

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

ZONING COMMISSION

+ + + + +

PUBLIC HEARING

+ + + + +

THURSDAY

FEBRUARY 8, 2007

+ + + + +

The Public Hearing of the District of Columbia Zoning Commission convened in Room 220 South, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice, at 6:30 p.m., Carol J. Mitten, Chairperson, presiding.

ZONING COMMISSION MEMBERS PRESENT:

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

OFFICE OF ZONING STAFF PRESENT:

SHARON S. SCHELLIN Secretary

OFFICE OF PLANNING STAFF PRESENT:

JENNIFER STEINGASSER
KAREN THOMAS

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D.C. OFFICE OF THE ATTORNEY GENERAL:

SHERRY GLAZER, ESQ.
LORI MONROE, ESQ.
MARY NAGELHOUT, ESQ.
ALAN BERGSTEIN, ESQ.

This transcript constitutes the minutes from the Public Hearing held on February 8, 2007.

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C-O-N-T-E-N-T-S

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

2 (6:36 p.m.)

3 CHAIRPERSON MITTEN: Good evening,
4 ladies and gentlemen. This is a public
5 hearing of the Zoning Commission of the
6 District of Columbia for Thursday, February 8,
7 2007.

8 My name is Carol Mitten, and
9 joining me this evening are Vice Chairman
10 Anthony Hood, and Commissioners Mike Turnbull,
11 John Parsons, and Greg Jeffries.

12 The subject of this evening's
13 hearing is Zoning Commission Case Number 06-
14 36, and this is a request by ANC-1A for
15 amendments to Title 11 of the District of
16 Columbia Municipal Regulations, which are the
17 zoning ordinance, and to rezone various
18 properties from the R-5-B zone district to the
19 R-4 zone district.

20 Notice of today's hearing was
21 published in the D.C. Register on October 13,
22 2006, and copies of that hearing announcement

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1 are available to you, and they're in the wall
2 bin by the door.

3 This hearing will be conducted in
4 accordance with the provisions of 11 DCMR
5 Section 30.21, and these are the order of
6 procedure for rulemaking cases. First, we'll
7 take up any preliminary matters. Then, we'll
8 have the presentation by the petitioner, which
9 is ANC-1A. Then, we'll have the presentation
10 by the Office of Planning, any other
11 government agencies that are represented, and
12 we'll have organizations and persons in
13 support, and organizations and persons in
14 opposition.

15 The following time constraints
16 will be maintained in the hearing. The
17 petitioner will have 20 minutes, organizations
18 will have five minutes, and individuals will
19 have three minutes. The Commission intends to
20 adhere to these time limits as strictly as
21 possible in order to hear the case in a
22 reasonable period of time.

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1 The Commission reserves the right
2 to change the time limits for presentations if
3 necessary, and notes that no time shall be
4 ceded.

5 All persons appearing before the
6 Commission are to fill out two witness cards.

7 They look like this, and they are on the
8 table by the door. Upon coming forward to
9 speak to the Commission, please give both
10 cards to the Reporter who is sitting to our
11 right.

12 Please be advised that this
13 proceeding is being recorded by the Court
14 Reporter and is also being webcast live.
15 Accordingly, we ask you to refrain from making
16 any disruptive noises in the hearing room.

17 When presenting information to the
18 Commission, we ask you to take a seat at the
19 table and then turn on and speak into the
20 microphone, first stating your name and
21 address. When you're finished speaking, we
22 ask you to turn the microphone off, because

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1 they tend to pick up background noise.

2 The decision of the Commission in
3 this case must be based on the public record.

4 And to avoid any appearance to the contrary,
5 the Commission requests that persons present
6 not engage the members of the Commission in
7 conversation during a recess or at any other
8 time. And Mrs. Schellin will be available
9 throughout the hearing to answer any
10 procedural questions that you might have.

11 Please turn off all beepers and
12 cell phones at this time, so as not to disrupt
13 the hearing. And now we'll take up any
14 preliminary matters, and I know there is one.

15 We need to waive the time -- we have a
16 request to waive the time to file the
17 affidavit of posting. It has been filed now
18 this evening by the ANC, and I would move that
19 we waive the time for filing the affidavit.

20 COMMISSIONER PARSONS: Second.

21 CHAIRPERSON MITTEN: Any
22 discussion?

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1 (No response.)

2 All those in favor, please say
3 aye.

4 (Chorus of ayes.)

5 Any opposed?

6 (No response.)

7 Mrs. Schellin?

8 SECRETARY SCHELLIN: Staff will
9 record the vote five to zero to zero to
10 approve the request for the waiver of untimely
11 filing, Commissioner Mitten moving,
12 Commissioner Parsons seconding, Commissioners
13 Hood, Turnbull, and Jeffries in favor.

14 CHAIRPERSON MITTEN: Thank you.
15 Any other preliminary matters, Mrs. Schellin?

16 SECRETARY SCHELLIN: No.

17 CHAIRPERSON MITTEN: Any
18 preliminary matters?

19 MS. THEISEN: Just a question. I
20 notice these other microphones are on. Shall
21 I turn them off?

22 CHAIRPERSON MITTEN: That would be

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1 great. Thank you. That's good. Thank you.
2 Now we're ready for your presentation.

3 MS. THEISEN: Thank you. Good
4 evening, Madam Chair, and members of the
5 Zoning Commission. My name is Anne Theisen.
6 I live at 1514 Monroe Street, N.W. in the
7 Columbia Heights Neighborhood of the District
8 of Columbia. I'm also ANC Commissioner for
9 single member district 1A05, which is within
10 the petition area, and Vice Chair of ANC
11 Commission 1A.

12 I am here representing ANC-1A, and
13 I appreciate the opportunity to appear before
14 you this evening to offer the ANC's testimony
15 in support of Zoning Commission Case 06-36.

16 I just want to point out a couple
17 of things. This presentation -- Powerpoint
18 presentation was distributed to the Commission
19 prior to this evening. In the interest of
20 time, I have shortened it up a little by
21 deleting a couple of slides. So just so you
22 know, there's slight differences, but the

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1 thesis of it and the bulk of it is the same.

2 And there is also one typo that I
3 corrected in the first slide that was issued
4 to you. It said that it was the 1995/'99 comp
5 plan. I have corrected that to read 1985, as
6 you can see.

7 This is a story about the
8 comprehensive plan for the District of
9 Columbia -- a plan that called for rezoning
10 rowhouse blocks in Columbia Heights in 1985 to
11 prevent them from being subdivided. This is a
12 story about a rezoning that never occurred,
13 about a 2006 comprehensive plan update that
14 reaffirmed the need to rezone these blocks,
15 and about a neighborhood under pressure and
16 needing protection now from just the kind of
17 development that the comprehensive plan
18 anticipated.

19 This is a story about Columbia
20 Heights and the implementation of a policy
21 that is 20 years overdue. The time to
22 implement this policy has come.

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1 In 1985, the District's
2 comprehensive plan recognized the need to
3 protect the very rowhouses we are here to
4 discuss this evening. The comp plan directed
5 the city to protect the character of
6 residentially zoned rowhouse neighborhoods by
7 limiting the density of development and
8 preventing intensification of use through the
9 subdivision of structures by doing the
10 following.

11 First, by amending the R-4 and R-5
12 zoning regulations to prevent intensive unit
13 subdivision of rowhouses or to rezone
14 predominantly rowhouse areas to lower unit
15 subdivision density, where currently zoned for
16 intensive unit subdivision, and by sponsoring
17 the zoning changes for rowhouse areas in Adams
18 Morgan, the area between 14th and 16th
19 Streets, between S and U Streets, selected
20 areas north of U Street and east of 16th
21 Street, and certain areas along the length of
22 16th Street, and on Connecticut Avenue at

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1 selected locations between Florida and Calvert
2 Street. The petition area lies within these
3 boundaries.

4 Again, the 2006 comprehensive plan
5 update, which was carefully coordinated with
6 city residents by the D.C. Office of Planning,
7 reiterates the need to recognize the value of
8 these rowhouse blocks in order to protect and
9 retain the rowhouse pattern and discourage
10 their subdivision into multi-unit buildings.

11 The 2006 comprehensive plan
12 directs the city to recognize the value and
13 importance of mid-city's rowhouse
14 neighborhoods as an essential part of the
15 fabric of the local community, and to ensure
16 that the comprehensive plan and zoning
17 designations for these neighborhoods reflect
18 the desire to retain the rowhouse pattern.

19 Land use controls should
20 discourage the subdivision of single-family
21 rowhouses into multi-unit apartment buildings,
22 but should encourage the use of English

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1 basements as separate dwelling units in order
2 to increase the rental housing supply.

3 The areas outlined in black on
4 this slide are the rowhouse blocks that we
5 wish to have rezoned. Redevelopment is
6 proceeding northward from the metro station,
7 around which new retail and hundreds of new
8 condominiums are being developed today.

9 Over the coming months, the area
10 around the Columbia Heights metro station will
11 see over half a million square feet of new
12 retail space and over 1,000 new residential
13 units. Kenyon Square will house 153
14 condominium units. Victory Heights will offer
15 75 rental units for seniors. Highland Park
16 will house 251 condominium units.

17 The Triangle Park Lofts is due to
18 open soon with 177 rental units. A little to
19 the south on 14th and Gerard Streets, The
20 Lofts will house 56 condominiums. And a
21 little to the north at 14th and Newton
22 Streets, the Allegro Development is under

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1 construction and will house 315 market rate
2 condominium units.

3 There is also a large -- there is
4 a large mix of market rate and affordable
5 units coming up in all of these buildings, and
6 the completion of the new development will
7 also include a homeless shelter with emergency
8 shelter and single room occupancy housing and
9 treatment programs.

10 This is what we are trying to
11 prevent. This former rowhouse looked
12 identical to the one on the right before it
13 was converted to condominiums. The investor
14 who purchased this house added two floors and
15 had to remove the front porch to accommodate
16 the additional lot occupancy and the rear
17 addition. A large shade tree in the front of
18 the house was damaged and had to be removed as
19 a result of the associated utility work on
20 this project.

21 Comments from ANC-1A on the 2005
22 comprehensive plan draft supported the

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1 recommendation to protect rowhouses as family-
2 oriented housing stock. Our resolution of
3 2005 specifically addressed those areas of
4 existing rowhouses in Columbia Heights that
5 have strong neighborhood and community
6 presence and which are currently zoned R-5-B.

7 ANC-1A discouraged the conversion
8 of these rowhouses into multi-family
9 apartments, especially through the addition of
10 floors to rowhouses where such additions would
11 detract from the architectural character and
12 integrity of the block or have other
13 significant neighborhood negative impacts.

14 This is not an argument against
15 transit-oriented development. In fact, the
16 ANC supports the transit-oriented development
17 that is occurring around the Columbia Heights
18 metro station today.

19 What is notable here is that the
20 rowhouse blocks zoned R-4 are the same
21 distance from the metro station as those zoned
22 R-5-B. The existing R-4 and R-5-B patterns

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1 are not responding to walking distances from
2 the metro. The areas closest to the station
3 are being developed with the highest density,
4 which we agree is important to the development
5 pattern.

6 Now I'd like to cover each of our
7 issues in greater detail. First, we're
8 concerned about the fate of Columbia Heights
9 rowhouses. As there is no design review
10 procedure for these conversions, there is
11 little consistency with the design and how
12 they fit in with the surrounding architecture.

13 We have to remember that the
14 architectural significance of the rowhouse
15 lies in the row of homes with repetition of
16 like elements and a uniform roof line.

17 Secondly, we are concerned about
18 the loss of family housing units. The city's
19 comprehensive plan outlines the need to
20 protect existing family-friendly housing, and,
21 indeed, create more. But the conversion of
22 rowhouses to apartments is thwarting this

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1 goal.

2 We need to ensure that family
3 housing is kept in our residential mix by
4 preserving the rowhouse as the basic unit of
5 family housing. The boundaries of the
6 petition area were created very carefully to
7 protect existing apartment buildings.

8 It is important that we maintain a
9 balance of different housing types within our
10 community by having a mix of rowhouses and
11 apartments with homeowner and rental
12 opportunities. This can only happen with the
13 conservation of the rowhouses that presently
14 exist.

15 Finally, protection of rowhouses
16 further supports the diversity of community by
17 preserving the blocks that serve as incubators
18 of family life. The streets with long
19 stretches of rowhouses are frequently the
20 settings for playing children. Porches and
21 stoops often contain neighbors chatting and
22 catching up. Block parties and backyard

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1 barbecues are organized by neighbors who enjoy
2 each other's company.

3 Front yards host trees, shrubs,
4 and flowers, with neighbors sharing advice
5 about what grows best. Getting people out on
6 the street where they can meet each other is
7 important to the sustainability and safety of
8 communities in the cities.

9 This is easier to do when there
10 are stretches of homes where people go in and
11 out of their front doors, sit on their front
12 porches and stoops, and hang over each other's
13 fences to talk. I wish that as a part of this
14 testimony I could bring you to some of these
15 rowhouse streets where you could see the
16 activity that goes on on a lazy weekend or an
17 evening after work, because then you'd be able
18 to observe the sense of community that grows
19 and develops into a feeling of caring and
20 responsibility of neighbors for each other.

21 Here is what we're trying to
22 protect. The following images are of existing

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1 rowhouse blocks in the petition area, and all
2 of these blocks are zoned R-5-B.

3 This is Spring Road and Perry
4 Place where residents have formed a
5 neighborhood association with nearby Spring
6 Place and Parkwood Place residents. The
7 Spring/Perry Neighborhood Association meets
8 monthly with MPD representatives and Council
9 Member Graham to address issues of
10 neighborhood safety and crime.

11 Note the scale of the houses on
12 these rowhouse blocks. This is Spring Place,
13 and I'd like to also make note that, as I've
14 spoken with residents in these areas, they are
15 surprised to learn that their blocks are zoned
16 R-5-B, and to learn of the type of development
17 that can happen to the rowhouses.

18 This is Meridian Place. The
19 rowhouse patterns on these blocks were
20 established about 95 years ago. This means
21 that for 95 years these rowhouses have
22 nurtured District families, and many are

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1 occupied by families today. Some of these
2 homes even house third and fourth generations
3 of the same family.

4 This is Ogden Street. In these
5 slides you've seen a wealth of images of
6 architectural styles, but they all have one
7 thing in common -- architecturally intact rows
8 of family-oriented housing that is ready to
9 continue to house current and future
10 generations of District families.

11 This is the 1400 block of Monroe
12 Street where a healthy and active community
13 has formed its own block association and
14 sponsors meetings to resolve issues and holds
15 social events to build community. In this
16 image, we can see homeowner improvements
17 underway. This sense of community is now
18 being challenged by two condominium
19 conversions that have occurred on this block
20 in the past two years.

21 What's really interesting here is
22 that all of these R-5-B rowhouse blocks are

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1 nearly identical in architectural character,
2 scale, and intensity of use, as those across
3 14th Street which are zoned R-4.

4 This is the north side of the 1300
5 block of Monroe Street zoned R-4. The pattern
6 here is the same as what you just saw in the
7 block zoned R-5-B. This is the 1300 block of
8 Meridian Place. This is Oak Street. The
9 images on this slide on the left are taken in
10 the blocks just east of 14th Street where the
11 zoning is R-4.

12 The images on the right were taken
13 along the same streets but just west of 14th
14 Street, which is R-5-B. And as you look at
15 these images side by side you really begin to
16 wonder about the rationale of why these blocks
17 are zoned differently, and why R-5-B zoning
18 has been allowed to remain in spite of the
19 comprehensive plan's intent to change it.

20 Here are some more examples. The
21 architectural styles and scale and pattern of
22 the rowhouses is nearly identical in the R-4

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1 and R-5-B zones, except for the rowhouses in
2 the R-5-B zones are being converted to
3 condominiums.

4 Now I'd like to talk about the
5 condominium conversions that are happening in
6 the R-5-B zones within Columbia Heights. This
7 zoning map shows the petition area to the
8 left, which is zoned R-5-B, and the 11 dots
9 that you see are the condominium conversions.

10 These blocks sit adjacent to the
11 redeveloping commercial zone along 14th
12 Street. Note that the development pressure
13 from the commercially zoned areas along 14th
14 Street has begun to spread into the R-5-B
15 residential zones, and that the condominium
16 conversions that are occurring today are on
17 the blocks closest to 14th Street and are
18 moving northward from the metro station.

19 The first conversions appeared on
20 Park Road, then on Monroe Street, and now
21 Newton Street. And we fear that this pattern
22 will continue to intensify.

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1 This, again, is 1428 Monroe, and I
2 want to remind you that this building used to
3 be identical to the rowhouse that's right next
4 door to it. But also of note here is the fact
5 that two doors down at 1432 Monroe Street a
6 permit has been issued to change that rowhouse
7 into another four-unit condominium.

8 Construction has already begun.
9 Here is what is happening in the rear as the
10 owner begins to work to convert this rowhouse
11 into condominiums.

12 As there is no design review
13 process required for these rowhouse
14 conversions, there is also a concern about the
15 lack of oversight on how these properties are
16 remodeled, because the end product can
17 certainly affect the look and feel of a block.

18 Here is an example of where a fire escape and
19 exit doors had to be added to the front of a
20 building in order to meet fire safety codes
21 when it was converted.

22 Here is an example of a conversion

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1 on the 1300 block of Park Road. The brick
2 building on the right is an addition, and the
3 rowhouse -- original rowhouse is on the left.

4 The white wall in the foreground lies between
5 the sidewalk and a parking area that used to
6 be the front yard -- building along Park Road.

7 And, again, there is a concern about the
8 absence of a design review process.

9 COMMISSIONER JEFFRIES: Excuse me.

10 Sorry to interrupt you. Is that right across
11 the street from the Giant, from the --

12 MS. THEISEN: It's very near the
13 Giant, yes.

14 COMMISSIONER JEFFRIES: Okay.

15 MS. THEISEN: It's on the same
16 side of the street --

17 COMMISSIONER JEFFRIES: Oh, okay.

18 MS. THEISEN: -- as the Giant, but
19 it's very near the giant.

20 COMMISSIONER JEFFRIES: Okay.

21 MS. THEISEN: There are now six
22 units in this building that used to be a

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1 single-family home.

2 This example, also on the 1300
3 block of Park Road, underwent the extensive
4 physical change of creating a tunnel to access
5 a parking area in the rear where the backyard
6 used to be.

7 This is a condominium conversion
8 on Hyatt Place at Park Road. The large white
9 structure to the left is an addition placed on
10 the rowhouse seen on the right side of the
11 slide. This view is taken looking down Hyatt
12 Place from Park Road, and it should be noted
13 that a large shade tree was also damaged and
14 had to be removed as a result of the work that
15 was done here.

16 Sorry. I just thought this one
17 needed to be shown twice.

18 (Laughter.)

19 These conversions are also on the
20 1500 block of Park Road. These two former
21 single-family rowhouses now house three and
22 four condominium units, respectively. And

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1 these two buildings now combine a total of
2 eight apartment units. They were once each
3 single-family homes.

4 This rowhouse on Newton Street now
5 houses three apartments. There are four
6 condominium units for sale here. This former
7 rowhouse is now a four-unit condominium
8 building, and this rowhouse has just been
9 permitted for conversion into four units.

10 The rezoning would protect all of
11 the important aspects of the city life that
12 we've been discussing today, and the impact on
13 existing property owners who live in the
14 rowhouses would be minimal. The rezoning
15 would discourage condo subdivisions of
16 rowhouses on small lots, discourage the
17 addition of floors to rowhouses, and retain
18 family-oriented housing and stabilize
19 communities.

20 There would be little impact on
21 current owners, because the lot coverage is
22 the same for rowhouses in both zones. It

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1 would still allow room for building additions
2 and would allow flats to provide rental
3 income.

4 In summary, I'd like to leave you
5 with the question of what kind of city we're
6 trying to build. i hope that it's a city with
7 a balance of housing types, including family
8 housing, a city that attracts not -- that not
9 only attracts people but encourages them to
10 stay, raise their families, and become a
11 permanent part of helping the District stay a
12 great place to live.

13 Is this what we're trying to
14 achieve? Or is it a city that includes within
15 its array of housing types rowhouse blocks
16 that have housed District families for nearly
17 100 years and continue to do so today. I ask
18 that the Zoning Commission Act today to bring
19 the zoning in our neighborhood into
20 conformance with the comprehensive plan, to
21 protect the important balance of housing types
22 in the neighborhood that allows families to

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1 thrive and remain in the District, while also
2 accommodating the new residents who are
3 choosing to live here.

4 It is by retaining the residents
5 who choose to raise their families in the
6 District that we will implement the
7 comprehensive plan's long-term vision of a
8 vibrant, healthy, and thriving neighborhood in
9 a dynamic urban center.

10 I ask you to please act to rezone
11 the R-5-B rowhouse blocks in our ANC-1A today
12 to R-4.

13 Thank you for your time. And if
14 you have any questions, I'd be happy to answer
15 them.

16 CHAIRPERSON MITTEN: Thank you,
17 Commissioner Theisen. Very thorough
18 presentation, but let me see if any of the
19 Commissioners have any questions.

20 Any questions from the Commission?

21 VICE-CHAIRPERSON HOOD: I did want
22 to ask one question. I know we're basically

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1 dealing with your ANC area, but I believe a
2 lot of that is going on in that whole area.
3 Am I correct?

4 MS. THEISEN: Yes.

5 VICE-CHAIRPERSON HOOD: Like your
6 colleagues in 1B may have the same issue, even
7 though I know some of their area is R-4.

8 MS. THEISEN: A lot of the areas
9 -- I think there are -- the areas that were
10 outlined in the comprehensive plan exist in
11 1B, 1C, and 1D, and along Connecticut Avenue.
12 There are certainly other areas beyond my
13 area -- my ANC Commission area that are noted
14 in the comprehensive plan, so certainly.

15 VICE-CHAIRPERSON HOOD: Thank you.
16 A good job. I also have a question when we
17 get to the Office of Planning, because I know
18 some other areas up there that are already R-
19 4, and they're still doing conversions, so
20 thank you.

21 CHAIRPERSON MITTEN: Mr. Turnbull?

22 COMMISSIONER TURNBULL: Thank you,

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1 Madam Chair. I had one question, and I don't
2 know whether I should wait for the -- to ask
3 it of the Office of Planning. But I notice on
4 the map that it weaves in and out around more
5 townhouses -- I mean, like rowhouses, it looks
6 like some are excluded in certain areas.

7 I look on Monroe Street, and I see
8 there's -- if I'm reading this right, it looks
9 like it excludes certain parts of the street.

10 And I was just curious why it was doing that.

11 MS. STEINGASSER: Mr. Turnbull, if
12 Commissioner Theisen doesn't mind, I'll take
13 that answer. The Office of Planning --

14 COMMISSIONER TURNBULL: That's why
15 I say, maybe it's better directed at you.

16 MS. STEINGASSER: We erred in our
17 setdown and did not include all of the lots
18 within the boundaries, and that's why we filed
19 a supplemental setdown on January 17th, to
20 grab those additional lots. So what you're
21 looking at before you is a map we've put out
22 to show just the lots being heard tonight.

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1 Those other lots will be covered --

2 COMMISSIONER TURNBULL: So you did
3 pick up these other areas?

4 MS. STEINGASSER: We did pick them
5 up, yes.

6 COMMISSIONER TURNBULL: Oh, okay.

7 MS. STEINGASSER: So we'll be
8 hearing those in April.

9 COMMISSIONER TURNBULL: Thank you.

10 CHAIRPERSON MITTEN: May? Is it
11 May 3rd, I believe?

12 MS. STEINGASSER: I'll pass to the
13 Office of Zoning.

14 CHAIRPERSON MITTEN: Well, just
15 for clarification, one of the things that we
16 did in the advertisement, just since we have
17 everybody here tonight, is that in the
18 advertisement for the second case that it will
19 incorporate the record of this case, so that
20 people don't have to come and testify twice.

21 MS. THEISEN: Thank you.

22 CHAIRPERSON MITTEN: Is it May

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1 3rd? Okay. May 3rd is the subsequent case.

2 Anyone else have questions?

3 (No response.)

4 Okay. Thank you very much.

5 MS. THEISEN: Thank you.

6 CHAIRPERSON MITTEN: We're ready
7 for the report by the Office of Planning. Ms.
8 Thomas?

9 MS. THOMAS: Good evening, Madam
10 Chair, members of the Commission. OP is
11 supporting the ANC's request of this
12 consistency action, which would rezone the
13 defined properties in a section of the
14 Columbia Heights neighborhood from R-5-B to R-
15 4, and this action can be described as an
16 effort to conserve and preserve the rowhouse
17 character of the District from rapid
18 conversion to apartments.

19 The issue of these conversions
20 have been of concern to the community even
21 prior to the latest development boom in the
22 District, and measures to address the issue

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1 are heavily supported in the comprehensive
2 plan for the District, in particular the Ward
3 1 actions to implement the land use
4 objectives.

5 The issue was again part of a
6 series of community discussions related to the
7 latest comp plan, and it's included in the
8 draft 2006 comprehensive plan. This plan
9 places the subject areas in the mid-city area,
10 and the plan specifically states that most of
11 the rowhouses in mid-city are not protected by
12 historic district designations, and some are
13 even zoned for high density apartments.

14 Problems have resulted, including
15 demolition and replacement with much larger
16 buildings, conversion into multiple-unit
17 dwellings and top story additions that disrupt
18 the architectural balance in the neighborhood.

19 We see intact blocks of well-kept rowhomes as
20 being appropriately zoned for rowhouses and
21 not for tall apartment buildings. In
22 addition, historic districts and conservation

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1 districts should be considered to protect
2 architectural character.

3 This consistency action will also
4 support a comp plan which seeks to ensure that
5 the zoning designations for these
6 neighborhoods reflect the desire to retain the
7 rowhouse pattern. Land use controls should
8 discourage the subdivision of single-family
9 rowhouses into multi-unit apartment buildings,
10 which should encourage the use of English
11 basements as separate dwelling units in order
12 to increase the rental housing supply.

13 Therefore, the proposed rezoning
14 to the R-4 district will limit the conversions
15 of rowhouses to apartment buildings but will
16 continue to allow flats as a permitted use,
17 which can address rental of basement
18 apartments.

19 The area between 14th and 16th
20 Streets is a mixture of rowhomes and apartment
21 buildings, as we saw in the slides. The
22 original intent of having the R-5-B zoning in

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1 this area was to make many apartment buildings
2 in the area consistent with zoning, and
3 rowhouses could be accommodated in that zone
4 district. However, it was not intended that
5 rowhouses would be converted into apartment
6 buildings.

7 Prior to revitalization in and
8 around the area, there were numerous vacant
9 and abandoned rowhomes in these areas, and
10 some of the townhouses, especially between
11 14th and 16th Streets. However, there has
12 been pressure for more housing, which has led
13 for pressures to build out these residential
14 units to the maximum permitted under current
15 zoning.

16 The number of conversions to
17 condominiums in these established rowhomes are
18 adverse to attracting and retaining family and
19 dilutes the pool of available housing units'
20 size to accommodate families.

21 With respect to the architecture,
22 it has been noticed that additions are of

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1 different building materials, contemporary in
2 style, and are not in character with the
3 building's original facade or of others along
4 the street. We observed, for example, that
5 addition of five stairs on the front of
6 buildings to meet building code requirements
7 for second means of exit for each unit.

8 Where we had once a unified street
9 frontage of uniform building heights, blocks
10 are not interrupted by buildings of varying
11 heights. Amending the zoning map to be
12 consistent with the comp plan will allow the
13 area to maintain its rowhouse character,
14 architecture, and also maintain a balanced mix
15 of housing types.

16 We also believe that unchecked
17 conversions also create a need for additional
18 parking in the area that is already burdened
19 by congested on-street parking, as there is
20 little or no availability for offsite parking,
21 narrow alleys and little or no rear yards to
22 support additional parking.

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1 For these reasons, we are
2 recommending that the Zoning Commission
3 approve the proposed amendment to the zoning
4 map, to change the zoning from the R-5-B
5 district to the R-4 district. And as we
6 pointed out, some of those lots were not
7 included in this review.

8 Thank you.

9 CHAIRPERSON MITTEN: Thank you.
10 Would you just help me, because I don't -- and
11 hopefully you have this on the top of your
12 head. What's the parking requirement in R-5-B
13 compared to R-4?

14 MS. STEINGASSER: It's one space
15 for two units in R-4 and one space for three
16 units in -- I've got it backwards. It's one
17 for two in R-4 and one for three --

18 CHAIRPERSON MITTEN: That sounds
19 right.

20 MS. STEINGASSER: That's still
21 backwards.

22 CHAIRPERSON MITTEN: That sounds

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1 right. One for two in R-4 and one for
2 three --

3 MS. THOMAS: One for three in R-5-
4 B.

5 CHAIRPERSON MITTEN: Yes, it would
6 be less in R-5-B. But are all these
7 conversions meeting their parking
8 requirements?

9 MS. STEINGASSER: We've not gotten
10 any variances, so I can only assume that they
11 are meeting somehow the parking requirements.

12 CHAIRPERSON MITTEN: Or is this
13 another perverse interpretation of --

14 MS. STEINGASSER: It could be. We
15 hear about this one space credit, but nobody
16 has ever really been able to tell us what that
17 is and whether that's still being
18 administered. But we've not seen any
19 variances come across our office for parking
20 in these areas.

21 CHAIRPERSON MITTEN: Okay. Any
22 questions for Ms. Thomas or Ms. Steingasser?

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1 COMMISSIONER JEFFRIES: I have a
2 question. So downzoning from R-5-B to R-4, do
3 you have a sense of how many or to what degree
4 we'd be creating a lot of non-conforming
5 buildings in that down -- in downzoning?

6 MS. STEINGASSER: We did do a
7 field survey of all of the affected lots, both
8 in this case and the upcoming case, and we
9 were very careful to try to avoid any --
10 creating any non-conformities. And we did not
11 do a survey of lot size, but we did look for
12 all of the apartments to make sure that those
13 were not brought in, so that they would, you
14 know, not be hindered by --

15 COMMISSIONER JEFFRIES: You know,
16 being a Columbia Heights rowhouse owner as
17 well, but more to the south, which I'm in an
18 R-5-B, I mean, I do some instances where some
19 of the buildings in an R-5-B are -- already
20 look non-conforming. And, you know, attempts
21 to take it to an R-4, it seems that you might
22 -- you know, at least southern Columbia

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1 Heights, you may end up having a few non-
2 conforming buildings.

3 MS. STEINGASSER: And that may be
4 the case. I think from the comp plan
5 standpoint, and definitely from a neighborhood
6 standpoint, we'd rather deal with the non-
7 conformity that may show up as an occasional
8 situation than the overwhelming change of
9 character.

10 COMMISSIONER JEFFRIES: Yes. Just
11 if it's an occasional situation, isolated
12 cases, but, you know, like, for example, on my
13 block, I mean, it's like almost right down the
14 middle, you know, multi-family and single and
15 rowhouses.

16 MS. STEINGASSER: Well, that's why
17 we've -- we passed this map out this evening
18 to show the neighborhood in a much larger
19 context, so you could see how there is kind of
20 an interweaving of apartments and rowhouses
21 through this -- between 14th and 16th, except
22 in these blocks where there is still a really

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1 solid concentration. And we really felt we
2 had avoided most of the non-conforming issues
3 that would be there.

4 COMMISSIONER JEFFRIES: Well, and
5 I think I've said this from the dais on many
6 occasions, you know, with what's happening at
7 -- with Target and all the retail that's
8 happening, I'm still having concerns about
9 14th Street being able to absorb so much of
10 the traffic. I'm just concerned about the
11 infrastructure.

12 And I think, you know, sort of
13 dealing with this R-4 and taking this down
14 really starts to, you know, manage some of
15 what I think is going to be continued growth.

16 So --

17 MS. STEINGASSER: I'd also like to
18 add that -- well, first of all, it's one for
19 three parking spaces. I had to check the
20 book. It's one for three parking spaces in
21 the R-4, and one for two in the R-5-B.

22 CHAIRPERSON MITTEN: Oh, really.

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1 MS. STEINGASSER: So that makes it
2 -- the question of the conversions even more
3 --

4 CHAIRPERSON MITTEN: Yes.

5 MS. STEINGASSER: But we don't
6 know how --

7 CHAIRPERSON MITTEN: Although the
8 grandfather --

9 MS. STEINGASSER: Yes.

10 CHAIRPERSON MITTEN: Yes. Okay.
11 We can't have a random conversation here.
12 Anyway, maybe you could just call that to the
13 attention of the Zoning Administrator.

14 MS. STEINGASSER: We'll take a
15 look at that.

16 CHAIRPERSON MITTEN: Thanks.

17 MS. STEINGASSER: But also, in
18 previous cases that we've brought before the
19 Commission, the Commission was concerned
20 because there was a project underway that the
21 neighborhood was posturing against. And at
22 the very last hearing on Georgia Avenue, the

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1 Commission asked that, you know, we find these
2 before it becomes a battle.

3 And the ANC -- this ANC took that
4 very seriously and did come -- there is no
5 neighborhood battle. There is no project
6 being stopped here, so there is nothing caught
7 in the loops. And I just wanted to point that
8 out. That conflict is non-existent.

9 CHAIRPERSON MITTEN: Thank you.
10 Anyone else? Mr. Hood?

11 VICE-CHAIRPERSON HOOD: Actually,
12 Ms. Steingasser and Ms. Thomas, I think I know
13 the answer, but I'm going to ask it anyway.
14 What is the difference in us if this was to go
15 through the downzone to an R-4 from R-5-B,
16 then what's happening southeast of which --
17 again, I mentioned within the ANC, even though
18 I know this case is not in front of us, but
19 within the ANC-1B in R-4, which the same thing
20 is already happening.

21 So what -- if we do this, what is
22 going to prevent that from happening anyway?

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1 MS. STEINGASSER: Well, it will
2 keep the conversions down to one per 900
3 square feet of land area if it's a pre-1958
4 building, or to two units per building. You
5 know, so it will at least cap that density.

6 We are -- we do have in our work
7 plan to look at new R-4 zones. I think the
8 Commission asked us to do that a few months
9 ago from another case. That has also been in
10 the comp plan. Capitol Hill Restoration has
11 pushed that issue, so we do plan to look at
12 different types of rowhouse zones that might
13 keep the English basement but not permit that,
14 you know, building split.

15 But OP has been very, very
16 consistent in our recommendation of denial of
17 any kind of conversion in an R-4 that doesn't
18 meet the code requirement. I think we have
19 100 percent denial recommendation record on
20 the R-4 zones for any of these illegal
21 conversions.

22 VICE-CHAIRPERSON HOOD: I guess I

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1 was speaking in terms of the ones that we
2 don't see. You know --

3 MS. STEINGASSER: If we don't see
4 them, we can only presume that they're matter
5 of right.

6 VICE-CHAIRPERSON HOOD: Oh, okay.
7 All right. Thank you.

8 CHAIRPERSON MITTEN: Anyone else?

9 (No response.)

10 Okay. Are there any other
11 government agencies represented here tonight?

12 (No response.)

13 Okay. Then, we'll move to
14 organizations and persons in support, and I
15 will call off the witness list first, and then
16 anyone else who would like to join in. I'll
17 do a panel of three to start with. Martin
18 Baldessari, Karen Kane, and James Garry.
19 Please have a seat at the table.

20 MR. BALDESSARI: Is that on now?

21 CHAIRPERSON MITTEN: Yes, it is,
22 and you can go first.

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1 MR. BALDESSARI: I'll try to be
2 brief, because Anne Theisen gave such a
3 comprehensive presentation. But my partner
4 and I moved --

5 CHAIRPERSON MITTEN: Would you
6 state your name for the record?

7 MR. BALDESSARI: Sorry. I'm
8 Martin Baldessari, and I live at 1522 Monroe
9 Street, N.W.

10 CHAIRPERSON MITTEN: Thank you.

11 MR. BALDESSARI: And my partner
12 and I moved onto the block 19 years ago
13 specifically because it had no apartment
14 buildings. We had lived in Adams Morgan and
15 had had drug dealing problems from apartment
16 buildings there, and so we were kind of
17 burned. And our block has nothing but
18 rowhouses.

19 The only exception is, except for
20 the exceptions that Anne has mentioned
21 recently, the only exception at the time was a
22 small co-op building at the beginning of the

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1 western end of the block, and that's only
2 about one or two stories higher than the other
3 houses.

4 So we had the architectural
5 cohesion and the lower density and the ability
6 to get to know your neighbors that you have in
7 an area that isn't so densely populated. And
8 that's one of the reasons why we liked it so
9 much over the years.

10 Also, because it is a street that
11 is lined with ginkos, like not too many
12 others. Some you might know -- Corcoran and
13 Swan, closer to downtown. And as Anne pointed
14 out, the house that has already been redone
15 resulted in their ginko being taken down,
16 because they damaged the roots too bad to the
17 plumbing supply that had to be done in the
18 front yard.

19 And now that we have another house
20 about to be done that has been permitted two
21 doors away, they have a tree as well, and
22 we're concerned that we might lose that one.

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1 I know also that the person who
2 lived next to that building suffered damage to
3 his house as a result of the construction that
4 was being done there. There was water damage
5 due to a storm. They were good about making
6 sure that they would make him whole, which
7 they did, but still it's a disruption to the
8 neighbors.

9 And another reason that I'm here
10 tonight is because the house next door to us
11 was sold a year and a half ago to new owners
12 who explicitly wanted to do the same thing.
13 They fortunately, as far as I know, haven't
14 got a permit to do this in time, but that
15 would be something that we wouldn't want to
16 see happen.

17 And I think that's all I have to
18 say.

19 CHAIRPERSON MITTEN: Thank you.
20 Ms. Kane?

21 MS. KANE: Well, as Commissioner
22 Theisen gave a great presentation, I just want

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1 to add about --

2 CHAIRPERSON MITTEN: Would you
3 mind just stating your name for the record.

4 MS. KANE: I'm Karen Kane. Sorry.

5 I live at 1512 Monroe Street. I wish you all
6 could come to our street. It is a terrific
7 street. In fact, when we first moved there,
8 people would say, "Where do you live?" And I
9 would say, "Monroe Street." And they would
10 say, "That's the good block," and it is. It's
11 a very special street.

12 Part of it is the trees, like
13 Marty said, but it's also the people that live
14 there and the structural integrity of what we
15 have. And even visually what you saw that was
16 just starting to happen, you know it like
17 breaks a thread in the fabric of our really
18 great street.

19 And part of it is that it attracts
20 families, and I mean that for the people there
21 that don't have children, I think they feel
22 the same way. Some of my neighbors here who

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1 -- having the children on the street -- and
2 families do not buy condos, if they can pay
3 those prices. They just don't. Families with
4 a child buy a house, and you have to have --
5 you have to have a good structural community
6 of houses in order for families to want to
7 come and stay.

8 And families are the backbone of a
9 city; they just are. They're the ones who
10 invest in the public spaces in schools,
11 because their children are going to use them.

12 And so we have to have enough housing and
13 strong neighborhoods for families to want to
14 move into.

15 And the fact that we've -- what
16 we've just seen if this didn't pass, I can
17 imagine every family selling now, some other
18 developer is going to come in, and our street
19 just totally will lose its character and what
20 has made it special for the past 100 years, if
21 this wasn't passed.

22 So thank you very much.

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1 CHAIRPERSON MITTEN: Thank you.
2 And I'm just going to ask you to hold your
3 seat until the panel is done, and then we may
4 have questions.

5 Mr. Garry?

6 MR. GARRY: Madam Chair, and
7 members of the Commission, I'm James Garry. I
8 live at 1526 Monroe Street, N.W., with my wife
9 and our four children, and I came to register
10 my view about the proposal. I want to say
11 that this proposal -- the downzoning to R-4 --
12 does not deter development. Instead, it
13 promotes development on a trajectory that it
14 helps families and will preserve the character
15 of our neighborhood.

16 Under the present zoning, as ANC
17 Commissioner Theisen showed in the
18 photographs, there is a real and present
19 danger to both the character and the cohesion
20 of our neighborhood. So I've come to appeal
21 to the Commission to ask you to change our
22 zoning so that my neighbors and I can keep our

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1 neighborhood, can preserve its character, keep
2 it developing the way it has been, so that
3 families can stay there and more families can
4 come.

5 As Ms. Theisen said, we live in a
6 healthy, dynamic, and thriving neighborhood,
7 and I'd like to ask you to help us keep it
8 that way.

9 CHAIRPERSON MITTEN: Thank you.
10 Questions for the panel from the Commission?
11 Anyone have questions?

12 (No response.)

13 Okay. Thank you very much.

14 I might say the first name wrong
15 -- Gisele Grayson, Jonathan Hamilton, and
16 anyone else who'd like to testify in support
17 can come forward now. Yes, hand those to the
18 Court Reporter. If you wouldn't mind giving
19 them to him before you start. Ms. Grayson,
20 why don't you go first.

21 MS. GRAYSON: Hi. I'm Gisele
22 Grayson. I live at 1436 Monroe Street. I

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1 live two doors down from the house that they
2 showed you has just been gutted out the back.

3 We have -- this is my husband, and we have a
4 one-year old, and we just love Monroe Street.

5 I mean, we moved on the street
6 because it was wonderful. We loved the
7 vibrancy of Columbia Heights. But the fact
8 that Monroe Street is a quiet little street
9 with -- lined with the ginkos, with fabulous
10 neighbors, it just feels like a sanctuary, and
11 it's a wonderful place to live.

12 And if we are having to live on a
13 street -- you know, if our street is going to
14 be, first of all, a construction zone for the
15 next 10 years, you know, what are we doing
16 there? And, you know, Columbia Heights is an
17 up and coming neighborhood, but I want to be
18 there, I want to help to make the schools
19 better, I want to work to make a real
20 community there, real community on my street.

21 And if we do lose the feel of
22 this, if there is -- it's a construction zone

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1 and if it's -- we lose our trees, we lose our
2 families, then we might as well be in the
3 suburbs. So keep it like it is. It's great.

4 CHAIRPERSON MITTEN: Thank you.
5 Mr. Hamilton?

6 MR. HAMILTON: My name is Jon
7 Hamilton, and I also live at 1436 Monroe. And
8 I should point out that we're about four
9 houses from the conversion you already saw a
10 picture of, and two houses from the one that
11 is planned. So we have a real interest in
12 this right now.

13 I would just add to what my wife
14 said that our hope is that more families will
15 come to this block. And we have seen that
16 happening, and we think the reason it's
17 happening is because it is family-type
18 housing. And if it goes into condos, I think
19 the chances of more families moving in is much
20 less. So please keep it the way it is.

21 CHAIRPERSON MITTEN: Thank you.
22 Anyone have questions?

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1 (No response.)

2 Okay. Thank you both.

3 Anyone else who would like to
4 testify in support?

5 (No response.)

6 Okay. We have two folks signed up
7 in opposition. Howard Wilson and Uzikee
8 Nelson, Mr. Mr. Nelson. And is there anyone
9 else who would like to testify in opposition?

10 You can come forward now. Hand those to the
11 gentleman with the headphones on.

12 MR. WILSON: Good evening.

13 CHAIRPERSON MITTEN: Hi. Please
14 go ahead.

15 MR. WILSON: Howard Wilson,
16 1466 Belmont Street. I'm at the southern end
17 of Columbia Heights. I'm actually -- from the
18 south, I'm the gateway. Belmont Street is the
19 gateway up to Columbia Heights. I'm in
20 opposition to this, not because I'm not
21 concerned about the density issue, but
22 primarily I thought the article I read seemed

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1 -- it wasn't even-handed.

2 We are talking about the density
3 problems, and we are only mentioning the
4 rowhouses and those conversions. At no point
5 in the article did it mention about the multi-
6 family units going up. That they are part of
7 the problems with the density issue in
8 Columbia Heights.

9 And I say that because a lot of
10 buildings in my area, they are still getting
11 PUDs, they are still getting zone changes.
12 Across the street from where I live I have one
13 building where the Pitts Motel used to be.
14 You might be more familiar with that. That's
15 now 100-plus units, multi-family.

16 Down the street on the eastern end
17 of Belmont Street there is a -- on the
18 southern side a building is going up that will
19 be about 70-plus units. At the northern end
20 of Belmont Street again, on the eastern side,
21 you're having the -- Nehemiah is about to be
22 raised to put up 200-plus units.

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1 Across the street directly,
2 eastern from where I live, you have the
3 Petrovich parking lot, which was just raised.

4 That's going to be 200-plus units. I think
5 it's unfair to only single out the rowhouses.

6 Now, I'm also concerned for
7 selfish reasons. I live in an R-5-B, and I
8 don't know if I want to be encroached on by a
9 statute such as this, if you should change the
10 rulings to affect me at some point.

11 We mentioned density and parking.

12 The city is not making any decisions to say
13 it's a conduct to our multi-family builders
14 that you have to at least give one to one. I
15 think if the city was working towards
16 requiring one to one parking that would help
17 my situation. But just to pick on the
18 rowhouses I think is terribly unfair, and,
19 well, there are other things. What can I say?

20 Some of the things is that when
21 you build a multi-family unit, and it's 100-
22 plus units in that building, that's a

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1 community within itself. They have no
2 communication with the community already
3 existing. When you have a rowhouse that has
4 been converted, if there's a problem with
5 parking, if there's something I need, if
6 something is being delivered, I can go to that
7 person and say, "Guess what? Can you move
8 your vehicle? Can you do something?"

9 When you have multi-family units,
10 that doesn't happen.

11 CHAIRPERSON MITTEN: I need your
12 closing thought now, please.

13 MR. WILSON: Well, that's about --
14 I just think it -- it wasn't even-handed. I
15 agree with these people about just being more
16 family-friendly, but in my area, southern
17 Columbia Heights, it's certainly not family-
18 friendly.

19 CHAIRPERSON MITTEN: Okay. Thank
20 you. Mr. Nelson?

21 MR. NELSON: Okay.

22 CHAIRPERSON MITTEN: I need you to

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1 turn on that microphone for me first. Just
2 push the button on the base. There you go.

3 MR. NELSON: My name is Uzikee
4 Nelson, and I've lived in Columbia Heights
5 since '74. I've seen all the things that go
6 on in the neighborhood. And one of the things
7 I -- big thing I noticed is the -- we used to
8 call it -- Redevelopment Land Agency is the
9 new name, but it's the same organization that
10 they talked some about today.

11 But they tore down all these
12 rowhouses on my block. The Redevelopment Land
13 Agency, from the alley down to 14th Street,
14 they were perfectly good rowhouses, and they
15 tore them down one by one. So the city
16 planners and people that were planning that,
17 they didn't want any new rowhouses. That's
18 why they tore them down, because the riots
19 didn't get them. Any of those things that got
20 them, it was the city's plans at that time
21 that tore down the rowhouses.

22 So there is no possibilities of

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1 the rowhouses dealing with my block at all.
2 It's all -- it has been gone. There are just
3 a few left, and the others will be gone soon,
4 because people want to live in my block now in
5 a big way. They come around and say, "We like
6 the view."

7 So that's -- but there's no
8 parking. And even the big developments that
9 are there now, they're taking up all of the
10 parking. Their friends come around and they
11 park. They'll block anything to get around to
12 park.

13 So I don't see whether we'll -- in
14 other words, the way I look at it, you are --
15 by changing the zoning downward, you are --
16 the possibility of the property goes down in
17 value. That's the way I look at it. By
18 changing the zoning, make it go down in size,
19 because the houses in my -- there's two or
20 three rowhouses in my neighborhood right now,
21 and they are most likely going to be changed
22 to multi-family units. That's the reality.

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1 So, but lowering the height of it,
2 where everywhere around, every place I look in
3 this whole city, Shaw and every place, they
4 are going up. People are building little
5 units, going up to the maximum height, so
6 that's the way I look at it.

7 I'm definitely opposed to lowering
8 the height limits, while you're allowing the
9 height limits to go at the maximum height on
10 14th Street. And that's the way I see it.

11 CHAIRPERSON MITTEN: Thank you.
12 Can you tell us what block you live in, Mr.
13 Nelson?

14 MR. NELSON: I live in the 1400
15 block of Belmont.

16 CHAIRPERSON MITTEN: Oh, 1400
17 block of Belmont. Okay.

18 MR. NELSON: Right, on the south
19 side.

20 CHAIRPERSON MITTEN: Okay. Thank
21 you.

22 Any questions for these gentlemen?

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1 Any questions?

2 (No response.)

3 I would just say, Mr. Wilson, that
4 I don't recall you participating in the cases
5 that -- you know, you noted -- you made note
6 of some of the PUD cases, all of which have
7 come before the Commission, like the old Pitts
8 Motel, and then there's a PUD at 14th and
9 Belmont, and a couple of others. So I would
10 encourage you in the future to come down and
11 express your views about those developments,
12 too.

13 MR. NELSON: I want to say one
14 thing. You know, we have these people that
15 come in and talk about they were going to
16 allow parking, the people in my neighborhood
17 could buy parking.

18 CHAIRPERSON MITTEN: Yes.

19 MR. NELSON: Not one person there
20 has been able to buy a parking space.

21 CHAIRPERSON MITTEN: And why is
22 that? Because they're not available?

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1 MR. NELSON: They're not
2 available. I guess they're keeping them for
3 whatever reason. They're not really selling
4 them, as far as I can see.

5 CHAIRPERSON MITTEN: Okay.

6 MR. WILSON: Is there a demand?
7 Have people asked to buy?

8 MR. NELSON: Yes, some people have
9 asked to buy, but they say they're waiting
10 until whatever.

11 MR. WILSON: Excuse me, Ms.
12 Mitten. Mr. Nelson and I are neighbors. That
13 was a part of the PUD.

14 CHAIRPERSON MITTEN: Right. I
15 remember that part.

16 MR. WILSON: Letters were sent
17 out, but they -- it has been pretty much
18 standstill in terms of what -- but no one --
19 they haven't sold any parking spaces. They
20 are on their own time right now, so if you
21 could look into that that would be
22 appreciated.

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1 CHAIRPERSON MITTEN: Have people
2 begun to occupy the project?

3 MR. WILSON: It's probably about
4 50 percent occupied right now, yes.

5 CHAIRPERSON MITTEN: Okay. Okay.
6 Well, thanks for bringing that to our
7 attention.

8 MR. WILSON: Thank you.

9 CHAIRPERSON MITTEN: Okay. Thank
10 you.

11 Anyone else who'd like to testify
12 in opposition?

13 (No response.)

14 Okay. Just let me have a little
15 sidebar.

16 (Pause.)

17 I think that we're prepared to
18 move forward tonight with a decision. And
19 while we appreciate the views of Mr. Wilson
20 and Mr. Nelson, I think their concerns bear
21 more directly on their immediate neighborhood
22 and not on the case that is before us tonight.

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1 I think the ANC made a very
2 compelling case for why the downzoning is
3 appropriate, not only to preserve the
4 architectural character of the neighborhood,
5 but the housing type is very important. And
6 for that reason, and the consistency with the
7 comprehensive plan, both old and new, I move
8 approval of Case Number 06-36.

9 COMMISSIONER JEFFRIES: Second.

10 CHAIRPERSON MITTEN: Any
11 discussion?

12 (No response.)

13 All those in favor, please say
14 aye.

15 (Chorus of ayes.)

16 Those opposed, please say no.

17 (No response.)

18 Mrs. Schellin.

19 SECRETARY SCHELLIN: The staff
20 will record the vote five to zero to zero to
21 approve Zoning Commission Case Number 06-36,
22 Commissioner Mitten moving, Commissioner

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1 Jeffries seconding, Commissioners Hood,
2 Turnbull, and Parsons in favor.

3 CHAIRPERSON MITTEN: Thank you.
4 And as was noted earlier, the balance of the
5 lots that didn't get advertised will be taken
6 up on May 3rd. And I expect a speedy hearing
7 that evening, although I won't be chairing it
8 probably. So thank you all for your
9 participation.

10 And we do have a continuation of
11 another hearing at 8:00. So anyone who is
12 planning on staying for that, we'll be back.

13 (Whereupon, the proceedings in the foregoing
14 matter went off the record at 7:29
15 a.m. and went back on the record
16 at 8:03 a.m.)

17 CHAIRPERSON MITTEN: Good evening,
18 ladies and gentlemen. This is a public
19 hearing of the Zoning Commission of the
20 District of Columbia for Thursday, February 8,
21 2007.

22 My name is Carol Mitten, and

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1 joining me this evening are Vice Chairman
2 Anthony Hood, and Commissioners Mike Turnbull,
3 Greg Jeffries, and John Parsons.

4 This is a continuation of the
5 hearing in Zoning Commission Case Number 05-
6 39, and the -- we have two items left on our
7 agenda for the hearing. And we have the party
8 in opposition will present tonight, Eckington
9 Citizens for Responsible Development, and they
10 will have 40 minutes, and then we'll have the
11 rebuttal and closing remarks by the applicant.

12 So we'll have the folks -- Ms.
13 Walker and her team come forward.

14 MR. BENZING: Ms. Walker couldn't
15 join us this evening, but the rest of us are
16 here.

17 CHAIRPERSON MITTEN: Okay. And
18 would you begin by identifying yourself for
19 the record, and maybe identify the team of
20 folks, and then you can just proceed as you'd
21 like. You have 40 minutes.

22 MR. BENZING: Sure. My name is

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1 Adam Benzing, and my fiancée is also here,
2 Deaidra Smith. We both live at 1927 Summit
3 Place, and we're here with the ECRD.

4 CHAIRPERSON MITTEN: Go ahead.

5 MR. BENZING: All right. As I
6 stated, I live within 200 feet of this
7 proposed project, and St. Martin's is our
8 parish. We've here tonight, along with the
9 other concerned members of the ECRD, because
10 we feel that a project of this magnitude
11 requires more than simple community
12 notification. It requires community consent
13 and participation.

14 What we love about our
15 neighborhood is its diversity and how
16 welcoming it has been to people from all walks
17 of life, and we believe that D.C. needs more
18 neighborhoods like ours -- neighborhoods where
19 citizens take responsibility not just for
20 their own well being but for the well being of
21 those around them.

22 The ECRD was founded in the spirit

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1 -- the spirit of promoting community
2 involvement and the growth and development of
3 our neighborhood. And as such, our position
4 is not one that should be taken lightly. Our
5 purpose here is to ensure that any new project
6 within our neighborhood takes into account the
7 concerns and needs of those already living in
8 the community for the preservation of our
9 neighborhood for years to come.

10 Apparently, contrary to popular
11 opinion, we share in the belief that there is
12 a need for more affordable housing in the
13 District of Columbia, such as the admirable
14 HOPE VI programs. And so we are not against
15 the goals of the St. Martin's project.
16 Instead, we stand in opposition to the way
17 that the project has been planned and will be
18 executed.

19 In our testimony you will hear
20 from concerned citizens and an expert witness
21 detailing our reasons for opposing the project
22 as currently presented. We do not believe

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1 that the project planners have adequately
2 considered and addressed the following areas
3 of concern -- the impact of the project on
4 neighborhood traffic and parking, the
5 compatibility of the project with historical
6 aspects of the site and this neighborhood, the
7 appropriateness of the development with
8 regards to the city's comprehensive plan for
9 our neighborhood, and the possible
10 ramifications of this type and scale of
11 construction on the houses and streets of the
12 neighborhood.

13 We also only that these concerns
14 be heard and addressed before moving forward.

15 Thank you.

16 CHAIRPERSON MITTEN: It's up to
17 you to manage your own presentation, so just
18 make sure --

19 MR. BENZING: Okay.

20 CHAIRPERSON MITTEN: -- you hand
21 off. Okay?

22 MS. BERK: My name is -- is this

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1 good? You can hear? Okay. My name is Sally
2 Berk. I'm the expert witness. I have an
3 undergraduate degree in architecture and a
4 graduate degree in historic preservation. And
5 I'm a native Washingtonian, two generations,
6 lived in all four quadrants of the city. So I
7 know that -- and I have worked on preservation
8 projects all over the city.

9 CHAIRPERSON MITTEN: Just for
10 clarification maybe -- shut the clock off for
11 a second -- you're being proffered as an
12 expert in what precisely?

13 MS. BERK: In architecture and
14 historic preservation.

15 CHAIRPERSON MITTEN: Okay.

16 MS. BERK: So compatibility of
17 design, which is one of the PUD requirements.

18 CHAIRPERSON MITTEN: Okay. And we
19 have your resume --

20 MS. BERK: Yes.

21 CHAIRPERSON MITTEN: -- before us.

22 MS. BERK: Yes.

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1 CHAIRPERSON MITTEN: Do you have
2 any objection, Mr. Quin?

3 MR. QUIN: I believe that --

4 CHAIRPERSON MITTEN: I need you to
5 get on a mike. If you all would just help Mr.
6 Quin get on a microphone, please. I need you
7 to turn it on. That's -- yes, I'm sorry.

8 MR. QUIN: I only object to the --
9 anything beyond the historic preservation
10 aspect. I don't think that she has practiced
11 architecture, so I would not accept her as an
12 expert in the field of architecture.

13 CHAIRPERSON MITTEN: Okay. And
14 are you proffering yourself as an
15 architectural expert, or just historic
16 preservation?

17 MS. BERK: Well, having reviewed
18 thousands of projects that deal with
19 compatibility, I feel that I am qualified to
20 testify on that aspect.

21 CHAIRPERSON MITTEN: Design and
22 compatibility.

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1 MS. BERK: Yes.

2 CHAIRPERSON MITTEN: Okay.

3 MS. BERK: Absolutely.

4 CHAIRPERSON MITTEN: All right.

5 MS. BERK: I mean, I currently
6 chair the Preservation Subcommittee of the
7 Committee of 100. I used to chair the Project
8 Review Committee of the D.C. Preservation
9 League, was President of the D.C. Preservation
10 League, and, as I said, I've reviewed
11 thousands of projects for compatibility in
12 historic context.

13 CHAIRPERSON MITTEN: Okay. If you
14 stray outside of what -- I think I would be --
15 I would advocate that my colleagues accept her
16 as an expert in historic preservation and
17 compatible design in a historic context. And
18 beyond that, I think she might be straying
19 away from her area of expertise.

20 COMMISSIONER PARSONS: I would
21 absolutely agree with that.

22 CHAIRPERSON MITTEN: Okay. So if

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1 you stay within that area, we won't have any
2 objections.

3 MS. BERK: Okay.

4 CHAIRPERSON MITTEN: And Mr. Quin
5 will remain in his --

6 MS. BERK: Do you mind if I just
7 spend another minute telling you about my
8 qualifications?

9 CHAIRPERSON MITTEN: No, because
10 we just dispatched with that.

11 MS. BERK: Okay.

12 CHAIRPERSON MITTEN: Okay. So now
13 we're ready to go.

14 MS. BERK: Okay.

15 CHAIRPERSON MITTEN: Back on the
16 clock.

17 MS. BERK: After studying the
18 application, I conclude the proposal to
19 construct housing, as far as Adam has already
20 said, welcome this project. It's far
21 preferable to have housing on this site than
22 what's there now, which is an amorphous

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1 parking lot, which doesn't really provide any
2 amenity to the neighborhood.

3 However, the proposal before you
4 doesn't meet PUD standards in addressing the
5 need for open space, for recreational
6 amenities, and in respecting the design
7 integrity of adjacent properties and the
8 surrounding neighborhood.

9 And the neighborhood just to the
10 north of this, the little triangle to the
11 north of it, is rowhouses that were designed
12 by -- that were built by the developer Harry
13 Woodman in 1911. Front porch, an early
14 project to front porch rowhouses. And from
15 writing a book, I'm quite familiar with that.

16 So I think I have a pretty good grasp on what
17 is compatible in what is an R-4 rowhouse
18 district.

19 And as this first slide clearly
20 demonstrates, with the footprint of the
21 building, that it's out of scale with the
22 neighborhood.

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1 Now I'm not going to be able to
2 read my notes.

3 CHAIRPERSON MITTEN: There's a
4 light there.

5 MS. BERK: Okay. Okay. While
6 this drawing is -- could be considered to be a
7 very seductive graphic, I went on the website
8 for the architects and found the reality -- a
9 photograph, a reality of what this project is
10 likely to look like with its use of very, very
11 diverse materials and the elements and a lot
12 of vinyl siding which -- and I think that
13 photograph is of a suburban project, but this
14 is a project in an urban context. And so I
15 find that it's not suitable.

16 Interestingly, also on the
17 architect's website, there is a project that
18 they've done very close to this one, the Minor
19 -- the Mertula Minor School, which would be a
20 far more compatible solution. It's more
21 restrained, it's brick, it meets the
22 environment a lot better than this one does.

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1 These are the two historic
2 buildings on the site, primarily brick with a
3 little bit of limestone trim, restrained,
4 elegant, simple massing. That is not at all
5 what's being proposed to be compatible with
6 these buildings.

7 In fact, the context of the
8 neighborhood is pretty regularized. Even when
9 you've got rows of houses, the houses are
10 similar, if not identical, they're repetitive.

11 Even where there are -- on the lower right-
12 hand side where there are four buildings of --
13 four apartment buildings of four units each,
14 that's regularized, makes a cohesive design.

15 And the McKinley Tech High School,
16 which has a facade probably almost as long as
17 the proposed building, still has a unity and a
18 restraint that is appropriate to the
19 neighborhood, whereas -- and the architects --
20 that drawing at the top comes from the
21 architect's plans, and they say that it is the
22 precedent for the design of the building.

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1 And while I'm sure that that's
2 true, that everything in the neighborhood is
3 or should serve as some sort of a precedent or
4 inspiration, the architects have taken an
5 element from almost every single one of those
6 and incorporated it into a single project, so
7 that the design becomes far busier and not
8 what is happening in that neighborhood. More
9 of what you would see in a commercial project,
10 that sort of variety would be more suitable to
11 a commercial project.

12 Now, here are the houses on Todd
13 Place, and you can see the sort of -- they
14 just like make a nice, unified line, whereas
15 what's being proposed is neither compatible
16 with the houses nor compatible with the
17 convent, which is on the left side in the
18 lower drawing.

19 And then, I think this probably
20 just speaks for itself. I'm not sure I need
21 to say anything about this drawing.

22 I'm showing this because there is

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1 in the PUD regs that affordable housing should
2 use the same design, the same standards, and
3 the same materials as market rate housing, and
4 yet this project has an enormous amount of
5 vinyl on it, 60 percent it says in the
6 application. That is not what one finds in
7 market rate housing.

8 And while the architects say that
9 the majority of the vinyl is -- on the
10 exterior is facing City Lights School, in fact
11 there is -- it will be seen, you know, at --
12 one doesn't just look at things straight on.
13 You look at them obliquely. You look at them
14 in perspective.

15 And there will be no hiding the
16 fact that there is an enormous amount of vinyl
17 there. Furthermore, vinyl has a life of only
18 about 15 years, so from an economic standpoint
19 I've been told by a practicing architect that
20 over the life of the building it doesn't make
21 very much sense, unless the life of this
22 building is projected to be 15 years. And if

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1 that is all that the life of this building is
2 projected to be, then I would say that the
3 removal of the hill for this building makes
4 even less sense.

5 As far as preserving and promoting
6 cultural and natural amenities, as you've
7 already been told, the proposal is to move the
8 convent to the southeast of the site, not only
9 move the convent but remove the hill on which
10 it sits. And some of the significance of the
11 convent as you -- I'm sure you read in the OP
12 report, some of the significance derives from
13 the ensemble of the convent on the hill.

14 So by removing the hill and moving
15 the convent, you -- one loses the significance
16 of the convent on the hill, which has served
17 as a familiar landmark in the neighborhood for
18 80 years.

19 So it's not preserving and
20 promoting a cultural resource at all, and, of
21 course, removing the hill, that could never be
22 considered to be any kind of preservation --

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1 the hill being a character-defining feature of
2 the neighborhood, and also of the city as one
3 enters it from the north. If you come in on
4 New York Avenue, you enter from the northeast,
5 that hill is a defining feature of the city.
6 So I don't think one should so cavalierly
7 remove a hill.

8 Also, what would be -- as far as
9 respecting and improving the physical
10 character of the District, the project has
11 been designed in such a way as to completely
12 or almost completely eliminate the views --
13 the visual access. One can't say that the
14 neighbors are entitled to climb the hill and
15 have access that way, but visual access to the
16 Washington Monument, the Cathedral, the
17 cityscape below, because of the way the
18 project has been designed -- and I don't think
19 it is necessary to this -- the visual access
20 to these things would be denied the neighbors.

21 One would like to see a project
22 that would, instead, take advantage of these

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1 amenities that the site offers.

2 As far as providing diversity and
3 its social responsibility, it is pretty much
4 an impenetrable fortress. There is -- unlike
5 the front porch rowhouses in the neighborhood,
6 which probably the best kind of housing type
7 to promote neighborhood interaction, this one
8 denies neighborhood interaction. It does
9 exactly the opposite of any kind of social
10 responsibility in terms of the design of the
11 building.

12 So the Eckington Citizens for
13 Responsible Development have -- are providing
14 a proposal. It's only one of countless
15 possibilities for this site, but this one we
16 feel in scale and design and density -- which
17 is an R-5-A instead of an R-5-B, which is
18 garden apartment zoning, is far more
19 compatible in this context than what is being
20 proposed.

21 In this particular proposal, there
22 are two buildings. The convent is not moved,

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1 the hill is not removed, the views remain,
2 there is access to the site allowing
3 interaction between the residents of this
4 project and the residents of the neighborhood.

5 It would be 110 units under R-5-A

6 --

7 CHAIRPERSON MITTEN: I'm just
8 going to interrupt you here for a second, just
9 to make something clear, which is we have a
10 proposal before us that we vote up or down.

11 MS. BERK: Right.

12 CHAIRPERSON MITTEN: We can't make
13 a substitution.

14 MS. BERK: Right. Oh, absolutely.

15 CHAIRPERSON MITTEN: Okay.

16 MS. BERK: This is only an example
17 of what would be -- could be found to be
18 acceptable on the site. This is not -- in no
19 way --

20 CHAIRPERSON MITTEN: Okay. I just
21 wanted to be clear about that.

22 MS. BERK: -- a completed scheme.

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1 It's a viable scheme. It is not a completed
2 scheme.

3 CHAIRPERSON MITTEN: All right.

4 MS. BERK: And there are thousands
5 -- there are countless schemes that would be
6 -- I mean, we all know that an R-4 project on
7 this site would be -- but here's a compromise.
8 So, no, you're not -- no.

9 And in this scheme, 56 cars could
10 be accommodated for 110 units, and affordable
11 housing requires one car space for every two
12 units. Or if 50 of these units are to be for
13 the formerly homeless, few of which would have
14 cars, then there's almost one car per unit in
15 this scheme.

16 And here is a section through the
17 site showing the site as it exists and how
18 much of the hill would be -- how much of the
19 hill would be removed. And then, this
20 demonstrates the fact that visual access
21 through the site would still remain -- views
22 of the Cathedral, views of the Washington

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1 Monument, views of the city below. There is
2 -- in this particular scheme, there is a
3 belvedere. I know you're not going to vote up
4 or down this scheme.

5 But there are all sorts of ways of
6 designing this site that would be an amenity
7 to the neighborhood. The proposal has a
8 gazebo inside the project, which would have --
9 which the neighborhood would not ordinarily
10 have access to. And that's my presentation.

11 MR. RYNECKI: Good evening. My
12 name is Steve Rynecki, and I am a resident of
13 Eckington, and I live two blocks south of the
14 proposed project site on Quincy Place, N.E.

15 I'm here tonight to speak about
16 excavation issues and impacts relating to this
17 -- to the application. If the zoning change
18 is granted, the applicant will make dramatic
19 and irreversible changes to our city's
20 landscape, and the look and feel of our
21 community will change forever, as was
22 previously stated.

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1 The applicant has not adequately
2 informed the affected community on the impact
3 of removing several hundred tons of earth from
4 the building site. Property damage to
5 neighboring structures prior to and during
6 construction is inevitable given the scale of
7 the alteration.

8 Neighboring homes will likely be
9 damaged by the waste removal trucks hauling
10 hundreds of tons of soil and debris, and the
11 applicant needs to identify the exact location
12 of where the contents of that hill will be
13 dumped. Since D.C. no longer accepts any more
14 fill in the city limits, it would be
15 interesting to know what municipality would
16 take all this hill debris.

17 The applicant needs to provide a
18 pre-construction survey to ANC-5C for review,
19 because we haven't seen a pre-construction
20 survey. And there has been no report from the
21 applicant on the consequences resulting from
22 removal of over 20 feet of hillside. So we

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1 don't know if the hill is removed that it
2 won't lead to erosion, and that that erosion
3 won't destabilize the homes across the street
4 on Todd Place or any other homes adjacent to
5 the development site.

6 We also don't believe that a
7 subterranean soil sample has been taken to
8 check for underground water, and groundwater
9 could be displaced. Realistic estimates
10 provided by a third party expert on the cubic
11 tonnage of soil and the materials to be hauled
12 to and from the site prior to and during
13 construction should be made public. The
14 number of trips and the level of vibration
15 caused by these trucks needs to be quantified
16 and shared with the public.

17 The applicant needs to clarify
18 which streets will be used for hauling
19 material, and DDOT should certify for the
20 public record its approval and guarantee to
21 repair the streets that will inevitably be
22 damaged by this activity.

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1 There is a precedent in the city
2 for a similar development that resulted in
3 millions of dollars in property damage in the
4 Cleveland Park community. There, in 1998,
5 construction of the National Cathedral School
6 Athletic Center Complex led to a class action
7 lawsuit filed by the neighborhood.

8 During the construction phase, the
9 foundations of neighboring homes were
10 seriously damaged when groundwater was
11 displaced from the cathedral during and after
12 construction of a large basement, similar to
13 the underground parking that the applicant is
14 proposing here.

15 It took years before the National
16 Cathedral would acknowledge the damage it
17 caused and dispersed meager compensation after
18 -- to the neighbors after much painful
19 litigation.

20 We don't want the same thing to
21 happen to us. The applicant has asked to
22 create a neighborhood compensation fund to

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1 offset costs incurred for property damage
2 prior to excavation if this is approved.

3 The above-mentioned steps and
4 costs can be avoided if the applicant's
5 request for a zoning change is denied.

6 Thank you.

7 MR. LILAVOIS: Hello. My name is
8 Joe Lilavois. I'm here as a layman to talk
9 about the comprehensive plan and how this --

10 CHAIRPERSON MITTEN: Would you say
11 your name again? I'm sorry.

12 MR. LILAVOIS: Joe Lilavois.

13 CHAIRPERSON MITTEN: Thank you.

14 MR. LILAVOIS: The applicant
15 claims that this apartment complex falls under
16 the moderate density land use category. I'd
17 like to read from the comprehensive plan, page
18 11-5, Section 1103, defining moderate and
19 medium categories.

20 "The moderate density residential
21 land use category includes rowhouses and
22 garden apartments as predominant uses, and may

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1 also include as appropriate uses low density
2 housing. The medium density residential land
3 use category includes multiple unit housing
4 and mid-rise apartment complexes as
5 predominant uses and may also include as
6 appropriate uses low and moderate density
7 housing."

8 They are both very -- they are a
9 bit ambiguous, because they really don't
10 define the differences between a garden
11 apartment versus a mid-rise apartment.
12 However, if you look at the legend of the
13 comprehensive future land use plan, it's a
14 little bit clearer, which I'm displaying now,
15 so lights off.

16 Sorry about that. You can leave
17 them off throughout this.

18 Here when we look at moderate
19 density residential it says it defines the
20 District's rowhouse neighborhoods as well as
21 its low rise garden apartment complexes,
22 similar to the other one. It also applies to

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1 areas characteristic -- characterized by a mix
2 of single-family homes, two- to four-unit
3 buildings, rowhouses, and low-rise apartment
4 buildings.

5 Under medium density residential,
6 it says it defines neighborhoods or areas
7 where mid-rise, specifically four to seven
8 stories, it actually kind of defines what a
9 mid-rise apartment complex is -- four- to
10 seven-story apartment buildings that are the
11 predominant use, pockets of low and moderate
12 density housing may exist.

13 The designation may also apply to
14 taller buildings, and so on. But the point
15 here is it actually defines a mid-rise as four
16 to seven stories.

17 After seeing the drawings of the
18 building, I believe you would be hard-pressed
19 to describe it as a rowhouse or a garden
20 apartment, but rather a four- to seven-story
21 building, which in this case is a five-story
22 building with actually a fairly tall pitched

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1 roof.

2 As this plan describes, as the
3 comprehensive plan describes -- and this is
4 actually a picture directly from the corner of
5 the future use plan. It basically would be
6 easier to define this building under medium
7 density versus moderate.

8 What we're looking at here is a
9 section of the comprehensive future land use
10 plan for the area in question. Right here,
11 all this tan area are rowhouses, garden
12 apartments. Here you have the public use
13 area, which is three schools, and what the
14 developer wants to do is this. And if you
15 didn't see the difference here, what we've
16 done is added right here this little section
17 of medium density housing.

18 Both the current and future land
19 use maps show the St. Martin's property, and
20 about eight-block radius from the property as
21 designated for rowhouse and garden apartments
22 or local public facilities -- in this case

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1 specifically two-story early 1900s rowhouses
2 or schools.

3 In this spot next to the schools,
4 in the middle of two-story rowhouses, they
5 want to build a five-story apartment complex
6 with a tall pitched roof. We feel strongly
7 that this is not the right size building for
8 this particular spot in the middle of a
9 rowhouse neighborhood.

10 And let's look now at its
11 proximity to major roads. What I've done here
12 is highlight the major roads in the area, and
13 we see there is Rhode Island Avenue, Florida
14 Avenue, New York Avenue. North Capitol you'll
15 notice this little dashed line, and that's
16 because it's split into two areas.

17 There's like a residential part of
18 New York and a main highway part of New York.

19 And if you are living in the residences, if
20 you wanted to access the main highway part,
21 you couldn't do it from this dashed line area.

22 We have to go and travel to one of these

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1 solid line areas.

2 So -- oh, North Capitol Street.
3 Thank you. What did I call it? Oh, thanks.
4 For the record, it is North Capitol Street.

5 For the St. Martin's property, the
6 closest major road is Rhode Island Avenue, and
7 due to traffic patterns in the morning they
8 actually have to leave this apartment complex
9 and drive several blocks in order to get to
10 Rhode Island Avenue going downtown, basically
11 leaving the apartment complex, going up these
12 blocks, going across U Street, and then coming
13 up here in order to go downtown.

14 And the two closest metro stops
15 are here at New York -- well, New York Avenue
16 metro stop and Rhode Island metro stop, both
17 of which are nearly a mile. This one
18 specifically 9.5 miles, this one 8.5 miles,
19 quite a distance from this specific site.

20 When you look at the other medium
21 density residential, you'll notice it's right
22 along the major roads, right over here, down

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1 here, around the metro stations. Here you
2 have none of that.

3 CHAIRPERSON MITTEN: Would you
4 make your little pointer on the computer make
5 -- be an arrow or something? Because I see a
6 little --

7 MR. LILAVOIS: Oh, I'm sorry.

8 CHAIRPERSON MITTEN: -- dot
9 moving, but --

10 MR. LILAVOIS: I'm sorry. Bring
11 it back to an arrow. There we go.

12 CHAIRPERSON MITTEN: Yes. Thanks.

13 MR. LILAVOIS: Sorry about that.

14 Anyway, I'm finished pointing.

15 (Laughter.)

16 So, basically, my point is a five-
17 story apartment complex in the center of two-
18 story rowhouses and three-story schools -- and
19 I want to point out these are three-story
20 schools around here, those are the largest
21 buildings there -- blocks from any major road
22 we feel is inappropriate and does not follow

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1 the comprehensive plan. And I'd also like to
2 read one other section of the plan. Where did
3 it move to?

4 This is the residential
5 neighborhoods objectives. This is Section
6 1104.1, paragraph B, "To conserve and maintain
7 the District's sound, established
8 neighborhoods through the strict application
9 and enforcement of housing, building, and
10 zoning codes, and maintenance in general of
11 the level of existing residential uses,
12 densities, and heights."

13 This building clearly does not
14 maintain the existing residential density or
15 height. And that's it for me.

16 MR. TAYLOR: My name is Geoffrey
17 Taylor. I live on T Street directly across
18 the street from City Lights School. I have
19 reviewed the November 10, 2005, traffic impact
20 analysis submitted by O.R. George and
21 Associates and have found several fundamental
22 flaws, and I'd like to bring those flaws to

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1 your attention. I'll be making reference to
2 their summary of findings found at Section 5.1
3 on page 17.

4 Before I address the summary of
5 findings, I'd like to talk about the loading
6 berth. The question is: what is it? The
7 report makes reference to it being a service
8 area and/or a loading berth. The definition
9 in Title 11 says it cannot be both. It's
10 either a service delivery area or a loading
11 berth.

12 My read of Title 11 indicates that
13 there is one required loading berth plus one
14 required service delivery space. If this is
15 true, then the applicant is asking you to
16 reduce two required loading berths and/or
17 service areas, depends on how they reference
18 it, down to about half of one space for a
19 building more than three times the minimum
20 size requirement.

21 The applicant says that you should
22 reduce the size because the tenants will be

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1 using smaller trucks and make reference to a
2 14-foot truck. Well, according to U-Haul
3 that's true. But the 14-foot dimension is
4 just the section that has the cargo in it.
5 They didn't account for the cab portion, which
6 will exceed 14 feet.

7 And that's just for a one- or two-
8 bedroom unit. For three-bedroom units, U-Haul
9 recommends the 17 foot. And, again, that
10 doesn't account for the front cab.

11 So if they are implying that these
12 -- two of these smaller trucks can fit within
13 the 30-foot loading berth, well, that's just
14 not right. The report did say City Lights
15 School attracts significant levels of trucks
16 into the neighborhoods. But where will those
17 trucks go once City Lights School parking lot
18 has gone?

19 Here is a truck loading right now
20 at City Lights School. Here is a bus loading
21 at City Lights School, and this is another
22 picture of a bus loading at City Lights

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1 School. Just that parking lot will be gone,
2 and they do not address where these trucks and
3 these buses will be loading once that space is
4 gone.

5 The applicant testified that the
6 residents of the projects are free to load
7 and/or otherwise occupy the 30 feet of
8 driveway in a public space, thus insinuating a
9 60-foot loading berth.

10 Well, according to Title 11, the
11 use of the public space portion of the
12 driveway is just not permitted. The applicant
13 says that tenants can kind of tandem park and
14 load and unload. They talk about the trash
15 trucks used in the loading berth. You have
16 Federal Express trucks using it and
17 landscapers and emergency vehicles.

18 Here is the loading berth right
19 here that they are proposing. You have the
20 space here in public space. This is just a
21 tandem parked truck. You will notice that one
22 end of that truck is in the walkway, the

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1 public walkway. This is only about two feet
2 for people to move their furniture around.

3 You have a 14 or so foot high wall
4 here, and then you have to -- this little line
5 you have to jump up four feet to get to the
6 loading platform. That's just a scenario
7 that's not going to work when you have 178
8 potential tenants moving in and out at any
9 given time with the loading and the unloading
10 of the other portions of the apartment
11 building as well as the loading and unloading,
12 assuming that the City Lights School will be
13 using that same space, because they don't show
14 another space for them to use.

15 Now, in reference to the reports,
16 summary of findings, in paragraph A the report
17 says that the site is improved with the
18 parking garage and a two-story office
19 building. Well, it is already -- there is
20 already errors found in their report.

21 Here is a picture of the parking
22 lot. Okay. This is a photograph of the truck

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1 that would be accessing the loading berth
2 potentially. This is a Mattress Warehouse.
3 The tenants will have furniture being
4 delivered, and so forth. They didn't address
5 where this trash dumpster would go once this
6 whole parking lot is gone. This is the
7 parking lot at City Lights School.

8 Okay. On two separate occasions I
9 counted the cars parked at the City Lights
10 School. At one point it was 94 cars, and at
11 another point it was 87 cars parked on the
12 lot. I believe I heard the applicant testify
13 there were 16 to 18 cars parked on the lot.

14 In paragraph B of the traffic
15 report, it says that the defined study area
16 roadway is currently operating at acceptable
17 levels. These are cars parked at the lot in
18 the evening.

19 Okay. But I want to make
20 reference to the studies -- the report's
21 Exhibit 2. They would have you to believe
22 that T Street is 34 feet wide -- I mean, is 40

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1 feet wide and that Summit Place is 34 foot
2 wide, when in fact according to DDOT the
3 roadway of T Street is 30 foot wide, and the
4 roadway for Summit Place right here is 24 foot
5 wide.

6 The applicant even made reference
7 to T Street being 90 feet wide, and Todd Place
8 being 50 foot wide. But the roadway is what's
9 important. This is a picture of the a.m.
10 traffic. It's not acceptable. This is the
11 p.m. traffic. You see buses, you see all of
12 this traffic right here.

13 The Edgewood Civic Association
14 took issue with the MPD, and they enforced
15 eventually the restricted one-way traffic.
16 The report says that on T Street there is
17 2,450 vehicles per average weekday. That's
18 103 per hour. That's two per minute all day,
19 passing through schools, and 44 more cars to
20 that in the morning is just not going to be
21 acceptable.

22 The report mentions in paragraph B

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1 the accident reports indicate no significant
2 safety deficiencies. Well, I looked through
3 the accident reports, and it doesn't make that
4 conclusion. Somebody made that conclusion.

5 And the accident report does
6 indicate injuries. Is that not significant?
7 What if one of your children was injured?
8 Would you feel like that's insignificant? No,
9 I don't think so.

10 These are the kids. They just
11 walk across the street. We can't contain
12 them. There is going to be -- and you have
13 more traffic coming right into that section.

14 In paragraph C, the report says
15 the proposed residential units will be
16 restricted to residential with low to moderate
17 incomes. And then, it goes forward to say
18 that essentially the applicant is asking you
19 for this zoning to provide parking for these
20 low to moderate income tenants.

21 Well, just prior -- just previous
22 we saw that there were 50 -- if you have 50

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1 units set aside for the homeless, just alone
2 they would have 17-plus vehicles. Let's see.

3 I want to show you a picture of the parking
4 lot.

5 Where would these cars park? This
6 is the City Lights. Where would these cars
7 park once they removed this parking lot? In
8 paragraph D, the report says the design year
9 background traffic conditions consider
10 potential growth, but they fail to mention
11 projects like CSX, Fairfield, which may or may
12 not be currently planned, but it should be
13 mentioned.

14 And what about other projects that
15 will produce additional vehicles and traffic
16 in the neighborhood? We've got 24 units here,
17 we have a 37-unit vacant building right on the
18 corner of 2nd and T Street. Eventually, that
19 is going to be renovated. The report doesn't
20 mention that.

21 You have 17 one-, two-, and three-
22 bedroom units on Lincoln Road, and you have

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1 four two-bedroom units coming online there.
2 The report didn't mention these 82 potential
3 units, and it doesn't mention McKinley High
4 School.

5 There is an article that says that
6 there is 66,000 square feet of unused space in
7 McKinley High School. Here is a picture of
8 that unused space. That's about three times
9 the City Lights School as far as square
10 footage.

11 Let's see, let's see. Okay. We
12 have traffic, we have the fire trucks going
13 in. Where would the folks at the Harry Thomas
14 Rec Center park? They all park on T Street.

15 Okay. Just trying to get real
16 brief, I want to -- this is a current layout
17 of where the parking is going to be. Now,
18 this is a blowup of that section. This is T
19 Street down here. Now, they are suggesting
20 that they're going to come out on T Street.

21 Well, the traffic study says they
22 want to avoid going through the kids. You

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1 have the City Lights School that will
2 eventually be loading and unloading here. You
3 have Hyatt that's unloading and unloading
4 here. This driveway comes right in the middle
5 of both of them.

6 And DDOT recommends to relocate
7 that space anyway, so that -- this right here
8 is just an idea of where the entrance to the
9 driveway would be. This is the service area,
10 and you can see by this little tree, this
11 little green thing here, all that traffic is
12 right in front of the driveway. You've got
13 the kids right in front of the driveway. That
14 driveway would not avoid the kids. It cannot
15 be.

16 So that driveway would not work.
17 This driveway -- and these are scenarios,
18 potential scenarios. This wouldn't work
19 because it goes right through the convent, and
20 the traffic engineer says Todd Place would not
21 work either. It's only an eight-foot wide
22 lane. And on Summit Place you have two eight-

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1 foot wide lanes.

2 In conclusion, we have traffic.
3 Our conclusion as it relates to loading,
4 parking, and traffic is that we ask you to
5 require the applicant to update the traffic
6 report with accurate and recent information,
7 and provide a copy of the updated report to
8 the residents of the affected neighborhood,
9 and DDOT, and allow all of the above parties
10 to evaluate and have a sitdown discussion
11 about the real impact on the surrounding area,
12 and then have the opportunity to make our
13 comments known to you before you authorize
14 them to proceed.

15 Thank you.

16 CHAIRPERSON MITTEN: Thank you.

17 MR. MARCOS: Commissioners, my
18 name is Mirafe Marcos. I live on the 1800
19 block of North Capitol Street, N.E., a mere
20 three blocks away from the proposed site.

21 Commissioners, allow me to begin
22 my summation with a quote by one of America's

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1 prolific writers and social activists -- Maya
2 Angelou -- who said living your life is like
3 constructing a building. If you start wrong,
4 you will end wrong.

5 Commissioners, the proposed
6 project in its current form is wrong for our
7 neighborhood. It was planned wrong, it was
8 pushed on us wrong, and it is proposed to be
9 built wrong.

10 We as a community of concerned
11 neighborhoods have a unique opportunity to
12 right this wrong. That is why we ask that you
13 deny the request for the zoning variance.

14 Commissioners, we hope it is
15 evident from tonight's testimony that our
16 concerns are with the nature and scope of the
17 St. Martin's proposed development and not with
18 its purpose. Contrary to the misinformed
19 popular opinion, we are for affordable
20 housing, and in that belief we do not defer a
21 single bit from the developers and the
22 proponents.

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1 Commissioners, we have been
2 maligned and slandered by the other party with
3 name-calling and racial slurs. But we have
4 begun to wonder, is it just simple mischievous
5 smear, or have they really completely missed
6 our point? They have completely failed to
7 listen.

8 What we are opposed to, what we
9 are against, is irresponsible development,
10 particularly one that promises to result in a
11 traffic and parking nightmare, potentially
12 damage the structure and foundation of our
13 houses, completely dwarf existing historic two
14 rowhouses, and inject over 400-plus residents
15 in a small spot of land in the midst of a
16 quiet residential area removed from a major
17 road. These flows would be equally concerning
18 regardless of the type of development
19 proposed.

20 Commissioners, the proposed
21 project glaringly violates a number of PUD
22 requirements. For instance, the proposed PUD

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1 is inconsistent with the comprehensive plan.
2 The PUD does not provide public benefits such
3 as effective and safe vehicular and pedestrian
4 access, measures to mitigate traffic impacts,
5 historic preservation, environmental benefits,
6 and the proposed PUD does not provide a
7 greater amenity than would be provided with a
8 matter-of-right project.

9 I'm sure, as you are all well
10 aware, there are many instances in which a
11 community accepts an amenity package in
12 exchange for a PUD. In this instance, we're
13 asking for the project itself to be the
14 amenity package. And in this instance, it
15 clearly is not.

16 Commissioners, we have walked door
17 to door and spoken with our neighbors. I live
18 within 200 feet of this development, plus
19 countless others -- concerned neighbors. Of
20 the 111 occupied residences within the 200
21 feet, we spoke with residents of 87 homes of
22 which 78 -- in other words, 90 percent of

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1 those contacted -- 90 percent are opposed to
2 this project, and they are all within the 200
3 feet.

4 These are the houses that are
5 marked in red in the presentation, and we've
6 already submitted their signed petitions to
7 you. And I hope you have looked at them or
8 you have the opportunity to look at them.

9 Because this development is being
10 proposed under the appearance of the
11 betterment of our community --

12 CHAIRPERSON MITTEN: I need you to
13 wrap it up now.

14 MR. MARCOS: -- we feel that our
15 concerns should have special weight.
16 Regardless of what kind of building is put up,
17 parking is an issue and will continue to be an
18 issue. So the question becomes: do we make
19 it manageable, or do we make it everybody's
20 worst nightmare?

21 CHAIRPERSON MITTEN: And your last
22 thought is?

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1 MR. MARCOS: My last thought is,
2 for the developers, the cost of building an
3 underground parking garage, the cost of
4 removing the hill, and the cost of removing
5 the convent is driving the size of the
6 project. So we ask, then, why not get rid of
7 that cost? Why not build small on top of the
8 hill around the convent, which would still
9 reduce the cost and still enable them to get
10 access to the tax credits they want.

11 CHAIRPERSON MITTEN: Okay. Thank
12 you very much. Would you mind spelling your
13 last name for me?

14 MR. MARCOS: M-A-R-C-O-S.

15 CHAIRPERSON MITTEN: M-A-R-C-O-S.

16 MR. MARCOS: Yes.

17 CHAIRPERSON MITTEN: Thank you.

18 Okay. Questions from the
19 Commission? You might want to get everybody
20 to the table that testified. Mr. Jeffries?

21 COMMISSIONER JEFFRIES: I have a
22 question for Ms. Berk, and a few names that I

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1 might have to go over, but I'll start with Ms.
2 Berk.

3 MS. BERK: Yes, mine is an easy
4 name.

5 COMMISSIONER JEFFRIES: Excuse me?

6 MS. BERK: Mine is an easy name.

7 COMMISSIONER JEFFRIES: Absolutely
8 easy.

9 COMMISSIONER PARSONS: You can
10 just point.

11 COMMISSIONER JEFFRIES: Okay, I'll
12 point.

13 COMMISSIONER PARSONS: You.

14 (Laughter.)

15 COMMISSIONER JEFFRIES: And say
16 your name. With that pointer, right?

17 COMMISSIONER PARSONS: Yes.

18 (Laughter.)

19 COMMISSIONER JEFFRIES: Ms. Berk,
20 you said some words that somehow sort of
21 resonate with me a little bit, this whole
22 notion of a fortress, and that the site plan

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1 didn't seem to have, as you say, social
2 responsibility. Can you expound on that just
3 a little bit more?

4 MS. BERK: Well, when I first got
5 the idea to contact a practicing architect to
6 draw up a scheme for this, and that scheme was
7 done by a nationally known preservation
8 architect who really cares about the city and
9 did it pro bono, when I approached him what I
10 was envisioning was a project that had just
11 provided some visual access to the
12 neighborhood.

13 In other words, I was imagining
14 like some of -- like a Viennese housing
15 project with the big arch that you can see
16 through it, and the neighborhood can have
17 access to it. So I was envisioning a
18 penetrable project.

19 Now, what this architect came up
20 with was actually some free-standing buildings
21 that you can actually, you know, walk around
22 and relate with. But this project is designed

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1 like a prison. It keeps the people who live
2 there in, and the people who don't live there
3 out, and it doesn't provide the kind of
4 interaction that characterizes this
5 neighborhood, and --

6 COMMISSIONER JEFFRIES: Okay.

7 MS. BERK: -- there's nothing like
8 a front porch rowhouse to generate that kind
9 of community interaction.

10 COMMISSIONER JEFFRIES: And then,
11 you also spoke about the vinyl, and you said
12 that --

13 MS. BERK: About the vinyl? Yes.

14 COMMISSIONER JEFFRIES: About the
15 vinyl.

16 MS. BERK: Yes.

17 COMMISSIONER JEFFRIES: And you
18 said that, you know, while the applicant
19 mentioned that most of the vinyl would be
20 within the two courtyards, and would not be
21 visible from --

22 MS. BERK: On the side facing City

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1 Lights.

2 COMMISSIONER JEFFRIES: -- on the
3 side facing City Lights, but you said that,
4 still, it would still be pretty visible
5 because we don't experience things, you know
6 --

7 MS. BERK: Elevation.

8 COMMISSIONER JEFFRIES: Yes.
9 Okay. So let me be clear about where this
10 experience is going to be in terms of seeing
11 all the vinyl.

12 MS. BERK: Well, the greatest
13 amount is in a different -- a different image,
14 different drawing. The lower drawing is the
15 side that faces City Lights.

16 COMMISSIONER JEFFRIES: That is --
17 now let me make certain I have my bearings
18 down. That is on T?

19 MS. BERK: It just -- it's on the
20 --

21 MR. LILAVOIS: It's actually --
22 there's no road there. There's a gap, and

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1 there's City Lights.

2 MS. BERK: It's the western edge
3 of the project.

4 COMMISSIONER JEFFRIES: Ah, I got
5 it. Okay.

6 CHAIRPERSON MITTEN: We're going
7 to have one person talk at a time, and, Ms.
8 Berk, you're going to need to stay on a
9 microphone.

10 COMMISSIONER JEFFRIES: Okay. So
11 --

12 MS. BERK: Then, can I have my
13 computer over here?

14 COMMISSIONER JEFFRIES: So I'm
15 looking at a triangle -- I'm sorry, looking at
16 a rectangle, and the -- on the west side of
17 that triangle is the City Lights School, and
18 that's where you would see most of the vinyl.

19 Is that what I --

20 MS. BERK: That's what's
21 indicated, yes.

22 COMMISSIONER JEFFRIES: Oh, okay.

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1 And then, I have a question for the
2 gentleman.

3 MS. BERK: Actually, to answer
4 your question a little bit further --

5 COMMISSIONER JEFFRIES: Sure.

6 MS. BERK: -- that's what I heard
7 the applicant say at the hearing last week.
8 I'm just repeating what --

9 COMMISSIONER JEFFRIES: Okay. The
10 gentleman that -- I'm sorry, I --

11 MR. TAYLOR: Geoffrey.

12 COMMISSIONER JEFFRIES: Geoffrey
13 Taylor.

14 MR. TAYLOR: Geoffrey Taylor.

15 COMMISSIONER JEFFRIES: Taylor,
16 okay. Just when you said Geoffrey, I got
17 Taylor. What's with T Street and this
18 traffic? I mean, it looked like a parade or
19 something. I mean --

20 MR. TAYLOR: Every day.

21 COMMISSIONER JEFFRIES: What's the
22 driver -- and no pun intended -- of all this

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1 traffic on T Street?

2 MR. TAYLOR: Just one Hyde School.

3 That's not even including the City Lights who
4 used to load on T Street. They're loading now
5 on the parking load, which will be gone, so
6 unless they load on Todd Street they're going
7 to be loading on T Street again. So that's
8 just Hyde School traffic for the most part.

9 CHAIRPERSON MITTEN: When you say
10 "loading," do you mean --

11 MR. TAYLOR: Children.

12 CHAIRPERSON MITTEN: -- where the
13 kids gets dropped off and stuff.

14 MR. TAYLOR: The kids, yes.

15 CHAIRPERSON MITTEN: Okay.

16 MR. TAYLOR: As well as I captured
17 a picture of a truck loading at Hyde, at the
18 City Lights School. Where will they load?
19 Todd Place is only eight feet wide with two
20 cars parking on both sides. I suspect that
21 they're going to be on T Street.

22 COMMISSIONER JEFFRIES: But, Mr.

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1 Taylor, this is a snapshot --

2 MR. TAYLOR: Yes.

3 COMMISSIONER JEFFRIES: -- okay,
4 over what period of time. An hour? I mean,
5 what are we talking here?

6 MR. TAYLOR: I took several
7 photographs. Both -- that particular
8 photograph is at the -- when school lets out.

9 COMMISSIONER JEFFRIES: Okay.

10 VICE-CHAIRPERSON HOOD: Excuse me.
11 Mr. Jeffries, let me -- so which that means
12 that's probably like there for, what, about
13 15, 20 minutes?

14 COMMISSIONER JEFFRIES: Thank you,
15 Vice Chair. That's what I --

16 MR. TAYLOR: I didn't time that.
17 I only desire to get an idea, so that you can
18 see what happens on a typical school day, so I
19 wasn't there for an extended -- I didn't time
20 the extent of time that I was there.

21 CHAIRPERSON MITTEN: I think
22 they're asking you a more general question.

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1 Just from your experience in the neighborhood,
2 does that last about 15 minutes, 30 minutes,
3 an hour?

4 MR. TAYLOR: Currently, since City
5 Lights School is not there loading on that
6 street, I would say about a half an hour.

7 CHAIRPERSON MITTEN: Okay.

8 COMMISSIONER JEFFRIES: How many
9 times -- just twice a day or --

10 MR. TAYLOR: That's twice a day.

11 COMMISSIONER JEFFRIES: Twice a
12 day.

13 MR. TAYLOR: Unless there is
14 another activity in the community such as the
15 Cougars play football on a Harry Rec Center
16 parking -- I mean, on the field. Most of the
17 parents and the spectators park on T Street,
18 so you get that type of scenario. When we
19 have PTA at any one of the three schools, we
20 get that scenario.

21 COMMISSIONER JEFFRIES: Okay. My
22 last question, and I'll let my fellow

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1 Commissioners go, Mr. Marcos, you talked about
2 benefits, and I believe that there might have
3 been some other mention from other parts of
4 your team about this whole notion of the
5 project lacking benefits.

6 I think -- and the applicant might
7 correct me on this -- but I think the
8 overriding benefit that they saw from their
9 project is affordability, that they are
10 putting forward a 100 percent low mod
11 workforce housing project of sorts, and that
12 is a huge benefit. You don't see that as a
13 benefit to your overall --

14 MR. MARCOS: I see that as a very
15 important benefit. But the question is:
16 could you achieve the same benefit without
17 going that big? So our question is: is it
18 any more beneficial because the project is
19 that big? Whereas you can actually, without
20 removing the hill, by -- with the current
21 zoning, you can actually have the same kind of
22 benefit.

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1 I mean, interestingly, even at the
2 last hearing, you will have noticed they never
3 really justified or actually explained why
4 they need to go so big. What makes big more
5 affordable than a smaller size? So, of
6 course, I'm -- I mean, as I said,
7 Commissioner, I mean, we have been maligned
8 and slandered and called names under the
9 pretext that we are against affordable
10 housing. We're not.

11 I mean, I'll keep it that simple.
12 I mean, I've heard the name-calling too many
13 times. I mean, we are not opposed to
14 affordable housing. Our issue is the size of
15 this model. So I do -- I see affordability as
16 an important benefit.

17 COMMISSIONER JEFFRIES: Yes, I
18 have to say, I mean, you know, that was the
19 impression I clearly got before, and I sort of
20 walked away thinking that perhaps if there was
21 some concern from the opposing party around
22 affordability, that it was the amount of

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1 affordability, and so forth, but apparently
2 your entire presentation did not at all touch
3 on affordability, but just on, you know,
4 issues that obviously this Commission would
5 take up as it relates to, you know, land use.

6 So, anyway, thank you.

7 CHAIRPERSON MITTEN: Mr. Hood?

8 VICE-CHAIRPERSON HOOD: I'm not
9 sure -- I think, Mr. Taylor, let's go to the
10 shot where you had the 84 cars or 87, whatever
11 cars there were. Let's go to that shot?

12 MR. TAYLOR: Which -- what did it
13 look like?

14 CHAIRPERSON MITTEN: On the
15 parking lot.

16 MR. TAYLOR: Oh, earlier slides.
17 That's it.

18 VICE-CHAIRPERSON HOOD: Okay,
19 that's it. Now, how can you convince me --
20 and I'm just looking at this -- you know, I'm
21 looking at this picture. How can you assure
22 me that those are 87 cars on that parking lot?

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1 MR. TAYLOR: Well, I couldn't
2 convince you, other than just my testimony,
3 because from the angle -- there is no angle
4 that could capture the entire parking lot in
5 one shot.

6 VICE-CHAIRPERSON HOOD: Let me
7 just say this to you. I've been on this
8 Commission for nine years.

9 MR. TAYLOR: Yes, sir.

10 VICE-CHAIRPERSON HOOD: And I've
11 had somebody come with the same exact time in
12 the same -- it was a church case, I'm not
13 going to spell out -- same exact time on a
14 Sunday, one angle showed the street full, and
15 the next angle showed the street empty.

16 MR. TAYLOR: Okay.

17 VICE-CHAIRPERSON HOOD: So I think
18 that for me to be able to listen and believe
19 your testimony -- and that's what I'm -- my
20 point, I need to be able to understand or
21 either visual -- maybe a different position,
22 because I've seen it done, to show me these 87

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1 cars.

2 MR. TAYLOR: Again, one photograph
3 would not -- there is no angle that you would
4 see. If I could --

5 VICE-CHAIRPERSON HOOD: I'm sorry.

6 MR. TAYLOR: -- they are parking
7 down on the grass going down towards the
8 entrance, and there are not tandem spaces on
9 that lot, but three-car deep spaces existing
10 on that lot. They park on the grass. I think
11 the photograph captures them parking on the
12 grass as well.

13 So they're beyond just a lot.
14 They're on the grass as well.

15 VICE-CHAIRPERSON HOOD: Okay.
16 There is another picture, and I'm not sure
17 where it is. There's another picture with the
18 cars -- again, heavy traffic, but there was a
19 car going westbound when according to what
20 we've been told everything goes eastbound
21 between two certain times during the day.

22 And you showed a picture -- I'm

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1 not sure what time it was maybe, but it looks
2 like there was a lot of traffic. Let's go on
3 the angle shots with the streets. It was a
4 car going in the opposite direction, if you
5 can get to that photograph.

6 Because if it was two to five, I'm
7 just curious why the car was going the other
8 direction, if that's a one-way.

9 MR. TAYLOR: Well, I don't believe
10 I captured a photograph of a car going in the
11 wrong direction, although from time to time
12 they do. And it just caused --

13 VICE-CHAIRPERSON HOOD: Go back.
14 You said you didn't believe you caught one.
15 Unless I'm sitting up here and I'm
16 hallucinating --

17 MR. TAYLOR: Well, okay, this --
18 well, good observation.

19 VICE-CHAIRPERSON HOOD: No, these
20 are your pictures. I'm asking you, because I
21 --

22 MR. TAYLOR: Very good

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1 observation. They do that from time to time.

2 VICE-CHAIRPERSON HOOD: Okay. How
3 does that -- I don't understand. That's a
4 one-way.

5 MR. TAYLOR: It's illegal. It's
6 illegal.

7 VICE-CHAIRPERSON HOOD: I know
8 it's illegal, but I'm just trying to find out
9 the reference, because I know when Hyde School
10 -- what grade is high school? What does it go
11 up to, is it middle school?

12 MR. TAYLOR: Middle school.

13 VICE-CHAIRPERSON HOOD: Mr.
14 Taylor, if I remember correctly, you went to
15 McKinley, right?

16 MR. TAYLOR: Yes, sir.

17 VICE-CHAIRPERSON HOOD: Okay. You
18 look familiar.

19 (Laughter.)

20 MR. TAYLOR: Class of '82.

21 VICE-CHAIRPERSON HOOD: Me, too.

22 (Laughter.)

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1 And there was no discussion prior
2 to this case. I just wanted to --

3 MR. TAYLOR: No. No, sir.

4 VICE-CHAIRPERSON HOOD: I didn't
5 know you would be here, but --

6 MR. TAYLOR: Not at all.

7 (Laughter.)

8 VICE-CHAIRPERSON HOOD: I guess my
9 issue and my concern is I want to make sure
10 that the timeframe for the one-way is really
11 feasible or rational to really -- I don't
12 know, to really say that we have a real
13 potential problem, because I can tell you that
14 potential issue would -- crowding exists in
15 just about every elementary school in this
16 city, and depending upon the side. That is a
17 normal procedure or not a process. I'm not
18 saying it's right.

19 MR. TAYLOR: Right. Commissioner,
20 there are several points I'd like to make to
21 that. One, I don't believe Hyde School is
22 that capacity at this point. McKinley is

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1 there -- McKinley's square footage is not at
2 capacity. Their classes are at capacity or
3 near capacity.

4 Another point that I'd like to
5 make -- and I want to -- I want to illustrate
6 it in the photograph that I have -- this is
7 the proposed garage entrance right here, and
8 this is the proposed loading berth for service
9 area, whichever term you want to use, right
10 there.

11 Now, this is traffic. You'll
12 notice where the icon is, that's the same tree
13 right here. Now, right now, all the cars in
14 the -- they go eastbound up the street. But
15 we're not even showing the traffic that might
16 be generated by City Lights School that's
17 actually right here after they start loading
18 and/or unloading on T Street unless they load
19 and unload on a more narrow Todd Street.

20 But I can -- I have photographs.
21 I have a lot of photographs. I just didn't
22 think I'd have the time to show you all --

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1 VICE-CHAIRPERSON HOOD: Okay.

2 MR. TAYLOR: -- the photographs.

3 VICE-CHAIRPERSON HOOD: Okay.

4 MR. MARCOS: Commissioner, can I
5 also add something --

6 VICE-CHAIRPERSON HOOD: Sure.

7 MR. MARCOS: -- else to your
8 response to that where you say, you know, it's
9 very common or it's a common problem because
10 they are around schools. And you're
11 absolutely right. I mean, the point here is
12 actually that problem is going to become even
13 phenomenal.

14 And that's what we were saying
15 earlier. I mean, we recognize traffic is a
16 big problem in our community. So the question
17 is: do we make it a little more manageable,
18 or do we make it a nightmare? I mean, you put
19 in 187 units right there where -- you know,
20 over 400 residents, we don't know how many
21 will have a car, but, I mean, it's going to --
22 this is going to become a growing problem.

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1 So in addition to the schools
2 being at full capacity, you're going to have
3 hundreds of cars going, you know, up and down.

4 So the issue is, you know, manageability as
5 opposed to just a heavy scenario.

6 VICE-CHAIRPERSON HOOD: And I
7 think you said the key word -- manageability.

8 I think that's what you said. What if there
9 was some mitigation methods put in place,
10 especially getting everybody in a
11 collaborative effort?

12 And I'm just putting this out
13 there, you know, because I see it done all the
14 time. And to try to deal with those issues,
15 especially being hours of -- what, school lets
16 out at 3:15, 3:00 to 3:30. As Mr. Taylor has
17 already said, it happens for 30 minutes.

18 What do you think may happen if
19 the direction isn't -- the Commission says,
20 "Put some mitigation methods in place where
21 you have crossing there." I'm not sure who
22 would do it, but where you would have people

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1 out there assisting with the traffic, keeping
2 the traffic flow going. What would you -- how
3 would you be in tune to that?

4 MR. MARCOS: Actually, you know,
5 because the time -- we were cut off, but, you
6 know, we had saved -- you know, if the Board
7 was going to move forward, you know, the
8 approval be contingent on some conditions.
9 And one of those conditions is, you know, can
10 an adequate provision be made to mitigate
11 traffic problems? I mean, so it's -- I mean,
12 we've been open to a lot of --

13 VICE-CHAIRPERSON HOOD: Do you
14 have that written down? Do you have --

15 MR. MARCOS: I'll be submitting my
16 --

17 VICE-CHAIRPERSON HOOD: Can you
18 submit that to us? Okay. All right.

19 My other question -- and this is
20 not a prerequisite. We don't need a long
21 elaboration. But I want to know from those
22 who live in the neighborhood, how long have

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1 you been living there? This is not a
2 prerequisite. Just tell me how many years
3 you've been living in the neighborhood.

4 MR. MARCOS: I've been living for
5 two years and three months now.

6 VICE-CHAIRPERSON HOOD: Okay.

7 MR. BENZING: Me about a year and
8 a half.

9 VICE-CHAIRPERSON HOOD: Okay.

10 MR. RYNECKI: Six years.

11 MR. TAYLOR: Twelve years.

12 MR. LILAVOIS: I'm no longer in
13 the neighborhood.

14 VICE-CHAIRPERSON HOOD: You're no
15 longer in the neighborhood.

16 Mr. Taylor, I don't want to pick
17 on a former classmate --

18 (Laughter.)

19 -- but let me ask you --

20 MR. TAYLOR: Go ahead.

21 VICE-CHAIRPERSON HOOD: -- so
22 you're saying that at the Harry Thomas Rec

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1 Center --

2 MR. TAYLOR: Yes.

3 VICE-CHAIRPERSON HOOD: -- people
4 park on T Street.

5 MR. TAYLOR: Yes, they do.

6 VICE-CHAIRPERSON HOOD: I come
7 over there -- I'm not saying it doesn't
8 happen, but they must be in good shape.
9 That's a long walk. To me, it's a long walk.

10 MR. TAYLOR: They not only park on
11 T Street. They park in the alley behind T
12 Street.

13 VICE-CHAIRPERSON HOOD: Public
14 alley.

15 MR. TAYLOR: In the public alley.

16 VICE-CHAIRPERSON HOOD: Okay.

17 MR. TAYLOR: Not only does the --
18 when the Cougars play do those spectators park
19 on T Street and in the alley behind T Street.

20 When there are meetings at the Rec Center,
21 the community meetings, folks also park on T
22 Street when Lincoln Road becomes full.

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1 VICE-CHAIRPERSON HOOD: Now, the
2 traffic on T Street, we're not attributing any
3 of that from McKinley Tech, are we?

4 MR. TAYLOR: Not a significant
5 number at this point. But as I've pointed out
6 before, McKinley Tech has about 66,000 more
7 square feet to be occupied, and their parking
8 is just about at capacity.

9 VICE-CHAIRPERSON HOOD: Okay.

10 MR. TAYLOR: Currently.

11 VICE-CHAIRPERSON HOOD: All right.

12 Thank you. Thank you all.

13 Thank you, Madam Chair.

14 CHAIRPERSON MITTEN: Thank you,
15 Mr. Hood.

16 Mr. Turnbull?

17 COMMISSIONER TURNBULL: Thank you,
18 Madam Chair. I wanted to continue on the
19 number of cars issue that Commissioner Hood
20 had mentioned earlier. I think it was, Mr.
21 Taylor, you had done a couple of car counts.
22 You had said 87 at one point and 90-something

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1 on another day.

2 MR. TAYLOR: Yes, sir.

3 COMMISSIONER TURNBULL: I guess
4 what I'm just trying to understand from my own
5 -- the applicant had seemed to imply that the
6 parking was a lot less. Do you find -- is
7 that a normal parking day?

8 MR. TAYLOR: This is a normal
9 parking day. That's why I took it on -- I
10 illustrated to you on two separate occasions.

11 This was taken on the 29th around noon. This
12 one was taken on the 31st around noon. Both
13 weekdays, both school days, and both pretty
14 much the same photograph on the Hyde -- the
15 City Lights parking.

16 COMMISSIONER TURNBULL: I don't
17 know if you would know, I mean, I don't know
18 who would know, but I don't know how we tell
19 how much of that related is the school or are
20 there residential -- is there residents
21 parking up on that lot also? I guess that
22 would be my question.

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1 MS. SMITH: Commissioner, may I
2 address that? I am signed in as a witness,
3 but I did not give testimony.

4 CHAIRPERSON MITTEN: I would
5 prefer that people who testified respond to
6 the questions, if you don't mind.

7 Do you have any idea, Mr. Taylor,
8 of who those people are? Because we can ask
9 the applicant when they come back up. Mr.
10 Taylor?

11 MR. TAYLOR: I'm sorry.

12 CHAIRPERSON MITTEN: Do you know
13 who those -- who is parking in the lot, in
14 response to Commissioner Turnbull? We do have
15 the opportunity -- we have the opportunity to
16 ask a followup question to the applicant, so
17 --

18 MR. TAYLOR: My observation is
19 that there are both folks who go into the City
20 Lights School and folks who go into the Hyde
21 School. I've seen them come and go from both
22 locations --

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1 CHAIRPERSON MITTEN: Okay.

2 MR. TAYLOR: -- during my
3 observations.

4 MR. LILAVOIS: I used to live
5 right across the street and I have --

6 CHAIRPERSON MITTEN: Okay.

7 MR. LILAVOIS: -- observed -- what
8 I have seen is you have a lot of teachers
9 actually that park at City Lights School going
10 to work. That parking actually spills over
11 onto the street that I lived on, which was
12 Todd Place. They basically park there and
13 walk up, so that's when the City Lights School
14 is -- the parking lot is full, but --

15 CHAIRPERSON MITTEN: And those are
16 teachers.

17 MR. LILAVOIS: A lot of them are
18 teachers.

19 CHAIRPERSON MITTEN: Teachers
20 teaching at what school?

21 MR. LILAVOIS: At City Lights. I
22 believe it's City Lights. It could be Hyde.

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1 I haven't followed them all, but I know
2 several --

3 CHAIRPERSON MITTEN: Okay.

4 MR. LILAVOIS: -- are City Lights,
5 and they could be --

6 (Laughter.)

7 I've only followed some.

8 CHAIRPERSON MITTEN: Followed
9 them, not like stalked, right?

10 (Laughter.)

11 MR. LILAVOIS: Yes.

12 (Laughter.)

13 But, you know, I have definitely
14 seen several repetitive faces, you know, out
15 there dressed up as teachers.

16 As far as the question of
17 residents, community residents, I think it's
18 probably fairly rare that a resident would go
19 up there and park, because it's kind of
20 difficult to -- not difficult, but it's
21 unlikely that during the day they would park
22 up there and manage walking down and going to

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1 their homes.

2 Most of the residents trade their
3 areas for -- most of the residents in that
4 area actually drive to work, because it's kind
5 of a little far from metro. A lot of them,
6 you'll see them disappear and you'll notice
7 that the license plates change from D.C. to
8 Maryland. So, basically, that's what --

9 CHAIRPERSON MITTEN: Okay.

10 COMMISSIONER TURNBULL: Okay.

11 Thank you.

12 And I guess getting back to, Ms.
13 Berk, in your testimony, from your
14 perspective, from a historical -- from your
15 preservation standpoint, the preference would
16 be to leave the convent in its historical
17 setting on the top of the hill.

18 MS. BERK: Absolutely. I mean, it
19 derives -- some of its significance derives
20 from the ensemble of the convent on top of the
21 hill. It's not at all unusual --

22 COMMISSIONER TURNBULL: So it's

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1 not just the building itself.

2 MS. BERK: Right. I mean, the
3 building has significance for the fact that
4 the nuns who live there provided a community
5 service. The architecture -- it's the work of
6 a master architect, Maurice Moore, who
7 designed a convent that is, in fact, a
8 landmark. I mean, it derives significance
9 from a variety of things, but one of them is
10 -- and it's -- that's mentioned in the OP
11 report.

12 COMMISSIONER TURNBULL: Okay.
13 Thank you.

14 CHAIRPERSON MITTEN: Mr. Parsons?

15 COMMISSIONER PARSONS: Ms. Berk,
16 in your theoretical scheme, you mentioned 110
17 units. How many floors was that building?

18 MS. BERK: Three. And if you're
19 going to ask me any more questions about it, I
20 need my notes where I --

21 COMMISSIONER PARSONS: That's
22 about as far as I wanted to go.

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1 MS. BERK: Okay.

2 (Laughter.)

3 COMMISSIONER PARSONS: I just
4 wondered --

5 MS. BERK: Because I did -- I've
6 got calculations that I didn't -- that I
7 haven't memorized.

8 COMMISSIONER PARSONS: And you
9 certainly took exception in your opening
10 remarks to the design of the building.

11 MS. BERK: Yes.

12 COMMISSIONER PARSONS: Do you have
13 a feeling for what materials would be
14 appropriate in the scheme that you developed
15 or your pro bono architect developed?

16 MS. BERK: I think it should
17 probably -- it should be primarily masonry.
18 But I don't think that -- barring vinyl, I
19 don't think that the specific material matters
20 as much as a little bit more restraint, using
21 fewer materials.

22 COMMISSIONER PARSONS: I see.

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1 MS. BERK: If it were glass
2 curtain wall, designed well, designed
3 creatively, responding in massing, and taking
4 its cues from the surrounding buildings, I
5 think you could do it in curtain wall. You
6 could -- it just needs to not be so frenetic,
7 and not to be a pastiche of historical
8 references but something that represents how
9 buildings are made today and what the program
10 of the building is today, not a copy of the --
11 you know, a little piece of this and a little
12 piece of that and --

13 COMMISSIONER PARSONS: Understand.
14 Thank you very much.

15 CHAIRPERSON MITTEN: I'll just
16 pick up on the historic issue. I think that
17 there's -- we're sort of in an awkward
18 position which is that the D.C. Preservation
19 League has basically blessed the -- moving the
20 convent, and, by moving the convent, the
21 excavation of the hill.

22 So how should we resolve the fact

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1 that we have the Preservation League who had
2 quite a bit of leverage through the landmark
3 application that they had prepared, basically
4 saying that that's -- that what the applicant
5 has proposed is an acceptable solution from a
6 historic preservation standpoint.

7 MS. BERK: I don't find it
8 difficult to resolve. I don't find it an
9 acceptable solution to --

10 CHAIRPERSON MITTEN: So you just
11 disagree.

12 MS. BERK: But you know what? I'm
13 not sure that the D.C. Preservation League was
14 aware that 20 feet -- that the hill was going
15 to be removed. So I can't attest to that.
16 And I do wish now that I had asked, because
17 there is nothing in the agreement -- and I'd
18 be happy to show you the agreement.

19 The D.C. Preservation League
20 provided me a copy of the agreement. There's
21 nothing in the agreement that talks about
22 removing the hill. It's about removing the --

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1 moving the convent.

2 CHAIRPERSON MITTEN: Okay.

3 MS. BERK: But I just don't find

4 --

5 CHAIRPERSON MITTEN: No, that's
6 it. I'm done.

7 MS. BERK: Okay.

8 CHAIRPERSON MITTEN: Thanks.

9 For Mr. Taylor, or anybody else
10 from the group, have you shared your concerns
11 about parking and traffic issues with DDOT,
12 related to this project?

13 MR. TAYLOR: I attempted to, but,
14 no, I have not.

15 CHAIRPERSON MITTEN: Tell me what
16 that means.

17 MR. TAYLOR: I attempted to
18 contact the area planner, but we have never
19 been able to have a chance to sit down.

20 CHAIRPERSON MITTEN: So you
21 reached out to them, but they haven't reached
22 back to you yet?

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1 MR. TAYLOR: That's correct.

2 CHAIRPERSON MITTEN: Okay. And
3 was that fairly recent?

4 MR. TAYLOR: That was, yes.

5 CHAIRPERSON MITTEN: Okay. And
6 just to follow up on the -- this is my final
7 point -- on the -- what Mr. Parsons had asked
8 about the -- what appeared to be an acceptable
9 proposal was a three-story building of some
10 kind on the hill, and the applicant had in
11 their presentation discussed the fact that if
12 you built matter of right on top of the hill
13 that would actually be a taller -- in the --
14 you know, if you're measuring from the same
15 point, you know, like the curb taller than
16 what is proposed here. So can you address
17 that point?

18 MS. BERK: I'm sorry. Was the
19 question for me? Okay.

20 CHAIRPERSON MITTEN: Anybody that
21 wants to answer it.

22 MS. BERK: Okay.

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1 CHAIRPERSON MITTEN: You seem like
2 the likely --

3 MS. BERK: Yes, I --

4 CHAIRPERSON MITTEN: -- person.

5 MS. BERK: I've given that a great
6 deal of thought. And it's all -- it has to do
7 with the massing and how you articulate the
8 project. And if you were to put an R-4
9 rowhouse project on top of the 20-foot hill,
10 it wouldn't be the fortress, it wouldn't be
11 the massing that this five-story building with
12 a peaked roof is on -- flat on the street.

13 CHAIRPERSON MITTEN: Okay. Do you
14 have the Powerpoint in hard copy form for us?
15 We're going to need that submitted into the
16 record, the Powerpoint.

17 MR. LILAVOIS: I only have partial
18 of it. Can I get it to you tomorrow?

19 CHAIRPERSON MITTEN: Yes, we'll
20 leave the record open for that. But we'll
21 need to get that in the record.

22 MR. LILAVOIS: Absolutely.

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1 CHAIRPERSON MITTEN: And then,
2 you'll need to serve the applicant with that.

3 MR. LILAVOIS: Absolutely.

4 MR. BENZING: Commissioner, may I
5 also respond to your first question regarding
6 the traffic patterns, whether or not we've
7 contacted --

8 CHAIRPERSON MITTEN: Sure.

9 MR. BENZING: I also wanted to
10 state that the revised traffic pattern is
11 somewhat recent, and it's my understanding
12 that that -- those traffic patterns have
13 changed because of community request from
14 DDOT, because of concerns regarding --

15 CHAIRPERSON MITTEN: Right. I
16 understand. I just meant specific -- your
17 concerns specific to this application.

18 MR. BENZING: Okay.

19 CHAIRPERSON MITTEN: Okay. Mr.
20 Quin, can you make some --

21 MR. QUIN: I don't know that I
22 have a seat anywhere, but I can -- the fact

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1 that I'm not going to -- well, I'm going to
2 sit doesn't mean I'm going to ask a lot of
3 questions.

4 CHAIRPERSON MITTEN: We want you
5 to be comfortable, Mr. Quin.

6 (Laughter.)

7 MR. QUIN: Rarely have I been
8 uncomfortable here.

9 First question for Ms. Berk. Ms.
10 Berk, you're aware that neither the site nor
11 the surrounding properties are in a historic
12 district, right?

13 MS. BERK: Yes. Absolutely.

14 MR. QUIN: And when you read the
15 DCPL -- have you read the DCPL agreement?

16 MS. BERK: I have it. I just
17 reread it just this morning.

18 MR. QUIN: And do you know whether
19 the Historic Preservation Office was also
20 involved in the negotiation of that agreement?

21 MS. BERK: No, I don't know.

22 MR. QUIN: You don't know.

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1 MS. BERK: No.

2 MR. QUIN: Did you ask anyone?

3 CHAIRPERSON MITTEN: Could you
4 guys trade the mike back and forth or move
5 another one? I just want to make sure -- Mr.
6 Quin is not usually this playful, so --

7 (Laughter.)

8 MR. QUIN: Did you ask anyone,
9 DCPL or the Historic Preservation Office,
10 whether they were involved in --

11 MS. BERK: No. I asked for a copy
12 of it, I read it, I didn't ask. The
13 Preservation Office is not signatory to it.

14 MR. QUIN: Right. But did you
15 know whether they were involved in it? Do you
16 know what type of plans were submitted to DCPL
17 before they signed the agreement?

18 MS. BERK: Not the plans that
19 we've seen -- not the plans that you've shown
20 now. They were previous plans.

21 MR. QUIN: Do you know whether the
22 plan showed the removal of land, the

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1 upgrading?

2 MS. BERK: No, I don't.

3 MR. QUIN: Last question. You
4 speak of a fortress. By "fortress," would
5 that mean that you cannot get to the center of
6 the square, you're stopped by some barrier of
7 some sort?

8 MS. BERK: It's private space.

9 MR. QUIN: Right. And if that
10 were a row of townhouses, cheek by jowl all
11 along, you couldn't reach the center either,
12 could you?

13 MS. BERK: Well, it depends. It
14 depends. If there were alleys behind, then
15 that would be public space, and there would be
16 a lot more visibility of the -- right now, the
17 landscaped courtyards are privatized. When
18 you have rowhouses, the front yards are
19 visually accessible to everyone. And if
20 you've got alleys, the backyards are visible.

21 And you get to borrow the view
22 from -- I mean, I live in a rowhouse, and I

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1 get to borrow my neighbor's garden on both
2 sides.

3 MR. QUIN: Right. And would you
4 not also have access directly out from the
5 house to the sidewalk in this project as well,
6 just like a rowhouse?

7 MS. BERK: Yes. There is periodic
8 access, yes.

9 MR. QUIN: Okay. All right.

10 MS. BERK: Periodic exit and entry
11 for the users.

12 MR. QUIN: You seem to have -- and
13 excuse me if I'm misinterpreting it -- a bias
14 against vinyl.

15 (Laughter.)

16 Is that right?

17 MS. BERK: Well, the comp plan
18 policy says that affordable housing should be
19 of the same standard and quality as market
20 rate housing. And going around the city and
21 looking at projects all over the city, I don't
22 see vinyl being used as market rate housing.

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1 But, yes, I do have a bias toward it.
2 Absolutely.

3 MR. QUIN: And are you familiar
4 with the various -- the different grades of
5 vinyl and how it can be painted in different
6 ways, how the joints can be covered or
7 colored?

8 MS. BERK: It's still vinyl and it
9 has a 15-year life expectancy.

10 MR. QUIN: Are you sure of that?

11 MS. BERK: I was told by a
12 practicing architect, and I consulted a lot of
13 people who gave a lot of pro bono time on
14 this.

15 MR. QUIN: And does it not have
16 some benefits as well?

17 MS. BERK: No. Masonry and
18 curtain wall hold up much better.

19 MR. QUIN: As opposed to wood?
20 Painted wood?

21 MS. BERK: I don't know the life
22 of -- well, yes, of course. Painted wood

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1 lasts a very long time. Look at the houses in
2 New England.

3 MR. QUIN: And do you --

4 (Laughter.)

5 Is it your statement that vinyl
6 cannot last that long?

7 MS. BERK: Yes.

8 MR. QUIN: Okay.

9 MS. BERK: Yes. Absolutely.

10 MR. QUIN: Mr. Rynecki.

11 MR. RYNECKI: Yes, sir.

12 MR. QUIN: Just one brief question
13 for you.

14 MR. RYNECKI: Okay.

15 MR. QUIN: Did you participate in
16 any of the National Cathedral School process
17 whatsoever?

18 MR. RYNECKI: No, I did not.

19 MR. QUIN: Thank you.

20 MR. QUIN: And, Mr. Taylor -- I'm
21 not sure, Madam Chairman, whether the -- today
22 whether the report from DDOT has been

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1 submitted and has been distributed or not, the
2 one that was filed today.

3 CHAIRPERSON MITTEN: We don't --
4 we have one filed today? No, we don't have
5 one filed today.

6 MR. QUIN: We received one by fax
7 today. So it should have been filed today.

8 CHAIRPERSON MITTEN: We don't have
9 a copy of that.

10 MR. QUIN: All right. Well, I
11 have extra copies for you.

12 MR. MARCOS: Neither do we.

13 MR. QUIN: I'd be glad to give you
14 those copies.

15 Mr. Taylor, do you know what the
16 level of service is? Or maybe that's -- I
17 don't know whether you're involved in traffic
18 consultation or not, but the level of service
19 along either T or Todd?

20 MR. TAYLOR: According to the
21 report it says 2,450 cars per average workday.

22 I can be more specific in the language.

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1 MR. QUIN: But is it like service
2 A or B, level of service A or B?

3 MR. TAYLOR: I'm not a traffic
4 engineer. I'm just reading the report.

5 MR. QUIN: Okay.

6 MR. TAYLOR: I don't believe I
7 made reference to the level of service in
8 their report either.

9 MR. QUIN: Right. I understand
10 that. Are you aware of whether City Lights
11 has an agreement as to where they will have
12 access and how many cars they will use?

13 MR. TAYLOR: No, I'm not aware of
14 such an agreement.

15 MR. QUIN: I have no other
16 questions.

17 CHAIRPERSON MITTEN: Thank you,
18 Mr. Quin.

19 Okay. I think that's it.

20 MR. BENZING: Commissioner, may I
21 respond to a previous question regarding the
22 question regarding City Lights and why they

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1 require more cars?

2 CHAIRPERSON MITTEN: No.

3 MR. BENZING: And why it was 87?

4 CHAIRPERSON MITTEN: No.

5 Okay. You guys can sit back,
6 then, and Mr. Quin will put on his rebuttal
7 and closing.

8 MR. QUIN: Madam Chairperson, and
9 members of the Commission, at the last hearing
10 on the 29th you asked us to come up with a
11 list of items that we were to address. And
12 what we've done is we've actually done more
13 than that. We've not only listed them in an
14 applicant's response chart, but we've tried to
15 address the issues that you asked, so that we
16 are prepared to cover those points
17 specifically.

18 If there are questions I'm not
19 quite sure how you want to, but I'd like to
20 start just to tell you what we have here, and
21 then we can call our witnesses for each one of
22 those that can cover those and try to do it

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1 briefly.

2 CHAIRPERSON MITTEN: Okay.

3 MR. QUIN: First of all, as you
4 can see, we tried to take the various issues
5 and group them according to the questions that
6 were asked, like height, how it fits in with
7 the neighborhood, shadows, density, why not
8 rowhouses, one of the very questions being
9 asked today.

10 The traffic -- I'd like to spend
11 just a moment on the traffic, which is the top
12 of page 2. There are two reports that are
13 being handed in. One is a report from O.R.
14 George, which is the updated report that you
15 requested. And Mr. Banks met with the
16 Department of Transportation on the 7th, and
17 as a result there was a lot of discussion, and
18 you have a further report by the Department of
19 Transportation, which has just been filed with
20 you.

21 It is my understanding that it was
22 being filed by the office -- by Mr. Layden

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1 today. But, obviously, it hasn't been filed
2 by Mr. Layden. But this is -- you can see
3 that it is signed by Mr. Layden. I don't know
4 whether you can take notice of it or not, but
5 we submit it as their report, because we
6 received it, if you can tell at the top, by
7 fax late this afternoon.

8 CHAIRPERSON MITTEN: Okay.

9 MR. QUIN: And I had requested
10 specifically that Mr. Bah, Abdullah Bah, send
11 me a copy if and when they got the report.
12 And you'll notice that in that report there
13 are a lot of -- there's a lot of discussion
14 about the access to the garage, about traffic
15 flow, and the safety of pedestrians.

16 And in accordance with a number of
17 requests that have come up from those who
18 appeared in opposition tonight, a number of
19 conditions that are being placed upon the
20 applicant, which the applicant has agreed to,
21 that are in the report. And as you can read
22 the last paragraph, it says specifically DDOT

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1 concurs with the applicant's traffic
2 consultant that a garage driveway along T
3 Street, N.E., is the appropriate location.

4 And then, it says, accordingly --
5 and there is a lot of other discussion that
6 precedes that. Accordingly, DDOT supports the
7 PUD without modification, provided the
8 applicant seeks the traffic-calming measures
9 enumerated above and continues to work with
10 DDOT.

11 So those stop signs, the
12 restriping of the cross-walks, and things of
13 that nature, are specifically covered in that
14 report with a favorable report from DDOT.

15 The other issues that have come up
16 today, many of them deal with -- well,
17 principally, two questions. One is, why not
18 do this project under R-4, or some lower
19 density? Why not a lower part? Well, Mr.
20 Sher has already covered the compatibility and
21 consistency or lack of inconsistency with the
22 comprehensive plan in his testimony, and we

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1 will not cover that again. But that's in the
2 record.

3 But I do think that we will want
4 the mix of incomes part especially to be dealt
5 with by Mr. Orzechowski, just briefly. That's
6 at the bottom of page 2 in this report in
7 rebuttal.

8 And then, also, the architects
9 will cover just briefly the architectural
10 portion and the compatibility with the
11 townhouses, which is what many of the -- much
12 of the discussion, if not 50 percent of the
13 discussion tonight, was about. So if I may
14 proceed with those, I'd like to cover that
15 specifically.

16 Why don't we go with the
17 architects first. Logan, are you prepared to
18 cover some of those points? We can start with
19 the height, and you can go through it in your
20 own way, but I just want to make sure you
21 cover the consistency in the neighborhood.

22 And the Board asked for -- the

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1 Commission -- I think specifically Mr.
2 Jeffries asked for, in effect, a walkaround to
3 see the perspective from residential -- from a
4 pedestrian walking around. And if you could
5 carry us through that, I would appreciate it,
6 and do your animation, I think would be
7 helpful as well.

8 MR. SCHUTZ: This is Logan Schutz
9 with Grimm and Parker Architects again. I
10 guess we could start with the animation, which
11 probably will -- I guess a picture is worth a
12 thousand words.

13 This was from our last -- you all
14 had asked for a rendering, and also an
15 axonometric and a view looking down Todd. So
16 what we did is we imported the pictures that
17 are on the street, and then put it into the
18 context of the building. This is starting at
19 Summit, and we're going up the hill. You can
20 see the townhouses on Todd to the right.

21 We put small trees at this point.
22 Obviously, they're going to grow, but we

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1 wanted you to be able to see the building.
2 This is going down Todd now, heading west.
3 City Lights is coming up here on the left, as
4 you can see it.

5 We're just going to turn here.
6 That's the yellow house that everybody sees.
7 Come back and look back and you see how the
8 houses sit up on the hill. And then, we look
9 back to the right and see the townhouses.

10 You can see that with -- there is
11 a mixture of styles, yes, just like the houses
12 across the street are. There is mixtures of
13 textures, and I think I'd like to respond also
14 to the vinyl siding issue, is that as the
15 brick turns, as you drive down it, you get the
16 feeling -- now, that's all brick that you're
17 seeing. Yes, there's maybe some infill of
18 vinyl, but the perception as you look down the
19 street is one of a lot of brick.

20 And then, another question someone
21 had posed was, where are the mechanical units?

22 The mechanical units will be on the side and

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1 painted out to the color of the brick. And,
2 again, this is just going to run up some more
3 here. Let's stop here.

4 COMMISSIONER JEFFRIES: Excuse me.
5 What's the height differential between the
6 existing homes and this development, as I look
7 right at this --

8 MR. SCHUTZ: I have a section
9 through the site that shows that. I can go to
10 that for you.

11 COMMISSIONER JEFFRIES: If you
12 don't know off the top of your head, I can
13 look --

14 MR. SCHUTZ: No, it's -- there is
15 at least a story and a half more on the St.
16 Martin's side.

17 COMMISSIONER JEFFRIES: Okay.

18 MR. SCHUTZ: And it depends where
19 you are on the hill, because as you can see --

20 COMMISSIONER JEFFRIES: Good.

21 MR. SCHUTZ: -- it varies as the
22 houses go up the hill, whereas the St.

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1 Martin's building is more straight at the
2 roofline.

3 Someone had mentioned something
4 about that the vinyl siding has a life of 15
5 years. And, actually, if you look at the
6 manufacturer's literature, it's anywhere from
7 20 to 50 years. And certainly we have put
8 vinyl siding on buildings back in the '70s
9 that is still in place.

10 There is a situation sometimes,
11 depending on where it's oriented, vinyl
12 sometimes on the north side and low to the
13 ground can actually develop some moss or green
14 algae. But that's really about it. It's a
15 fairly indestructible product.

16 And its advantage over wood is
17 that wood has to be painted every five to
18 eight years. And when it's not painted, it
19 looks -- deteriorates pretty quickly, so wood
20 has to be covered all the time. Wood is a
21 natural product and swells and shrinks with
22 the weather. And paint just -- it's not the

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1 paint that fails, it's the substrate below it.

2 What else do we want to go to
3 here?

4 CHAIRPERSON MITTEN: Just let me
5 interrupt for one second. Did you have that
6 on all of the sides or just on Todd?

7 MR. SCHUTZ: We have modeled it on
8 -- just due to lack of time, we have started
9 it going down Summit and T. But right now,
10 Todd is the only one that is complete.

11 CHAIRPERSON MITTEN: Okay.

12 MR. SCHUTZ: Every house has to be
13 taken -- pictures taken of it, imported into a
14 computer model, and then put into a computer
15 program.

16 CHAIRPERSON MITTEN: I see.

17 MR. SCHUTZ: So it's just a time-
18 consuming --

19 MR. QUIN: But there is no
20 intention to prevent that. I mean --

21 MR. SCHUTZ: Yes.

22 MR. QUIN: -- it's -- we intend to

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1 do that, it's just that we haven't had time in
2 a few days to get that completely.

3 CHAIRPERSON MITTEN: Okay. Sure.

4 Okay.

5 COMMISSIONER JEFFRIES: Excuse me,
6 Mr. Schutz. I'm sorry, Madam Chair. I just
7 want -- so are we going to see an axonometric,
8 like a volumetric showing the overall project
9 in the context of the immediate neighborhood?

10 MR. SCHUTZ: Yes, we can certainly
11 do that. We have gone to the DCGIS as well as
12 Google Earth, and we had not modeled the
13 entire roof of the St. Martin's to put it in,
14 so that you would have a real accurate.

15 Once this model is done, then you
16 can see that. But an axon usually is
17 something that is seen from up above looking
18 down in the context of the houses all around
19 it, and, again, we can do that. It's not that
20 hard a thing to do. We just need to finish
21 modeling --

22 COMMISSIONER JEFFRIES: Okay.

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1 MR. SCHUTZ: -- electronically the
2 St. Martin's building itself.

3 COMMISSIONER JEFFRIES: Okay.
4 Madam Chair, in terms of questions, we're just
5 -- we're going to wait until they're done, or
6 should we just ask as we go?

7 CHAIRPERSON MITTEN: What would
8 you like to do? Do you want to ask a
9 question?

10 COMMISSIONER JEFFRIES: Yes,
11 another question.

12 (Laughter.)

13 Mr. Schutz --

14 MR. SCHUTZ: Yes.

15 COMMISSIONER JEFFRIES: -- I'm
16 just trying to deal with format. So can you
17 just briefly discuss sort of price
18 differential between brick and vinyl, and then
19 wood?

20 MR. SCHUTZ: Yes.

21 COMMISSIONER JEFFRIES: And don't
22 get overly detailed. Just a generic --

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1 MR. SCHUTZ: Right. We don't use
2 wood anymore. There is another product called
3 hardy plank, which is a cementitious product
4 --

5 COMMISSIONER JEFFRIES: Right.

6 MR. SCHUTZ: -- that looks like
7 wood, but nobody really can afford, you know,
8 repainting constantly, especially on large
9 buildings. And our fear is with any of these
10 that, you know, when something costs a lot,
11 and it takes a lot of work to do it, it's
12 usually not done. So we try to make the
13 buildings as maintenance-free as possible.

14 So getting to your question, brick
15 is running I think about \$12 a square foot.
16 Vinyl siding is \$4 to \$7 a square foot,
17 depending on the quality of the vinyl siding.

18 Hardy plank is probably in the \$10, \$8 range,
19 and drive-it or ephis is about \$12 to \$13,
20 just below brick.

21 COMMISSIONER JEFFRIES: Okay.

22 Thank you.

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1 CHAIRPERSON MITTEN: Keep going.

2 MR. QUIN: Sure. Direct your
3 attention to page 1, and the part of the
4 discussion and the preparation of this outline
5 dealing with the varying heights in the
6 neighborhood. And I think the Chairperson
7 again tonight mentioned the relative heights,
8 and also Mr. Jeffries asked the question, but
9 in terms of the Todd Place houses and what
10 could be done under R-4.

11 Just to confirm, I think you may
12 have covered that earlier, and I don't want to
13 be too repetitious, but I just want to make
14 sure on the first page at the top.

15 MR. SCHUTZ: Right. And it's --
16 depending on where you have it, it's
17 approximately about one story above the
18 existing Todd Street, as the first bullet
19 would show.

20 MR. QUIN: That's the matter of
21 right or -- what are you speaking about?

22 MR. SCHUTZ: I need to go to --

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1 MR. QUIN: No, that's the first
2 page as well.

3 CHAIRPERSON MITTEN: What are you
4 guys looking at exactly?

5 MR. QUIN: You should have handed
6 to you -- we gave an as exhibit --

7 CHAIRPERSON MITTEN: I do. Are we
8 looking at the photo number 1 or --

9 MR. QUIN: No. It's applicant's
10 response chart that we are referencing now.

11 CHAIRPERSON MITTEN: Okay. We
12 have it.

13 MR. SCHUTZ: There's a note here.
14 It's about the fourth, fifth bullet down.

15 CHAIRPERSON MITTEN: I'm sorry. I
16 thought you were having us look at a picture
17 of something.

18 MR. QUIN: Oh, no. I'm sorry.

19 MR. SCHUTZ: The matter of right
20 townhouses --

21 CHAIRPERSON MITTEN: Okay.

22 MR. SCHUTZ: -- without regrading,

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1 could rise 70 feet above Todd Street. And
2 here, with apartments regrading, only 55 feet.

3 CHAIRPERSON MITTEN: Okay.

4 MR. QUIN: And then, referencing
5 down to density, one of the questions that has
6 come up tonight, and it came up the other
7 night, too, is the question of, well, why
8 can't you do this project under R-4 or with
9 lower density, like three stories across the
10 top? And if you could get into the
11 architectural reason and how it -- and the
12 relationship to the mission.

13 MR. SCHUTZ: Right. We had done
14 some studies looking at townhouses, and two
15 over twos, and what would be another -- by
16 right, what could we do there? And,
17 certainly, if you were to compare the two, by
18 matter of right we could probably get 70 units
19 there as opposed to the 178 units that we're
20 proposing.

21 The difference being is that under
22 my by right, with number of bedrooms, we would

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1 have four. And if you run through just the
2 number of people that would be living there,
3 with the total number of bedrooms being 280 as
4 compared to our 279, you can start to see that
5 the density would really be about the same
6 with the two over two townhouses scheme.

7 And we have shown -- there is an
8 exhibit that shows a sketch of what that would
9 look like. And, again, sitting on top of the
10 hill it would be up at -- could be up at 70
11 feet. And, again, taking the hill down allows
12 us to drop the perceived height of the
13 building by quite a bit.

14 MR. QUIN: And then, with regard
15 to the nature of row dwelling construction
16 versus apartment dwelling where you have
17 larger common areas, how does that relate to
18 the mission for providing low cost housing or
19 affordable housing with amenities
20 communication versus townhouses where you do
21 not have that?

22 MR. SCHUTZ: Right. We looked at

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1 the townhouses, and then where we would put a
2 community center that would house all of these
3 facilities, and then how does that fit in.
4 And, again, it would be facing -- by putting
5 the townhouses on top of the hill, you have an
6 alley in the back, and it is actually very --
7 relatively inaccessible, as people have said,
8 to get up to the top of that hill.

9 So we have found that by
10 incorporating the amenity spaces into the
11 building we're able to get a sizeable number
12 that are all -- in a sense that you don't have
13 to go outside, everybody, if you broke it into
14 several buildings, people would have to be
15 going outside to the facilities as opposed to
16 just going down the elevator and using the
17 facilities around the lobbies, and using the
18 courtyards.

19 MR. QUIN: And referencing page 1
20 of the response chart, down at the bottom when
21 it says, "Why not row dwellings?" are those
22 some of the reasons that when you have a row

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1 dwelling that you have communication that can
2 provide the amenities that are -- that would
3 service the entire residents as opposed to a
4 few?

5 MR. SCHUTZ: Exactly. Absolutely.

6 MR. QUIN: Okay.

7 MR. SCHUTZ: In other words, you
8 can't provide the same amenities -- the front
9 desk, the lobby, recreation space, community
10 rooms, library, cafe, business center,
11 exercise room -- as convenient.

12 MR. QUIN: Okay. So, Mr.
13 Jeffries, the axonometric is coming. It's
14 just, we're not there yet.

15 There are other photographs that
16 are attached, listed by photo 1, 2, etcetera.

17 Would you define the purpose of those with
18 regard to compatibility of heights?

19 MR. SCHUTZ: Yes. A lot has been
20 said that this is entirely a townhouse
21 community, and our -- when we first went and
22 looked at the site, and looked at the

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1 surroundings, we saw actually quite a very
2 rich mix of building types. And these
3 pictures show lower two-story -- two and a
4 half, three story townhouses, and then in the
5 first -- photo number 1, you see McKinley, and
6 you can see the relationship of McKinley to
7 those houses.

8 If you drop down to the second
9 photo, that's just another picture looking at
10 the townhouses and how they step up the hill.

11 Going -- we have some other slides that we
12 can show that show six-story buildings. And
13 I'll just go to those.

14 (Pause.)

15 Here's an example that was in the
16 previous exhibit. You can see buildings at
17 3rd and T. There is a six-story there. Let
18 me see, one, two, three, four, five, six.
19 Okay. Go to the other section of slides.
20 Okay.

21 CHAIRPERSON MITTEN: Rather than
22 have you revisit what you already presented to

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1 us the first time, if you -- I mean, we can
2 either look at these photographs ourselves,
3 the new photographs, or if you want to just
4 focus on the new ones.

5 MR. SCHUTZ: Okay. Here's the new
6 ones. Here is -- these are buildings that
7 have been approved, certainly much higher --
8 this has gone through the planning process.
9 This is something higher than we would do, and
10 it's certainly higher than what we we're
11 planning to do here at the St. Martin's.

12 COMMISSIONER JEFFRIES: The box --
13 can you go back to that slide? The bottom
14 left, is that -- is that the Langston Lofts?

15 MR. SCHUTZ: U Street historic
16 district at 14th looking east on V Street,
17 N.W., 90-foot apartment building adjacent to
18 small-scale townhouses. That's P.N. Hoffman,
19 PUD, March 20 -- 03/26. And then --

20 CHAIRPERSON MITTEN: I feel like
21 pace is lagging, Mr. --

22 MR. QUIN: I'm with you.

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1 (Laughter.)

2 I think at this point I'd like to
3 call Iain Banks to cover the traffic aspects,
4 unless there are questions of the architect.
5 And we can -- you can come back, obviously,
6 and ask any questions you want.

7 COMMISSIONER TURNBULL: I just had
8 one question. These photos are not of
9 buildings in an R-4 area. So these are
10 further removed from a residential area and a
11 commercial area.

12 MR. SCHUTZ: Some of those were,
13 but the ones that we showed in the
14 neighborhood were all in the R-4 area.

15 COMMISSIONER TURNBULL: The ones
16 on pages 2 and 3?

17 MR. QUIN: No, these are
18 additional photographs, Mr. Turnbull.

19 COMMISSIONER TURNBULL: Well,
20 that's the one I'm -- he was just showing.
21 These are not in an R-4 area.

22 MR. QUIN: That's right. You're

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1 correct.

2 COMMISSIONER TURNBULL: Okay.

3 Thank you.

4 MR. QUIN: So I think what we'd --
5 to conserve time, let's -- we're going to be
6 submitting another list of photographs to the
7 Commission. I don't want to spend any more
8 time on this. I'd rather go to the traffic,
9 because I think that's the other point.

10 CHAIRPERSON MITTEN: Sure. Mr.
11 Banks is on his way to the table.

12 MR. QUIN: Good. Mr. Banks, you
13 have submitted a revised report to the
14 Commission. Would you briefly describe what
15 studies you've made, additional studies, and
16 also your meeting with the Department of
17 Transportation?

18 MR. BANKS: Yes. And in response
19 to the request from the hearing last week, we
20 undertook further traffic counts this week on
21 days when school wasn't delayed due to the
22 snow, and which is obviously the period 7:00

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1 to 9:00 a.m., and then 2:00 to 5:00 p.m.

2 And this obviously takes into
3 account the new roadway system which was
4 recently in place, the one-way eastbound along
5 T Street. In Table 1 of our brief memorandum,
6 we are obviously showing the existing traffic
7 situation at the two intersections which this
8 one-way system affects -- Lincoln Road at T
9 Street, which is obviously synchronized, and
10 then T Street at Summit Place, which is stop-
11 time controlled.

12 As you can see, both a.m. and p.m.
13 peak hours are all level of service B, which
14 is well within the DDOT operating standards.
15 Typically, DDOT requires a standard of level
16 of service D or better.

17 And as previously stated in our
18 submitted traffic report of November 2005, it
19 wasn't projected that there would be a
20 significant increase in traffic over the next
21 three years until buildout of the project. A
22 review of historical data showed that, and the

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1 study of roadways has remained relatively
2 stable in growth.

3 The Office of Planning data showed
4 that there is no planned developments in the
5 vicinity of the site. Obviously, the
6 opposition had raised various small infill
7 developments which would probably be matter of
8 right, and obviously wouldn't be within the
9 Office of Planning data.

10 However, to account for that kind
11 of growth, we did add a two percent per year
12 growth to all traffic within the study area.
13 So under the future situation, including that
14 additional traffic growth, as well as the
15 projected site traffic, and the study area
16 network, and we have to handle this additional
17 traffic with adequate levels of service, which
18 concurs with the original 29th of January
19 report from DDOT.

20 Just to go further onto the new
21 supplementary DDOT report of today, we did
22 meet with DDOT yesterday and had productive

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1 discussions about how the various aspects of
2 T Street could be mitigated in terms of
3 additional traffic, how there will be safe
4 ingress and egress out of the site, additional
5 signage to basically enforce the one-way
6 restriction on T Street for exiting vehicles
7 from the garage, as well as a stop sign at the
8 garage to make sure that vehicles have to stop
9 before exiting onto T Street. Obviously, you
10 can't have vehicles just trying to blaze out
11 onto T Street.

12 We also agreed with DDOT that they
13 would emplace an all-way stop at T Street at
14 Summit Place, which will restrict vehicle
15 speeds on T Street. Currently, at Summit
16 Place it's only Summit Place vehicles have to
17 stop, so T Street has the right of way.

18 In creating an all-way stop, it
19 will reduce vehicle speeds, it would allow
20 more opportunities for pedestrian facilities,
21 and the restriping of cross-walks, more
22 opportunities to cross, and that is the

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1 predominant of crossing for the school for
2 both McKinley and Hyde.

3 And so from those discussions,
4 DDOT concurred that the T Street garage
5 entrance would be the preferred location.
6 And, obviously, the applicant is willing to go
7 ahead and put in the necessary signage and
8 continue discussions with DDOT as the process
9 develops.

10 CHAIRPERSON MITTEN: I think we'll
11 take the opportunity to ask Mr. Banks a few
12 questions right now.

13 MR. BANKS: Yes.

14 CHAIRPERSON MITTEN: Okay. Mr.
15 Hood?

16 VICE-CHAIRPERSON HOOD: Something
17 that I may have missed, Mr. Banks, there is no
18 parking along T Street anyway, at least that's
19 what it says in --

20 MR. BANKS: Yes. Between the
21 hours of 7:00 a.m. and 6:30 p.m. on the north
22 side of T Street, which is the St. Martin's

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1 side, there is no parking between 7:00 a.m.
2 and 6:30 p.m., Monday to Friday.

3 VICE-CHAIRPERSON HOOD: On the
4 north side of T Street.

5 MR. BANKS: On the north side of
6 T Street.

7 VICE-CHAIRPERSON HOOD: Which is
8 the same side as the proposed development.

9 MR. BANKS: Yes. On the south
10 side there is no parking during school hours
11 Monday to Friday, which is 7:00 'til 4:00 p.m.

12 VICE-CHAIRPERSON HOOD: So,
13 obviously, that's not being enforced. That's
14 one problem.

15 MR. BANKS: Yes. I mean, I don't
16 see that --

17 VICE-CHAIRPERSON HOOD: According
18 to Mr. Taylor's pictures, that's one problem.

19 MR. BANKS: Exactly. Those --

20 VICE-CHAIRPERSON HOOD: Okay.

21 MR. BANKS: Those snapshots of the
22 school are showing people illegally parking

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1 and, I mean, could certainly be mitigated by
2 the schools through TMP, which is obviously a
3 major thing that DDOT does try to encourage
4 for all kinds of schools.

5 VICE-CHAIRPERSON HOOD: And what
6 role will the applicant be able to help in
7 coordinating that and making sure that there
8 are some -- those mitigations are dealt with
9 and that enforcement is dealt with.

10 MR. BANKS: I mean, obviously, the
11 applicant can raise these issues with DDOT,
12 can bring them to the attention of DDOT, as
13 well as the Police Department, to try and
14 increase the natural enforcement of those --

15 VICE-CHAIRPERSON HOOD: Because I
16 think the opposition had a dynamite case on
17 that, and I just don't think that -- without
18 enforcement, they're right, they have adverse
19 impacts, and that needs to be really dealt
20 with.

21 This stacked space, how does that
22 work?

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1 MR. BANKS: The way that the
2 stacked spaces are potentially going to work
3 is that through discussions with City Lights
4 they have said that they require 16 spaces,
5 that the people that work there would require
6 16 spaces, and so the applicant has agreed to
7 provide those 16 spaces. And there is
8 currently proposed 20 stacked spaces within
9 the garage.

10 VICE-CHAIRPERSON HOOD: It sounds
11 good, but human nature, I have to give my keys
12 to somebody else. I'm going to look for
13 somewhere else to park. I don't want to have
14 to --

15 MR. BANKS: Yes, I -- the way that
16 the stacked parking would work is that the
17 stacked parking would be for City Lights
18 teachers or staff. And as happening in a
19 number of cases around the city, those keys
20 are given to someone within the school,
21 whether it be a principal or the
22 administrative staff. And so if any car

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1 parked -- any car was needed to be moved
2 during the day for whatever reason, they would
3 be accessible.

4 VICE-CHAIRPERSON HOOD: Okay.
5 Again, human nature. I really think that I
6 would ask to continue some more thought as
7 this -- and it looks like that garage is just
8 about moved all the way around the block.
9 It's in a different street every time, and now
10 I think you're proposing to leave it back
11 where it -- I mean, they are proposing, and
12 agree with you, to leave it where it is.

13 MR. BANKS: Yes.

14 VICE-CHAIRPERSON HOOD: It seems
15 like we've been around the whole block. But I
16 would encourage the applicant to continue to
17 try to make sure that these things -- to help
18 assist and make sure these things are
19 enforceable, because, if not, we saw the
20 pictures; they speak for themselves.

21 And I just looked in your report
22 and saw -- and I may have missed it. There is

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1 no parking on the north side. It didn't look
2 like it to me.

3 Okay. Thank you.

4 Thank you, Madam Chair.

5 CHAIRPERSON MITTEN: Thank you,
6 Mr. Hood.

7 How does your analysis -- I
8 understand the rating of the intersections
9 with the letters. How does it take into
10 account the --- you know, sort of the ease of
11 flow, which is really what we were seeing.
12 You know, once you get through the congestion
13 in front of the school, you can go to the stop
14 sign, you can go right through or --

15 MR. BANKS: Yes.

16 CHAIRPERSON MITTEN: -- but it's
17 -- how did you -- how does your report account
18 for the fact that there is a flow problem at
19 -- when kids are getting dropped off and
20 picked up?

21 MR. BANKS: I mean, from our -- as
22 I started to show, there was parking on both

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1 sides of T Street. But, generally, there
2 isn't actually a flow problem through the
3 center lane of that roadway, which is
4 predominantly one of the reasons why DDOT
5 implemented that one-way system.

6 Obviously, if you were to have
7 parking on both sides of the street, as well
8 as people trying to have two-way traffic, that
9 would then create the flow problem. The new
10 one-way system has enabled people to park on
11 either side of the street or stand on either
12 of the street while they drop off their child
13 and remain in that center lane free for any
14 flow of traffic.

15 CHAIRPERSON MITTEN: Where will
16 all of the loading and the bus dropoff -- and
17 I don't know if all the kids come on buses or
18 if their parents drop off for City Lights.
19 That's currently happening --

20 MR. BANKS: As far as I'm aware, I
21 haven't been privy to any of the discussions
22 that have gone on with City Lights, but I

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1 believe it's from Todd Place.

2 CHAIRPERSON MITTEN: From Todd
3 Place.

4 MR. BANKS: Yes. I mean, due to
5 the change in grade from T Street up to the
6 City Lights School, it would probably be
7 impractical to have any loading from T Street.

8 CHAIRPERSON MITTEN: So all of the
9 traffic that serves City Lights now will go to
10 -- will approach them or deal -- you know,
11 interact with them via Todd Place.

12 MR. BANKS: Yes. Which is the
13 existing situation.

14 CHAIRPERSON MITTEN: And is City
15 Lights going to use any of the loading
16 facilities that are proposed for the subject
17 property?

18 MR. BANKS: I have to ask the
19 applicant whether there has been any kind of
20 agreement.

21 MR. QUIN: I'm informed that they
22 will continue the way they are today. They

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1 load from Todd Street.

2 CHAIRPERSON MITTEN: Okay. So
3 there is no loading or -- that goes on? The
4 trucks don't go up into the parking lot and
5 unload?

6 MR. QUIN: Let me call Mr.
7 Drobenare to answer the question.

8 CHAIRPERSON MITTEN: That's
9 probably the best thing, yes.

10 MR. QUIN: I don't want to
11 translate.

12 CHAIRPERSON MITTEN: Thanks.

13 MR. DROBENARE: Trucks on a
14 regular basis don't go up there. I had a
15 discussion --

16 CHAIRPERSON MITTEN: Would you
17 just state your name for the record?

18 MR. DROBENARE: I'm sorry. My
19 name is Neil Drobenare. I'm development
20 manager for the project. We've had extensive
21 discussions with City Lights School in regards
22 to their parking and to their loading needs.

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1 They have an entrance on Todd Place which
2 enters directly into their basement level
3 where it is the most convenient for them to
4 enter and exit, and where they are doing entry
5 now and will do all their entry once the
6 project, if approved, is built.

7 They don't get many large trucks
8 doing supplies. I can't say that they have
9 never had that in the past, but when we
10 discussed their needs they did not list having
11 access to trucks as something that they
12 required. And they don't even have large
13 buses, since the school has only 65 children
14 and is not planning on any expansion.

15 CHAIRPERSON MITTEN: And where
16 will the trash be -- how will the trash be
17 handled?

18 MR. DROBENARE: I believe it will
19 be through the Todd Street doors.

20 CHAIRPERSON MITTEN: Because
21 there's a dumpster that is in the opposition's
22 photographs, in the middle of the parking lot.

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1 MR. DROBENARE: I believe we have
2 space between the buildings for them. Yes,
3 they will be in the 30 feet that separates the
4 City Lights School and the proposed building.

5 There will be room for any dumpster that they
6 need to have.

7 CHAIRPERSON MITTEN: And then,
8 there's going to be an access point for a
9 truck to drive in and empty it?

10 MR. DROBENARE: Well, we would
11 arrange to have -- we are going to have
12 tractors that will be moving trash within the
13 garage to the exit point, and we will be able
14 to use those to move their trash to the same
15 point.

16 MR. QUIN: Madam Chairperson, why
17 don't we submit something for the record that
18 goes specifically to that point, because we
19 want to make sure that this is taken care of.

20 And it would be --

21 CHAIRPERSON MITTEN: I would like
22 that.

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1 MR. QUIN: Okay.

2 CHAIRPERSON MITTEN: And then,
3 while you're there, can you identify who is
4 parking 90-some-odd cars on a daily basis at
5 the parking lot?

6 MR. DROBENARE: Well, the lot is
7 not a controlled lot. We make it available
8 for City Lights as part of their lease with
9 us. And along with the 17 men who live in
10 City Lights, other folks I'm sure do use it.
11 But, you know, normally --

12 CHAIRPERSON MITTEN: You don't
13 have any notion about who they are?

14 MR. DROBENARE: I believe some
15 folks believe that there are teachers from
16 Hyde. I wouldn't be surprised if some of them
17 did park there. And, certainly, we would have
18 space in the garage based on the amount of
19 cars that we're projecting to allow some of
20 Hyde School to park there, if those are in
21 fact who they are, or whether they are
22 neighborhood residents.

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1 Perhaps we've been a little bit
2 not as diligent as we should in keeping the
3 property locked, so that unauthorized cars
4 aren't parked there.

5 CHAIRPERSON MITTEN: Okay. And,
6 Mr. Banks, I just don't remember, in your
7 report does it identify where the RPP is?

8 MR. BANKS: The RPP is currently
9 along, obviously, Todd Place and Summit Place.

10 CHAIRPERSON MITTEN: But not T.

11 MR. BANKS: But not T Street, no.
12 But due to the lack of residential houses
13 along the front and to the side.

14 CHAIRPERSON MITTEN: Okay. Okay.
15 Anyone else on the Commission have questions
16 for Mr. Banks?

17 (No response.)

18 I'm going to let Mr. Benzing ask
19 questions of the -- all the rebuttal testimony
20 at the end.

21 MR. QUIN: I have one more
22 question for Mr. Orzechowski. May I go to

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1 him?

2 CHAIRPERSON MITTEN: Sure.

3 MR. QUIN: Okay.

4 CHAIRPERSON MITTEN: I'm glad you
5 could join us tonight.

6 MR. QUIN: I'm not sure he really
7 wanted to come back tonight, but he's here.

8 A lot of discussion has -- you've
9 heard about why not just convert this to a row
10 dwelling type project, and could you describe
11 briefly to the Commission why you feel or what
12 you feel in response to that urging?

13 MR. ORZECOWSKI: First of all,
14 when we looked at the three- and four-bedroom,
15 two or two, townhouse kind of design, it was
16 clear that that design is much more suited for
17 three and four bedrooms, not junior one
18 bedroom, one bedroom, or two bedrooms, as we
19 have designed.

20 And for the particular
21 constituents that we are most interested in
22 serving, those individuals who have been

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1 formerly homeless, the kind of supports that
2 they need in an environment where you're able
3 to access some common space, common amenities,
4 that kind of design was simply excluded. It
5 was not possible.

6 The majority of the residents were
7 not interested in that as well. It also
8 requires almost all walkups. The
9 accessibility -- the handicapped accessibility
10 for that kind of design is extremely,
11 extremely limited, and we felt for the elderly
12 that we wanted to serve -- and, again, people
13 sent -- may have handicapped the situations,
14 was simply not the kind of design that was
15 going to be suited for our situation.

16 The other thing that I think is
17 most important is understanding -- and this
18 did not come out tonight, but it did last week
19 -- was the issue of why we were not
20 considering market rate and having more market
21 units in here. And the reality is is that for
22 every unit that we do not take tax credits and

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1 make it market rate, we lose \$50- to \$53,000
2 in tax credits.

3 We would have to privately finance
4 that difference, adding approximately \$425 to
5 \$450 per month to make that unit a market
6 unit. Our market study indicated that we
7 could rent in the neighborhood in that area
8 \$1,300 for a two-bedroom is what the current
9 market is going for.

10 We would have to charge \$1,500,
11 just a couple of dollars shy of \$1,500 in
12 order to make up that difference. We simply
13 could not take that risk, since now we would
14 have to compete with the market around us.
15 But most importantly, that's not our mission.

16 Our mission is to serve those
17 people that call us every day who simply can't
18 find the housing they need because it's out of
19 their range, it's out of their price. They
20 simply are making very, very difficult choices
21 where they put food on the table, get medicine
22 for their kids, or pay their rent.

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1 That's who we're trying to serve.

2 That's who we're going to continue to serve.

3 And we need to have the kind of density, we
4 need to have the kind of full tax rate kind of
5 structure to make sure that we can serve that
6 population well.

7 MR. QUIN: And with regard to the
8 cost of the convent removal or changing of
9 location, what added cost is that?

10 MR. ORZECOWSKI: Moving the
11 convent to the corner is going to cost us
12 between \$1.3 and \$1.5 million.

13 MR. QUIN: That completes our
14 direct rebuttal. Thanks.

15 CHAIRPERSON MITTEN: Okay. Any
16 other questions from the Commission? Mr.
17 Turnbull?

18 COMMISSIONER TURNBULL: I had --
19 are we going to see as far as renderings or
20 drawings -- I think we are going to see some
21 more perspectives of the building itself. I
22 think that's what we talked about last --

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1 MR. QUIN: We can show them right
2 now, we could submit them for the record,
3 whichever your preference is.

4 COMMISSIONER TURNBULL: Well, one
5 of the things that I think we were concerned
6 about -- and, again, even though you've got in
7 here about the amount of vinyl, I think we
8 were concerned -- at least I'm concerned
9 about, on T Street, as you're looking back
10 into those courtyards, they all are vinyl, I
11 believe. I think you had shown them as mostly
12 vinyl in the courtyards.

13 MR. SCHUTZ: Yes.

14 COMMISSIONER TURNBULL: And I
15 guess what I'm just concerned is -- you're
16 going to see that from the street, even though
17 you've got one story in front that is going to
18 be brick. And I'm just concerned -- I mean,
19 we all know that vinyl, unless it's detailed
20 well, and that amount, you're going to get
21 slippage, you're going to get movement, and
22 you're going to have openings. It can be

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1 punctured.

2 I'm just concerned about the
3 detailing of that courtyard from the street
4 and the amount of vinyl that you're going to
5 see, and what we're doing to alleviate that
6 rather linear look of the nothing but vinyl in
7 that courtyard.

8 MR. SCHUTZ: We are well aware of
9 that, too, and that was a concern, and that's
10 why in the courtyards there are dormers and
11 bays that come out, so you don't get a
12 straight-on view. That we had 20 -- it's 25
13 percent brick and 75 percent vinyl on the
14 interiors, and the intent was to -- down low
15 to have more brick there.

16 COMMISSIONER TURNBULL: Brick on
17 the first floor?

18 MR. SCHUTZ: Yes. Around where
19 the people would be.

20 COMMISSIONER TURNBULL: Okay. But
21 were you going to show some elevations? Or, I
22 mean, not just elevations, but like a

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1 prospective view of looking in that courtyard?

2 MR. SCHUTZ: Yes.

3 COMMISSIONER TURNBULL: Okay.

4 MR. SCHUTZ: Yes.

5 COMMISSIONER TURNBULL: So that
6 will be coming, then.

7 MR. SCHUTZ: Yes.

8 COMMISSIONER TURNBULL: Okay.

9 Thank you.

10 CHAIRPERSON MITTEN: Mr. Jeffries?

11 COMMISSIONER JEFFRIES: Yes. Mr.
12 Orzechowski -- I hope I didn't butcher it
13 again -- I guess the reason you didn't hear
14 much about market rate today is because the
15 opposition sort of, you know, had an
16 opportunity to speak for themselves and talk
17 about what their real concerns were about your
18 development.

19 My impression from last week,
20 based on some of the testimony I was hearing
21 that there was concern about affordability,
22 and that is not what I got from the opposition

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1 today. So that's why you haven't heard
2 anything about market rate, at least from me.

3 Let me finish. I think I did ask
4 you last week had you done any market rate
5 before, and you said you hadn't, so I was very
6 clear what your mission is. So I just wanted
7 to point that out to you, that, you know, in
8 today's comments from those who are opposed to
9 this, they spoke about architecture, traffic,
10 compatibility, they talked about height, all
11 the things that, you know, this Commission
12 deals with, you know, but this whole
13 discussion around -- from last time about
14 income levels, and so forth, it seemed to be
15 somewhat of a red herring, that that really
16 wasn't -- and I don't know exactly what
17 happened there, but that did not really seem
18 to be what the group who was opposed to this
19 was really talking about.

20 So my response last week about
21 market rate was based on what I thought their
22 concern was from what a lot of the people in

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1 support of your development were speaking
2 about -- affordability. And that didn't seem
3 to be what their concerns were.

4 MR. ORZECHOWSKI: I hear that, and
5 that is true, that was not the case tonight.
6 I do want to reference, however, that in our
7 negotiations with Eckington Civic Association
8 they made it abundantly clear and have it in
9 writing that they would accept nothing less
10 than 50 percent market rate.

11 That was a major consideration in
12 our conversations with all the discussions
13 we've had throughout the community for over a
14 year.

15 COMMISSIONER JEFFRIES: So they
16 have come around?

17 MR. ORZECHOWSKI: Maybe so. I
18 hope so.

19 COMMISSIONER JEFFRIES: Because
20 that seems to be the record, I mean, unless
21 I've missed something.

22 CHAIRPERSON MITTEN: Okay, folks.

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1 Okay. I think that subject has been
2 exhausted.

3 COMMISSIONER JEFFRIES: Okay.
4 Thank you.

5 CHAIRPERSON MITTEN: Okay. Mr.
6 Benzing, questions for the -- on the rebuttal
7 only, please?

8 MR. BENZING: Yes, I do have a
9 couple of questions.

10 CHAIRPERSON MITTEN: I need you to
11 turn the microphone on, please.

12 MR. BENZING: I did have a
13 question for Mr. Drobenare regarding the
14 school. I was wondering if you could tell us
15 what type of school it is.

16 MR. DROBENARE: Which school?

17 MR. BENZING: City Lights.

18 MR. DROBENARE: It's a charter
19 school.

20 MR. BENZING: And so it's -- is it
21 true that it, then, serves auxiliary services
22 for students?

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1 CHAIRPERSON MITTEN: What do you
2 mean exactly?

3 MR. BENZING: I'm referring to the
4 high demand for visitors that it has, because
5 of the type of school it is, such as education
6 advocates, guardian ad litem, children's
7 attorneys, psychologists, and foster parents
8 that have a need to come and visit the school
9 on a daily basis.

10 CHAIRPERSON MITTEN: Can you tell
11 us about the operation of the City Lights
12 School?

13 MR. DROBENARE: I don't know.

14 CHAIRPERSON MITTEN: Okay. We'll
15 leave the record open. And if you wanted to
16 make a submission about that -- about the
17 operation of the school, you can do that.

18 MR. BENZING: Okay. Thank you.

19 I also had some questions
20 regarding the construction, specifically the
21 removal of the hill, and I was wondering if
22 there had been any estimates as to how many

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1 tons of --

2 CHAIRPERSON MITTEN: Okay. We
3 didn't have any testimony in rebuttal on that,
4 okay?

5 MR. BENZING: Okay. So no
6 questions regarding that?

7 CHAIRPERSON MITTEN: Right. You
8 want to confine yourself to what -- the new
9 information you heard tonight --

10 MR. BENZING: Oh, I understand.

11 CHAIRPERSON MITTEN: -- from the
12 applicant.

13 MR. BENZING: I understand. Then,
14 can we have an estimate of the cost of the
15 garage? You were speaking of the cost
16 estimates for construction.

17 MR. DROBENARE: I believe north of
18 \$2 million.

19 MR. BENZING: And how does that
20 work out per space?

21 MR. DROBENARE: I'd have to get
22 out a calculator for that. Do you happen to

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1 have one?

2 CHAIRPERSON MITTEN: To the extent
3 that you need to make a point about the per
4 space cost, why don't you just do that in a
5 submission.

6 MR. BENZING: Okay. I also had a
7 question regarding the graphic that was put up
8 by the architect.

9 CHAIRPERSON MITTEN: Which one was
10 that?

11 MR. BENZING: The --

12 CHAIRPERSON MITTEN: The
13 animation?

14 MR. BENZING: The animation, yes.

15 CHAIRPERSON MITTEN: Okay.

16 MR. BENZING: And I was
17 questioning how accurate of a representation
18 is it of the -- spatially? Because it seemed
19 to me that the street that was depicted was
20 significantly wider than Todd Street actually
21 is.

22 MR. SCHUTZ: The entire animation

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1 is built off the site plan, so it's accurate.

2 It's completely accurate. There was -- in a
3 couple places I noticed that the animation
4 showed one of the sidewalks from the St.
5 Martin's was actually out too far.

6 But other than some small details,
7 it's taken -- we take the site plan --
8 actually, what the animator does is he takes a
9 site plan from the city and takes the grading
10 plan that we have from the civil engineer,
11 overlays the two, and then goes out and takes
12 pictures and puts -- kind of paints the
13 houses, kind of takes the pictures and
14 elevates them. So it's all very, very
15 accurate.

16 MR. BENZING: Okay. Can you show
17 us a bracing plan for the moving of the
18 convent? Is that -- I mean, in terms of --

19 CHAIRPERSON MITTEN: Well, first
20 of all, we didn't really hear any new
21 testimony --

22 MR. BENZING: Okay.

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1 CHAIRPERSON MITTEN: -- about the
2 convent. But what are you going to -- what
3 would you use that for?

4 MR. BENZING: I'm reading
5 questions that I've been handed, so this is
6 not my area of expertise, I'm afraid.

7 (Laughter.)

8 CHAIRPERSON MITTEN: Okay. Okay.
9 Just keep going, then.

10 MR. BENZING: I can defer to the
11 person who had the actual question.

12 CHAIRPERSON MITTEN: No, I'm not
13 sure there's anything that's pertinent for the
14 Commission in getting that particular piece of
15 information in the record.

16 MR. BENZING: All right. Could
17 you please clarify where the City Lights trash
18 would go?

19 CHAIRPERSON MITTEN: That's going
20 to be an additional submission that the
21 applicant makes.

22 MR. BENZING: That's going to be

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1 an additional submission.

2 CHAIRPERSON MITTEN: Yes.

3 MR. BENZING: You did refer to an
4 existing agreement for any school to use the
5 parking lot. Is that currently the case? Is
6 that in writing? What are those details that
7 have been worked out, if any?

8 CHAIRPERSON MITTEN: I think the
9 representation was that there is -- the lot is
10 open, and there is no control on the lot, and
11 that's why there is people parking that they
12 can't identify.

13 MR. BENZING: I'm referring to the
14 garage that will be built.

15 CHAIRPERSON MITTEN: Oh, I'm
16 sorry.

17 MR. DROBENARE: City Lights has
18 requested and we have agreed to provide them
19 16 spots in the garage, and they said that is
20 what they need for parking from us, for their
21 total need.

22 CHAIRPERSON MITTEN: And Mr.

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1 Benzing asked, is that agreement in writing?

2 MR. DROBENARE: Yes, it is.

3 CHAIRPERSON MITTEN: And is that
4 something that can be submitted for the
5 record?

6 MR. DROBENARE: Yes, it can.

7 CHAIRPERSON MITTEN: Okay.

8 MR. BENZING: And out of
9 curiosity, is that in reference to the number
10 of faculty and staff currently employed at the
11 school but does not take into consideration
12 the high number of visitors that frequently
13 need to also park in the parking lot? Were
14 those numbers considered?

15 MR. DROBENARE: We asked them what
16 total number of parking spaces they would
17 need.

18 MR. BENZING: Okay. I believe I
19 have one more question. It seems that vinyl
20 is the cheapest material compared to wood,
21 hardy plank, etcetera. As to the -- how does
22 it -- regarding the qualities, is it also that

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1 low? In terms of price versus quality, vinyl
2 is the cheapest. How does it compare for
3 quality?

4 MR. SCHUTZ: There is all kinds of
5 quality in vinyl siding, but certainly the
6 vinyl siding that most people use is a very
7 good quality. In fact, if you use a matte
8 finish, it is very hard to tell the difference
9 between it and wood. I think most people
10 notice where siding was applied in the old
11 days to chips and sheathing, and where it's
12 not tacked into the actual wood stud, it would
13 come loose and you'd see bulging.

14 And as you -- and also, some of
15 the cheaper sidings were very shiny. So that
16 as you drove along, it looked -- there is
17 definitely a lack of quality in those.

18 MR. QUIN: Madam Chairperson, we
19 have samples, which I think sometimes it would
20 be good just to show you the samples, if
21 that's all right.

22 CHAIRPERSON MITTEN: Sure. Any

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1 opposition to --

2 MR. QUIN: If you look to your
3 right --

4 COMMISSIONER JEFFRIES: Well, the
5 residents -- show them.

6 MR. QUIN: Logan, would you
7 describe what the exhibits are? Just so that
8 we can --

9 MR. SCHUTZ: Yes. What is being
10 held is the -- a portion of the elevation with
11 the sidings that were selected. We also have
12 a board behind us that shows vinyl siding as
13 compared to, say, a hardy plank.

14 You will notice that -- and just
15 because of the sample we had, one is a small
16 profile, which is the vinyl, but I think you
17 would see that -- yes, on the right side is
18 the hardy plank, and on the left side is the
19 vinyl siding.

20 Now, you can get the vinyl siding
21 in the same size as the hardy plank, too, and
22 there is -- it's a little heavier gauge. And

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1 you can get more -- actually, you get more
2 shapes with the vinyl now, and we can
3 certainly show you those.

4 COMMISSIONER JEFFRIES: All right.
5 The hardy is on the right.

6 MR. SCHUTZ: On the right side.

7 CHAIRPERSON MITTEN: Okay.

8 MR. SCHUTZ: And it's very similar
9 to wood. I mean, it's -- you can't really
10 tell the difference.

11 CHAIRPERSON MITTEN: Okay. And,
12 Mr. Benzing, you and your colleagues can check
13 out the samples.

14 MR. BENZING: Are these examples
15 of the higher quality vinyl?

16 MR. SCHUTZ: Yes.

17 MR. BENZING: And will you be
18 subcontracting the construction of this, so
19 they will be likely to use the highest quality
20 and most expensive, or --

21 MR. SCHUTZ: Yes. In the
22 specifications, we specify exactly the type of

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1 siding, the color, and the detailing that's
2 supposed to be used. So it's -- they have to
3 follow the contract.

4 CHAIRPERSON MITTEN: And in terms
5 of ensuring that the higher quality vinyl is
6 used, how is it -- how is it -- how do you
7 articulate in --

8 MR. SCHUTZ: It's very simple.
9 There is -- we can certainly put a condition
10 into the contract documents that the vinyl
11 siding shall be this gauge and this quality.

12 CHAIRPERSON MITTEN: I was --

13 MR. QUIN: Why don't we submit to
14 the Commission a sample, so you can see
15 precisely what goes into a contract, if that
16 would be helpful.

17 CHAIRPERSON MITTEN: Well, what I
18 was thinking is we should specify -- you know,
19 typically, we say it's going to be vinyl, and
20 it's going to be the colors, you know,
21 according to a certain exhibit. But now, if
22 we could just embellish that with a gauge and

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1 whatever else -- in terms of --

2 MR. QUIN: Yes.

3 CHAIRPERSON MITTEN: -- a
4 condition for --

5 MR. QUIN: And you can do that.

6 MR. SCHUTZ: Oh, absolutely.

7 MR. QUIN: Yes. And we can submit
8 that for the record.

9 CHAIRPERSON MITTEN: Okay. That
10 would be great.

11 MR. SCHUTZ: It's done quite
12 often.

13 CHAIRPERSON MITTEN: Anything
14 else?

15 MR. BENZING: Yes. Thank you for
16 bearing with me. I do have a couple more
17 questions, I believe primarily regarding
18 traffic issues.

19 CHAIRPERSON MITTEN: Okay.

20 MR. BENZING: I understand that
21 the residential parking permit is on T Street,
22 is it not?

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1 MR. BANKS: Yes, I believe I
2 stated that there currently isn't RPP along
3 the front street site, but there is RPP along
4 the frontage of the residential uses on T
5 Street.

6 MR. BENZING: Okay. And is it --
7 am I -- you referred to a -- in your report
8 you show a two percent annual increase in the
9 exhibits. Is that in the supplement or in the
10 report that you --

11 MR. BANKS: That is --

12 MR. BENZING: Where is that?

13 MR. BANKS: That is within the
14 2005 report.

15 MR. BENZING: The 2005 report.

16 MR. BANKS: So that is included as
17 base traffic data as well as background
18 traffic data.

19 MR. BENZING: Okay. Getting back
20 to the location of trash, can you show on the
21 plan where the trash will be located and how
22 the trash will be moved into the garage's

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1 trash room? And to what extent will the --
2 just for my own curiosity, you said the
3 tractors will be traveling around the site.
4 Will they -- can they -- do they have access
5 to public roads?

6 MR. BANKS: I believe that from
7 testimony from last week the trash will
8 actually be moved within the parking garage.
9 So in terms of using the tractor, it's not
10 like an agricultural tractor. It's just a
11 small --

12 CHAIRPERSON MITTEN: I think the
13 greater concern is now building from last
14 week, which is tonight we heard Mr. Drobenare
15 say that there is going to be some kind of
16 coordinated removal of trash between City
17 Lights School and this property. So that will
18 be part of the additional submission, how all
19 that is going to be done.

20 MR. BENZING: Okay.

21 CHAIRPERSON MITTEN: Okay?

22 MR. BENZING: And also, the type

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1 of tractor, do they have access to public
2 roads? Is that legal?

3 MR. BANKS: I believe they don't.
4 I believe they would stay within the parking
5 garage.

6 MR. BENZING: But they -- but they
7 can't if they have to move City Lights trash
8 as well.

9 CHAIRPERSON MITTEN: We'll see
10 what's required in terms of moving the trash
11 around.

12 MR. BENZING: Is the loading berth
13 that's proposed also the service area, for
14 clarification?

15 MR. BANKS: Yes, and I believe
16 that's within the application.

17 MR. BENZING: Okay. Just a
18 moment. Does the applicant know how far apart
19 the doors on Todd Street are used for loading,
20 what the size is of them?

21 MR. BANKS: Regarding City Lights
22 School?

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1 MR. BENZING: Regarding the
2 apartment building, I believe.

3 CHAIRPERSON MITTEN: I don't think
4 we had any testimony about that tonight.

5 MR. BENZING: Okay. Does the
6 applicant know that there will only be eight
7 feet of travel lane on Todd if parking is on
8 both sides?

9 MR. BANKS: Yes. That's why it's
10 one way.

11 MR. BENZING: Okay. And last
12 question, are you aware that there are missing
13 accident reports on the traffic report?

14 MR. BANKS: I am aware, and I
15 believe that's probably a copying issue or the
16 fact that there weren't actually any recorded
17 accidents for that particular year.

18 MR. BENZING: Okay. Is that
19 something that should be updated?

20 MR. BANKS: We can certainly
21 update that to include the 2005 as well as
22 2006 data.

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1 MR. BENZING: Okay. I believe
2 that's all my questions.

3 CHAIRPERSON MITTEN: Okay.

4 MR. BENZING: Thank you.

5 CHAIRPERSON MITTEN: Thank you.

6 Mr. Quin, could I prevail on you
7 to put your closing in writing?

8 MR. QUIN: That's precisely what I
9 was hoping you would ask.

10 (Laughter.)

11 I will put it in writing, and we
12 have a lot of submissions I know we have to
13 do. Plus, we have to complete the exhibits
14 that were requested earlier.

15 CHAIRPERSON MITTEN: Yes.

16 MR. QUIN: The only thing I would
17 like to say is I want to go back to one of the
18 issues to make sure that Mr. Jeffries
19 specifically understands that our
20 understanding of part of the opposition was
21 that this was not market rate. A good faith
22 understanding that that's what we had

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1 understood since the beginning of this
2 negotiation, and that's why we've addressed
3 that issue.

4 It's very true that the discussion
5 tonight did not deal with that. That's why
6 we've tried to focus on traffic, architecture,
7 usage, and the items which we think are more
8 traditionally part of a PUD. And so we have
9 not in any way tried not to -- to be evasive.

10 We want to address those, because
11 we are quite conscious that every member of
12 this Commission wants to have the answers to
13 the normal questions that relate to land use.

14 And that's where we are headed, but we also
15 felt that we would need to define what this
16 project is from the standpoint of affordable
17 housing.

18 CHAIRPERSON MITTEN: I think he's
19 cool.

20 (Laughter.)

21 Okay. So, Mr. Quin, how much
22 longer does the applicant need to get the

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1 exhibits together that we had --

2 MR. QUIN: Maybe we could approach
3 it from a slightly different direction. We
4 know we can't be on Monday night's decision, I
5 assume, which would be --

6 CHAIRPERSON MITTEN: Yes, you're
7 right.

8 MR. QUIN: -- the 12th. So that
9 would mean that it would be March 12th would
10 be the date, one month hence, and so --

11 CHAIRPERSON MITTEN: So you want
12 to see if you can live with whatever, working
13 backwards from that.

14 MR. QUIN: Precisely.

15 CHAIRPERSON MITTEN: Okay.

16 MR. QUIN: And we know that there
17 would have to be a time to submit, and then a
18 time for response.

19 CHAIRPERSON MITTEN: Right.

20 MR. QUIN: And the submission of
21 our draft order.

22 CHAIRPERSON MITTEN: Okay. So

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1 working backwards, could give you until the
2 20th of February. I'm sorry, the -- yes, I
3 take that back, the 26th of February, and then
4 the responses from the parties would be due on
5 March 5th, as well as a draft order if you
6 choose to do so.

7 MR. QUIN: That would be fine.

8 CHAIRPERSON MITTEN: Okay. And
9 then, what was the -- the 26th of February?

10 SECRETARY SCHELLIN: February 26th
11 is when their additional filings will be due.

12 CHAIRPERSON MITTEN: Okay.

13 SECRETARY SCHELLIN: And March 5th
14 for responses and draft orders.

15 CHAIRPERSON MITTEN: Okay. So
16 then, that would give the ECRD a chance not
17 only to make additional submissions for the
18 things that we had talked about tonight that
19 you wanted to, but then you'd have a chance to
20 respond to the applicant's additional
21 submission by the --

22 MR. QUIN: March 5.

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1 CHAIRPERSON MITTEN: -- 5th.
2 Okay. Okay, that sounds good.

3 SECRETARY SCHELLIN: I just wanted
4 to clarify, is the record only open for the
5 specific requests, or --

6 CHAIRPERSON MITTEN: Well, I'm
7 just concerned that ECRD has a few things that
8 they -- you know, that they may want to get in
9 about the City Lights School, and so on, so I
10 think we'll be kind of liberal with them; the
11 applicant, more narrow. Okay?

12 Is that going to work for you?

13 COMMISSIONER JEFFRIES: The timing
14 will be fine.

15 CHAIRPERSON MITTEN: Okay.
16 Because we -- you know, we're trying to get
17 some things taken care of before, you know,
18 one of us has to go someplace else.

19 (Laughter.)

20 So, okay, that will be fine.

21 VICE-CHAIRPERSON HOOD: I would
22 agree, Madam Chair. If we can move that up --

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1 you know, I understand being considerate of
2 everyone else, but we need to make sure we're
3 considerate to ourselves, because, you know,
4 depending upon how quick things move or how
5 slow things move.

6 CHAIRPERSON MITTEN: Well, I'm
7 hoping I'll still be here for the March
8 meeting. There's a lot of stuff we have to
9 get done.

10 VICE-CHAIRPERSON HOOD: That makes
11 two of us.

12 COMMISSIONER JEFFRIES: Yes, I'd
13 like to keep the record open for as long as
14 they need.

15 CHAIRPERSON MITTEN: Yes.

16 COMMISSIONER JEFFRIES: So I think
17 it's a lot of stuff. I don't think these
18 groups -- yes, I think there's -- let's leave
19 it open.

20 CHAIRPERSON MITTEN: Okay. Great.
21 So everybody understands the schedule, okay,
22 and the additional submissions that are

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1 required?

2 So thank you all for making
3 yourselves available, again, on such -- we had
4 a pretty quick turnaround to wrap this up, and
5 we'll see you in March I guess.

6 We're adjourned.

7 (Whereupon, at 10:25 p.m., the proceedings in
8 the foregoing matter were
9 adjourned.)

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