,
6 it was very well-done. I was able to see
7 just about everything I wanted to see, except
8 for that. So as far as I'm concerned, this
9 book is very well-done.

10 COMMISSIONER TURNBULL: Mr.
11 Chair? Mr. Chair, just to clarify what you
12 want. I wonder if the applicant could put up
13 page 5.8, which shows Parcel 10 and 11
14 adjacent to the property?

15 MR. HOFFMAN: Yes. Shawn, can
16 you get that on there?

17 MR. SEAMAN: Yes.

18 MR. HOFFMAN: Okay.

19 MR. SEAMAN: There you go.

20 MR. HOFFMAN: There.

21 COMMISSIONER TURNBULL: M Street
22 is at the bottom of the picture and you have

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1 got 6th Street going up next to the building.

2 Are you looking for a view from that end
3 unit down M Street by the church or are you
4 looking or do you want a view looking 6th
5 Street up to the Waterfront Park? Are you
6 looking down? I think you are talking about
7 M Street looking at the church and the
8 building, but I'm not sure or do you want
9 both?

10 CHAIRMAN HOOD: I'm going to
11 phrase it like this. Whatever the 6th Street
12 Homeowners, because they are on M Street and
13 they are on 4th Street, I'm confused, but I
14 just want the back of the 6th Street
15 Homeowners who are a party --

16 COMMISSIONER TURNBULL: They can
17 do it -- they can do a couple. I mean --

18 CHAIRMAN HOOD: Now, if you --
19 well, I just want to see what the 6th Street
20 Homeowners --

21 MR. GLASGOW: Mr. Chair? Maybe
22 you can just point it to me and then we will

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1 do it.

2 CHAIRMAN HOOD: Okay. Now, here
3 is my only issue.

4 MR. GLASGOW: Okay.

5 CHAIRMAN HOOD: 6th Street
6 Homeowners have explained that they are on M
7 Street. Their address is on M Street, but I
8 think the back of their homes is on 6th
9 Street. Okay. So I --

10 MR. GLASGOW: That would be --

11 CHAIRMAN HOOD: -- want to be in
12 the back of their home on 6th Street looking
13 towards Parcel 11.

14 MR. GLASGOW: Right. Okay.

15 MR. HOFFMAN: Do you want a pen?

16 CHAIRMAN HOOD: Right. So
17 whatever gets me there, that's where I need
18 to be.

19 MR. HOFFMAN: Okay.

20 CHAIRMAN HOOD: Sure, sure.

21 MR. HOFFMAN: Okay. Thank you.

22 MR. GLASGOW: Okay. From what I

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1 understand -- I need a mike.

2 CHAIRMAN HOOD: You need to be on
3 a mike. Now, Mr. Turnbull, if you want to
4 ask him something else?

5 MR. GLASGOW: Mr. Chairman, what
6 I understand is that you are asking us, here
7 is the 6th Street homes and that we would
8 take a view like this, so we are looking down
9 like from here across and down.

10 CHAIRMAN HOOD: That's exactly
11 what I'm asking for.

12 MR. GLASGOW: That approach.

13 CHAIRMAN HOOD: But if we want
14 both, let's ask for it. That's the only one
15 I want.

16 MR. GLASGOW: Right.

17 VICE CHAIRMAN SCHLATER: I don't
18 know if you have the information in the
19 computer or how hard it is to provide, but I
20 think it would also be interesting to see
21 what an R-3 building built matter-of-right
22 across the street would look like.

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1 CHAIRMAN HOOD: That's good, Vice
2 Chair. I would agree. Let's do that.

3 MR. GLASGOW: All right.

4 CHAIRMAN HOOD: Let's see what
5 the R-3 and all what you are proposing.

6 MR. GLASGOW: Right.

7 CHAIRMAN HOOD: See what it looks
8 like.

9 MR. GLASGOW: We're happy to do
10 that.

11 MR. HOFFMAN: Right.

12 MR. GLASGOW: Do you want it in
13 plan and in perspective?

14 CHAIRMAN HOOD: What do we -- you
15 all are the experts.

16 MR. GLASGOW: Just perspective?

17 CHAIRMAN HOOD: Just --

18 MR. GLASGOW: Just the massing?

19 CHAIRMAN HOOD: Yes.

20 MR. GLASGOW: All right.

21 CHAIRMAN HOOD: So we asked for
22 what is matter-of-right and also the 5-B. I

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1 won't ask for A, because that's not what they
2 proposed. Okay. Anything else?

3 All right. Do we have some
4 closing dates? Oh, cross-examination. Okay.

5 Mr. Litsky or Mr. McBee, do you have any
6 cross on rebuttal?

7 MR. LITSKY: No.

8 CHAIRMAN HOOD: Okay. Mr. DePuy,
9 do you have any cross on rebuttal? Again,
10 Mr. Hitchcock is not here. Mr. Kopp is not
11 here. Ms. Randolph, do you have any cross on
12 rebuttal?

13 MS. RANDOLPH: No, thank you. I
14 have appreciated being here. Thank you.

15 CHAIRMAN HOOD: Okay. Thank you.
16 Okay. Do we need some dates? Ms. Schellin?

17 MS. SCHELLIN: Yes. Do we want
18 to go over the list just to make sure? I
19 know that they did some rebuttal, but just to
20 make sure that -- I know I was out and they
21 may have covered some of the things, but just
22 to make sure that we are clear on exactly

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1 what we are looking for and what the record
2 is actually open for.

3 CHAIRMAN HOOD: Okay. Yes.

4 MS. SCHELLIN: Commissioner
5 Schlater had mentioned and they may have
6 covered this, the breakdown of the mode
7 splits, how many people they think will take
8 the Metro and the comparison of the modes,
9 that they actually cover that.

10 VICE CHAIRMAN SCHLATER: I think
11 it was addressed.

12 MS. SCHELLIN: It was addressed?

13 VICE CHAIRMAN SCHLATER: But --

14 MS. SCHELLIN: Okay.

15 VICE CHAIRMAN SCHLATER: No.

16 MS. SCHELLIN: No?

17 VICE CHAIRMAN SCHLATER: But not
18 sufficiently. So to the extent that you can
19 look at other projects and compare those mode
20 splits against that.

21 MS. SCHELLIN: Okay.

22 VICE CHAIRMAN SCHLATER: I think

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1 that would be helpful --

2 MS. SCHELLIN: Okay.

3 VICE CHAIRMAN SCHLATER: -- to
4 just understanding it in context of other
5 projects.

6 MS. SCHELLIN: All right. And
7 are you still looking for the timing to be
8 tied down a little more instead of open-
9 ended?

10 VICE CHAIRMAN SCHLATER: Yes. I
11 think that can be -- yes, I would like more
12 information on that.

13 MS. SCHELLIN: And Commissioner
14 Hood asked the applicant to respond to
15 Exhibit 40, which was the letter submitted by
16 Stacy, I believe it was, Braverman, it's
17 Exhibit 40. And then there were several
18 items that Commissioner Hood read into the
19 record that Commissioner May had asked for.
20 I'm not going to reread those, because that
21 list was quite long.

22 The ANC asked that they be

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1 allowed to submit a supplemental report
2 because they had some, I believe, most
3 meetings with the applicant after they had
4 taken an official position, so they may want
5 to have another meeting and revisit, may or
6 may not reconsider some outstanding issues.

7 So if we could leave the record
8 open for them to --

9 CHAIRMAN HOOD: Is that who --
10 they asked for the record to be left open,
11 right?

12 MS. SCHELLIN: They did.

13 CHAIRMAN HOOD: When will we
14 possibly take this up?

15 MS. SCHELLIN: September 12th.

16 CHAIRMAN HOOD: And I think that
17 falls in line with Mr. Litsky. I'm looking
18 at you, Mr. Litsky, does that fall in line
19 with your meeting, your regular monthly
20 meeting? You will be able to --

21 MS. SCHELLIN: They will meet I
22 think --

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1 MR. LITSKY: We meet on the 12th.

2 CHAIRMAN HOOD: Meet on the 12th.

3 MS. SCHELLIN: -- at special
4 meeting.

5 CHAIRMAN HOOD: Oh, you're going
6 to have a special meeting.

7 MS. SCHELLIN: Yes.

8 CHAIRMAN HOOD: Okay. Because I
9 know ANCs and civic associations usually take
10 July and August.

11 MS. SCHELLIN: Right. They said
12 they would hold a special meeting.

13 Then tonight Commissioner
14 Schlater asked that the M Street right-of-way
15 be overlaid showing the view corridor. Okay.

16 And then the last thing that Mr. Hood asked
17 for was the perspective view from 6th Street
18 Homeowners' backyard and what an R-3 matter-
19 of-right building would look like, also.
20 Those are the last or the only items that I
21 have. I don't know if Mr. --

22 CHAIRMAN HOOD: Is there anything

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1 else?

2 MS. SCHELLIN: -- Glasgow wants
3 to add to the list.

4 CHAIRMAN HOOD: Do you have
5 anything else, Mr. Glasgow, that we missed?

6 MR. GLASGOW: I'm checking with
7 Ms. Brown, also, if I can for a second.

8 CHAIRMAN HOOD: Okay.

9 MR. GLASGOW: With respect to Mr.
10 May's comments, we tried to answer a number
11 of those and I guess what we will do is we
12 will in summary fashion, because there were a
13 number of them that were asked at the
14 hearing.

15 MS. SCHELLIN: I can go down the
16 list, if you would like.

17 MR. GLASGOW: No. We've got the
18 list.

19 MS. SCHELLIN: It's not that
20 long.

21 MR. GLASGOW: I think we have got
22 the list.

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1 MS. SCHELLIN: Okay.

2 MR. GLASGOW: We can coordinate
3 that part with you.

4 MS. SCHELLIN: Okay.

5 MR. GLASGOW: But we thought we
6 answered a number of those at the hearing.
7 We can -- we will coordinate with you on
8 that.

9 MS. SCHELLIN: Okay.

10 CHAIRMAN HOOD: Well, I think
11 when he reads the transcript over the summer,
12 he will know whether or not they have been --
13 if you answered some. I don't know if we
14 want to do it that way and then let him say -
15 - let Ms. Schellin know that they are not
16 answered.

17 VICE CHAIRMAN SCHLATER: I think
18 you are better off just specifically
19 addressing them.

20 MR. GLASGOW: Each --

21 VICE CHAIRMAN SCHLATER: In
22 writing.

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1 MR. GLASGOW: Yes, each one or
2 say that this is where it was in the
3 transcript, right, at the hearing.

4 CHAIRMAN HOOD: Okay.

5 MR. GLASGOW: That's fine. We
6 will list them all and then provide a
7 response.

8 MS. SCHELLIN: Okay.

9 CHAIRMAN HOOD: Okay.

10 MS. SCHELLIN: Again, I can email
11 them to you, too, if you would prefer. Just
12 let me know. You'll remind me on Monday,
13 because I'll forget.

14 MR. GLASGOW: Yes, to email them
15 there, that would be good in case --

16 MS. SCHELLIN: Yes.

17 MR. GLASGOW: -- we didn't write
18 them down the same way that --

19 CHAIRMAN HOOD: Okay.

20 MS. SCHELLIN: Okay. All right.
21 You will have to remind me, because I'm not
22 here on Fridays. All right.

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1 MR. GLASGOW: Okay.

2 CHAIRMAN HOOD: Anything else?

3 MS. SCHELLIN: That would be it.

4 VICE CHAIRMAN SCHLATER: One
5 thing. There is a couple of things. Just in
6 general on the overall site plan and massing,
7 this issue of sort of how the Maine Avenue
8 facade is viewed, I mean, has been brought up
9 a couple of times. And I think Mr. Hoffman
10 addressed it well today.

11 But one thing that might be
12 helpful is just to get an elevation for the
13 length of Maine Avenue, so that we
14 understand, you know, the relationships of --
15 you know, if we are looking at from Maine
16 Avenue and we are looking at the street wall
17 to see -- you know, based on the number and
18 width of the alleys and Mews going through
19 them, what is that going to look like from a
20 massing standpoint?

21 I think that would be helpful in
22 evaluating whether these setbacks and Mews

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1 and alleys have, you know, appropriately
2 addressed that issue, because there are some
3 lingering concerns on my part, at least, as
4 you have got, you know, a row of 130 foot
5 buildings right there on Maine Avenue and it
6 could -- I don't know, you know, it's one
7 building after another.

8 And I'm not sure what you can do
9 to break that down, if it's just small, even
10 if it -- you know, 50 foot openings with 130
11 foot buildings can be pretty imposing. So I
12 would just like to see it from an elevation
13 standpoint, and I think that would help
14 understand how it works a little bit better.

15 MR. GLASGOW: That would be part
16 of the --

17 MR. HOFFMAN: That will be part
18 of our package to submit.

19 MR. GLASGOW: Right, yes.

20 VICE CHAIRMAN SCHLATER: Okay.

21 CHAIRMAN HOOD: All right.

22 Anything else?

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1 COMMISSIONER TURNBULL: Well,
2 just I haven't gone through it. We had, in
3 our package tonight, a response to -- I think
4 it dealt with the gentleman who had his boat
5 and came up the channel. And I haven't gone
6 through that, but I think it addresses
7 everything regarding a visiting ship that
8 comes up the channel.

9 And I didn't take enough notes on
10 what he was really getting at with his -- I
11 think he had a 40 foot, but I think in the
12 literature we got tonight that what we are
13 looking at is accommodating 60, is that --

14 MR. GLASGOW: That's correct.
15 Boats up to 60 feet.

16 COMMISSIONER TURNBULL: Up to 60
17 feet. And I don't know what the number is
18 that come up per year. Do we know how many
19 visiting ships come up? I mean, you usually
20 got to call in advance anyway and you just
21 don't bring the Black Pearl up and say I need
22 to dock here.

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1 MR. GLASGOW: Also, Commissioner,
2 there was a 500 foot turning radius that was
3 provided toward the northwest part in the
4 channel.

5 COMMISSIONER TURNBULL: Okay.

6 MR. GLASGOW: And then we had the
7 mooring piece --

8 COMMISSIONER TURNBULL: Piece.

9 MR. GLASGOW: -- on the south
10 side and then you had all the docks that were
11 on the side toward the development.

12 COMMISSIONER TURNBULL: Right.
13 Like I said, we just -- I just saw it tonight
14 for the first time, so just scanning it
15 briefly, it looked like it satisfied all of
16 those questions, but we may want to come back
17 and just make sure that it is covered.

18 VICE CHAIRMAN SCHLATER: My
19 memory is now being jogged from the hearing
20 the other night, because I remember some of
21 the other issues.

22 One of them was the greening of

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1 the site. So we have a lot of hardscape out
2 there. I think it was Mr. Seaman who said
3 that there were maybe some better images
4 available to talk about the landscape plan
5 for the site and get a better understanding
6 for, you know, the greening of that area.

7 And I don't need it tonight, but
8 if you can just submit that, too, in to the
9 record?

10 CHAIRMAN HOOD: Okay. Anything
11 else? Okay. Ms. Schellin, is everything in
12 order? Are we all on the same page?

13 MS. SCHELLIN: I need to give
14 some dates.

15 MR. GLASGOW: No closing
16 statement.

17 CHAIRMAN HOOD: Oh.

18 MS. SCHELLIN: Okay.

19 CHAIRMAN HOOD: You have no
20 closing statement. Okay. I thought you
21 might have asked for a Bench decision. Okay.

22

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1 MR. GLASGOW: That would be bold.

2 CHAIRMAN HOOD: All right. Okay.

3 I want to thank everyone for --

4 MS. SCHELLIN: I would like to
5 give some dates, please.

6 CHAIRMAN HOOD: Sure.

7 MS. SCHELLIN: If we could have
8 the additional filings, the specific requests
9 only, and the record would be closed to
10 everyone else and everything else, other than
11 the specific requested documents only, they
12 would be due by 3:00 p.m. August 26th and
13 responses from the parties only would be due
14 by 3:00 p.m. September 2nd. And we can place
15 this on the Commission's September 12th
16 agenda for consideration.

17 Draft findings of fact and
18 conclusions of law from the parties would be
19 due also by 3:00 p.m. September 2nd. We
20 would ask if you do provide those, that you
21 provide them in hard copy and you also email
22 me a courtesy Word copy, MS Word. Thank you.

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1 CHAIRMAN HOOD: All right. Is
2 that it? All right.

3 I want to thank everyone for
4 their participation in this hearing. And we
5 will take this up some time, I believe, in
6 September.

7 So with that, this hearing is
8 adjourned.

9 (Whereupon, the Public Hearing
10 was concluded at 9:10 p.m.)
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